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NATIONAL CONFERENCE ON THE FUNCTIONS OF REGISTRAR (INSPECTION)
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VERBATIM REPORT

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INTRODUCTION

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

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

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

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

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

SESSION 1 : Supervising PDJ's and DJ's who are given Inspection Work

Hon'ble Justice S.J. Mukhopadhaya:- We can introduce our self. Myself is SJ Mukopadya, the former judge. The brother the former Chief Justice of Rajasthan High court Justice Sunil Ambwani and I will request that all of you may introduce yourself from one side. Self-introduction of all the thirteen participates have taken place.

Now, I think most of you are dealing with inspection matters. Registrar inspection and any other designation may be there in different high Courts. What is the main work that is been done in registrar inspection? Rules, you frame the rules or what you do? Who looks into the matter of subordinate Courts? All right. There is no post such as registrar vigilance or near to that. That means the registrar inspection has direct knowledge of what is going on in the subordinate Courts. Who takes the feedback? Registrar vigilance and High Court. So mainly the registrar general and the vigilance. In your place... So, registrar vigilance is also look question of inspection etc and everything in Andra Pradesh also.

Your High court, what is the designation of yours? Registrar listing. Okay. There is nothing like vigilance etc there. So, registrar vigilance is there. All right. Why they

have choose you to send you. So that you have knowledge in the field of inspection and Vigilance side. Okay. All right. Today you might be holding one post, tomorrow you might be holding another post. Therefore for all of few this is important. Okay. You are holding the registrar subordinate Court. Registrar district judiciary. So you'll have the knowledge and the feeling of the district judiciary. Is there is anybody who is sitting here with the designation of registrar inspection. Yes. Yourself is from Bombay.

Participant: – I am dealing with registrar inspection ?

Hon'ble Justice S.J. Mukhopadhaya:- Why?

Participant: – First is registrar inspection one; he deals with the creation of Courts. Then complaints, appeals and representations and I am dealing with infrastructure matters.

Hon'ble Justice S.J. Mukhopadhaya:- In this session on the topic I find the supervision PDJs and DJs who are giving inspection work. This session topic. Correct. So this talk of inspection of PDJs and DJs. Isn't it. Supervising PDJs and DJs who are given inspection work. All of us who have worked and now posted in High Court as DJ or district session judge. What are the need of inspection? What inspection is required? Just take it like a play and not seriously. If somebody say inspect the Court and who are the principal district judge or district judge or say as are puisne judge as a Magistrate. Inspection that who have to do of your Court.. So starting point of litigation to end of and it starts from lawyers. Starting point is lawyers. That means filling. So how filing is concerned for DJ as a matter of inspection. Let me start with your topic from filling to end. So how inspection is related to filling of the case and end of the case. That means you say that there is some delegation of duties to the officers or staff may be for many reasons and there is a constant inspection or vigilance to see that cases are required to be registered and listed. What you want to say? What is the meaning of end? Starting

from the beginning to end. What should be there in it and what sought of inspection is to be made?

Participants:- In Bombay High Court when a case is filed then it is inspected and seen that the objections are met immediately. If it is ok in all respect then it is registered. If there is amendment after registration then it is seen that the summon is issued within time, whether processed fees is already paid. If there is amendment then whether that amendment is carried out or not.

Now let me ask one question. Is there any section officer to do this every day work or there is any In charge for the section.

Participants:- We have Assistant superintendent or any joint registrar looking at the matter.

Hon'ble Justice S.J. Mukhopadhaya: - Inspection when we talk of we talk about particular period. It is not possible in every day. So as vigilance, now I am not talking about High Court. You are now as a district judge or suppose posted as PDJ after how many months or period you will inspect.

Participants: - Sir we have programme. In a particular district if there are 20 Courts then they have to be inspected once in a year. If they are more than 20 then after two years. That vary from High Court to High Court.

Hon'ble Justice S.J. Mukhopadhaya:-For our understanding we're talking suppose there are 10 district judges in a district. All district judge is liable to inspect or not. So as a district judge what is the responsibility of the district Judge. He may not be looking into the filing portion. Maybe the duty is of principal district Judge as filing may be in the common place. But there is a case in my Court, one case two case, ten case or five hundred case whatever may be. Supervising PDJ's and DJ's who are given Inspection Work what do you mean by this when you prepare this. Are all the district judges are supposed to inspect their own court or not?

Dr. Amit Mehrotra:- When we have conducted the conference of registrar inspection part one about some months before and then taken the feedback. They suggested that it really is district, district judges are making the inspections. That is the PDJs and registrar inspection is calling for the records or reports of the inspection and supervising it. That is why in the last day that this Tuesday we have laid that what should be the model Code for the inspection for the PDJs and for the inspection of registrar inspection.

Hon'ble Justice S.J. Mukhopadhaya:- That is your last day. You are talking about the PDJs inspection work and not DJs.

Dr. Amit Mehrotra:- No sir. Sometimes DJs are also given some delegation to do that inspection work so. So when they are given then they are doing that.

Hon'ble Justice S.J. Mukhopadhaya:- I am thinking aloud. I am a district judge. I have not given any job by any PDJs. So I have no jurisdiction to inspect the all Courts. But I have a duty to inspect my Court. Is everything is going on correctly in my Court or not. What is going on in my Court? How the files are moving in my Court? How the Staffs are working in my Court? That that they are coming in time and regular or not. My infrastructure, my furniture that is my Courts furniture. Facility to the litigants in my Court and previous things. Because I'm going on those things also and as subject you'll have given. You should keep it in mind that how many of us as a district judge routinely or in the year look these matters even without given an inspection work. How many of us look into these things?

Participants: - As far as Delhi is concerned, we look into the matter about various aspects. The inspect that with the cause list has been maintained properly or not, whether the infrastructure is good or..

Hon'ble Justice S.J. Mukhopadhaya:- You look into the inspection of which Court.

Participants: - Of the Courts managed by civil judge. That is the PDJ. Principal district judge or district judge.

Hon'ble Justice S.J. Mukhopadhaya: - So district Judge is empowered or not?

Participants: - They are also empowered to inspect.

Hon'ble Justice S.J. Mukhopadhaya:- So that means let us say five district in Delhi. So PDJ of each district will be there. All right. Now that PDJ will give the inspection. Say 5 DJ for certain subordinate Courts. So one DJ will be looking into the work and every matter with regard to subordinate judges. Those one magistrates, Munsif or junior division, senior division. Let us talk like that. That is one. What are things that are inspected?

Participants: - Whether the registered are maintained properly. The register being maintained by the staff. Whether the decided file timely went into the record room. Whether the staff is punctual? And how the judicial officer maintain its cause list. Whether he manages the cause list in such a way that he is occupied for whole day.

Hon'ble Justice S.J. Mukhopadhaya:- The rule may be elaborate in one High Court and the rule may be silent in another High Court. In another High Court there may be only a format which is to be filed. In the format you require infrastructure or not? So what has happened in India; in different high Courts the rules are I will not say is not elaborate. People do not know what is the meaning of inspection? Can we know from you people; you are much more experience than us. What inspection is required in a Court, in a subordinate Court, in a district Court and the Court below that.

Participants: - Inspection of file.

Hon'ble Justice S.J. Mukhopadhaya:- For what purpose? We will be coming to character role. I am asking one question; purpose of inspection.

So actually how judiciary is functioning and for what purpose he said to see the accountability. Because we are accountable to litigants not to general public. They are our bread and butter and were we lack and what is the defects in our functioning. Let us introspect and let us know what are our defects.

Hon'ble Justice Sunil Ambwani:- There're many fact about the 13 different high Courts that there is no regular post of registrar inspection in every High Court. It clearly demonstrates that the inspection is not being taken seriously by the High Courts. In this completion which was given by Amit yesterday. In the High Court of Gujarat the registrar inspection; the role regarding the registrar inspection is given. The nomenclature is given that registrar inspection has to supervise and inspect but what is the object of the inspection. The object of the inspection is not the assessment and evaluation; so that the administrative judge and Chief Justice can come to know from inspection reports that were the institution is lacking. What are the deficiencies? What are the areas were the passage of time, importance has not been given. See when I was the administrative judge. The regular and routine manner the inspection report is to come. Not every Court is an administrative unit. And there after the district judge is administrative unit. And then the High Court. I can tell you from my experience that Chef Justice hardly gets any time to go through the inspection reports. He will not get any time at all unless there is something pointed out to him. But the inspection reports are for the inspecting judges or the administrative judges or portfolio judges which you call who are responsible for the Courts functioning. And more responsibility lie to the principal district judge who looks after the district. Every High Court is governed by rules. And it also include circulars issued from time to time,,, direction issued from High Court from time to time. But in my opinion the areas which has not been look after very well is inspection part for the simple reason judges are not very good inspectors. They're required to inspect the Courts but they do not it scientifically and more importantly there are no rules for that. Now in this compilation which is

given to us I see that there are great variance of different high Courts in a matter of inspection. Not only there is a great variance; they had are many areas which are completely left out. Like traditionally as we look at the inspection. Inspection is basically about the infrastructure, the audit, the financial part of it, and the areas is in every Court. But now gradually with the passage of time the administrative function of the Court or the areas were the Court has to lay more emphasis increased in many folds. Number of courts and specialized Courts have also been increased. Earlier there would be only civil information and session division. Now you have juvenile Justice Court, JJB, family courts, morning evening courts, lok adalats. And none of the courts has developed a good model of how the inspection is to be carried out for the purpose of evaluating the assessment of for the performance as the Court as an administrative unit. To find out what are the deficiencies there, to make plans because all these material that comes helps in planning. It helps in taking care of the deficiencies which are there. The entire object of this particular programme seems to be is to formulate a model code questionnaire for the registrar inspections. Now one of the area which I have found was which was lacking in almost all the High Court is the inspection of the computers, the ICT functions, information and communication technology functions. There is hardly any column if any of the high Courts, in any of the questionnaire on the inspection reports regarding the laptops which has been provided to the judges. The district service Centre's are working efficiently were the filing is to be done. That it does entered, the facility of video conferencing, the remand through video conferencing, the computerized copy, the digitalization absolutely there is no column for that. You can say that these areas are the ultimately given to the registrars who are looking after the computers. But then also it is an essential part of the inspections. What I also find was that in these forms, questionnaires what is also missing is you have the questions on infrastructure; they are reporting about the infrastructure, whether the infrastructure is sufficient or maintained properly. So far as Court rooms are concerned the requirement of the number of Court rooms, the requirement of the particular Court, as criminal Court has different kind of requirement of infrastructure than of civil Court. It require

a lock up, require a room for public prosecutor, these factors are all missing in all these formats. And what I found is that there is not only uniformity in the rules or in questionnaire but also the work appears to be done in the routine manner. Mr. Dixit when I was in Rajasthan, he was the person who is discharging his function as the person looking after the new High Court building in Jodhpur. Because every time he saw him we only enquire about.. Chief Justice would not know that he is also discharging the duties of inspections and call him some way and ask about what is the progress about the inspection. Whether it has been done properly? And what are the deficiencies. The infrastructure as my Lord Justice Mukhopadhaya has pointed out; supervising the PDJs and DJs who are given inspection work is also presumes of great importance. I feel that when most of you were district judges you all are preoccupied with the problems of bar, problems of the own judicial officers, continuous reminders about the pendency of the cases, about the disposal of old cases, the most of the district judges are virtually forget about the inspection and they give no importance to the inspection work. It is taken as the activity of last priority. Now some of the High Court of Court managers are functioning with the state governments accepting them as important managers of the court. But majority of the high Courts of the 13th finance commission Court managers are not much. Are there any Court managers functioning in your high Courts?

Participant:- We have Court manager in every district.

Hon'ble Justice Sunil Ambwani:- Earlier one of those who were appointed in 13th finance commission.

Participant:- They continue.

Hon'ble Justice Sunil Ambwani:- They continue. Okay. And this area the Court manager can do lot of work of inspections pointing out the deficiencies.

Hon'ble Justice S.J. Mukhopadhaya:- let me start which I want to listen from you, one is inspecting judge, In charge judge, zonal judge, various designation is there with regard High Court judges. Those were the judge in charge of a particular district. They are supposed to make inspection. There is a registrar inspection in any high Courts. Some of you are? How many states they have inspecting DJs and PDJs. How many states. That means PDJ will inspect or DJ will inspect in which State. Jharkhand you have. I am not talking of High Court. I am talking about PDJ and DJs empowered to inspect. Please understand the question? Can you show from any of the rule where PDJ has been empowered to do inspection? Where is the power of the PDJ to inspect, there is the power of the DJ to inspect? There are 2 things, you should not confuse with the two parts. Once as a High Court Judge I am a inspecting judge so I have rule and I have to go. And I have of team headed by a registrar vigilance, registrar inspection whatever may be the nomenclature. I want to visit and get a report. Now the registrar vigilance or any designation who is in the head quarter of High Court and officers of the rank of DJ he then take steps. He sends a team. The district Judge and the PDJ is informed. Now when the PDJ is informed he becomes very very careful. PDJ is careful now Jaru lagao. Clean. Stag the file properly in the alumira. See the washroom are cleaned. See that some arrangement is done for the judge who comes and look into the inspecting team, feed them nice food so that the inspecting team must be kept happy. If these are going on in the states or not.

Participants: – yes Sir

Hon'ble Justice S.J. Mukhopadhaya:- This is a reality. There is nothing like PDJ with making an annual inspection.

Hon'ble Justice Sunil Ambwani:- Sir in the Allahabad High Court there is a rules. There is a general rule civil where there is an obligation upon the district judge to inspect the Courts. In Assam also.

Hon'ble Justice S.J. Mukhopadhaya:- There one or 2 High Court. You see for the purpose of annual confidential report and sending a report when a High Court calls for.. There is nothing like annual. I'm not talking about one or 2 high Courts. Majority of the high Court's 24 High Courts in India now; in majority of the high Courts except one or two the PDJ there not been specifically stated that there should be annual inspection. They wait for the annual inspection done by the High Court. Then they will collect the data because the team will come and the team will be asking. What is actually going on every day in the Court. What are the things that are looked into? Number one, starting point, filing then disposal then time of disposal, how much year they are taking, how many old cases are there, how many new cases are there? This is one part which is looked into. Another part which is look into is the need of staffs, how many staffs are there? How many staff are short. That is how many post are there which are not filled up or all post filled up still we require more or there may be more number of Courts are required which is required to be informed. Another portion is budget. If expenditure is there, budget is there then audit is also to be made. That this records are maintained or not. Then 2nd part is service side. So service side Courts records are maintained or not. Whether they are given due promotion in due time or not. These are the things which are looked into. How many Courts buildings are there out of that how many buildings are required renovation or repair? How many number of Courts or infrastructure required to be developed? Whether a new court building is required or not? So it is all related to infrastructure. This is all things goes on. The question to me, I am asking who is informing these things to PDJ. What is the role of the DJ or a judge is only disposal of the case. Come to Court and dispose of the case and then go back. Who knows all these details? Who knows the staff are regular or not? Because the PDJ will be writing the character role. Class IV staff no character role I think. Class III onwards character role is there and we write the character role in the manner we write the character role of the judicial officer. Good, very good. Who is very good who comes to my house? I know him he is very good. Who is good? Who does not comes to my house? I do not know him so he must be good. Who is bad? About I have heard something wrong whether correct or not? I have heard

it so average, bad. So routinely dealing with the matter should not be done in writing a character role. Format is very good about disposal of cases. Now days judges are given self-assessment and just says that so many cases disposed of. And then what you find in many cases the cases are disposed of without any judgment which has been closed by police, they write dispose off. Then what is his behaviour to the subordinate. How his behaviour is there towards his superior? How his behaviour is there with the lawyers? These are the routine way the judge feeds the format. Then I'm talking about the judge I'm talking about starting from the PDJ, DJ and High Court Judge also. I was also a High Court Judge. In sensitiveness is the routine affair. We are here to make ourself self-sensitive. First of all let us be a little bit sensitive. We focus on the issues which are very important but we don't draw any attention, where attention is required. That is the reason the power date you find the formation model questionnaire for the registrars and formation model questionnaire for the PDJS and DJs. This model questionnaire is to be prepared by you. This is to be prepared because of the diversity of the perception of inspection. Therefore I ask one question to all of you and if all of you say one after the another what are the defects or shortcomings so that it can be corrected. So let us know first one shortcomings. Anybody start with. Anything shortcoming in the matter of inspection or functioning of the courts. Generally shortcomings that you have seen in your state.

And in so filing someone has pointed out. It has file but not registered. I have seen and I will not take the name that 138 maximum of NI cases have been filed, not registered. Why not registered? If I register sir then pendency will be shown. So let us dispose of some in one or other Lok Adalat then we will register it. Then recourse have come witnesses are coming and returning. I do not know have you heard this kind of thing that in a district Court there are guidelines to the judges that who have to examine say 50 witnesses per month or 30 witnesses per month. These are not the matter of inspection but I am just giving you an example. By 15 of the month I examine 50. Now 50 and plus witness is produce, bring him next month because he is the quota of the next month. Have you heard this? There are States. I was fortunately in 4 high Courts. There are states. Nobody knows that

how many witnesses are returned. There is no column about that by the inspecting team that why there is a delay in disposal of the case. Why hearing has taken up today and hearing persist and continue for months together. Today part heard and adjourned after the 2 month and then again part heard and adjourned after 2 months. Have you seen this? Is it a matter of inspection or not? Who will be looking into the records? And if you do not look into the records how that the PDJ would be writing the character role in the matter of disposal by him. PDJ has to write the character of the officer and PDJ cannot look into everything except the period when the inspection will go on. Atleast one or two record will reflect how the officer has function for last year. What sort of orders has been passed? If he has to examine then how many days he has adjourn. So all these things are not looked into. Judges writes the character role after the inspection. In Patna High Court, Jharkhand also inspection would by February or March because CR is to be written in the month of April or May. Before there is an inspection and a team will be going. The registrar inspection informed. There would be team and team will be from different sections. One from accounts, one PA, then another from finance, another from general Department. They know that can principal district Judge are coming, so he is also ready. So at least once in a year he cleans the court. So whether 365 days Court are clean or not but at least for 2 to 3 days the Court are clean and cleaning will go on as inspecting team will come and Almirah will be placed nicely. If there is any defect in the toilet they know that inspecting judge will come so there would be at least a repair once in a year if there is an inspection. After that a judge is sitting and holding the Court, the High Court Judge is also sitting in the dais on another side and will watch the proceedings. Proceeding is Drama. Judge knows holding the court He asked the lawyer you be ready and don't ask for time, produce one witness, the drama is for half an hour even in that drama also; the High Court Judge see that how he is performing in the Court. Whether he is keeping silent or asking questions. If the witness is going on in what sort of questions has been asked and what he was writing. After that the judge meet, the various people, the bar, the Association of the staff, class IV staff, the Association of the class III staff and will know there grievance and sometime when they ask separately they open

mouth of one another also when it is extreme. There is a general idea a judge gets once in a year. Similarly when the principal district judge inspects so immediately once in a year there will be cleaning, staking of files, counting of number of cases and therefore it is a tremendous effect once in a year. It is not in the ritual but once you do the ritual that ritual can be made a habit which continues for few days at least or for a month. The fact is that when this efforts goes on some people become sincere. They maintain it. And nowadays majority of the judges are sincere provided they have no knowledge. But there is a psychological pressure of fear of High Court judges. If I don't do my character role will be doomed. For these purpose I was just asking you that if you can point out that the defect of your judiciary. Brother has pointed out in the beginning. Still I'm telling you to point out the shortcomings so that you may point out the shortcomings and others will be giving the solutions. Then that will be the questionnaire. Yes only one shortcomings and not ten things. I'm talking about shortcomings, what shortcomings you find during inspection. One shortcomings of your Court that you have seen. Don't praise and then everyday will say my State is very good. Point out the shortcomings. What you have to improve this okay. I don't want to know the improvement but the shortcomings.

Participants:- Many Courts are not recording the evidence in a proper manner

Hon'ble Justice S.J. Mukhopadhaya:- Many Courts are not recording the evidence in a proper manner. Okay. Ensuring the compliance report is the next session. First you all tell the shortcomings. You only must be knowing many shortcomings you can say that there is no shortcomings. And be specific. Now I am giving you one example. The litigants who are coming the Court. Is there is sufficient space for them to sit. If there is adequate drinking presently made for the litigants. If the canteen which is running inside the Court premises, they are sending good and hygienic food. Whether the cost of the food in the canteen inside the premises is higher than the market rate. A sweet which is Rs 10 outside is Rs.20 inside the courtroom or court campus. Whether the staff are going with the

litigants during the lunch hour to have sweet, snacks and tea. I have to ask for one and I told you three and four. There are districts which are very hot and there is no fan. There is no electricity. There is no place for assisting of the litigants. Majority of them might be sitting under the tree. There are states. I'm talking about mufisils. I'm not talking about the town in which there is a district Court. The subordinate Courts also returning the mufissil area. What about the drinking water? There is no sanitation, it is no toilet. Therefore when we talk about Swacha Bharat does it include a Court premises or not? How many Courts are clean? You find out whether the corridors are clean. The Court rooms are clean. How the files are kept in the Almirahs? How many Almirahs are there where there are bricks in the bottom to maintain the balance? Because in one leg has broken. Eventually there for the chair also. Three leg chair with the fourth leg of the bricks. Now that has been replaced. People will not tolerate. But Almirah will be tolerating. I have seen these things. Therefore, shortcomings in the infrastructure and then there is a great shortcoming in the matter of cleanliness. Not can you say the staff take the water from which place.

Participant: – They are taking from outside. They are purchasing from outside.

Hon'ble Justice S.J. Mukhopadhaya:- Everybody comes with the water bottle or not from the house?

Participant: – Yes

Hon'ble Justice S.J. Mukhopadhaya:- how many Courts have the crutch for children for the ladies staff. Whether that is essentially now days or not? Because these are the things if we could not go ahead with the modern facilities and modern ideas, our High Court will never know. You are the ears and eyes of the High Court. You have to do your job. In the end when you would be talking about the model questionnaire I can say the model Code suggested by the colloquium sitting over here. You should be suggesting that there should be a crutch for ladies staff even

for male staff, even for a lawyer. In Gujarat High court there is a crutch. In Tamil Nadu there is a crutch. I was there at time it was started for the staff and lawyer. For male and female both. In lunch hours you can go and see your child. You don't have to keep it some other crutch where 4000 or 5000 rupees are there. From there salary they can pay only 500 rupees to court for the purpose of maintaining. Drinking water. Toilets. Separate ladies toilet and separate toilet for the staffs. Infrastructure what are the things you have to point out. In the matter of inspection one should first go and see these things. I as inspecting judge wherever I have gone I enter the Court premises, first thing the district Judge will take he will make his chamber as High Court judge's chamber and on the boards he will put a sticker of the judge's name and a white towel will be there. But I never used to visit the chamber and I use to say that I want to go to the toilet. They say no, no. I say I want to see it. I have to ensure that from where they are getting the drinking water. So it was shown a pot. They put the water in that. Where there is a glass. They bring their own glass. Glass kyo nahi raka hai. Glass tut jata hai isliye nahi rakha hai. So glass is broken so there is no glass. So I would be going in the office with the glass in my pocket. Water bottle in other hand. This is office. When these shortcomings and short facilities to the staff, to the judges, to the litigants has to be highlight. We have gone to the computerization age but still all these things basically amenities are not there. How many judges knows that how many cases are there in my board. Is there any judge who knows that so many cases are in my Court?

Participant: – Everyone knows because everyone is sending the statement.

Hon'ble Justice S.J. Mukhopadhaya:- Statements. Therefore regular statements are prepared by every judge, every month. May not be in all states. Therefore inspection part should be that whether every month the statement of cases are sent or not. Not to disposal. Pending cases. Have you seen ever or verified any pending cases.

Participant: – Yes Your Lordships. Physical verification is mostly done and sometime it is found that cases are undated and they should be regularize.

Hon'ble Justice S.J. Mukhopadhaya:- Should I tell you from my experience. Should I tell you from my experience? I visited a very small district known as Jamtara. You will be knowing. Then I asked them verify the file. They said we have verified. I said this Almirah very old lock is there. They said there is very old registers kept. I said open it. They were never opened. Where is the key? Key was not found. I said broke the lock or bring somebody. Ultimately after 2 to 3 hours they could get it opened. After opening I looked into the files, old files. Brother you are from UP. Four records of old cases of Uttar Pradesh were in Jamtara. There are cases in which say order has been passed and nothing is there on the board but those documents are lying there. Stay 20 years back, file is there, record is not maintained, it has gone out of the record. So first I may say jot down how many cases are there. So there may be record beyond the record. Therefore inspection when made and beyond the record will also show how many cases have been filed but not registered. How many cases in which defects have not been pointed out? In how many cases the file has to be returned back because it is not maintainable in that Court but the file has not been return. So actual physical verification is a part of the inspection. Not merely maintaining a record because record may not be complete. There may be many things beyond that the record that you can check. I have said about 138 of NI Act cases. There may be hundreds of cases that are not in records but actually the records are there. So physical verification of the record is must once in every year.

Time is over because it is the 11:00 and after tea we will be again meeting continuing because ensuring compliance will be a continuity of this part. We will be going on and all these shortcomings which I am telling you all I know all of you know. These are the things I have come to know because of you people and then I verify it to you people. So basic factors we will be discussing after the tea.

SESSION 2: Ensuring Compliance with Various Reports

Hon'ble Justice Sunil Ambwani: - The officers of those courts is being inspected, its suggestion should also being incorporated. Compliances is totally different but finance is totally different, when you consolidate the demand of infrastructure; we really don't know what is require and that we come to know form the inspection report and then the matter is consolidated and taken to the state government and not every state government is very liberal or generous. So sometimes the demand has to be followed up so that the money comes and that requirement is met.

Hon'ble Justice S.J. Mukhopadhaya:- You see first of all we have to know the problem. Every problem as a solution. Suggestion is may be different. Just highlight the problem then comes the solutions. That is the reason I was asking various questions to you for the purpose of understanding. I'm giving another example, very petty things which people do not take into consideration. Staff which are in subordinates. Pani tum nahi karkhe. Mera kam pani rakna nahi hai. And you can't write character role. You have no control on your Court Master, pachkar because you can't transfer a post. What is the problem you get when you are working? File is coming to the appellate Court, you are sitting in appeal in the ground floor, the record will come from the first floor, call for the file..The first floor se ground floor jayega. This small problems are not highlighted in inspections. But we write everything that things are going on. Infrastructure is one part that we are discussing earlier. Another part which is most important part is the staffs of the Court. What about the staff of the Court? Why not the report from each officer who is in charge of the Court including civil judge junior or senior division. Because in many of the places you find the registrar of the court is much more powerful than the district judge. I'll know one additional district judge, he is waiting for the posting to the head quarter. Another junior have been posted as additional district judge and the junior is appealing the registrar of the court like kaese ho.. And he allotted better quarter to the junior and worst quarter to the senior. And senior says why this. He said sir jo phele aya kuch preference ka to hai nahi and he has not taken the signature of principal district judge. Heart burning is going on. . 4 star I give it to you and 4 star to your junior. No one will complain and you have to swallow all these things, rubbish things. Your mental tension

will start. You may say that this is nothing to do with the inspection. But if you may not call for all these reports prior the inspection from each judge that what is your need about infrastructure, what about your staff? Comment with regard to your staffs? What is about the disposal of the cases? How many old cases are pending? If we do not ask these questions or questionnaire to the concerned judge of the Court whether he is additional district judge or district judge or senior division or junior division whatever may be then how he will inspect? Team of inspectors or inspecting team or even the PDJ or DJ will not open their mouth alone. Darte hai. They fear to speak many things. Hota hai. Hum is se bhi kharab kam mai kam kea hai kaise bhi karo. We worked in a more difficult condition, you should work. The old process of thinking. I should not say sometime I have seen that senior are behaving like mother-in-law and the like daughter in law with the junior's. And with all due respect High Court judge who comes from the PDJ and district judge is worst than the judge will have come from the bar. The judge who have come from the bar is better than those who come from the service. As they think, they all are like that and they don't work. A common thinking, a common knowledge. That is the inspection means only shortcomings. While the inspection will not highlight the merit of the judge. That is a judge who is the best in maintaining the Court, whose is a attendance in the Court is perfect, whose disposal is better. Why these things will not be reflected. Because these inspection ultimately culminate into character role. How the High Court judge may know the character role. You understand the meaning of character role. What is character role? Can you say what character role is? Confidential remarks. What it reflect? Have you seen any story? Amitab Bacchan a hero, Pran is villan, johny waker is comedian, the role they play is reflecting the character role. So you can find a villain, you can find a comedian, you could find who is who from the character role. It should reflect each and every character and aspects of the judicial officers. Honesty, integrity, behaviour, attitude. What is his attitude towards his subordinates? What is lacking in us, they are not talking about it. Because it is very easy to target someone or subordinate officers but very difficult to target our self. And we are discussing that amongst us I am talking about High Court and Supreme Court judges what we're lacking today is decorum The minimum etiquettes, the understanding of values, what this moral ? What is in immoral? Ethics in judicial propriety that the other lacking. We do not know how to comment with regard to a judge. They do

not know how respect a judge. And then I am talking of the judge I am talking about a judge of junior division. New comer, he is also a judge. I expect that you respect me as a judge. But I don't pay respect to a judge who is also a judge of subordinate judiciary because he is known by corers of people and people do not know me. So these are the qualities of a judge. If they are not reflected in the character role then what is the bonus if the qualities are not reflected properly. In then that reflection will come only from the character role. And character role will be reflected from your inspection report. An inspection report must reflect the actual things. Therefore from the very beginning I was asking that we will come to compliance later on because that is the only thing which is not in your hand. You submit a report, if the PDJ submits a report then you place before the High Court. Sometimes the ego which is reflected in the PDJs he may not like to go and tell you... Ultimately judiciary suffers. Therefore your role even when posted as a district judge in all matters of the so-called inspection. So, why I said it that you may not be given inspection but you can make your own inspection annually and submit a report. I need this. These are only shortcomings in my Court and these are my suggestions I give it to my principal district judge. Throw it out. Throw it in the basket but I will submit my report whether in the rules it has been asked or not. There that there is a column or not I will write. Developing such courage somebody will have to tell you. Two of us are here only to encourage you not to criticize you people. What you are doing is of very pious job for the people of this country. And if you do something in the matter of inspection and the judges became more careful if he knows that so many cases I have dispose of and he can dispose of some more. So a sort of the deliberation, credit something is given, the other will also think that let me also do something good.

Now compliance part what we have discussed can you summarize. What we have discussed, one after another and one by one. One can say about one topic that we discussed this much. Yes you give one.

Participant: – Shortcoming of infrastructure

Hon'ble Justice S.J. Mukhopadhaya:- Shortcoming of infrastructure. All right. Now you say what are the shortcomings or defects in the infrastructure. He said shortcoming of infrastructure. You see what are the shortcomings in infrastructure.

Participant: – Not providing sitting facility to the litigant.

Hon'ble Justice S.J. Mukhopadhaya:- Not providing sitting facility to the litigant. That is sitting facility, drinking, sanitary, food not that is canteens. These are the things. You tell something. Yes madam can you add anything to it in the matter of inspection.

Participant: – Opinion of the concerned judge should be taken about the inadequacy of staff.

Hon'ble Justice S.J. Mukhopadhaya:- Opinion of the concerned judge should be taken about the inadequacy of staff. All right. Anything with regard to any other opinion... That is she has suggested of the staff. That has been stated as something new.

Participant: – Actual physical verification of the records.

Hon'ble Justice S.J. Mukhopadhaya:- Actual physical verification of the records. All right. Next. Yes.

Participant: – Crutch

Hon'ble Justice S.J. Mukhopadhaya:- Crutch for the children, staff and for the lawyers. Next.

Participant: – Courts should be maintained properly

Hon'ble Justice S.J. Mukhopadhaya:- Okay. Whether the records are maintained properly. Then whether processing is made within time. Then the listing and disposal. All right. Let leave something for others also. Yes.

Participant: – Stationery.

Hon'ble Justice S.J. Mukhopadhaya:- Okay. Supply of shortage of stationary, computer.

Participant: – I want to say one point. As your Lordship said that there is unequal distribution of staff. There is no equal distribution of files.

Hon'ble Justice S.J. Mukhopadhaya:- Okay. There is unequal distribution of files. Okay there should be equal distribution of work don't say file it is workload. Rationalize posting of staffs. If you think posting of staff then reports about each staff.

Participant: – Recreational facilities for the staff

Hon'ble Justice S.J. Mukhopadhaya:- Recreational facilities for the staffs and judges, after the working ask.

Participant: – Audit and accounts

Hon'ble Justice S.J. Mukhopadhaya:- Audit and accounts.

Participant: – security of Courts

Hon'ble Justice S.J. Mukhopadhaya:- Okay, then security of Courts.

Participant: – Display board

Hon'ble Justice S.J. Mukhopadhaya:- Display board about cases. Display board will and everything. Next.

Participant: – Training of subordinate staff.

Hon'ble Justice S.J. Mukhopadhaya:- Training of subordinate staff by principal district judge and district judges. Alright. Anything you want to add. Say something new. You can take the credit. Pass over. Next. Yes you have to thing.

Participant: – Administrative powers of individual judges..

Hon'ble Justice S.J. Mukhopadhaya:- Administrative powers of individual judges. Administrative powers of each judges. For your court you are already empowered. You have an office. You have a Court. Charu, pocha ko nahi lagaya. Why you did not clean? Why file is not there? Nobody will give you the power in this world. Power is to be derived. The character relies the power of work. Who was knowing the power of election commission before the T.N seshan. If T.N seshan would not have been there. If Mr Rai would not have been there who would be knowing the power of CAG. Who was knowing that what is the power of CBC. An individual shows that how the powers are derived. And then people see such and such power. If you cry you wont to get power. Power is from

your internal inspiration and you develop power and you get it implemented. Show it. And drag it that hamene yea kiya and those persons who drag it that I have done such and such thing they are not judge. They can't get credit others can give credit. You do something and ensure that others giving credit. Acha hemne ye kam kiya humko yea credit deto ho ya nahi. I cant ask like that. As I am clear.

If there is no light purchase two bulb fit it and tell this is the bill I am sending. Lrt his do not pay. Rs.50 or hundred rupees let it go from your pocket and district judge should understand. In the money comes okay and the right thing that I have done for my Court. What, district judge will take a disciplinary action against you? If there is no bulb and if it is not given then it is only the way which can be done. That muna Bhai what is the rule ya Gandiji sometimes you have to find the way out. You know that problems are there, therefore we are discussing. Solutions will be coming. You can't take any action against your judge. But you do your job that is enough. You do your job, make a recommendation. Make letters and let it be on record. Nobody will throw it out. It would be always on record. There will be an inspection team. Somebody will look into the records.

Participant: – Many private persons are working in the Court. Almost all the Court.

Hon'ble Justice S.J. Mukhopadhaya:- I know. I know. Please write about the staff. Your extra clerks. I know. It was in our state also. Now it is no more there. They are called extra clerks. Extra clerk means a pechkar suppose a court master. He will keeping an another person who will be bringing records etc. who is not a staff. Now he may be in your presence will be collecting money. Pechi. I am sitting here, looking after the matter. He is talking to the litigants and lawyers. Lawyers are giving and he is taking. Out of that 50 rupees or hundred rupees or I do not know the present rate, it started with the Rs. 10 and in the name of some other factors. He will be paying the salary Rs5000/- or like that. He is not in your hand. Your peshkar is not in your hand. You can say peshkar sahib kesa admi rehe ho kam nahi hota hai. I will write against you. I can't write against him but I can write against you. Keep a good person. But certainly you can write that there is a need of 2 persons and only one person is working and help is also been taken from outsiders. They will not throw you out of service. You can ask for more staff. If you tell your inspecting judge whoever is coming for inspection ki sahib ye system band kije. Secondly your

Chief Justice who is coming from outside the state if he comes to know from others that the outside people are working in the Court campus. It is only in Eastern zone not in South. Not in West. Bihar stopped. Jharkahnd stopped. U.P. had not stopped.

Hon'ble Justice Sunil Ambwani:- Uska reason he sir. There is no recruitment of class III staff for several years. Not because of that shortage what happens, it is absolutely illegal. Only nobody is permitted to handle the files who is outsider. It has been done by judicial side sir. Thousand times. One case came to me judicial side. He said sir a disciplinary action has taken before me because an outsider was working in my Court. And the lawyer said sir what is wrong in that if somebody is working. There are almost 64 persons are working there in Kanpur. And it is so prevalent and so rampant. It is the 3rd generation. Third generation of outsider who is working. And it was sad iska father ka handwriting bahut acha tha. Now what we do...

Hon'ble Justice S.J. Mukhopadhaya:- Is there any other state which is that this is apart from U.P. I do not know Calcutta know.

Participant:- There are unofficial staffs working in the courts.

Hon'ble Justice S.J. Mukhopadhaya:- Andra Pradesh it is there. Any other state. You see one or states.

Hon'ble Justice Sunil Ambwani:- It is more prevalent on those seats. We should not discuss it but it is well known fact that there are certain paid seats and unpaid seats. There are some clerks we are handling money and are too busy like clerks of land acquisition cases. Clerks of motor vehicle cases. So what they are doing is one day leave so there 1000 rupees of extra money is lost, so they keep another person.

Hon'ble Justice S.J. Mukhopadhaya:- Next anything. No, No one thing you would suggest transfer of staff from district to district after inspection report there should be a transfer of staff from one district to another district because there are various staffs who practically becomes the Don or boss of the area. Sometime they threaten to the district judges. Sahab ye kar lo nahi to aapka character role kharab karwa dege. You do this otherwise I will get your character role bad.

Participant: – Judicial administrative account audit required to be done.

Hon'ble Justice Sunil Ambwani:- One thing we have missed completely that what is happening is in modern states most of the compounds are shrinking because of encroachment and because of lawyers. What is required is in inspection if could come, I will rather suggest the video graphing in the inspection. At Kanpur we have videography so that the pervious can show the encroachment.

Hon'ble Justice S.J. Mukhopadhaya:- Encroachment of court compounds or removal of encroachment. Now certain and more ideas was given.

Participant: – Quarters for judicial officer.

Hon'ble Justice S.J. Mukhopadhaya:- Adequate quarters for judicial officers. Yes. Yes anything more.

Hon'ble Justice Sunil Ambwani:- There is one area is left which is left. In Allahabad I found that somebody told me that the process servers are not affecting actual service they are all affecting substituted service. So we had checked High Court rules, district court rules. District Court rules permitted that. Its all right you do 60% actual service and 49% substituted service. I mean civil court rule itself permit. What we actually found that they all are sitting in civil Court compound and just filling that the way to that place and no body was found. This caused maximum delay in the cases. Because the person who is say that the summon was not served.

Hon'ble Justice S.J. Mukhopadhaya:- Suggestion about notice and service of summons. A junior judge is given more power. He is given with the power and you have to depend on him. That is the basic think. But that is the part of our system. Because the registrar or the district judge would not be taking into affair of everybody. A junior officer with always look into it. But you have to look from both angels. Senior would not be looking after the your all welfares. You get a good quarter, good servant, good this, this facility or facility. A Junior will be looking to the best facility of the senior. System is alright. But sometimes there also if inspection report gives about the behavior of the registrar's. What

I'm saying that these things should be come in such a fashion that for the purpose of writing the character role, a judge can write in the manner the character role. How he maintains is his decorum and therefore all those things. About the reputation the inspecting team cannot say anything. But about the reputation of the staff PDJ can say. About the reputation of the officer the PDJ can say because he writes the character role. Therefore in the format character role will be one of the format of the inspection when PDJ will be doing inspection. Because when the PDJ will go for inspection, that PDJ will write about the junior division and senior division and about the character role. High Court Judge would be relying on a majority of the cases. Anything to be added.

How many of you who have come here what is the total persons who are here. 13, thirteen persons. I again encourage only 13 persons present here. And then you when you may district judge tomorrow you may be a principal district judge. I told one of you that somebody have to show courage. There are two things. If you look into your character role, you will never write a good judgment. If you only think of character role and promotions then you have to compromise many things. The judicial side sometimes it is better to write the correct thing that is truth. 2 bulbs are not there for last two days if you wrote this nobody is going to write a bad character role. If you write that these things are not actually been followed. Make a complaint let it be on record. Don't bother whether they will attending to it or not. Please bother that I should do my duty. If I do my duty, then the people may ignore ten times but 11th time they will not. They will say bada badmash admi hai hemesa complaint karta hai, chalo utto. You may get these type of comments. So there may be people like this. People in the district know who is who. Better than us. You know how I am. How many of us can correct our self. I cannot request to the 14th person that you take correctional measures. But I must ask me that let me make correctional measures. Am I clear? You take your correctional measures. I can only encourage you people that you do your job and leave the other things. Similarly like Geeta you have to follow that. When you writing judgment then whether do you think that whether it will be quash in appeal or not. You brother. Similarly when you would write a judgment against a criminal and convict him in a murder case whether you bother that whether he will murder you or not? Who knows what will be the aftereffects of the judgment, you are so courageous. You don't bother a murderer is standing in front of you

in the witness box. 313 statement is been taken. He is watching you. From face you know clearly what type of person he is. The number of witnesses is appearing from one side you may know who is who. Still you show your courage and write a good judgment and who are convicted people. So the most courageous people of those who are in the subordinate Courts and not the High Court or Supreme Court judges. We do not know we do not look into the face. Ultimately the credit is taken by us. But the basic credit they are not giving them. You are doing the basic thing, you are courageous than the High Court and Supreme Court judges. You would have faced the situation and you can't face the situation before PDJ. Sir give two bulbs. You will fear that he will not do. Please give in writing.

Hon'ble Justice Sunil Ambwani: - On compliances there is one suggestion that is to comply what. Suppose we have find 20, 30 or 50 deficiencies. What I suggest that there should be a part that which part is to be complained by whom so that in next report it is seen that it has been complied and whether previous deficiencies have been taken care of or not. Many things cannot be done even by the district Judge. Now suppose the computers have been provided, even the district Judge has to tell to the what we call C.P.C. So it is to be brought in the knowledge of CPC.

Then another thing I would like to suggest that when you make inspection or make inspection reports, you should also go one step further like suppose in one court we found that committal orders are not been made because the photocopiers which were photocopies the charge sheet were not functioning. So you can write that this Court is not committing to the sessions; why it was not committing to the sessions because copies of charge sheet is not every available to the accused.

Hon'ble Justice S.J. Mukhopadhaya:- You can mention this under the headings of stationary, machinery and other equipment's like photocopy machines, then computers, generators.

Hon'ble Justice Sunil Ambwani: - Somewhere in the area of eastern UP, there are power cuts. Generators are there which are working only at the residence of the district judge or some generators are not working because fuel is not there. Now these are the things which normally nobody bothers.

Hon'ble Justice S.J. Mukhopadhaya:- Cars also

Hon'ble Justice Sunil Ambwani: - Cars also

Hon'ble Justice S.J. Mukhopadhaya: - Maintenance of cars and pool cars. Anything else and what about the compliance that brother has suggested one part. What you suggest about the compliance? Forget about the compliance of High Court Judge, Supreme Court Judge, Chief Justice. What you can do, can anybody suggest about the compliance report. What are the things that are to be complied by the Judge himself or herself.

Participant: – When the subsequent inspection is done the previous inspection report is being called off and looked that what are the compliance that is to be done and how much it has been done. Sometimes the subsequently inspection report is silent.

Hon'ble Justice S.J. Mukhopadhaya: - Here we're talking about the inspecting and supervising Judge and the district judge. One is High Court supervision. Supervision from the side of High Court as a registrar inspection sending a team, you don't bother because your High Court Judge will ensure. That is inspecting judge. One is that the inspection is moved from the High Court. The moment it will be inspected the team will go to the High Court. Registrar inspection or registrar vigilance whoever will be in charge will take care of that. He was call for the report, will intimate and thereafter the report will be submitted. Then the judge in charge may go or may not go. So there the compliance is by High Court Judge and the Chief Justice. But when we are talking about the first one, supervising PDJ's, here who is supervising PDJs and DJ's. That means an internal inspection is going on. A district judge is inspecting his Court etc. A PDJ is inspecting the totality of the Courts. Am I clear? So in that case a district judge will also be inspecting the Court of such subordinated judges as ordered by PDJ. Then will ensure compliance. PDJ or DJ. If in my Court if it is not staked in the proper manner. Do you would have that chart with you.

Participant: – yes, Chart is there.

Hon'ble Justice S.J. Mukhopadhaya: - Read it. He is showing you, read from there. Supervising PDJ's and DJ's and then the next question is ensuring compliance. Am I

clear? We are not thinking of High Court at this stage. Many are not talking about the inspection by High Court. They are talking about supervising the PDJs and DJs. They have supervised, they have inspected, they have submitted a report. Now I am a DJ and not PDJ. In my report there are there may be ten items which is dependent on PDJs. There may be 2 items depending upon High Court. There is 3 items which is dependent upon me. So who will be complying? So these matter is to be taken up that brother has pointed out. That first of all this matter is to be complied of from my office. Number one. A, B, C. Cleanliness is to be seen by my office, my staff, stacking of the file is to be seen by me and by my staff. Whether proper sitting is arranged for the purpose of the litigants in the backside and in the front side the lawyers and my chair and table is in the proper place. It has to be seen by me. So these are the things which has to be seen by DJ himself. I require more staff, I have to write to the PDJ. So for compliance I have to approach the PDJ. For Court buildings I have to bring to the notice of the PDJ to bring it to the notice of the High Court, inspecting judge. And for transfer of staffs I have to request to the PDJ, please take of the matter for transfer of this staff to other district. Because my headache if somebody is corrupt, why I will send the corrupt man to the other brother judge. So let him be transferred to other district by way of punishment. I would be writing the PDJ to take up the matter with the High Court. The brother was pointing out that first you point out who is to comply. You have to point out and then the question of compliance will be there. To this extent I have to comply, I have done this and comply that. To what extent PDJ is to comply. These matters have been complied and these are reminder to me given. With regard to High Court PDJ is requested that this matter is being complied and this matter is to be taken up. That means periodically you have to take steps to give a reminder to the concerned person or give reminder to yourself for the purpose of compliance. Any other way of compliance of the.. What you have to submit; if you want to suggest we will also add that. What you suggest about compliance? X should do, Y should do, they are on the reminders. What about you? What are the things that you can comply and ensure compliance? Suggestion from one side.

Participant: – I suggested that for the success of this inspection system there should be of framing of the rule.

Hon'ble Justice S.J. Mukhopadhaya: - That is not in your.. Please, please, the question I have asked. What you suggest about your compliance? I'm talking about to me, I am not talking about High Court or Chief Justice. Against please remember my question. What I should comply first. Yes. I'm giving an another example. Should I go to the Court in time or not? Should I reach after the view the peon reaches or staff reaches. Or should I reach half an hour earlier to ensure that staff also reach in time. Charity begins at home and all these types of things are to be started from the home. From yourself. Please go to the Court every day on time. Ensure that you work and sit in the dais on time. Even if the lawyers are not attending many Courts in many states may face that at that time there may be no lawyers because I am in my Court and everybody is in bail matters before the Chief judicial Magistrate and district judge and in my Court nobody is there. So I am sitting in my chamber asking my clerk please call me when the lawyers will come. Then five lawyers are coming, Out of five lawyers everybody is asking for time. These are the practical difficulties that you may face. So I have to take correctional measures. If I go and read the file and write the judgment even on sitting on my chair then I have spent some time. I can also verify in that half an hour period that files are there intact in respective places. Whether my staffs come or not? Peshkar what are the last orders? What are the files today? What are the last order passed in those files? At least in ten files. What I am saying that you can ensure first the compliance and you can get that time either before the working of the Court or after the work of the Court. Practically every day but the minimum once in a week. So every day or once in a week if you would just continue with the compliance then you don't have you know, one day you take up the matter and make everything corrected, make everything up date because inspecting team will be coming that will not be there. You can verify once in a week that whether he is maintaining the records in a proper manner. So majority of us, I do not know what is the position in the district some or other get half an hour margin. If 10 is the time you are supposed to come at 9: 30, you come at 9:30. First thing is what I can do that I can come on time. Then they come in time then I should do the minimum things that before my coming there is my peon is there or not, Water bottle or glass is there on not. The staff which will be taking water that is clean or not. What is the position of the toilet? These are the small things, very small things that you can see every day. Swach Bharat ke liye your place

should be clean. In a home how you find that your home is good. You know, which are the two places you want to see that should be clean. One is kitchen and other is toilet. That reflects how is your home. And here in the court your courtroom and toilet. They will make your chair table etc. clean but they will never clean the court room. Yesterday this much of file dump there and it is find that days together it is lying there. I do not know that whether you have to face this type of seen or not? In one corner something is dump. You know what is dump there for the last one month, your clerk knows. So these are the small things which has to be complied and every day petty things can be taken care and that is one part of compliance and not annually, not a report. The report is not required. It needs personal touch or personal care. 2nd thing is your dress. Please ensure that you come in proper address because your cleanliness, your dress will actually change your mind, change your mindset, change your work culture. When you go and perform a Pooja, you could take bath, clean yourself, clean your hands then legs and go and seek the puja. Therefore the cleaning this is also required when you go for that Pooja that means your Court work. Clean mind. Therefore every day the small things has to be seen that are compiled by you and you remind your seniors that there are shortcomings but don't quarrel with your seniors. If senior is not responding in spite of your request don't show anger. Don't remind him 10 times and irritate your PDJ ki sir hum to magte hai aap usko dete hai umho nahi deter hai. We will also talking about decorum, our ethics inside and outside the Court is to be maintained and for the purpose of this compliance one thing is very very important, you have to understand what is your value in the Society. If you do not understand your value in the Society, if you don't understand what is your value in your family, if you don't understand your value inside your Court, if you don't understand your value among'st the staff they will never respect you. If you evaluate it they will respect you. If you give value to yourself that means you have to maintain such structure, such dignity they will respect you. If you cry Ye tumko respect nahi deta hai. They don't hear me. Why? Because you are not respecting them. Respect others they will give you respect. Even a bad person you respect him, Kese ho theek ho na and then ask him to do a certain job. You would see the same person will do the job perfectly. You have to be little bit tactful. Only crying for the benefits or shouting for the benefits would not suffice. So for the purpose of compliance I have gone and little bit deviated from the topic but this

behaviour attitude will pay him in the matter of compliance, so far as your Court is concerned. Your behavioral attitude will be seen. Whenever you come in contact in dignified manner you may bring things to the notice. Not with anger, not with agitation. I think the judges will also take care of it. Many things have been taken care. I have seen 21 or 22 years back judges of subordinate Court are sitting below the stair case. There is no Court room. We don't have stair case there is a chair, there is a table and there is no chair for the lawyers and lawyers are standing and arguing. I have seen this in one of the states. I have seen judges who are in the garage of lawyers. I have seen the judges who are working in a room which are meant for the servant and the coroner has been closed by the curtain for the purpose of the urinal. These are the situation of the subordinate Courts. That is used to come by cycle. In same bus the criminal is travelling and the district judge is travelling. This was the situation of India. And today you with the best of the salary Rs. 75000 or pay pocket 1.5 lacks or more than a car or pool car or with a individual car, with a official bungalow, with a number of staffs more than the High Court judges, much more than Supreme Court judges. Supreme Court judge gets the least facility worse than the district judge. Those facilities have been increased. Air conditioner is common and seen in various districts. The benefits have been given let us do something good with judiciary in the name of inspection, let us self-introspect our self, do our inspection of our Court. Keep our Court clean, keep our records in proper manner, let peruse our staff to do something for the litigants and let us look into the benefits of the litigants. So this is the lecture, you don't take it otherwise. This I am saying that the persuasion, we need to make Persuasion so that we can get the result. That is from my experience I am telling. I know out of 13, 13 would be protective. I don't know about the 14th person who is not before us. Again a lunchtime for you and in the 2nd half my brother will take up and it give you everything and all sort of experience; he has a good experience in the field. Thank you.

Hon'ble Justice Sunil Ambwani: - We will be back at 1:30.

SESSION 3: Attending to the Needs of Inspection Teams

Hon'ble Justice Sunil Ambwani: - it is very well known that all care is taken for the inspecting teams when they arrive for inspection just as audit teams. Good breakfast, lunch and everything and that care is also given to your teams to make some preliminary inspections. But many a times clever persons who are there they tried to hide things from you. And it is the inspecting team intelligent enough, they focus to the problem to the issues which are looked into. They have the understanding of the working of the district Court, then there is nothing which can be hidden from them. What is important is that there should be appropriate rules in place, there should be proper item wise itinerary. There should be curtailed the questionnaire in which each item should be addressed and with an insight how the system works. Then all the details can be taken care of. My experience is that the inspection report is to come as a High Court judges. Most of the items by way of questions in the questionnaires, whether special casual leave is granted, whether copies of general rules are available etc, all these things. All these answers used to be yes, yes, yes, yes, yes. There is no comments. So in most of the inspection what happens that either yes and in 20 or 30 items there will be only one to show the application of mind that this something is required to be done. Now as a High Court judge I was completely lost to what to do with this kind of reports which are all compliance reports. Where we all know that there are so many things which are lacking and it should be taken care of. So what I suggest we would put it in discussion that what should be the form of questionnaires. Whether what and why if these are the question of forms then answer will be only in yes, yes, yes, yes. And then what happens is sometime the inspecting team things it is nothing to do with the because we have now highly sophisticated placed management system called Court Management, case Management and case flow Management. The Court Management we have discussed earlier the infrastructure, budget, building, compounds, properties, library, nazarat, record room, copying departments, for each there is a questionnaire provided but what is missing here is judicial process. Normally it was further that judicial inspecting team has nothing to do with judicial matters. All that the matter is between the district judge and the subordinate officers as what is the pendency, what is the pendency of old cases, how many adjournments of person is applying, what is the manner in which he is taking evidence, whether there are any undated cases, whether the long adjournments are given, these are not the parts of

the inspections. I don't think that any of the High Court provided this to the inspecting team and object of making inspections to find out these. What I believe is that the inspection should also include. Because what happens is that, I came across a case where a judicial officer. I was acting Chief Justice in the Rajasthan for about 18 days. He called for the records of few selected judicial officers and spoiled it saying that integrity is lacking. They filed the representations before the district committees that were rejected, went to full Court rejected. Some of them are pending before judicial side, some of them did not know what to do. They all have representation, I called them, each of them have pathetic story. There is no material on it says that integrity is lacking. Integrity is that entry which is very vague. Now thinking is going on and I think that Supreme Court will throw the guideline from judicial side as to the integrating lacking means that material should be indicated. Otherwise the whole carrier is destroyed on the subjective opinion of the officer who is giving the entry. I'm just thinking out of box if I have these inspection reports of these Courts, the manner in which he was discharging the judicial functions, what are the opinions of the lawyers and the litigants about him as the Chief Justice I would have reversed the entry. So these inspection reports are very valuable for the judicial officers also for those who are performing the duties very well. But then how to, there is no system nor there is so much time for the inspecting parties, the of 40 judicial officers to go into the judicial work and make any comment upon it. This is the debatable issue whether the inspection includes the judicial work also. Not the opinion whether judicial officer is doing excellent work, very good work; at least in this much that he has taken care of old cases, he did not grant any unwarranted adjournments, he has a good control over his cause list. If these 3 factors would tell a good story about a judicial officer. Now we will put it to discussion whether and then some of you are working as registrar judicial, some of you who have given an additional charge as registrar inspection. So now as a registrar inspection we would like to know from you what difficulties you've felt that should care of this topic attending to the needs of inspecting team.

Participant:- It has been seen that whether old cases have been given priority and inspection is done in this regard.

Hon'ble Justice Sunil Ambwani: - Anymore High Court who is taking care of old cases

Participant: – One more aspect is been seen my Lord that whether the judgment is being delivered within 15 days or not. If there is a delay judgment then suddenly there is a fault in a judicial officer.

Hon'ble Justice Sunil Ambwani: - In any of the High Court whether these notes are made about the judicial work.

Participant: – There is a general remark they make about the work of the judicial officer. In Rajasthan High Court we see the disposal of old cases.

Hon'ble Justice S.J. Mukhopadhaya:- Let us see from another angle. The topic is need of inspecting team, attending to the needs of inspecting team. The difficulty will come on latter on, let me know what are the needs of inspecting team, then the question of attending will come. Needs for inspecting team. What are needed for the inspecting team? Let us point out 1, 2,3 or 4. Number one a team which has variety of people a PA which is having a knowledge of computer, who has knowledge of taking out the copies out of the printer, who has the knowledge of taking out the photocopy because everything is confidential which cannot be given to the office for the purpose of taking it out. So now days printer, photocopier is the need. First of all at the which has knowledge of this. One person. Another person who has a knowledge of finance, an accountancy, a 3rd person who has a knowledge of noting and drafting because language is a very critical thing which is to be given for the purpose of the team. For a head who has really edge and ensure confidentiality and have a command over the team. So 3, 4 persons are needed. First of all the all the expertise from all 3 different fields. A person having good English knowledge, who can write a good English. A person who is good PA and can operate the computer, laptop etc. to do everything. The 2nd thing a person from the Finance side. 2nd what are the requirement. People, pen, laptop or computer then printer, now days there are printer with modern facilities that is required. Third thing they cannot jot down everything. They have to collect copies and that collection of the copies they can ask everybody to put it in the pen drive. You have in your court number of cases disposal etc you have prepared. In his court he has prepared, in his court so and so prepared for taking all those things. So these are the basic things which are required for the purpose of inspecting team. Now the inspecting team when goes and inspect there are various

things. First of all are they supposed to write the character role? If the inspection is by PDJ the PDJ is supposed to read the character role of the subordinate officers and some staffs. Like the senior division and junior division may not be DJs. Brother has raised a very important question with regard to integrity. So first of all we should understand the difference between honesty and integrity. Whether an officer is honest? That another question is what about integrity? Integrity cannot be marked as A plus, B plus, C plus. Integrity cannot be average, integrity cannot be very good or good. Integrity is either doubtful or beyond doubtful. Lacking integrity brother is not a correct language. There cannot be integrity lacking. Either it is doubtful, everybody has integrity either doubtful or beyond doubtful. Honesty may be lacking. A person may not be honest. And honesty has a different facet. A person is taking bribe is dishonest. A person who is getting the judgment written by the lawyer is dishonest. A person who is delivering the judgment on the face of the lawyer is dishonest. A person who is granting bail because of the cast is dishonest. On political pressure somebody is passing an order is dishonest. So dishonesty is not only and there the dishonesty has a nexus with the integrity. There dishonesty has direct nexus with the integrity. And integrity is once if somebody understands you cannot give the reasoning for doubting integrity that is the Supreme Court judgment. If you give a reasoning then it is a matter of departmental proceedings. Then there is a charge. A charge sheet is different from integrity doubtful. Integrity doubtful is the opinion of the judge about the concerned person and at best if it has been asked that why who have done integrity doubtful then they can show documents not to be written. For example he was posted in such and such Taluqa, these types of complaints. Posted as such and such taluqa again similar complaint. Posted in such and such taluqa again similar complaint. On the basis of different complaints, how we person's corrupt cannot be decided as there is no evidence, it is a perception in our judiciary. And upon perception you cannot proceed a person that who have taken bribe. We cannot initiate proceedings on the ground that judgment is wrong. The judgment is wrong and he is only granted bail, the only granted acquittal. It cannot be done. But certainly passing similar orders, I have seen I'm talking about a High Court judge I am not talking about the subordinate or district court judge; in all matters period undergone one day, period undergone. Punishment for 5 years period undergone one day, period undergone.

Punishment for 2 years period undergone for 2 days, period undergone. So the judgment which show is mental sort of understanding of the law. But it cannot be stated that that is dishonest. Therefore if somebody is writing about the integrity please before writing doubtful be sure that there are certain things in your hands and merely on perception it will not do. So you may not like the reasons but the records are attached. You may attach the records to justify it. I give an example of the judge. A judge in Jharkhand about whom it was reported that he does not write the judgment and the lawyer was writing the judgment. Thereafter I called him, I asked him to write one application for leave in English. He was not in a position to write an application for even of one page. I said that write 4, 5 lines because of marriage of my sister also and so I want leave. He was not in a position to write. Then I have shown him a judgment in English and written by him. A very good English. I said these are the complaints that these judgments are written by lawyers and you are not in a position to write two lines of English. So simplicitor I have noted this and then he was dismissed from service. Certain things should be kept on records. For writing a judgment you may not write the reasoning for holding him doubtful but that there should be certain things which should be kept under record so that whenever the superior will ask for then you may say integrity doubtful and records are attached. Now what types records are attached so that it for you as there may be various things, various factors which may come to your notice from which you come to a conclusion. In any case it is not the work of the inspecting team to say doubtful or not. But certainly what the brother was showing from the questionnaires, no judge is going to look into the inspecting reports. This much of reports or even 40 or 50 pages report I as an inspecting judge will not go through it. And when I would be talking to Chief Justice, Chief Justice will say what isn't there dek lo bhai, kya demand hai, kya nahi hai. And then I will be asking my PA find out what is there. So need of the inspecting team is also to look into the inspection then submitting the report. In the bold font are highlight that is are the deficiencies first A, B, C and D. Highlight the page so and so. So if you highlight the deficiencies then inspecting judge can see that in one page 5 deficiencies are there. Then highlight another page the things which are in order. These things are commendable, disposal is very good in this district, so and so is very good, so and so is very good.. So if the gist prepared of 2 or 3 pages in the bold font then judges will look into that and then they may refer to yes what

are the shortcomings then you may refer yes it is at page 100. Am I clear and it it will be marked by the P.A. ki kya kya chahiye about the deficiencies. So these are the various things, how you would be writing an inspecting note is a very big factor, your 20 page letter will be of no value but you're one paragraph letter will be of much value because of clarity. Because of paucity of time by everybody. I don't know how many of you would be going through the rules and questionnaires. In my High Court I have 2 pages I know that if the about 20 pages in Allahabad High Court then what I will do. I don't want to look into that. The general mentality of us is to come to the gist and to the point. Same mentality will be there when your report will be there. Same mentality will be there when your remand will be there. Therefore we should always try to make it very concise. Detailed documents should be preferably in the enclosures. Disposal of judges to be in the enclosures, but if you enclose 20 pages then reports will be this much. But if the report is 10 pages and enclose is hundred pages nobody will mind and it should be specific. So whenever the question of the needs of inspecting team is there. You must see that the inspecting team must be first of all told about various things. Second thing try to avoid giving extra benefit beyond the permissible limit. That means if he is getting some allowance do not give anything additional for the purpose of inspection in your Court. Because everybody in your Court will try to be the member in the team. Because you will the dada, because you will be the boss. And you will be ruling others. Report mai khilaf lik degae. You don't know what type of people are there. I have seen a head clerk of a district judge is threatening one additional district judge I will get your character role and I will see and the subordinate CJM and magistrate and people are really saying kease hai bede babu, how are you? Because he knows he will simply fill up and district judge will simply sign. There are people. Do not leave it on others. So whenever we are talking about the needs of the inspecting team. When you right character role please be cautious about the integrity part which my brother has pointed out. He said as Chief Justice I have to alter. Therefore the integrity and honesty is another part. Please give good marking those who are really good. Instead of killing bad people first highlight those who do not make. Be best, worst and average. Don't equate them. If you make a class between them. A class of excellent officers and a very good officers and another class of average officers that would reflect. A class of employee who are excellent and in the class of employee

who are very average. Because average, average, average at the age of 50 years may be a person who may be removed. Therefore the inspecting team should not only highlight the need of the Court, should also highlight what are the defects that is to be cured or removed. Now I will be asking you, you give your suggestion that these are the needs which are to be also noted down. Number one. And these are the requirements of the inspecting team for the correctional measures. Please add to it. I have just given a general picture. But you give the specific instances if you want to make it. No, what is the need of the inspecting team. Yes. Attending the needs of the inspecting team. What you will be attending. We're going on the line that Mr. Mehrotra has given to me. Attending to the needs of the inspecting team.

Participant: – Place for sitting

Hon'ble Justice S.J. Mukhopadhaya:- Place for sitting, so to write Confidential report separate room should be given that are saying. All right. Next. Separate room place. Then anybody else... That we have already pointed out. I have pointed out one P.A, knowledge of computer writing and other information technology savy persons. Second the person who have the knowledge of finance and accountancy. Power a person who has the good knowledge of writing English, paraphrasing English. Fourth a very strong personality should be heading it. Add to it. Add to it. Yes.

Participant: – All records, access to the records

Hon'ble Justice S.J. Mukhopadhaya:- All records, access to the records. All right. Next

Participant: – Access to all sort of information

Hon'ble Justice S.J. Mukhopadhaya: - Access to all sort of information. Regarding section then infrastructure then requirement they will know the requirement to make the information available regarding the requirement of staff, requirement of infrastructure, requirement of the chair, table etc. Yes, library books. Give the specific answers because you will be preparing it and you will be giving it. It is for the circulation of all the High Courts. Whether the High Court is accepting or not our job is to give suggestions. National Judicial Academy will say that after deliberation of these people these are the common things on which they have deliberated that these are the requirements. It will be forwarded

thereafter then the inspecting judge may look into if they want they may change and incorporate some things.

Participant: – Interview of the staff should be there

Hon'ble Justice S.J. Mukhopadhaya: - For what purpose

Participant: – For style of function

Hon'ble Justice S.J. Mukhopadhaya: - Style of function you know. My staff. I am just telling you. I am a district judge I have my staff. And he is another district judge, he has his own staff and PDJ will have his own staff. Now how PDJ will be knowing how is my staff and his staff. Therefore every DJ and PDJ should be asked to give their opinion with regard to their staff's. Opinion of all judges are required about the respective staffs then the staff was be under the control. If you know and your staff knows finally you will be giving your opinion then they will be giving you salute otherwise my district judge and you are nobody. My PDJ. You cannot transfer me. So there should be report from every judicial officers about the performance of their staff, integrity, honesty and the performance of the staff. PDJ will write but opinion of the judges should be taken because otherwise you will not get power. You will get power only when certain power is given to you then they will respect you. Yes. Next. Anything else you want to add. You are telling something

Participant: – Bar

Hon'ble Justice S.J. Mukhopadhaya: - Inspection has anything to do with the Bar. If Bar Opinion is taken I think it may it be good. The High Court Judge may take the opinion but I don't think that PDJ or Judge should take any opinion. They are watching. In one of my court I know I am with bail matter. I am speaking in English and my staff does not know English but he know lips reading. So the moment he reads the bail granted 20,000 to surety and 25,000 to surety. He goes outside because lawyer will come he will give a salami and Rs50. It is known to the judges. My peshkar, whatever is given is known to me. From bringing the file from the trail court to Appellate court, how much is paid is known to you. Which staff does not take money is known to you, still lawyer will not complain. When lawyer will complain when his charge was Rs. 50 now he is asking for

Rs. 150. He is very agitated. This is the common feature in the Court. There are many things in which you have to close your eyes. You cannot eradicate hundred percent. I am telling you when he frankly. You can take quarrel with everybody. But still to keep them within the control, opinion of the judges are must. Your opinion should prevail over the final decision making of the PDJs when you will be writing character roll. Yes madam you want to add. Yes..those who were lost will never say you are a good judge , those who were won they will say he or she is a very good judge and opposite party may say that he has paid money and therefore got the judgment. Therefore don't go for the opinion, public opinion we our not of the leader's to get public opinion. Yes. And that is the reason we are preparing this. You just see that there is a noting down in general. It can get it typed and can be handed over tomorrow evening. Alright. You get it. And third day I find formulation of questionnaires. Now what sort of questionnaire will be there? Some of you can decide among yourself that you Are thirteen and say you may make different groups. They may formulate the model questionnaire and formulate questions. Whatever the other discussing now. And the formulation of mode of questionnaire which will be by the registrar inspection that this High Court and which will be by the PDJs and DJs in charge. They may be common in some places and will be different in some places. And if you formulate out of that we can take out and sent it to the high Courts.

Hon'ble Justice Sunil Ambwani: - In Allahabad recently the questionnaire is being prepared which is given to you in the compact disk. There are 23 items and in each item there are questionnaires of 15 or 20 or 25 or 30 questions. Now these questions broadly gives you an idea what to have proceed during the inspection and what you have to make in the report. And if you want to add something to it you can do that.

Hon'ble Justice S.J. Mukhopadhaya: - Whether I have one person in suggestion that is my view. There should not be hundred questionnaires or 30 questionnaires. Number one. There can be 30 guidelines, what are to be looked into. These are the things which has to be looked into A, B, C,D. Or 1,2,3,4 etc. 30. Questionnaire should be such which should be very specific and minimum. My disposal, my behaviour in the Court, my behaviour with the lawyers, my behaviour with the superiors, my behaviour with the junior's, my honesty about, my duty, about my disposal of cases, about my standard of

judgment, about my quality of judgment, about my number of judgments. So questionnaire will be practicably a data collection. Not an opinion of a judge. Yes, yes, yes, yes. Is he good? Yes. Is he bad? No. Is he so and so, not like that. It should be very specific one about the conduct of the person. Or specific questionnaire with regard to need of the, what are the infrastructure need, about the building number one, Court room so and so, so and so. Then what are the need about the infrastructure need. Then you will be saying need about the furniture's and furnishing. What are the needs about equipment's like computers etc, etc. what are the other needs of the Court rooms like lights so and so, so and so. So need is to be put in a different question; that means infrastructure, furniture, lights, renovation of courts etc. Requirement of a staff should be another one and there also class III, class IV which type all those requirement. Knowledge computer knowing, sweeper or so and so. Similarly the question there with regard to.. So one will be questionnaire with regard to the conduct of the staffs and the officers. One will be with regard to infrastructure. The 3rd will be with regard to the renovation and other things which is required to be included like furniture, tube light, lights, LED bulb, generators, inverters whatever may be required. So like that I prefer separate questionnaires or ideas. And the list what are the things to be noticed. It should not be what is required. It should be requirement of so and so need. Requirement of infrastructure table so and so, the chair so and so. So they can give like that also. So that when the budget will be prepared. Budget will be prepared taking into the consideration of the need which are been shown by the inspecting team. What happens that suddenly you ask for chair, table etc and you'll find that there is no fund located? You ask the government, the government will say no you have not asked for it. When it is required to prepare a budget at that time actually nobody looks into that last year ka iktna hai, increase 10 percent. This is how the budget is prepared. Nobody looks into that whether my staff who are sitting that there chair is required to be replaced or not. Whether they require a better table. Whether racks are required for the purpose of running files, whether there should be a cabinet or not, whether there should be other facilities or not. So all these things if they are reflected in your report then it will be very easier. So you can say initially for the budget purpose, the requirement of so and so page so and so, the requirement of so and so page so and so, the requirement of so and so page so and so,

so budget people will know that I have to take into account these things for the purpose of preparing my budget. Now I am asking one question to you. Then the inspecting judge comes they bear the cost of the food. Who pays for it? A very blunt question. Who pays you know, I am inspecting judge, in charge judge, I am coming for inspection as a High Court judge with 5 team. 14 or 10 scot people and if I have a Chief Justice then my registrar general and other officers and staffs will come will pay. Judicial officers. All right. I was Chief Justice in Gujarat high Court. Mr Narendra Modi was the Chief Minister. I came to know about the farewell etc judges are contributing and party is given. I told with the Chief Minister Mr. Modi you have given us party. He has given a party to the judges and other so he comes to attend it, he was a Chief Minister, and he should attend the party. Are you paying for it or not. Why you are asking this question? Who is paying for it. Should I contribute for my food. Why you are talking.. I said who is paying for it. It was said government. Then why you're government is not paying for our High Court. Why judges are paying for their food, when we give party then why we will be paying from our pocket and you will be not paying from your pocket. You have never demanded. Okay I am making demand 10 lacks annually. Please make a there that for sumptuary purpose to entertain the judges whenever a judge will visit they should formulate the scheme like that in Gujrat 25000 should be released by the government for the visit of a punie judge and 50,000 should be released by the government whenever it will be visited by the Chief Justice of the state or a Supreme Court judge. Please make it in the inspection team and ask Gujrat. They will supply the government order. Otherwise what will happen either the judge will pay or judge will ask the pechkar you collect it. A Peshkar will collect from so and so. Sahab keh rahe hai 500 rupee collect katke dejea. He collect it 50, 000 rupess. He give 10,000 rupees. 40, 000 rupees he will keep in the pocket. These are the basic factors we forget. Please note it down, if you have no objection. This is my suggestion but I need your help that it is your suggestion. Yes. Anything more. Yes.

Participant: – In the last day the Principal district judge himself the takes the round and he inspect.

Hon'ble Justice S.J. Mukhopadhaya: - It is from state to state I said in Patna we use to go and sit with the judges just to watch the proceedings. But all the time I come to know

from the district judges, they say sir one visit is mandatory. One visit in district is very essential. Why? If you visit once many things will get proper. If a judge do not to visit once in a year things remain the same. Otherwise out of 100 they will take two matters or three matters which can be taken as correctional measures.

Hon'ble Justice Sunil Ambwani: - In Allahabad sir we are very dynamic to court managers. Now they are not there scheme were discontinued. They propose the software of the Central information system in the High Court. They said that hundreds of reports are submitted to the High Court and in the Chief Justice wants one information then all hard copies are searched at various places and ultimately to compile it takes sometimes weeks get it done. What they did was they proposed, it was not installed. Where the specific information will go in the computer in a proper place. Hard copies will be maintained but now suppose I tell you I got a problem in Allahabad, I was computer center in charge and chairman of computerization committee. We found that in certain districts the computers were reporting lot of faults. They did not know whether earthing has been installed there. Every time there was a demand that hard disk has been burnt. This computer is not working. Later on it was found that the NIC has taken the project and HCL was required to install earthing and in fact earthing was not there. So the computer system is continuously running in defaults. Now see in Allahabad the inspecting team is required to give a 26 point information on the computerization programme and video conferencing in part 21. Now one of the item 8 is that the earthing is properly installed for the smooth functioning of the computers hardware. Now the inspecting report was that if earthing is not properly installed and with this information is available in the information system. Within minutes the faults can be found out. What I mean to say that if we have Central information system like computerization committee doing a lot of job. Now in this very information sheet. The one information is not included whether all judicial officers are given laptops. In other information which is very pertinent information here is now 4 times the ubuntu version has been changed and every time a new version is changed, new training is required. As our how many officers are have been trained in ubuntu version 12.04. Now this will also tell us by a click of button sitting there from your reports as whether the officers are trained in ubuntu version or not or how many are trained so that we should send a training team there. What I mean to say if the accurate information is

available and if that accurate information is uploaded by the districts on Central information system. So what I would recommend that we should have the MCPCB, the computerization committee at the Supreme Court taking up the matter and preparing a software where all these reports are not only uploaded but item wise they go into the columns of the districts so that by one glance one can know. Now see that what happens one of the matter was of juvenile justice. In juvenile justice you cannot punish a person beyond three years and after three years the case has to abate. Now thousands of cases are pending which are more than 3 years old. You cannot punish, you cannot get into the trial, you have to abate the trial. Now from the inspection report it can be found out how many cases to be directed to get abated straight away. From this information system it is also; now say library, it is a small thing but very important thing. Now each of the judicial officers have got the computers, laptops. Now all of them have been given this password of either it is AIR or Manupatra or SCC. They are not using it. Even library does not have it. There is no column in the inspection report whether e library has been set up; how many officers have actually taken and are using this. What I mean to say that if the information is accurate they can be improved from the material to be provided by. This information would be a very valuable information. Entire budgeting can be based in one day by your finance officer sitting, the registrar budget sitting in your High Court as to what the requirements.

Hon'ble Justice S.J. Mukhopadhaya: - For infrastructure etc. you have to make it specific. Apart from the computers etc. the addition should be all the facilities of the litigants and the lawyers as given in the High Court. Because there are chaos. There are various high Courts where you'll get immediate information, there are filing centers where you, whether it can be filed. The list can be taken. The print can be taken out. So all those facilities which have been given for the litigants and to the lawyers, that should also be demanded.

Hon'ble Justice Sunil Ambwani:- There is a column that whether services which has been obtained through the computer information system are initiated and with what services are been initiated through the computer information system

Hon'ble Justice S.J. Mukhopadhaya: - Now for example judgment. Now many people is downloading the judgments.

Hon'ble Justice Sunil Ambwani:- Computer copying system is there. See Allahabad had endemic problem of coping. My Chief Justice asked me I was sitting with Justice Kartju, which is one thing which you like to improve immediately. I said Sir copying. What is the problem with copying? So there were two deputy registrar copying civil and criminal. He called both of him. What is the pendency? The pendency is 250 someone said 450. I said Sir let me ask them one question. Suppose I have to order a judgment. There are two modes one is ordinarily and other is a urgent. And if I don't spend more than Rs.15 which is a fees how much time it would take me to get me a copy. They started looking at each other. They don't have the definite answer. I said they will never get it unless you pay. If you pay money you will get it. They said that clerks are charging the money according to the requirements of the client. But Justice Kartju has no answer to it but then Justice Chadermoli Prasad came and he asked a question, so it is very interesting thing. He called me and Justice Dileep Gupta. He said you have Court a computerized system. We said yes. We all have computerized system. Your own technical management person. Can you give copies without movement of files. So we said sir we will go back and think over it. And next day morning I could see what our Chief Justice visualize. What he visualise was the moment the order is signed, it should be loaded directly from your private secretary to the central server and then we have to amend with the rules first to give instead of certified copies, authenticated copies of the orders available on our servers. It took us about 3 months' time, lot of Persuasion, lot of threats but to day Allahabad High Court has no pendency of coping. The moment the order is signed within 24 hours in the same working day at 5 o'clock the order is delivered. This is called authentic copy and not the certified copy. And they give the registrar is authorized to give the authentic copy. And this initiated be actually learned from Bangalore from Karnataka.

Hon'ble Justice S.J. Mukhopadhaya: - It is not carbon copy, it is not duplicate copy, it is authenticated copy

Hon'ble Justice Sunil Ambwani:- And it the found later on earlier people were applying for average one day around 2000 copies. Then everything was available on the Internet.

They only apply for those copies which they actually required and half of them they are unloading of the own for maintaining the files. So the result was the demand of copying fell down by half and the time for obtaining the copies and that system is working. That system is also working in the Delhi High Court also very effective and very soon we all are going to have this system in all district Courts also.

Hon'ble Justice S.J. Mukhopadhaya: - Brother you have time and I would be taking leave from all of my brother and sister judges. I have to leave. I have to catch flight. So I take leave from all of you. And many many thanks from my side for hearing all sort of nonsense which I talked today.

Dr. Amit Mehrotra:- Thank you so much sir. I request on of you to please give our hand of applause to Hon'ble Justice S.J. Mukhopadhaya sir. Thank you so much sir. National judicial Academy always blessed to have you and get benefited with these sessions.

SESSION 4: Inspecting Records

Hon'ble Justice Sunil Ambwani: - We come to the last session. Inspecting records. The last session my experience is always very boring. Everybody feels like sleepy. So let us make it interactive so that everybody is interested in it. Inspecting records are not of so much to say as we all know that you all are very experienced judges. You all know what kind and how the records are maintained in the district. The only thing is that some of the records are not made available and some of them are not complete. But if there is a prior permission of inspection. Prior permission of 15 days or one month. So that most of the records can be prepared and completed. Some of the very important records are financial records relating to fines, relating to budget, relating to utilization of budget. Some of them are relating to the status of the cases, cases decided by the judicial officers. One of the most worrying factors that judicial officers has is that quota. Some places it is called Quota, some places it is called unit. Most of the judicial officers, these days young officers just interested in completing their Quota. Since 150% in state of UP is considered to be fair and decent enough. So they don't want to exceed more than 150% except the district judge. 200% of Chief judicial Mag sometime goes. Like sales department always worried.

Suppose there given a quota of 125. So they keep a balance. Sometimes we have also see that the trial has been completed but they would not complete because the quota is complete so then pass it on next year. I have no knowledge about these things but I went to Lucknow JTRI, Institute of judicial training and research. The young batch was about to complete the training. One of them came up to me and said Sir one of the greatest worry is of quota. I have said that you have not yet started working why you are more bothered about that. So then I enquire about this there was one senior district judge who was about to retire and was there as a trainer. He scared them all that on your life you have to maintain your quota and you should be very careful. Sometimes the cases are not right, sometimes the lawyer will skip away and you should be very careful. From day one who should start calculating. Whereas the actual training given to them was don't bother about quota, keep working it will completes itself of its own. I may tell you one interesting thing, I used to the represent of the High Court on judicial side in Allahabad for the more than 3 years and was Court counsel representing cases in Court. So he starts different Courts used to come to brief in the cases. I very senior nazir, a very senior Superintendent in Mirzapur, a very clever man. I got all most all my tips from him. Once I asked him how do I can touch a lazy and corrupt judge. He said very simple you his chamber, open the locks, if there judgments waiting for more than one month, catch him, he is dealing with that matters. I said whether it is permissible? He said why while inspecting it is permissible. So I was reminded of that thing. I don't know whether this advice is very good applicable to you to open their boxes and find out.

Participant: – Sometimes the proceedings are in a very articulate manner.

Hon'ble Justice Sunil Ambwani: - Ha, ha, ha. So there are some records which are open, some which are related to, but I have slightly different view than Justice Mukhopadhaya has. I feel that this information that inspecting judge should get in these forma virtually speaks out is makes the purpose of inspections very positive. And if it is feeded in a Centralized computer system it would be of great use. Idea of inspection is in my view is not to find out faults. It is to find out the deficiencies because even best of the district judges would not know what is going on everywhere. Like when I was Chief Justice I sometimes can wonder I know whether what exactly is going on in entire estate. Whether

they know what is going on in my own High Court. In many district judges will need that information is feeded which is brought before you. Many times the information does not come to them. And a lot of things you don't know. So a vigilant district judge will suddenly go and ask for the information and take the rounds and look into other things. But it is very difficult. About cleanliness cases are concerned I would not recommend to you. But since a practice for 25 years I have lot of friends in district Court also. I was made an administrative judge of Allahabad. So I deputed some of my friends to do the spy in the Court, in a district Court. Spies for all purposes, spy for cleanliness, spy for whether the judge completes its work or not. Sometimes I use to give surprise calls to my civil judge junior division, civil judge senior division saying that you are not taking care of your Court. One of your bulb is fused. Then one of the pot has been broken. The cloth which is hanging, the curtain is dirty. Usko samah me nahi ata tha that from where he get the information. He never came to my Court. But that sort one purpose. That one called used to make all other vigilant that somebody is watching from somewhere. That is also the purpose of inspection that somebody is watching. You cannot do everything of your own and you cannot ignore certain important things also. And this is also sometimes when the report comes of a particular district things are not going on very well, then the Chief Justice can call the information from this inspection records to find out. But invariably what is Chief Justice finds that inspection records are perfect. And the complaints are otherwise. But it is one of the ways of verifying the things that are going rightly or not. Now for example inspecting records say library, suppose you go to the library for the inspections. You first like to see catalogue, 2nd thing the issuance register. You would like to see how many books are issued, whether they have been issued for a very long time, whether they have been returned timely or not, whether there are any missing books, whether binding has been carried out properly, whether the subscription of the journal have been paid. But something which I said earlier that the vision of keen Inspector; you can also find out how many old books are lying there, old editions and new editions have not been purchased. The books cover torned off or they are issued for a long time and not been returned. Now in many states the home library is also issued to the judicial officers. In our state UP we got unprecedented grant of 6 crores of rupees from the state government for home library. So be constituted a team of 4 senior judicial officers who

see the books which are actually needed for judicial officers. We issued them about 58 volumes of essential books which the officer will carry wherever he goes. It is his personal library. All numbered, discounted price quoted. Suppose he loses he can just deposit the money and buy it. By the time of his retirement he has to submit it. But since that is also the library of the court in the hands of the officer, that is not included in inspection. So that also should be there or a declaration by the officer concerned as to how many books he is retaining and then you can also say that new additions are come which can be added.

Participant: – On line access is given.

Hon'ble Justice Sunil Ambwani: - On line access is given to the officers but they are not using it. You find that although they we have trained almost all the officers and was very critical of this training that it was taking lot of time of the judicial officers. Now we have trained judicial officers. But they are not in fact using the computers for a variety of reasons. One of the initial reason was that when the first computer was given Justice Baruka of Karnataka was there. Simple computer without multimedia was given. I said if he want to watch the movie or listen to the music, it is the part of the usage of computer. If you want to make him computer savvy give him these things also along with Internet. No, no, no it is for the official work. It is only for the purpose of typing. Now every officer has installed multimedia on it. They are not using it and everybody has converted it from open source to windows. Very simple partition and it can be done. But at least in my age I find it very difficult to read on computer. Book is much easier than.. All of you are 50+ and all of you are acting more salary in reading books than reading in computer. But then young are not using. So one of the very important thing is that why they are not using it. Don't blame them for not using it but one has to see that actually they are using it or not. We have the compilation of the officers actually using it. Now you have given them digital signatures. Fine. I don't think that anybody in any state except for Bombay and Delhi are using digital signatures. The digital age is coming very slowly in judiciary. One of the problem with computerization in judiciary is that every state is although a common programme but implementation in the state is gradual and at its own speed. They are getting upon the adoptability. Another thing which we miss is the ADR inspections. In ADR we have arbitrations which is actually not in the Court. The Court give matter of the

arbitration and the matter goes out of the Court. But mediation and conciliation are done in Lok Adalatas. There is one more ADR which is known as judicial settlement. That nobody knows what it is. It is there in the statute book section 89 Chapter ten. But judicial settlement neither has been explained by the Court, Supreme Court so far not know one tries it. Whether it is permitted in the judicial system or not .That is still to be explored. But the ADR centers which have been set up. 13th finance commission came gave one crore in each district will set up in ADR centers. But they find it that when inspection takes place that this ADR is totally dark. How many persons had been trained, how many persons are working as mediators, whether there is staff, what is the infrastructure of the staff, how many cases are settled, what are the kind of cases which were settled, what fees was given to the mediators. This has to be updated. Again my own experience I don't think that the inspecting records has much a problem in the inspections because whatever you ask for it you get it. But you should know what you should ask for. What I believe is when you go for the inspection use should do a little homework. Homework means you have to see the previous inspection report. What exactly you have to look for and what were the impressions. There are 3 category of information one is simply statistics, and another is deficiency and third is your comments, observations and opinions. So the first part get it filled up by your team members, they can take the data and fill it up. There are some information and inputs which you should take interest to fill up and judicial officers or Court officers happy to share with you. Third is your opinion. I also believe that so far as infrastructure is concerned, equipment are concerned you should give your recommendations separately so that they can be incorporated in the annual budget of the Court. Because the budgetary exercise is one of the sessions here, a long serving registrar budgeting or registrar general he was very critical for the preparation of the budgets of the High Court. His name is he is retired...

Participant: – Chauhan sahib

Hon'ble Justice Sunil Ambwani: - Chauhan. He gave almost half an hour lecture, a very laminating lecture that how to prepare the budgets. And he said that exercise of preparing the budget should begin immediately with the receiving of the previous budget. And it should be prepared into several periods. Demand should be laid and received before July.

Budget should be there before September. After September the budgets are sent to the assembly. Then only the supplementary budgets can be prepared. So what I believe that inspections are very very useful for preparing the budgets. There is a whole some inspection regarding the infrastructure, equipment's and other demands. Then the budget can be prepared in time and can be placed before the High Court and before the state government. As a Chief Justice I also found that budgeting it is a very.. area where lot of emphasis where given and the Chief Justice also relied upon the registrar budgeting and the financial sections. So unless the Chief Justice is very keen on finances we ultimately lands up on the situation where many things have to be done and the meeting of the registrar general with the finance secretary. The finance secretary will always come up with the plea that who have never asked for it. It will go only by what you are asking. So this report is very useful in preparing the budgets. Specially budget for infrastructure, equipment's and other things. Many items are virtually they are not asked for in the budget. But in fact Mr Chauhan has explained that even heads can be created if the request is made. Many times the asked for computers, they don't ask for computer stationary, we don't ask for money for cartridges, they don't ask money for the paper, they don't ask many for pendrive, they don't ask many for traditionally for ink, nobody uses ink, but we use sometime. So there should be focus exercise for preparing the reports and for that you can enter in to a sort of consultation with your registrar budget also. It might be said that last year we give you this much and you don't use it so why to give this time. But if you give the justification there will be no harm and it may be clear. So registrar inspection reports for the budgeting with expenditure as why the previous budget could not be used. These are some area which is to be clear if you sit with registrar budgeting. What I find inspection report of there but no conclusions. Nobody works once the inspection work is carried out and report is submitted. Then the compliance takes 6 months. Another 6 months then the district judge case asking at what time, at what time, at what time. It should also be the job of this Registrar inspection that once he has prepared its reports, he should have another fresh look on it that which are the compliances that has to be made and some of the compliances which has not been made, why it could not be made. Many time it has been seen that the district judge and the time of compliance is being transferred just before he used to spend the money. Then in time

and expenditure also make problem. I remember photocopying machine has to be prepared cost about 40,000. He did not have 4000 thousand. So he promised with one vendor I will give you 40,000. And said will give 20,000 next year, please repair it. Next year 20,000 never came and machine also never came back. These kinds of problems are going on in the system. But if proper explanation is there as to why the money is not been spent and how is to be going to spend in the next year then the things will be easy. Now I keep the session open to you. You can either address me or each other. And can tell any of the issues or problems which come across or which you want to make. But I tell you a very boring thing which normally the Chief Justice would not look into because we have various problems to handle.

Participant: – Manupatara which is provided by the High Court's we get free.

Participant: – I have buyed personally

Hon'ble Justice Sunil Ambwani: - The best search engine is Supreme Court cases, SCC but very expensive.

Participant: – That has been provided by High Court.

Hon'ble Justice Sunil Ambwani: - Some of the high Courts are generous they are providing SCC.

Participant: – So far as inspection is concerned, finance aspect is concerned, we look into the budget preparations and those things one must have the accountancy background also. Not judges. I came from the science background.

Hon'ble Justice Sunil Ambwani:-You can sit with the registrar budget. But if you are focusing on one particular accounting people are very fast. Justice Chauhan was suggesting that in every High Court there should be a training by the state government those who actually look into your demands as to what manner the budget should be prepared.

Participant: – State academies should also a part of the training

Hon'ble Justice Sunil Ambwani:- So far as the State Academics are concerned they are not very well equipped but they have asked they can certainly provide training specially for budgeting.

Participant: – With regard to inspection in every Court from civil judge junior division to the senior division, every Court should be instructed to the inspection of their Court and submit the report to the PDJ's. Through that most of the shortcomings should be sorted out. Most of the and not all.

Hon'ble Justice Sunil Ambwani:- Most of the states are inspecting and you find in the ACR forms, whether the inspection has been made regularly.

Participant: – Yes inspection is done

Hon'ble Justice Sunil Ambwani:- But that the inspection is of limited purpose. But bias for how many files of there.

Participant: – Annual inspections are required to be made.

Hon'ble Justice Sunil Ambwani:- Physical verification is one issue which is very difficult. Problem arises when the Court changes when you have to handle the records. The other will not take unless he counted the finance. Sometimes it finds that the file numbers are very high.

Participant: – Sometimes there are no question of handing over. Like in transfers.

Hon'ble Justice Sunil Ambwani: - That is dangerous because if some file are missing then. See Allahabad High Court has largest number of pendency, largest number of pendency. 9 lacks 75,000. In 2007 and 2008 Justice Gokhale was there our Chief Justice. So he was going to the Chief Justice conference. He has been charge of pendency. He asked to the registrar what is the pendency. He said 9 lacks 20,000. Computer section said 9 lacks 75,000. Nobody was able to explain. So he enquired and made a committee sought of this anomaly and discrepancy. He called upon the concerned officer of the sections. It was said every day be provide you sheets of computer records about the files, you verified from your facts and particular sections. The senior officers of the Court they are not showing any reactions to that. Two, 3 days we have discussion with them. So

finally he ask them what is the problem. They said sir aesa nahi ho sakta. You don't know what are ...in the records. We have to bring down each file from the rack and we will counted. We have to put us seal in the file as physically verified. The give the sheets to the computer section let them verify over there. And then we found out it was misfed. From there the problem arises. The first problem that came file is disposed of, the restoration application is file and file is lying somewhere else. Two files were connected and were never send back to the original section. Same time bunches are made and are not send to the original section. Same time bunches are made of 50 cases or hundred cases and out of that 50 are decided and 30 are not decided still they are lying in bunch. So it took us one full summer vacation. All of us gave up summer vacation. One of our judge he is registrar there and he is virtually sitting from 10 to 4 in summers sometimes taking out his shirt. All the files are brought down and all kind of discrepancies were sought to be removed. Then it was found that computer section was wrong. In fact the pendency was little more than what registry was telling us. Now that exercise is recommended after every 5 years but that exercise then never done. It is a very tedious exercise. That should be done by every Court. Many times Courts try to hide the files. Maybe 3 days before it was said to another Court and it was tagged on. It is there in the Court premises but you don't know the location. And the lawyers keep on complaining against the system. Litigants were mistress is about the system there the file is because proper records are not maintained of sending the file to another Court. Physical verification is I think is very essential at least before handing over the charge.

Participant: – Like private concern every year physical stock verification is there and required.

Hon'ble Justice Sunil Ambwani: - Every year

Participant: – In Bombay High Court it is compulsory for every judge verify its own file.

Hon'ble Justice Sunil Ambwani: - And a certificate can also be obtained that I have physically verified all the files and certified that such number of files are available.

Participant: – There are many high Courts where there are different posts like the registrar inspections. In some high Court there is no post of registrar inspections. District

judges are fully empowered to do the inspection. They have powers and jurisdictions. Now the question is where there is really a need for separate post of Registrar inspection while in existence of the registrar vigilance also.

Hon'ble Justice Sunil Ambwani: - There is a need. Reason being, 2 or 3 reasons are there. Because district Judge do not what record requires. Many time High Court requires more information, inspections and verifications. District Judge many a times in order to protect his district and officers would not like to highlight those deficiencies which are coming. Which are either created in his period or continued for a long time. So registrar inspection is absolutely necessary. And one more thing I am telling you. High Court judges don't know what inspection is accepted those who have been district judges. They have no idea. They just go and try to show their authority. And a district judge make very easily fool of them by not providing all the information them. So the registrar inspection in fact aims the to understand the High Court judge what is the purpose of inspection and why it has been held. It is not a routine exercise. It plays a very important aspect for future. For statistics, for planning, for future, for infrastructure. Again in one of the Courts I was just in Pune, So in MG road there is a Magistrate Court in cantonment. I sense are watching the proceeding, the young girl conducting herself very well. But I see a little problem in her court. In order to protect the records the staff brought Almirahs in her Court room. And there where so many Almirahs that there is hardly any space for the accused or witness. So keep the property record rooms. Like in family Courts. None of the family Courts except in few states have been provided with record rooms. They have to would be relied upon the record rooms of the Court. Now that really create a huge problem because they don't have separate record room. They don't have separate copying section. These are the deficiencies which are inherent in the family Courts since they have sent up. Family Court also have the problem of serving the summons. Because there are 2 types of summons in the proceedings one is 145, policemen will go when the proceedings are under Hindu Marriage Act. One of the biggest problem that we found in family Court was the payment of maintenance. Now the family Court has opened up, before they were very Conservative. They are giving maintenance of Rs.500 and sometime Rs.300. Now to collect Rs.500 lady has to come to the Court every month and spend Rs.50 or hundred rupees to get the money. So one of the judges said that all of

money will be deposited in the bank account. Then the question came that every record should be treated as a separate execution case. I don't know whether that has been resolved or not. Then in some other cases we've found that the bank account was not a proper way. There is one place called Azamgarh in UP. Azamgarh is the ground of all Mafia dons including Daud Ibrahim. Lot of people of Azamgarh are working outside and sending many orders. The money order system is working so well in Azamgarh that Azamgarh family Court says please don't ask me to send the money through bank account. Because we do not have any complaint with money orders several years. So we decided and change of the rule in UP that execution system may be depend upon the discretion of the judge depending upon the status of the family. So these are the areas where the registrar inspection go and have an insight also, to the things are working. Because sometimes maintaining of registers is a huge problem. You order maintenance in thousand cases and every month you have to do make the record of thousand cases... And after the liking of the lady whichever system she comfortable and convenient to them.

Participant: – In motor accident claim also after the award, the claimant does not get money for many months.

Hon'ble Justice Sunil Ambwani: - This is also a huge problem. In Allahabad I was the administrative judge, one complaint came that for 3 months the money has not been paid. So I asked the district judge why that you are not being the money. He said Sir it so happened one year back one fraudulent cheque was encashed. I was in trouble. I said so. So I had made a three tyre system. When the application is made in the MACT Court it will go to the additional district judge one already. Then it will come to Nazir who will verify it and then it will go. I said who asked you to do all this. For one fraud which was played you are making thousand suffer. Pay the many. That one person you catch ultimately by sending summons and warrants. So you right district judges are being over cautious in those matters. But now RTGS payments are made within seconds. RTGS grass collection system. There you have to give IFS code of the Bank. The same day the money get transferred. And that method is been suggested all over the country because directly the money goes into that account of the claimant and the middleman can be avoided. Because normally lawyers receive the cheque and blackmail is the claimant not

to give. That is one area where the money is directed in posted in the account of claimant. Another thing which require serious view is inspection about superdiki vehicles. Many times vehicles are given in superdiki for year's altogether. Many times fines are deposited in view of the superdiki. If it actually take care about throughout the year the registrar inspection should visit throughout the year. What you do in Allahabad. 75 districts.

Participant: – Your Lordship and I am motor accident claims grants, the staff except registering the new matters except for formal work they do not attend the work of Courts.

Hon'ble Justice Sunil Ambwani: -There are some favorite clerks.

Participant: – And principal district judge would not see over this and in the matter of work his assessment will be excellent.

Hon'ble Justice Sunil Ambwani: -Always.

Participant: – He has some justification for there also. All the other judges have to deal with old cases, odd cases, and awkward cases.

Participant: – No he has to go the administrative work

Participant: – Sometime additional district Judge tries to become over Smart.

Hon'ble Justice Sunil Ambwani: -That is the story of all most all the Court. Once as an administrative judge I asked pointed out 5 to 6 staff's and said to rotate them. In the evening I see the phone calls of 4 to 5 High Court judges. That what you are doing. I said it is none of your concern, I am not interfering in any district, I am just transferring them from one seat to another seat. Neither suspending them nor taking any power. They have their roots so wide.

Participant: – It is very difficult to transfer even a peon.

Hon'ble Justice Sunil Ambwani: - My view is that unless there is no ethics the bar or you control the bar. You cannot remove the ills of the judiciary. You said that judges should be accountable. What about the bar? Justice Mukhopadhaya said that some of the lawyer said the judges that this man has accepted bribe. So he never went the lawyer's house to accept the bribe. You suspend the lawyer from the practice from Bar

Counsel, I will suspend the judicial officer. You ask and in all these things, you are corrupting the judges. You have no right to enter into the profession. Then only they reached Rajasthan I found the situation was so horrible, so horrible; you might have heard the office bearers bully the judges to give orders. Here the situation was so bad that the office bearers get the orders changed. When I came the strike was already 15 days old, it is last for 65 days. The entire Rajasthan was blocked absolutely. No tax Court, no revenue Courts. We have to take a very hard decisions. Thanks to the Cooperation from 14 September 2014 onwards there has been not a single strike. They are on their knees. But if you go on pleasing the lawyer you can't run the system. You can't work without him this is also a fact. But same time there is no need to please them. But it is the open secret that they are the one who drive the system, they are the one who are going to accuse you, they are the one who file complaint against you. They do not know the latest law. They want only one thing that they want their work done and we think that we will able to protect our self and save the system. I raise this point in 2004, I told that without amending the ethics in the bar you just cannot educate the judges and trained them. How good you educate or trained the judges they will always continue to spoil the system. They say I will this matter to bar Council, you can't do anything lawyers are so powerful. My daughter is practice in the Supreme Court, she has joined the chamber of the senior Counsel. She has seen from her eye that lawyer is smoking cigarette outside and said give me the cheque then only I will enter in the Court. He has only already taken 4 lacks, he want 10 lacks of rupees more to enter the Court. There is a making of public opinion about the judges. They are stating in the conference as they are the holy cow. They are the dacoits. You cannot forget the legal ethics of the profession. One of the lawyer called in the chamber. There are four or five lawyers. A very rich client was siting. He was in default of crores of rupees. Several cases were pending against him. The only that they what we're talking about that which lawyer will engage in which Court and nobody was interested in the merit of the case. Everybody is interested that let us take the case with this judge and this lawyer should be engaged.

Participant: – board that And they get everything free

Hon'ble Justice Sunil Ambwani: - Yes, absolutely. Free electricity, free chambers. And that they are always at the receiving end of judges. And now if you see that each and every senior advocate is lined up with some political party. And they all protect their positions.

Participant: – How this problem can be solved

Hon'ble Justice Sunil Ambwani: - This problem can be solved with the bar. The Court can solve the problem. The Court can persuade them to let down the fees. Stop giving them relief. Stop giving the injunctions. 10 or 15 days after they will be back to their feet's. You can say I prefer young lawyer to be heard comparison to you. Next day his game will be over. But some judges also seek favor from them. See High Court and Supreme Court judges are well protected. They have a shield.

Participant: – They can file of false complaint and the judge will be in a trouble

Hon'ble Justice Sunil Ambwani: - You can do one thing what MP judiciary has done. That is the stop giving injunctions, they virtually stopped whoever is the lawyer. I know the judge has not granted bail even in aailable offence. Why can take the risk sir.

Participant: – Ha, ha,ha...

Hon'ble Justice Sunil Ambwani: - Ultimately the litigants suffers. So actually we have to protect our judicial officers. That decision we have taken in Rajasthan and we succeeded and we protected judicial officers. And when I came back I came to know one lacks 74,000 cases where decided in addition. The Court started functioning and lawyers started fear of judges. So judges gave the double outcome. That can be treated as a model for other State. Do you all agree that judicial officer work always in constant fear. Fear of lawyers as well as fear of High Court.

Participant: – I want to share one movement. When the Lordship was Chief Justice of Rajasthan. There was a great strike. Ek lawyer tenant tha ek senior citizen ke makan me. Lamba litigation chala.Landlord jeet gaya, appeal uhi, appeal me bhi jeet gaya.. Uske bad makan khali nahi kiya. Execution proceedings chali. Jis Additional district and seesion ke pass case tha. He issued warrant of possession. Warrant of posseion le ke gaya to kis

pe strike uhi ki advocate ke against warrant of possession kese jari kar diya. Aur ADJ and district session judge ko transfer kiya jae. Ab unka durbhagya tha ki us samay Lordship ne join kiya tha.

Hon'ble Justice Sunil Ambwani: - He was one of the best and toughest judges in Rajisthan.

Fir jya uha ki contempt proceeding ki hearing ho rahi thi. Lordship ki court thi. Fully packed court thi. Advocates sab the. Lordshio ne kaha tha with folded hands ki aap wapas aa jaiye strike se and aap request hamere samne keejie , request hm appki mann lege, demand appki nahi manege. Pehle aap strike call off kijeye fir hm aapki request manege. Lordship ne kaha ki aap nahi mann rehe ho to aap jaiyea. Jab advocate jane lege to lordship ne kaha ki ab meri appko ek advise hai, ki ab aap dete rehna. This was an open challenge to..

Hon'ble Justice Sunil Ambwani: - I will tell you what happen that after about 10 days , 15 days, 30 days I realized that the person who were coming to me and talking to me even they are not authorised to call of the strike. This knowledge was came to me from brother judges. The matter was also taken to the Supreme Court, the Supreme Court also said that nothing doing let the thing should be decided by the Chief Justice of the State. And then the main reasons of the strike came out was the government do not want the judiciary to be strengthened. And this fact in to my notice. The committee was formed, a committee of judges to negotiate with lawyers on the recommendations of the bar Council, the Chief Minister rang me and said don't include this particular judge in the committee. Then I realize that something is very serious about it. And the whole strike was controlled by the Chief Minister herself. So next day I take the risk of my like, I said in the open court that the strike will never be over because it is controlled by the government and I will never bow before the government. And next day there was the headline in the newspapers. Judiciary v/s State government. Again she called me and said what you this idea that I am handling this strike. All right. If you want yourself right then send your advocate general tomorrow in my Court. He is the Chief advocate general, he is holding the constitutional post. He is not on very lawyer let him come and appear before the court. She said that he is sitting in front of me and saying that he is a member of the Bar. I said

so also I am also the member of the bar. I also what my certificate suspended to become a judge. That does not mean that I should go and participate in the strike. And on the next day the strike called off unconditionally. And since thereafter there is no strike in the state of Rajasthan. Now you can understand who control all these things. Because ultimately the politician who control lawyers. And we have no control because we have a retirement date. All of us are looking forward to go out. It is that the day only when you give up your ambitions, I will use my powers to strengthen the judiciary everything will be sought. But these are the matters of discussions and understanding. But if each individual judge stands up and show its independence I think the shadow of lawyers will be gone. And at least the litigant will get some relief. We know how they trouble the litigant. I should not be against the lawyers. I've practised for 25 years, my daughter is practicing, my sister's son is practicing, We are all from lawyers family. But it is a great debate how judges has to protect themselves. Sometimes you are virtually sitting like lame duck on the dais. Then the question of how to save our self. And answer is go as per the book. Don't violate the rules, discipline and decorum of your Court and will come out from the problem. That is the only vaccine to it. Don't give up. Sometimes you say it is easy to say but difficult to do. You can still do it. So it is time. Our session is over.

So formally we are concluding this day and I will be very thankful to Hon'ble Justice Sunil Ambwani sir for sharing his experience. He will be there for tomorrow also with us. I request you all to please give a hand of applause to Hon'ble Justice Sunil Ambwani sir. Chapping. .Thank you so much Sir for giving such deliberation. Now there is one hour Library reading session and then computer training session. So if you want to visit our library and see something there. So you can go and then formally we will be meeting tomorrow morning at 10 O Clock and Hon'ble Justice Mukundakam Sharma sir will be joining us. Thank you.

Hon'ble Justice Sunil Ambwani: - Thank you, Thank you very much.

Session 5 and Session 6: Inspecting Infrastructure & Inspecting Land Allotments for New Courts:

Justice Mukundakam Sharma:- Good morning to all of you and you have introduced yourself yesterday. So I don't think you have to repeat the same formality once again and Yeah you probably by know, you know me who I Am so therefore I have to also don't introduce myself. Now you see we what we propose to do today I've gone through the program for today. The first one inspecting infrastructure and the second one is inspecting land allotments for new courts.

It's technically you see the second one also inspecting land allotments for new courts is a part of the infrastructure only. So therefore what we propose to do is to discuss what these topics in one go. We have the session for one and a half hour. And then break for tea is that all right.

I think that will convenient for you and so instead of going into two different situations, we will deal in one session and then we break for tea for some time and then after we come back. We can have a session for inspecting for finance irregularities which is relevant and important so if as our inspecting judges are concerned. And then we can also along with that because there's hardly anything much to discuss in respect of the next topic is it is really functions of registrar. Now we like to have some suggestions from you one of this. If you care and I suppose we can take it up along with the seventh session.

And then we break for lunch and then day after you get to leave me and you have to prepare for tomorrow morning because you have to give us your suggestion for preparing the modules which is to be sent by the academy to the Supreme Court for circulation to the different high court. So therefore... Is that all right.

So we can go ahead with that. Ok thank you very much. Now you all are working in registry at least for some time and you are fully aware of the responsibility that the Registrar are the eyes and ears of the high court. They are the backbone of the judiciary and all of you who were working as registrar and you are fully aware of the responsibilities.

You are the eyes and ears for the Chief Justice and also so far the district judiciary are concerned. So lot of responsibilities are vested on you. Now I believe some of you are not registrar inspection or all of you are registrar's inspection? Now registrar inspection

according to me is a very vital post because registrar inspection has to do with the inspection of the courts, district court and also the registrar inspection also in some of the high courts are given responsibility of vigilance that is inquiry. So they has a very heavy responsibility on him and as you can see the Registrar Generals in the High Court acts through the registrar inspection so far vigilance matter are concerned. Now whether in this particular post we should have a High court employee promoted to the post of registrars as the registrar inspection or we should have judicial officer coming in on deputation to the high court and working as the registrar inspection.

But mostly in most of the high court's where this post exist, it is a judicial officer who comes on deputation and he works in this particular post because registrar inspection is given to your responsibility to enquire into the conduct of the judicial officers also.

So therefore there could be some objections if some other officer who do not belong to the service takes up the vigilance cases against judicial officer. There could be debate on that. Now there is one more angle now there was a proposal that one point of time and some pilot projects were also carried out to find out whether all these post should be manned by a professional.

For example now whether or not there is a financial irregularity, it is possible for a judicial officer also to find out that but it is always convenient and would be more effective if an account person is given is entrusted with the duty of finding out with the days of any financial irregularity or not.

Therefore what I'm trying to tell you is whether a person who is a professional that is maybe an M.B.A. all be what if should be inducted to see the registry at least in some of the areas. For example when it comes to finance. Definitely that the person who knows about finance and how to handle that should be entrusted with the duty.

A judicial officer according to me even the judge is for me for example. I had served in all capacity I am no expert on finance. So I was dependent on audit done by the state governments. So definitely whether with the person who is looking into the financial irregularities or the accounts should be a person from the profession.

Professional person that is M.B.A that is one point of it I will probably and we have to look into. But now so far out infrastructure is concern. And the next one is land allotment for new courts. Now that is also part of the infrastructure only sort of so we propose to discuss it to one go. Now so far inspection infrastructure is a concern. Now what is to be done is by registrar inspection?

Because registrar inspection is finding out and inspecting the existing infrastructure and also to suggest if there is need that if all alteration are to be done to the existing infrastructure of the courts or not. Now court complex as you know is huge complex. So therefore I think it also needs day to day it inspection also which may not be possible for only for the inspecting judge to inspect and find out the requirement.

So therefore in house that is in the district court there should be a mechanism who could probably inspect the infrastructure available and then the same can be reported to the registrar inspection who can come and make its own inspection.

Once you have the infrastructure. You have to do the repairs. You have to do alternations, it becomes necessary as we go alone. And then they are also new proposals coming in, for example now commercial courts it would be established in most of the high courts, in some of the high court it's already established; in some of the it would to be established. Because this establishment of the commercial courts the money did come from the government. And so therefore will you know order to probably do incentive is given that you have commercial court and we'll give you what of our infrastructure is necessary.

So therefore new proposals have to be mooted as to how these constructions have to come up. And for that land allotment will have to be there. We don't demand there cannot be new construction and If there is existing land. Then also see infrastructure will be necessary. And if land is not to available some additional land will have to be sought for from the government.

Unfortunately the judiciary does not have any revenue although it earns revenue as such. It everything comes from the government you have to follow everything you have to look

to the government. So therefore there was that one point of time there was a proposal and Chief Justice of India has noted this proposal that the at least the revenue that we have on should be returned back to us so that we can spend it as and when it is necessary.

There was a proposal. But unfortunately not being as that and so therefore no this is broadly the in fact this is broadly the situation so far these infrastructure is concerned and my esteemed friend is here. He would probably also through light on this and then I would make it open for you to give your suggestions on this topic.

Justice Sunil Ambwani :- This first topic inspecting infrastructure. It appears to me a very important topic. The reason that it is to get hardly gets any time or he does not very good really inspect the infrastructure. Except when the issues that arise. Infrastructure would include a land, building; the building would include both the court building and the building of the residential quarters of the judges.

There are equipment's and which will include furniture areas for fitting and all those things. He hardly gets any. You know it's all do work is done. Be and I just and when I was out of the atmosphere to section of the. And there's a lot of those so I don't think he does it. There are any instructions from the high court to get her done so that it record have prepared. I believe that the registrar inspection of the great role in this because whenever registrar inspection is either departed for did inspecting infrastructure or he assist the judge or portfolio judges that is you say was there to know what is there to look for the first and foremost is a land. Land is of not most all the district courts in the country the land is then belongs to the state government.

It is been allotted to the judiciary the district courts. But at many places the land said also lease lands and it many places going to new courts had to be established in hurry. There are also lands which have been taken on rent.. land infrastructure and building. beginner and know one of the important features which you will find from the columns of the second or third forms.

In the Allahabad High court you see the registrar inspection should make a note about what is the totally area of land; Whether the land is been allotted by state government, documents are available because many times new issues come up about construction and then again you have to look for the allotment letters. Whether the lease deeds are in place and then the exact area of the land that needed. The.. of the land... Not only the total area of the land which is available. As to how much area is being consumed by the constructions of the district courts as well as the area which is in the possession of the bar.

In UP and Rajasthan we have found that lot of problems came up when the bar demanded either some more area or they started encroaching in occupying it. And it was found that the detailed records were not available as to how much area was in their occupation.

In fact the district judge is always under the constant pressure from the bar both with regard to construction of the lawyers chambers; the facilities like photo copy machine and in order to be probably going on those sitting there. And now it is now the problem is started with parking, has become an issue. Almost all in all the big cities.

I remember the one that one day strike was observed in a huge problem arose in Ajmer. In the parking meters. The decisions that he was very carefully was getting threats from the and from the... Some people that they'll be some terrorist attacks with ajmer is very famous for its shrine and unfortunately the district court happened to be adjacent to the main road.

So there were the request made by the security, district security police officers that you close the main door, main gate and open the other gates and that became great issue Because all lawyer said that we park the vehicle in front of the gate or on the other side of the road and become very difficult to get inside.

Parking is one issue in similarly in Jaipur as well as in Udaipur. Now it says the lawyers started making their chambers. By encroaching upon the land of the court. Without even getting the allotments made. The parking space was shirking and unchanging inside the

campus. If the things are properly documented the district judge will be in a position to understand. So how much land was earlier available.

In Kanpur the problem was the lawyers who will always say that these are the chambers which we are constructed long back whereas those. One could inspect and see they were constructed recently.

The other thing which normally the inspecting district judges is they do not inspect and notice, the number of trees; because perhaps the number of trees never treated as infrastructure and almost every district court all over the country it is found that tree that has gradually removed and vanishing from the complexes. You would not know when they were cut away to make lawyer chamber or to make some new building. So if the trees are numbered and register is kept for that. Then the emphasis is also not given on the maintenance of the compound and the boundary walls.

Boundary walls in almost all of the district court you will find them broken. I don't think there can be any exception because the lawyers would want to come from all the sides. And even the staff some time even if it is closer to the residential complex they want to come and that create a security problem as well as the problem a maintenance of the component. So the boundary wall also should be a part of the inspections. Of course the gates and lawns and whatever it is in every district court their constant demand of the canteens. And the yesterday we emphasize on lot on toilets.

The number of toilets is also a part of the infrastructure and toilets not only in all this. The campus and all sites of the campus. Wherever there is a more concentration of litigants and lawyers. And also the ladies toilets. Unfortunately what has happened is that whenever toilets are build the stress is not given to the construction of ladies toilet. Not only that, in most of the district court we found that even the lady judicial officers most of the judicial officer of the district judge rank have their toilets attached to the chambers. But the young officers there sometime they have common toilets but they don't have ladies toilets.

The ladies common rooms and also not there. Yesterday also we discussed about Creech in almost every district. And then commercial establishment which keeps coming up in the court campuses. Now they are not part of the infrastructure of the court; But the land and building is the part of the court. The allotment. Many times you will find a venue you would go for inspections that there are no allotment for this Pan Bidi shop. In district of ajmer there is a huge crises and the fight between lawyers and the and the judiciary on the ground that the lawyers claimed that two shops that actually allotted to the bar association. They did not have any allotment letter and when we looked up to the allotment letter in the district records also we could not find any allotment letter. So the district judge took the decision that all right, allotment letter has not been traced out, we will permit you, but you will not be allowed to expand from that area or to put more than one or two and more machines.

Then there after he, on the on the instance of the staff gave one broom to the staff Association. Because every time there was a pressure from the association that they want funds. So all of them find it convenient to have some commercial space. Like in an Allahabad the canteen used to be auction every year and the money would go to the bar association. Now this was an unholy arrangement made by some past district judge but that becomes bone of contention. But unfortunately the records are not kept. We are not talking about how to dissolve the problem situational to a particular district courts. But when the new district judge comes with every year or two years and get changes; he did not have any background or know about any demands or any allotment of these. So if these notes are made and the records are kept and made properly then the decisions can be straight and right.

There is a need for standardization of the courtrooms in many states. Some attempts were made in Madhya Pradesh. Because there are demands all the time coming up from the district courts, the taluwa courts. But we don't have a readymade standardized measurements for these construction of courtroom.

So all the time the ad hoc demands are made. And whenever the adhoc demands are made They are also made in adhoc manner and help whenever this to go and it didif

there is standards made for the district judge's court and courts of chief judicial magistrate which require larger space, standard standardization of the family court where you need creches also because family court established all over the country with just one courtroom and one office. They didn't realize that you need a counselor's room. You need a Creech. You need a ladies' toilet because that's a place where most of the ladies, we don't have and I think that this is one of the most important inspection done by the registrar inspection, if he can do after seeking the directions from the Chief Justice, sitting with the engineers and can take the need of infrastructure of the courts and standardize the court. Then outlaying court we found that in the Magistrates Court the lockups were not there. So many we found that the prisoners are found with the accused person they were made to wait into toilets, they were locked up in toilets then their turn comes for the application for remand. These are the things which registrar inspection can contribute on his own. Then the furniture fittings, these also the area where registers are not kept properly. Then if it is manned by efficient officer then of course you will find the stock registers are complete. Otherwise no one would know how many fans are there. How many fans are working? As the discussed yesterday in almost all the district courts except for a few where the demand would be great. The Photostat machines will be found out of order. If there are four photocopy machine only two will be working and then the district judge will be hard pressed to give the contract to some outside agency for even the court work like copying, charge sheet and all those. And the air conditioners and the condition of our courts we all know that the coolers and air conditioners and water coolers in almost all the places except where the district judge is very is very vigilant and proactive. And all the places you'll find is and what is happening in all those places and all this is being the conditions are deteriorating because of the usage, the large usage not only by the litigant but also usage of lawyers. In some of the district courts, in smaller district courts we found water coolers the taps were broken were the second day the water cooler were installed. And then urban pots. Gharo mai pani raha rahega. And then the persons employed on contract to provide water to the litigants in summer period, now this again is just because the nobody either maintaining or purposefully by mischief breaking the tap. These are small things. But they go long way to maintain the infrastructure.

I remember when I was a judge in Allahabad. One of the managing directors of a company; he wanted to meet me in chambers. He said My Lord can you not even maintain one toilet in the court complex. I have been sitting here for three hours I don't know where to ease myself when I went to the toilet it was horrible. That was the condition of the High court. The condition of the district courts, I don't think anybody. At the inspecting judges I used to tell my junior colleagues that the first thing you should go and inspect in the district courts is the toilets not for the judges but for the litigants. You will always find the pots broken and taps leaking. And these are also the areas where the inspecting judge at least can make a remark to be followed up by the district judge.

Now in every district court you will find that there is the demand for additional infrastructure. Now additional infrastructure is made on adhoc basis. Now what is happening a new court has been created or new courts are created in the same campus. Even if they have a court room, it is by way of custom that they will be asked for a fresh demand. So the importance of maintaining register of infrastructure comes to play at that time because district judge should be aware what is available with him to ask for anything additional. Many times it is found that like district court in Noida. I don't know how many have you seen that and I don't know who designed that. The district judge's court is the smallest one and the campus is so huge, the building is so big, there are halls which have been partitioned and made into the courtrooms. Perhaps it is the largest area both campus wise and structurally. And what happened that there was no control by the district judge, he allowed the lawyers and now they occupy at least two third of the space by creating some zugi zopri there and many vendors also came inside the campus. So this periodical check should be kept. Registrar inspection should at least make the notes and make the records available to both the portfolio and administrative judges and district judges. Now while inspecting infrastructure you will find the problem of payment of electricity bill. The reason is entire bar from every district court gets its electricity from the court and they find it convenient and the district judge hardly has the courage to tell the Bar or Bar room to pay the electricity bill. The problem of payment of the bills of the lawyer's chamber, so they were looking for an opportunity because the strike was suppressed for a very long time. They were looking for opportunity to just one month

before I too was retire. So when demand came I consulted with the senior judges. We cannot give them because of it there was arrears in every district. They are not coming to the court for doing any charity. They are there to do their own professional. They must pay their bills. So we sent a circular that in all bar rooms and all chambers they should be separate meters and now they should start paying the bills. All Bar associations started threatening. Then we have to thought seriously that since we are not paying, we don't have our own earnings, we have to any case have to pay the bill from the state governments. We ask for the state government if there are extra demand also. So why not refer the whole matter to the state government. So whether the bills of the bar associations should be paid by the court funds because we are not allotted a separate fund to pay the electricity bills for the bar. So the matter is given to the state government and it stop realising the electricity charges. At many places the lawyers are usually paying their bills but then some president of the Bar will come and will say okay from tomorrow stop paying the bills now the court will pay the bills. Now the district judge has no records whether the meters were installed. Now that put him in great handicap, he could not take the decision. So there again the inspection can be of great help.

Then there's a big problem of encroachments in court campuses. Huge problem and this is one that I yesterday I think I made a suggestion that should be incorporated that in all the district courts a plan should be prepared a sketch map or a video graphy should be made to find out what is the extend of construction. You would find the canteens expanding. Then he will have a regular canteen, there will be a tea shop starting adjacent to it and no one will look that what amount of area is allotted to him. The district judge will find very difficult. Allotment letters are there but the extent of construction and the size of the shop is not there. So you can make the point that if the allotment letter are there then at least the size of the shop should also be there. The register inspection should also give his view about the additional infrastructure or maintenance or repairs required or at some places even the maintenance something if left out to be done.

And when we found many times the agency do very shady work in maintenance. See what happen there was four lifts in Kanpur district courts. The lift was out of order for at least eight years. There was a pressure on the district judge. One lift was reserved for

judicial officer and other lift was for lawyers and litigant and there was lot of pressure. And when we found out as to what had happened to the maintenance or why it was out of order the we found that it is the there was a dispute about maintenance bills which was referred to the high court and since that dispute was not resolved no fresh maintenance contract would be given. This again was the fault of the inspections because if those bills were taken care at the appropriate time then the new maintenance contract would be given. Then there was a need for another two lifts for which unless there's a demand there will be no money and sanction. So it is the duty of registrar inspection to put a note as to what additional infrastructure also be required to be put in to make the building in convince.

Then the ADR centers. I was surprise, I went for inspection for I was just went to visit jaisalmer and district judge told me that beautiful ADR center was constructed. And there in Rajasthan every building is built like a palace. Arches and the main approach will be so good to feel that you will think that there is some historical building. But when we went inside we found a sufficient spaces created. But there were not sufficient windows. There were no place for fixing water coolers and air conditioners. And it was. It was surprising for us because is one district which is the hottest and one of the hottest districts in the country where the temperature sometimes continues to remain at forty eight degrees during the month of May and June. So anybody could have imagined that. If somebody would go there it will be totally suffocated and now these are also the defects which you can point out in your inspections like building the not have sufficient ventilation, the building does not have sufficient windows. The campus does not have in almost all the district court and almost all the district courts the sewage is completely choked because it was made say a population of ten thousand at that the given point of time or say between eleven to two. In every district course you would find the crowds are so much of the population of virtually a place which was built for ten thousand people is now being occupied by forty thousand people. And these are the areas where the Registrar inspection can make their notes. Pointed out and the district judges on that basis can make budget and demand. It can be looked after by the High Court. Because High Court Registry face a seriously handicap in the absence of all this information.

Justice Mukundakam Sharma:- So you have listened do some of the teething problem in the functioning of High Court and the district Court in respect of the infrastructure. Now as I said earlier that the registrar inspection can look after the day today function and can say whatever is necessary to be done to rectify all those problems. But so far the district Courts are concerned it may not be possible; say for example encroachment. Now it is not possible for the district Judge, I'm sorry the registrar's inspection to follow it up. So it has to be done by a person who is locally placed. So there was a proposal as you all know for the appointment of Court managers who are not judicial officers but outside the cadre. Now Court managers are supposed to all these. Supposed to look after the protocol of the district Courts and also all these infrastructure problems, they are supposed to look after. Now there can be one more post created; I do not know this can be a out thinking from my part; that whether we should have a state officer for each district. Now if there is a district officer probably he would look after the entire infrastructure and the complex. Whatever is necessary he will note down that and report either to the district Judge and district judge in turn refer it back to the High Court to the registrar inspection or to the registrar general. And if some help of the High Court is necessary to tide over this problems, it should be done. So it has to be considered how to plug these loopholes that we have in the administration of the district Court and the high Courts. Now so far as land is concerned, lease land are there but mostly he get the land from the state government. Now so far infrastructure is concerned Mr. Narag is here representing the Delhi High Court. Now in Delhi High Court I was the Chief Justice and I had the experience also to find out about the infrastructure of there. Not because the judges interest, personally interest and the district Court judges also corporated. Therefore you see I may say that Delhi district Court have the best facility and the best infrastructure in the country. All the district Courts are air conditioned each room. It has all facilities available, canteen and all other things because judges took interest, personally interest as if they are constructing house for themselves. So that sort of dedication. And even the district judges has given their support. And you see that in order to say yes then the government will never say no. Then we have Saket court which is a five-star complex practicably. So this could be done but there are of course some difficulties. I know for the fact for example I was in Patna High Court and I have seen that the Court is functioning in a cow shed. So

how can you compare that infrastructure with infrastructure with the Delhi. You cannot. If the judges takes interest and the registry also takes interest, I think lot of problems will be solved. Now my learned friend has pointed out number of aspects regarding the infrastructure and the facilities to be made available. They are all necessary and very relevant for maintenance of infrastructure at a district Court and also it High Court. And now therefore, you see I would like to know your views on these infrastructure aspect. What is the problem in your High court and in your district court. I believe you let us know and if you are thinking for a solution for that you please let us know that also. Now who will start about your own High Court what are the problems?

Participant: – I was in charge of principal district Judge for the one year and I came across some of the problems pointed out by Justice Sunil Ambani. Blockage of drainage in the district Court. The permanent employees like electrician, plumber, Gardners also required to be recruited. There is no such employees to maintain.

Justice Mukundakam Sharma:- Whether you think that it should be permanent employees or it would be outsourced. Now. The things are outsourced

Participant: – Maintenance is given for outsourcing. They are looking after maintenance of Court campus and Court rooms.

Justice Mukundakam Sharma:- So your suggestion is for the maintenance of the district Court infrastructure, it should be outsourced so that it would be maintained properly.

Participant: – Yes my Lord

Justice Mukundakam Sharma:- This is your suggestion and

Participant: – At the time of construction also no proper care is being taken. At the bathroom there is whole leakage in the building that I have seen for which additional amounts have to be incurred and because of which litigants are something.

Justice Mukundakam Sharma:- That is okay but who is going to supervise all these.

Participant: – The principal district judge has to supervise.

Justice Mukundakam Sharma:- But whether it is possible for him because he also have discharged his judicial duties. Should there be an administrative officer for doing all that. So far the maintenance part is concerned is it necessary for the district judge or any other officer, judicial officer who is otherwise busy with the judicial work to look after effectively. Do you think so?

Participant: – Some other officer has to be employed at the time of construction also as the flooring are also not proper laid. We have seen the broken tile everywhere.

Justice Mukundakam Sharma:- So it is your suggestion that we could appoint a Court manager or on any officer.

Participant: – The Court managers are appointed and employed but they are not given proper duties. They were not assigned property duties and they don't know actually what they have to do. Even the district Judge is not in a position to tell what to entrust him to do.

Justice Mukundakam Sharma:- So do you think the creation of a state officer or the post of state officer would be of help.

Participant: – I cannot say that creating the new post will solve the problem and whether

Justice Mukundakam Sharma:- No, no. I am trying to tell you is that maintenance part has to be done by somebody. Now who is the best person to do this? There should be someone who should supervise all point of time.

Participant: – Yes Sir. As it was said that canteen also proper records are not available.

Justice Mukundakam Sharma:- He is canteens also. There should be day today records which has to be looked into every day. Whether there is a time for the judicial officer to look into all that.

Participant: – Yes Sir it is very difficult.

Participant: – In a state. We belong to same state. Andhra Pradesh and Telangana. Ha, ha. The maintenance of the Court has been assigned to maintenance department a wing of government. Now the maintenance is also looked after by them and the funds are been allotted by the High Court and High Court will identify the problems and the funds are released. And what are to be done will be done by the roads and building department. We had seen in many building new construction done and second year everywhere there is a leakage. Even if we take whatever the repair was also. Even after just 6 months after repair the problem will come back what was previously. We must have separate wing for our own judiciary so that the district judge must have control over that officer. And if such officer is under the control of district judge. Presently district judge does not have any control over them. Does not have control over the supervision of the work also as supervision has been given to the roads and building engineers. Officer must have expert of civil engineer type and should be part of the judiciary so that the principal district judge will have the control. That officer will have some sort of fear that in event of some false in the execution of the work.

Justice Mukundakam Sharma:- So your suggestion is that in case of these repairs and maintenance work should be done by the High Court themselves whether it should be outsourced or by some other agency other agency.

Participant: – Yes sir.

Justice Mukundakam Sharma:- It should be totally managed by the High Court Department and should not be given to some outside agency to do. That is your suggestion.

Justice Sunil Ambwani :- I have to say one thing. That issue came in Allahabad. Lot of constructions we're going on because of creation of new districts. There was one judge very emphatic that we should have a own construction division. But no Chief Justice could get the courage because of the reason anything goes wrong the blame comes on the High Court. If there is any hanky-panky in giving the contracts the blame comes on the

Chief Justice. So for that a new building for High Court which is coming in the Lucknow and the new building which is coming up in Jaipur. The High Court although they are supervising are not taking any responsibility. Because all these construction division of the state government I'm sorry to say but they are corrupt and they do not want the High Court to involve. But there can be one solution to it. PWD have norms that if you say that if you have a construction of hundred crores of division will be created. We can have division of public works Department High Court under supervision. The engineers will be given in entry by the Chief Justice or by the registrar general so that they can have some control. That is one suggestion which I could give. Otherwise no Chief Justice is ready to take the responsibility. We got unprecedented grant from Mayawati 50 crores for the judiciary in UP. 25 crores were earmarked for modernization of Court rooms. I was made with the chairman of the committee. 25 crores have to be spent for modernization of all the high Courts rooms. We floated the tenders and floating of tender was such a tedious exercise, every window every doors have to be measured in centimeters. The tender was floated in 3 different stages. We got proposals. The almost finalized and put the papers before the Chief Justice. Chief Justice said how you shortlisted the person. Then in order to avoid that contract he went to the recommendations of the CAJ. And he came out with several objections. The first objection was the architect to whom the contract was given no trend that was floated for that. 2nd that you put your advertisement in the newspapers in all the big newspapers but it was not done government newspapers which normally carries the contract and it was published in Calcutta and nobody knows the name also. So it comes 7 defects in that and rejected that. But now hundred and 50 years celebration has been made in the High Court. So once again the money has come and the construction is going on. We cannot avoid, we have been the responsibility of construction and maintenance. Now for maintenance I was residing in the Lucknow and there was a campus near the river Bank colony where around hundred judicial officers are living. There is also a small suite has been reserved for High Court judges. So in the morning when I went for a morning walk whitewash is going on in the entire building but the pipes are choking and leaking. I immediately rang up my friend who is Chief Justice in Kerala these days that after you paint the building the repair will start. It is a reverse process. So I called first ADJ who is looking after repairs. I said that you have not thought about it that

first get the repairs don and then the painting. These are small things and we are not the experts in that. So it is better to have a wing of public works Department wherever it is.

Another problem which district Judge is facing is contingent fund. Contingency in every district, the budget will be, in one district the budget will be one core. Out of one crore 80 lacks will be the salary of the employees, dearness allowance and other things. A few are ultimately for some additional works to be done. But none of the district got contingencies. If the budget is 10 crores then the contingency would be 10,000 rupees. So how it will work. That's one problem that every district judge faces. And there is no demand that. Like all of other funds contingency fund can also be demanded. I think that there should be a suggestion that contingency fund should be increased substantially so that if there is any emergency and if any work has to be carried out the district Judge can do it. We know sometimes boundary walls falls, some pipes immediately breaks down you have to take care of those things. I would take just one minute. New Mediation Centre is started in 2005 and in 2007. Nobody has funds. So what judges started doing when they were referring the matters to the mediation centers. The parties come from long-distance. Usually in matrimonial matters the money is given to the lady say Rs.5000 to come and participated in the mediation process. And 1000 will be given as a cost to the mediation Centre. Now mediation Centre new so big that to date we have 5 crores of rupees in the mediation Centre. It is audited. It is in the knowledge of the Chief Justice. He goes through the auditors report. And now the entire mediation Centre is running from the interest of that money. And even the mediators are paid from that. No grant is needed now. Now everybody has commented on it. It is unethical how you are doing? The judges themselves have started giving cost. Now that idea came to the judges that since we do not have contingency and ultimately the contingencies has to be spent for the Court building which are ultimately has to be given to the litigants. So why not give the cost and create the contingency fund. What is happening these days in adjournments? In one a adjournment the defendant counsel will pocket to the cost. I've in the end of the adjournment plaintiff will pocket the cost. Whether the cost may be just Rs.50 or hundred rupees. Now the compensatory cost concept has came. It is there should be a substantial cost. But if the part of the cost put in the contingency fund once again in every High Court

there is a mind block. How we can do it? This is a financial irregularity. The district judge would not have any guideline spend that money. Who will do the audit of the funds? But I still believe that either contingency fund should be increased substantially or the government should move to create such fund.

Justice Mukundakam Sharma:- Yes you wanted to say something

Participant: – When constructions are undertaken then the attention is given regarding the allotment of the land. I have that experience. The land has to be acquired by the judiciary itself. Sometimes the land is ever able in some remote areas.. It is allotted but no one see that whether it is feasible or whether there is any sewage. Just main emphasis was given on the identification of the land irrespective of any other things. 2nd my suggestion is that..

Justice Mukundakam Sharma:- No for the identification of the land. If the government land

Participant: – If the government land is available and we have to be less compensation no compensation because land is..but it is not feasible.. We have to see the futuristic vision. Sometimes we afford to purchase the land which is easily accessible and for that compensation is to be paid but that is not feasible for the construction.

Justice Mukundakam Sharma:- Now for that do you think one person is able to identify and find out the convenience or there has to be..

Participant: – My 2nd suggestion is that there should be a separate wing of construction Department in the High Court. That can be created by the deputation from the government and they can be held accountable. There should be a separate wing and department.

Justice Mukundakam Sharma:- But you see if that part was concerned, probably in the high Court and in cities it is possible but in the remote area what do we do. You see that when the construction is to be done in the remote area in this wing which is the part of the High Court then do you think it is possible for them to go.

Participant: – Yes Lordship

Participant: – At the district level there is a wing from government Department.

Justice Mukundakam Sharma:- They have to be totally within the jurisdiction of the High Court. Could be possible that he can go from the one district head quarter and relief from the High Court and look for the location. But to find out whether it is convenient not, then architect was also to be there. Because ultimately the building has to be designed by him. And what about the maintenance. This is the construction you are suggesting then what about the maintenance part of the existing one.

Participant: – The maintenance can be done by local PWD or court may have its own engineering wing. It is there job to maintain the construction part.

Justice Mukundakam Sharma:- So I deem Italy the maintenance part will also be carried by some authority and not by the High Court. They should tell only what should be done. Anyone else you come from which High Court

Participant: – Bombay High Court. The collector has discretionary grants. The PDJ can request the collector to allot some part of discretionary grants. And out of those lands some constructions can be made and the repairs can be carried out.

Justice Mukundakam Sharma:- But he has to utilize the fund for some other buildings also.

Participant: – It is in his discretion to allot the funds.

Participant: – For this suggestion I have objection from my side. The other requesting district collector. We have cases for district collector in the Court.

Justice Mukundakam Sharma: - Yes you are right we are deciding matters of the state government and everything comes from the them. There they can't say that he are all independent.

Participant: – same logic can be apply to PWD also.

Justice Mukundakam Sharma: - That is so you are right. We have to draw a line because there are so many cases of the state government and we take the grant from the state government but this doesn't mean that we will give all the decisions in their favour. What I'm trying to tell you is that the district judge will make a request to the district collector that these are my necessities which is to be granted and he has a request coming from various other authorities and agencies also. And we're does the judiciary stands in such circumstances. So why we should not try to make out a case which is relevant for us.

Participant: – We don't have expertise.

Justice Mukundakam Sharma: - Now your accounts are audited. See if we have the revenue. It is almost the same as of taking grant. Grant also comes from money and the revenue that we get which we earn. I think it is of same nature.

Participant: – With the funds are allotted by the government it is been deposited in the account of the PWD engineer. So we don't have actual direct control over them. And for that amount. Funds are allotted for us but the funds are allotted in the accounts of the PWD.

Justice Mukundakam Sharma: - Not for the construction. When money comes from the High Court to the state government. That accounts are been audited people of the only directed the political of was of the building is . If revenue comes that way that accounts will also be audited as it is been done now. There is no harm in owning the revenue for our self. We generate our own revenue by way of these court fees or should there be suggestion or not.

Participant: – In my view it will create more problems.

Justice Mukundakam Sharma: - Okay. Anybody else. Yes you want to say something

Participant: – I want to say one thing that at my place at Gujrat there were building is made by the government Department and they were good except the High Court building which is not up to the mark and I should not say but in the meeting it was openly stated by the Chief secretary that Gujarat high Court building not been made up up to the mark because of frequent interference of the High Court. We should leave certain things to the experts.

Justice Mukundakam Sharma:- All right. Any different view. And about the repair work. It was one statement from the participant that if you give the work to PWD Department there is always a scope for corruption. Any other view. Now tomorrow for example establishment of commercial Courts. You have to go outside wood campus. And if there is objection from the bar that I have seen many times whether it is in Delhi or any other place. There is always objection you have to deal with that pressure. There may be strike. I know it can be for the months also. But you have to fix them.

Justice Sunil Ambwani :- The new high Court building in jodhpur is under construction. It is a magnificent structure. Mr. Dixit is in charge of that new High Court building at Jodhpur. Something is to be visited and seen. Now, they are giving deadlines after the deadlines. The senior judge of Jhodpur requested that alone he is unable to supervise the whole thing and the committees be formed. So, I persuaded him that we have reached to that stage there all process are completed. But then we have constituted the committees. So now after some time I asked Mr. Dixit that what is the status now, whether we have done with the deadline? He said that project officers said that the day your the judges stop giving suggestion I will start doing construction. So that's true. But that the problem arises because we don't have expertise. Now, I tell you the place inside the dome of that building is so huge, but judges were insisting that it should be air conditioner. The air conditioning would require something like many tonnes of AC. But then what happen incidentally a senior judge took very senior architect from Delhi who design various buildings. Even he went there and said I'm crazy, these type of structures are never get air condition. Because hot air rises up and cool air bill will remain

below and unless you are having not of people sitting here, this will have our cooling effect of its own. And from that day the idea of 500 ton of air conditioning was dropped. The inspecting judge and district judge should not be shy of taking opinions. Like one of the Chief Justice as wouldn't want matter to me that he said that entire district Court building it is a huge building, the roof is becoming very old and it is leaking. So we have to go that the restructuring of the whole roof. And he demanded something like two to three cores. So, we were sitting there. I said Sir let me ask one of the contractors who is used to be my neighbor. I took him there and he said are you crazy. The whole restructuring thing is now the thing of the past. Now, a special rubber quoted is put on the roof and it last for 5 years. The person who will put them give the guarantee and it will be done for 25 lacks. And it was done for 25 lacks. So sometime be shy for taking opinion. So you must also be opinion.

Justice Mukundakam Sharma: - In Delhi High Court for example, we have building maintenance committee. So, building maintenance committee means collection of some judges, two to three judges or four judges and there is a register attach to it. Some expert is to be attached. He may be state government also. He is called in a building maintenance committee meeting. His opinion are sought. So, therefore, I believe that is the best way. Even the district judge may have the building maintenance committee judges who will monitor and supervise in consultation with other administrative officers and experts. That would be one way of doing. Building maintenance committee is looking after the maintenance work of the High Court and also the district Courts. But the advantage is that it is in the one city. Therefore one maintenance committee may not be able to do the maintenance of all the districts in other states. So you have who have separate maintenance committee in the district also. That would be one way of doing it.

Participant: – Problem is not the execution of the work. The fund is not there. For example, if there is a selection of the tiles, I don't think that an expertise is required for that selection, a district judge can do that as we select the tiles of our home.

The problem is that kind of small discretion is also not given to the judges, district judges.

Justice Mukundakam Sharma: - So what is your suggestion

Participant: – While executing the work little bit discretion has to be given to the district judges.

Justice Mukundakam Sharma: - For fund part of it

Participant: – For fund a part of it and one way of execution is that what the revenue is generated through Court fees or otherwise should be earmarked to the district judge. Other is increasing the contingency fund.

Justice Mukundakam Sharma: - That would be one way of. Now they come to the 2nd one that is the inspecting land allotments for new Courts. Now, already one suggestion has come from you, the officer from Jammu and Kashmir that when new complexes, the identification of the land is to be done. You suggest for that there should be some committee who go and find out the viability of. Some committee. Okay

Justice Sunil Ambwani :- For the last one year we dealt with hundreds of demand for new Courts like taluqa courts. As we see from the statement of Chief Justice of India, we have at present 600 districts and twice the number of taluqa Courts. In Rajasthan, it is a huge geographical area. Sometimes the distance are more than hundred kilometres. So, every day there is a demand of taluqa Courts. And for the taluqa Courts new construction has to be made. Now what I am looking it is we have placed total 24,000 judges in the country. 18,000 are placed and rest the process for appointments are going on. The statement which is coming are a matter of concern for the Academy also that judiciary is going to be double in next ten years. Double means we need thousands of new Court complexes or expansion of Court complexes. We would require lot of land. This is a very serious matter which is to be taken care of. We go for an ad hoc type of the appointment.

Request for allotment of land, without taking into consideration what is our requirement. Requirement has to be seen for future also. And all the other facilities are also to be seen which includes bar also. Litigant friendly, now we have family Courts, evening Courts, loak adalat. Now we have morning, evening Courts. Juvenile courts are coming up. No it is not just the session Court but the Court complex. We have to give a very holistic futurist look not only of the courtrooms but also for the Court complexes. Court complexes of the size you may say of 24 Courts or 26 Courts or 46 Courts and like that. Like in Jaipur there are hundred 40 officers. The district Judge says please don't give more than hundred, I don't have infrastructure. Now what happens we go for ad hoc request. We want 25 acres. Now registrar inspection job will be increased to that, that one is to visualise that what is the exact need and then that need should be taken into consideration. Then what happens is district collector also trade in ad hoc manner. He says, in order to avoid the delay of land acquisition although it is for public. He offers you first the available land. Now available land is mostly banjar land. Land which is not very use or not been cultivated. But nobody knows every land has its own quality. If you talk to a property dealer they will say land are also living beings. Land has qualities. The situation of the land whether it is low lime land, whether it is accessible land. Now what happens you make ad hoc requisition, he makes ad hoc proposition and they start the construction. Raise the demand and start the construction. They don't you even take into consideration the bar objections. So finally even if you have a constructed building, it takes years to go into it because of the strikes. Then district Judge keeps persuading the lawyers. What I suggest is that first of all there should be a national holistic demand and that the demand should not be ad hoc demands but it should work out with the all the available knowledge of the requirement and fixtures also. Secondly, we should not ask district collector to give one choice. We should ask him to give different choices. Suppose he has many land available so he can give choices. And we should be not shy for hiring out the architects and study the situation and the potentiality of the land. Because many time land are allotted but of no use. Now, there is one thing accessibility. It is not possible to first build the Court complex and then start constructing the road.

Because of road leading to the Court get shrinked or choked. So these are the areas which have to be looked into. And for allotting the Court building we should have the guidelines. Properly understood and laid down guidelines. I believe registrar inspection would do good job in case for providing good guidelines. Because in next 10 years we require a huge amount of land and construction is to be done. And if you have to double up the entire judiciary. I will request you all to go and take up the order from the Chief Justice that I want to prepare the guideline and could be of the guideline after seeing all the aspects. Then, that guideline can be fine tune by the building committees.

Justice Mukundakam Sharma: - I think the building in committee who look for after the maintenance can also help in identifying the land and also finding out the facilities that is necessary. They can consult any other experts also for this. That is done in some of the high Courts. So, probably the suggestion should be also for the building are building maintenance committees or infrastructure maintenance committee you can say in all the high Courts and in the district Courts. If district Court is only from the High Court. The committee can make the guidelines effectively to take care all the shortcomings and also the advantage is there. It could be possible. Do you would have any suggestion in this, for the guideline or about the committee, any suggestion on that? The facilities that are available, that is whether there is an approachable road or not. So all these you have to find out. But who find it out, for that you have to make the committee....

Participant: – My suggestion is that instead of finding out the land if it is possible in the existing complex itself in the construction is being made systematically. Then the problem may be solved.

Justice Mukundakam Sharma: - But you see some of the constructions are very old. The old construction would not be able to take the additional load. And if you demolish them then where you will take the Court. If it is possible then we can look into this aspect. But what I was trying to say if part of the Court complex is taken out, outside the market area or whatever. And he says some of the Courts are in

the market area and there is no scope of development there. There you have to take it out a part of Court complex. And then you have to find out and identify some land somewhere it is possible. Bar should also agrees. You ever seen the definition of commercial Courts in the act. Practically all Courts are going outside then the bar would definitely go. You'll have to identify land somewhere now. Huge complex has to come... That is the position. Place problem is there in almost all the Courts. Supreme Court for example space constraint was there and you cannot demolish a construction like Supreme Court of India. So what is the alternative? Take it out and they have taken it out nearby complex. So you have to think in that way. There is no other way out. There are some places where you cannot go after a particular height. There you park your cars. You may have been building but unless you does not have parking facilities, so you should have some basement for parking. Let me tell you my experience in multilevel parking is bad. Because in Delhi High Court, we have by force practically we have taken a land which is not to be used for this purpose. But somehow the Court that land, got are the permissions. Two level parkings are there huge parking is to accommodate all the car that the Delhi High Court lawyers have. But Delhi lawyers all are parking the car's on the road because going to that place and then taking it out is giving 10 minutes they are not prepare to give 10 minutes. For the advocates it is free now but still advocates are parking on the roadside. So that is the position. Parking with the problem in such matters. You have to think about that before you go for a construction. Correct.

Justice Sunil Ambwani :- We have requested the bar to come 10 minutes earlier they said it is not possible. They are special persons.

Justice Mukundakam Sharma: - You know what happened in Delhi High Court bomb blast but still the lawyers are not prepared to go to that process also.

Dr. Amit Mehrotra: - We will have fifteen minutes tea break and then we will be back.

Session 7 & 8 Inspecting For Financial Irregularities & Residuary Functions of Registrar (Inspection) in Different High Courts

Justice Mukundakam Sharma:- Is there any registrar inspection and vigilance here? Now you see so far this team is concerned, inspecting for financial irregularities. Now how do you proceed in this matter. When you come to know of financial irregularities or may be some rumor or you may have come to learn about it from the reports that there could be a case of financial irregularities, what do you do?

Participant:-First I collect all the details....what was the fund allotted what regularities have come.

Justice Mukundakam Sharma:- Whether or not there is irregularities of funds or not? Is it possible for you to find out yourself or you have to take help from some other people? Or Financial Experts. So that is the private audit or government auditor.

Participant:- So far I would not call it private auditor from government sector.

Justice Mukundakam Sharma:- He gives you a report. And on basis of Advice you prepare a place before a chief justice who order or through RG registrar general. It could be done directly also. Now so far the financial irregularities are concerned, this off course does not mean that it could be only of the officers/judicial officers. It could be of the employee's as well, correct? Now in the case of employees what do you do?

Participant:- It come so far...court record has been checked and no enquiry has been conducted against anyone else. Therefore time to time only we have to check.

Justice Mukundakam Sharma:- Now for example, there are at least we come to know that there is some sort of corruption in the copying section. So how do you find out? whether there is any case of corruption because mostly you see if the lawyers or litigant must be coming to you saying that they are demanding money for giving copy.

Participant:- So far the high court is concerned I have not receive any single complaint. In district...

Justice Mukundakam Sharma:- So in your High Court there is no complaint. Is the copying section a bone of contention of corruption in any of the high court? No.

Participants:- Copying sections and other sections are most corrupt sections. Most prone sections are these two areas: copying and nazarat section.

Justice Mukundakam Sharma:- That you are right...that is where the money is otherwise there is no money. Now, when do you get a complain regarding delay in delivering a because of the demand of some extra remuneration. What is the way out? How to check that. Have you ever thought about it.

Participant: - There is a constant supervision from the district judge. Now every week they sought what is the date of filing of the copy application.

Justice Mukundakam Sharma:- is the rregister is maintained. In all high courts register is maintained. Register is maintained. So from there you see a I am not speaking only about the high court...district court what is the position.

Participant:- Even in district court registers are maintained.

Justice Mukundakam Sharma:- Registers are maintained and Register are checked by the district judge frequently or...?

Reply from Participants

Justice Mukundakam Sharma:- No effective is difficult but if there is some monetary and supervising the employees also get scared.

Participant:- Everyday there is a statement. Statement will be placed. Now what was the date of filing of the suit, application why the delay was there, when it is compiled?

Justice Mukundakam Sharma: - Now you see in order to route out delay in such matters there has to be a copying machine. Now one or may be more, so all those facilities are available in sufficient numbers so that it could be delivered saying within a day or two. Now those are also computerized or it is not computerized.

Discussion with the participants

Justice Mukundakam Sharma:- But you see those things you have to see there has been the transparency where you have made the applications and somebody has to scrutinize all that. There has to be an explanation why records are not available. Old records are valid explanation but if the old records are not maintained properly then year wise, number wise, it will be difficult to find out the records also. What are the other areas where financial irregularities could be there? There are cases of short deposits also. And sometime you have to divert the funds as fund is not available in that head.

Participant:- Criminal liability may attract

Justice Mukundakam Sharma:- How much criminal liability get attract and when have to be seen in such matters. Whether departmental proceedings permits?

Participant: - Witness has received an entry but has not been paid.

Participant: - Non deposit of fines by courts I mean daily fine. Sometime clerk deposit in two three days. And utilizes that money fornot audible

There are cases of short deposit also?

Participant: -Not Audible

Justice Mukundakam Sharma:- This is criminal in the sense sometimes you have to divert the funds. Fund is not available in one head then you bring it from A and then I don't know what the procedure is. Whether you can start a criminal departmental proceeding against a person. Even departmental proceedings for that also, whether this could be said to be a violation of the principles. There is some...I do not know for listing I am told money possess...is to give a date. You are preparing the cause list in your high courts?

Participant: - The other area of financial irregularity is purchase. Any suggestions for plugging these..

Justice Mukundakam Sharma:- Now in the High Courts in the listing session there is some problems in some of the High Courts. In Delhi I know there is no problem. If the dates are given then the case will come up in that particular day. In all other courts where time is given only two weeks, it could be four weeks also. It happens like that.

Participant: - If specific date is given then no problem
So it happens. There is a..

Participant:- There is a great problem my lordship.

Justice Mukundakam Sharma:- So what should be the solutions in such matters. Giving date is only the alternative. Diary is been maintained by the court master and then if date is given. Because there is some, I don't know but money possess.

Participant:- Listing is a very corrupt areas.

Justice Mukundakam Sharma:- So one has to be very careful there. The only way out probably is to give a date.

Justice Sunil Ambwani :- One of the solutions which was thought that the parties should be given a right that no date fixed. If it is hearing matter then one has to wait for its que. If in a mislaneous matter if any case is pending hen the lawyer can go and take whatever date is taken say 3 moths or 6 months. But once he get the fixed date then the problem of adjournment should not arise.

Justice Mukundakam Sharma: - Then you see if the cause list is in the computer and whatever the date is given. Even if it is adjourn for four weeks.

Participant:- Even if the adjournment is of four weeks also after four weeks some date has to be given.

But if it is computerise the date will come. But whether the cause list of all the High Courts are computerised.

Justice Sunil Ambwani :- The only thing is that suppose the date is fixed after six weeks and the person has to go for an application of immediate relief then the system of bribery starts working. They want the early date and so on. But power should be given only to the judge to prepone a date.

Justice Mukundakam Sharma: - Ya that what we call mentioning. Mention the matter and if the Court is satisfied with you, the Court will give you a date. So, probably it has to worked out that way. Find out the best possible way out. Do you have any suggestion in that regard. You all are making the policy in that regard.

Justice Sunil Ambwani :- In Allahabad I was in charge of computers for 8 years. We've tried to streamline the listing. Could do to some extent but still they are lot of loopholes. But if it can be managed. But someone has to look into it on day to day basis.

Justice Mukundakam Sharma: - There is the registrar listing or joint registrar listing. It is of any responsible post. Please tell your experience

Justice Sunil Ambwani :- In financial matters, what we have seen that matters are not reported frequently. There is a tendency of, I mean, shadowing the events, helping your own fellow officers. Sometimes registry feels that I mean the officers are over worked what can be done and they are sympathetic to their work. This kind of tendency is put the courts in a bad name. I have seen even if there is matter is referred how trivial the matter may be somebody is accepting money. And what is actually effecting the courts nowadays is not the financial irregularities because their chances are very less because of availability of finance limits are very less. What is troubling is the corruption, the bribery. The bribery among the staff because litigant if he pays 10 rupees to a peon and pays 50

rupees to a clerk it...he wants to get it work done fast. The judge is not bothered. He will how many times I gonna look into it. Ultimately it push the entire judiciary to bad name. I made a sort of tentative research as to why this judiciary is called corrupt. And after discussing with lot of friends I found that in fact it is not the judiciary which is corrupt, it is the, what we done is that we have allowed certain practices to develop in the court and allowed them to continue. Now, it is very well known to a litigant that if he goes to a court whether it is case of getting a date or filing a bail application or getting the surety bond verified, whatever it is, at each stage he has to pay something. That is the area because as it was told by do you get any complaint from the staff, he says no. We are defame actually of that. It also the custom of the habit of the particular high court. Lawyers may then corrupt because they want to get the work done fast.

Participant: – There is a nexus between staff and lawyer's.

Justice Mukundakam Sharma: - In some of the High Court the policy has been introduced now alleges the transfer of Ministry of staff.

Justice Sunil Ambwani :- One of the best way is to avoid the contact between the lawyer, litigant and the staff.

Justice Mukundakam Sharma: But that is very difficult

Justice Sunil Ambwani :- Justice Gokhale was of a Chief Justice. One way he was sympathizing with the class IV staff and glass III staff. He said look, and then he is working up to 7 o'clock. Try to find out the file and whenever I ask why you don't go home. Then they say that tomorrow they have to give the notice. I told him one thing that sir stop the entry of the lawyers and especially the lawyer's clerks in the offices not in the Court. And you would see that everybody will leave at 5 o'clock. Because nobody would be there to get obliged. He got angry you should not say like that. But that is the reality. The moment we have started computerize coping board in Allahabad and in Lucknow. And they had stopped the entry. The clerk is not allowed to go out unless they give the requisition. So, that there was no chance of coming them and bribing them. In Lucknow what happen from the day one they had allowed the entry of the lawyers and the clerk. And however the efficient computer copy became the corruption did not stop. The moment the contact

it will be very difficult position for the Chief Justice or any judge to say that I will not allow the movement of lawyers, litigant and the lawyer's clerks in the offices, in the rooms.

Justice Mukundakam Sharma:- What can be done that lawyers need to inspect the files. So there should be separate inspection rooms. They inspect the files and go. The class and litigant should always be departed and should not be allowed to meet with the office staff except for giving the applications or petitions.

Justice Sunil Ambwani :- Liking UP it is customary habit to pay price to the staff. I heard in Jodhpur there is no bribe taken in the offices. It was surprising that I checked with certain people and I found it is true. So it is more a matter of custom. So it is more on the habit of that Court.

Justice Mukundakam Sharma:- No is it only in that place or entire state?

Participant: – Only in that state

Justice Sunil Ambwani :- Jaipur meine hai sir.

Participant:- One way it can also be curtailed by meeting to the needs also. If some party expresses urgency, no we can collect the more fee and there must be procedure that it must be given on the same day. Suppose he is ready to pay...

Justice Sunil Ambwani :- There is a provision for urgent copy. We should create some kind of infrastructure where...Now we don't have any help desk in the district courts except for Delhi. Suppose a person gets a summon. I get a summon from your court. The summon will say you have to appear at 10'O clock etc. etc. Suppose the summon comes from high court...no court is specified. Now suppose I get the summon where do I go. Who do I contact? Where I have to go. To whom before I have to appear. The moment I go you say engage a lawyer. A lawyer or at least a lawyer's clerk. So it is compulsory payment for every litigant for whom the court is built to go and first pay and then you will come to know for which court the case is. Which time you have to appear and somebody will tell you this is general date. You will get the intimation later, so you have to engage a lawyer. So actually we by our own system breaded this kind of a corruption. If we have system like help desk, May I help you or there is inquiry counter, where you go and say that I have receive this summon what do I have to do? and clerk will tell you that you have

to do this. I have an urgent copying application what do I do? I have to file a matter what do I do. I want legal aid help what do I do. And mostly this legal aid counters are established in such a remote corner of the district court where hardly a person can reach. I had to go to Meerut I said where is that ADR centre. He said new construction work is going on you have to take an entire round of the building and then go back and then climb stairs and then you will reach that place called ADR center.

Justice Mukundakam Sharma:- There is always a secretary there so it could be helpful. **Helpdesk is necessary in each court.**

Participant:- There should be front office

Justice Sunil Ambwani :- Exactly.

Justice Mukundakam Sharma:- Help desk is necessary in all courts. I think this problems could be sorted out.

Justice Sunil Ambwani :- Justice Altmas kabir put a question in NALSAR meeting you. He was the chairman in the NALSAR. There is a helpdesk but to reach that helpdesk is the problem because there is a security system which says you have to show your I card and identity proof. So then what is the purpose of the helpdesk. So the answer was very clear. It was said look security comes first. But then helpdesk is absolutely necessary. But suppose you put the person to Man a helpdesk who does not do anything. Now we have Choas in the Court. If a person wants to no more information than what is given by then helpdesk should always be there.

Participant:- In the e course Project there is a service Centre in every district headquarters. Not they will attend the litigant needs.

Justice Sunil Ambwani :- There is CIS, Center service Centre in every district under the E Court project and there are 39 litigant service friendly services. We are monitoring it. But they are not able to effectively. Not E Courts, e governance of the Courts.

Justice Mukundakam Sharma:- Now every period you'll have information available. In **every government offices also officers you have information offices, helpdesk.**

Justice Sunil Ambwani :- We can get that the PNR position of our trains on the computer and on the ordinary telephone also. But we can't get the date of the courts. I have already taken this matter for outsourcing of e governance because in our own inbuilt system we keep on training our officers regularly. Three times the technology also

changed, software also changed. We have not been able to achieve even 50% of the target hit, project hit in e governance project. Like from Andhra Pradesh ram Mohan Reddy, he also appeared in e governance conference. So, e committee always say that according to your need you can change your requirements and your systems also. So he said Sir please give us the source Code so that we can change it. So Justice Madan Lokur look at the director of the NIC. The director said that we cannot give the source Code. If you can't give source Code then how we can make even a single amend in the software for soothing our needs. So he said whatever you are asking, you aren't not looking over actually needs that what situation of needs are there in the district Courts. It is a very well programme, a very excellent programme, no doubt about it. But it is not been able to work because of standardisation of the Court procedures. We don't have standardisation of court procedures. They do not even have standardise Court officers and the means. There are still two Courts functions in other country. The Bengal school and the Lahore school. In Lohare School you have to pay the court fee first and then the matter is registered. In Bengal school. You have to file the matter and then the Court fee is to be given. Even that is not standardized. So e governance will take a long time. I put this matter in the Chief Justice conference that please outsource it. Please do not keep it in your hands. Like banks. Now, all banks have got core banking. Now you can deposit your amount in any bank. You'll get your tickets in railways from anywhere you want. You can get air tickets and I think so nobody has heard any error in that. That you booked the ticket for the Bombay and you got it for hydrabad. Why can't in our judiciary outsource to specialised agency. Because we are today the software leaders of the world.

Justice Mukundakam Sharma:- E filing may be permitted now.

Justice Sunil Ambwani :- It is going on sir. But so much time it is taking. The project is continuing since 2005. 11 years it has taken, then we have such great capacity of building software. We have gone so far, so ahead. So we have to wait. Unless we standardise because all the high Courts were given. In UP and Rajasthan also it was given. The process called reengineering programme. Some of the High Court 1940 rules have been used and in some of the High Court 1916 rules have been used. Now unless all the rules are standardised the E governance project will never function properly. Because each of one are accustomed to use our own rules. So the project was given to standardise the

rules. So, we give it to one of our judge in UP, he did the work for the one year and he has given us the standardize, newly standardise rules which are in tune with the entire country. But the full Court has not yet excepted it. Because no judge has a time to go through those rules because he is not even aware of the rules which are applicable to Bombay or Kerala or Calcutta or Madras and the rules which are functioning in Allahabad in 1954. Fortunately Rajasthan has the same rule because the first Chief Justice of Rajasthan was from UP. But if I have to go for some other state then it would be me a long time to understand that how this system is functioning. And that is one area because of the outdated rules also we having lot of corruption and lot of... Because lawyers take advantage either way. Whether who have the rules or you don't have the rules. They would take advantage. They are there to take the money and not to any social service or charity. But nobody has bought that the idea of outsourcing of E governance project programme. And now National judicial grid has been created.

Justice Mukundakam Sharma:-That is also there

Justice Sunil Ambwani :- That has been created. Now, we can in some districts. Now, if you want no the status of your case. In Gujarat you can come to know from that. But then whether that case will be taken up or not on that date.

Justice Mukundakam Sharma:-That depend on many other factors. You cannot monitor your case from there. You would have to put some representative there. So, what else. Yes, any other news coming. No

Justice Sunil Ambwani :- This Academy is open thinking. Even if you're thinking any right suggestion which comes out of yours experience.

Participant: – The outsourcing for the maintenance is the better idea because for the maintenance expertise is required. And the judicial officer are not experts in the area. Therefore, outsourcing of e course project is the better idea.

Justice Mukundakam Sharma:-As a matter of fact you see, they must think in terms of outsourcing everything. Maintenance also you see.

Participant: – The matter of time has come that regular appointment has not been made. Therefore, outsourcing is necessary in the present days.

Justice Mukundakam Sharma: - That apart also, where is the time for the judges, district Court judges or High Court judges, where is the time for applying the mind to the integrity of the administrative problem. There is hardly any time. See, judge comes to the Court around 930, 10. From that point of time he is there up to 7 in the Court signing and all. After court hours. Then after 7 how he can apply his mind to be in administrative problem. So these have to be outsourced by one point or another.

Participant: - In Gujarat government has developed e gram yojana. And through computerization a person can fill the form and need not to bribe money.

Justice Sunil Ambwani :- In Rajasthan also e mitra project has started where almost every locality there is e mitra who is giving you 28 services from death and birth register, form voters card everything is there.

Participant discussion

Participant: - There is more crowd in the district Court and for that sake the entry of the litigant should be restricted. Person whose case is taken up only, that person should be allowed to the Court premises. What we see that along with that person four other persons are also coming.

Justice Sunil Ambwani :- It is traditional in Courts and hospital. They will always be accompanied by some friend or relative.

Justice Mukundakam Sharma: - You wanted to say something

Participant discussion

Justice Mukundakam Sharma: - Do you suggest that there should be a part of internal audit.

Participant: - Yes by the staff itself

Justice Mukundakam Sharma: - But you see that internal auditor has to be appointed. And there should be a person who is expedites of the accounts. And there are person in the district judiciary. Internal audit yearly 6 monthly. What is your suggestion?

Participant: – yearly. 6 monthly it is not possible and it will be irrelevant

Justice Mukundakam Sharma: - And external audit should be done after 2 years of time or 3 years of time. What is your view? 2 years

Participant: – It can be on 2 years or after 3 years as per the rule.

Justice Mukundakam Sharma: - But unfortunately what I found is although the rule is there but the hardly it is done. The deciding officer has to be the interest and call the auditor please the account. That's what is happening. It's not had been done regularly although it is there. And it is the inspection is done regularly in all the high Courts. It all depends again on the portfolio judge.

Justice Sunil Ambwani :- The matter there the financial autonomy comes up of judiciary. They say the first question is been asked that do you have the expertise in accounts, audits. You get your accounts are audited. Are you prepared for an audit is also? Are you preparing your budget properly? Then wait until you develop that The city to have that financial autonomy.

Justice Mukundakam Sharma: - You should have a special being

Justice Sunil Ambwani :- we cannot expect the judicial officers to be the clerk.

Justice Mukundakam Sharma: - They cannot do it also. They don't know what is to be done exactly. So they have to take help from others who has the expertise. And now, about the residuary powers any suggestion. We are concentrating on the responsibilities and power of registrar inspection. So inspection means inspection of the Courts. Number one. Number 2, he may also have to do the vigilance affairs also. Apart from that whether any residuary matters given to him as responsibilities.

Participant: – We receive complaints of bar Association of encroachment.

Justice Sunil Ambwani :- We should incorporate one suggestion that every High Court should have registrar inspection. Many High Courts do not have.

Justice Mukundakam Sharma: - Inspection which also look after the vigilance part. Vigilance is one wing and inspection is another wing.

Justice Sunil Ambwani :- But in smaller High Courts I think it is one.

Participant: – I am registrar inspection making assessment of working of judicial officers and also inspection of...also deal with..

Justice Mukundakam Sharma: - So vigilance is not your part that is a separate wing.

Participant: – Yes

Justice Mukundakam Sharma: - what about Bombay. Is vigilance is separate?

Participant: – Vigilance is separate

Participant: – In Andhra Pradesh vigilance is looking after the registrar inspection work.

Justice Mukundakam Sharma: - Invariably it should be one but in bigger High court it should two. What other residuary power is given?

Participant: – That is the discretion of Chief Justice.

Participant: – That is alright. Chief Justice can give any work to any officers. But what generally other works are looked by the registrar inspection.

Participant discussion

Participant: – There are two post of registrar inspection. Registrar inspection one and registrar inspection two

Justice Mukundakam Sharma:- so one of them look after the administration work.

Participant: – Yes

Justice Mukundakam Sharma:- But in most of the high Court's there are the post of registrar establishment also.

Participant: – There is no standardisation and specific assignments are given

Justice Sunil Ambwani :- Specific assignments are given sometimes at the discretion of the Chief Justice. Chief Justice give some additional work also.

Justice Mukundakam Sharma:- But I think that one should be allotted and should also be identified. So, that suggestion probably could go.

Justice Mukundakam Sharma:- They can put it like this that there can be a clear instruction the nature of work that is in charged by each registrars. And is a part of the rule. That should be done in all high Courts, I think. So that they must note that what kind of job he has to do.

Justice Sunil Ambwani :- We have admin H Department in Allahabad with a very big Hall with all racks and other things totally mis managed and unorganised. There were with leave application, there where applications for the vacations programme for the judges of 1936, 1946 that was also lying there. So we asked the section officer, why you have not carrying out the weeding. He said Sir we don't have specific instructions. What is to be weeded out and what is not to be weeded out. Every time, the we're asked to do weeding but ultimately unless there is a specific instruction, we will be chargesheeted if particular documents are required after so many years. So first thing we decided to give them specific instructions, specific instructions that these records are to be weeded out

signed by the Chief Justice and in one month we carried out the whole thing became absolutely neat and clean. Lack of specific instructions.

Justice Mukundakam Sharma: - So that also can be one of the suggestions that clear instructions should be given from the Chief Justice to the staff. Nature of the documents and records which are to be weeded out. Any other suggestions coming to your mind. Regarding the certified copies, my view is that instead of we certify let that to be downloading and self-certification. That would solve the problem.

Justice Mukundakam Sharma: - Self certification is by whom?

Participant: – The person who files it

Justice Mukundakam Sharma: - That would create a problem.

Justice Sunil Ambwani :- See as we have established the computerised copying section in different high Courts. So after creating a computerised copying section and putting everything on web, we found that demand of certified copy came down by 50%. The people who want to have the orders for their own record or filing or something would be served only by downloading the certified copies.

In Supreme Court lawyers download all certified copies. That can be very good way of reducing the burden of copying Department if everything is on the Internet. In Delhi every order is on net, every order of the judicial officers. In UP at least in 20 district's orders are in Internet. In Jaipur orders are in Internet. District courts. The moment we achieve the accuracy of hundred percent of upholding the orders in Internet copying section Department will be reduced and then what we have done in Allahabad we have stopped giving certified copies. We have started giving authenticated copies by the deputy registrar. But it is written that this is an authenticated copy of the order uploaded by the server maintained by the High Court. We also sent a copy to the concerned Chief judicial Magistrate so that it can be cross checked and the matter again does not come for cross checking. So, that way the whole thing got streamline and the demand of copying came down. But I know that Bombay High Court have some problem. Somebody said that copy of decree is getting after 6 months or 3 months. Isn't it like that in Bombay High Court.

Participant: – No, not now. Earlier there was some problem.

Justice Sunil Ambwani :- But now gradually all high Courts copying section are governed by E governance.

The demand of certified copies are now 10%. The copies are actually authenticated by the deputy registrar. So even Supreme Court did not raise any objection. The rules at there.

Justice Mukundakam Sharma: - If rules are there then it is fine. So, in the orders are available in the computers then probably some of the problems would be solved.

Justice Sunil Ambwani :- The big problem is the hard copy of the cause list. Now, when the soft copies are available and now the lawyers are also getting the cases on mobile and on Internet, even then, they would not give up that hard copy. And the cost of hard copy and subscription by the lawyers, the deficiency has gone around 19 crores of rupees of Allahabad alone. In Rajasthan also when we are going for the computerised copy, then there was about a strike. We have continue with the hard copy. But then there also was a mismatch between the actual cost to received from the lawyers. The lawyers say that it is your duty to inform the client through us. Now that argument we could not meet as of course it is the duty of the court to inform the litigant about the listing of the case. But the government did not provide the budget for it. Government says you collected from the lawyer. So that this matter is there in every High Court. very difficult to tackle.

Justice Mukundakam Sharma:- Thank you very much for your answers and participations.

Dr Amit Mehrotra:- I request to give a hand of applause to Honorable Justice Mukundakam Sharma sir and to Honorable Justice Sunil Ambwani sir. Thank you very much sir. National judicial Academy always get blessed by your deliberations and insights. We are breaking for the lunch and after lunch I will request you all to please the reassemble here. Before lunch I will request you all to please assemble on porch for a group paragraph as a token of remembrance.

Session 9: Presentations on Model Codes Developed

Dr. Amit Mehrotra:- So very good morning to all of you. Now I will request from Team 1 to come and please give your presentation. Please if you can.

Prof (Dr.) Geeta Oberoi:- If you are not comfortable it's a round table we can see each other, you can speak from there also.

Participant:- Am I audible. So I did not use mic. The compilation that was given to us it contains the questionnaire of all the high courts. So went through almost all the questionnaire. We found Allahabad high court, Bombay high court, Jharkhand high court and Madras high court, their questionnaire is quite exhaustive and in addition to all the questionnaire which they have framed considering the present needs we find that some more addition have to be made. Now Bombay High court has made it compulsory while designing the maps...to make provision for ramp. Then wheel chair for disabled and lift accommodating wheel chairs. So Bombay high court has delivered to that effect also. So we have included the ramp, disabled wheel chairs and we have divided our suggestion into six parts first is building and compound, establishment matters, government property and equipment's and budget and finance, administrative office, library and nazarat. In these areas we find that some more additions need to be made as I said earlier that buildings and compounds the provision for ramp physically disabled, lift has to be made and lift should be wide enough to accommodate the wheelchair. Then Supreme Court has made mandatory cruch facilities. So also children should feel homely in courts, so toys credle etc should be provided their. Then toilets for handicapped provision for that also should be made, lunch room for officers, staff. Then conference hall. What generally PDJs don't because they are dis interested but because of work pressure they are not ready to pay attention to various items and one of this is the quarters. Judicial officers have to stay outside the court campus on rented premises. Then the inspection party can suggest that for two more quarters the principal district judge can make correspondence and proposal can be send to High court for additional quarters. So we have added that also in our recommendations. Video conferencing facilities for accused and witnesses. Then ATMs, railway reservation, KIOSK facilities, help desk facility. Yesterday, Lordships were saying that help desk facility has to be there in every court complex. So that is generally provided in at least in Bombay designs. We have judicial service center and facilitation center. If help desk center set up in advance then that helps the litigant who will have a know now where to go know. Then we have provided for cctv and for entertainment of judicial officers the entertainment facilities. Your can play there, you can

have jim. Of course after court hours. Then just know it was said that there is no air conditioned rooms. We have requested the provisions for that also. Then generators, first aid facilities....chamber and court hall both. Many times due to electricity failure, what happen we have experience this, there is no back up for the hardware and evidence is being recorded all of a sudden there is an electricity failure, whatever portion is recorded if not saved it is immediately deleted. This was a subject in our discussion also. The principal district judge because of our administration work and because of judicial work, they are not able to give all attention to these points. So inspection parties should also check all these things. There are two constraints one is space constraint and another is financial constraint. Financial constraint in the sense the government for Maharashtra for infrastructure government releases only 200 crores. Ma'am we had given proposal of 387 crores for one court building in Mumbai. It is a huge complex of...unless proposal is given they will not release the funds. We have been giving them proposals but they don't release. There is no question of being reasonable....There is no question of being reasonable. If it is....47 courts....47 courts47 courts. For one court nobody will accept this. For 387 crores for one crores for one court....no same person will accept it. Only construction cost. Already a building is standing there after demolishing.

Discussion among participants.

Despite giving all the proposal, despite making demands in advance...we are having a meeting tomorrow. One of the high court judges presiding over that meeting. What has happened now courts are becoming litigant friendly and more and more facilities are sought to be provided to the judges also. Facility for litigants. So keeping this in view we have prepared this. Then we have made a provision for witness shed, room for public prosecutors and screening facility for POCSO courts. We have made provisions for first aid facility - dispensary, BSNL billing counter and yesterday we had a discussion that if any engineer of PWD if he deputed in court complex then you will be able to take care of all the minor maintenance issues. So we have proposed that office of public works department, public health and engineering department, one of the officer should be deputed there. Then Bank, post officer counters BSNL billing counters...we have

provision in Maharashtra the funds are not placed in the hands of PDJs. They are directly deposited in the hands of superintendent engineer. ..There are always exceptions. So most of the court complexes of are good quality. That agency prepared its own designs making some modifications and in those modifications it was noticed that height of the building has increased then the one prescribed by PWD. When that agency realize that height has increased it sent us the maps with a request that we should get the approval from PWD. When we approached PWD, PWD said when we had designed the plans without our approval how this has been done. Gaining anatomy is not an easy thing you will get the anatomy but you will not be able to discharge the duties to best of abilities of expectation of all. We won't be able to discharge the duties. This project in which I am just now referred they have suggested puzzle parking...day to day supervision is not possible. Then Screening facility for POCSO courts. Screening facility means the one way transparent glass. So that the victim will not be able to see the accused by accused will be able to seen the victim. So protecting the victim from the accused. Now we move to second item establishment matters. Now in every court there are temporary employees. So it is the duty of the principal district judge to make a recommendation after completing certain period for making them parent. What we have noticed is that such types of proposal are generally not sent for various reasons.

Participants are interacting with each other

Public service commission is restricted to class two and class one officers. Class III, IV is staff selection commission. Then proposal for additional courts there status. If additional courts are acquired then the if inspection party notices in supreme courts has in one proceeding Supreme Court has said that it has fixed number of files for per court. For Junior Division it is 600, Senior Division it is 500, 500 for DJ. If that exceeds then additional courts are required. If PDJs have not sent the proposal the inspection party can recommend him that you should send additional proposal for establishment courts. In case of permanent advance he has to every time prepare the expenditure if presently it is 5000 for district court and 2000 for taluka courts. For 5000....if he has withdrawn the amount of 5000 from treasury he has to account for that. All the details he has to give. So

one man is completely engaged in doing all this and 5000, 2000 can be spent in day in few hours not even a day. That depends from item to item. Yes yes yes...it differs from item to item if it is computers. For computers it is 50,000.

Participants are interacting with each other

The clerk write those makes those entries in his leisure time. If we check it those entries are made in one ink for the whole month probably after 6 months also. In our high court the staff is liable for for transfer after 5 years. Then in library...the real reason the real reason the real reason for introducing this because they have become unruly and arrogant. Lordship was saying that books are given at the residence of the judges but they are not being checked. Actually while....at the time of transfer the charge is handed over to the steno and steno he inspects all the book and makes an entry but in some states it may not be happening. There is always difference between in treasury pass book and cash book. So in case of reconciliation, the staff has to be forced to do the reconciliation because many a times and staff cannot be blamed in some cases because treasury officers don't respond. Whenever our clerk goes his says come tomorrow. When he goes tomorrow he will say come day after tomorrow?

Discussion among the participants

Nowadays there is a policy being devised that the laptops should be given in courts itself and in future the facility will also be extended to video conferencing to each and every individual court also. Mam we have been receiving demands from the lower judiciary that CCTV should be installed in court premises. So that evidence of the behavior of the advocates how they are unruly and rude.

Discussion among the participants

At least single parent may be permitted to bring a children with him. There are single parent who cannot leave their children with anyone.

Dr. Amit Mehrotra:- Most of the points have already been covered.

Clapping.

Dr. Amit Mehrotra:- Two points yeah...one point which was said that the details of mediation activity shall be monitored by the concerned presiding officers that is being said and there shall be annual judicial administrative account audit in fixed time frame work in every district judiciary. These two points which is not being that is being added by them rest of the things....

Discussion among the participants.

What do our best facilities which facilitate work? But then there is one I don't know if you have seen how we Indians are common people I'm talking about I am not talking about affluent class but I'm going to common people. Suppose I'm just a I'm just talking of a general example I'm giving. One day I was going like I was going for a meeting and I wanted to go to wash room and there was a hotel I was thinking three times there is no problem one can walk into the reception and use the washroom. But you know you think three times before entering a hotel. Because it is so well maintained is like so as we say the five star types five star facilities type it actually the way we are if we have a middle class and lower middle class family it intimidates us. It doesn't attract us come come, it doesn't. And that day I was thinking, you may have this five star course so people may feel like justice. But not for us. I mean it should not become that like the way it become I wanted to use washroom when I was thinking. I'm ready for and this is I'm going to put off we should meet the end just the I was thinking that I have to go to washroom but how to go inside this hotel. It became very difficult. Finally I went but infrastructure is very well nice no one body objected to me maybe I was well dressed or I don't know. But still it intimidates you as I would respected judge is saying that we may make a five star hotel kind of were these courts. In the end, the very consumer of justice for whom this course

we have meaning they may have become kind of insecure. Should we go here we receive well.

Discussion among the participants.

Participant:- She was alone and she had kept a breast feeding child outside the court. She was accommodated by some person and suddenly she started crying. I asked what happened to you then the advocate said the child is crying. She has to feed him. Had there been a creche facility this problem would have not arisen. So providing litigant the at least minimum required facilities. It is not our duty. When it comes to releasing funds for court government is very slow.

Discussion among the participants.

Prof (Dr.) Geeta Oberoi:- I think the group has only two things to add with this. We should conclude of course the problems will never end we will end our whole day over here. But still the really meant to be discussed. But it was very nice to talk to all of you sorry I was not there all these two days as you can see my condition. It's not that good. I am really sorry for that but then happy republic day and thank you very much for coming over here. And we will take this to our we will submit this whole recommendations we will work out. We will also add what two judges have said so whatever points are coming from that report also that also we will add. We will make a document. Maybe we will email it to all of you first before submitting it to Supreme Court. We have all your e-mail addresses in your PIC forms. So we will send you an individual email. Amit will send when the model form will be made if you have any inputs. Yes if you have given then no need to give.

Dr. Amit Mehrotra:- I think I will get it from PIC form and if it is not there I have your personal mobile numbers, if you don't mind I will call you in the evening...Thank you so much everyone.

Prof (Dr.) Geeta Oberoi:- Thank you thank you.