

Leadership and Administrative Skills

Roshan Dalvi
Former Judge, Bombay High Court

JUDGE – A Friend, Philosopher and Guide = Guardian

- Superintendence - Art. 227 – Judicial function
- Control - Art 235 – Administrative function
- Guardian implies a position of trust, care and custody, not only control
Obligation, Responsibility, Duty. NOT Rights, privileges.

Public office – Public servant – serves the public – office of public trust - Not ordinary Government service

JUDGE – The only servant who can punish the master !

Boss V. Leader

- Orders, directs
- Good instructor
- Has employees
- Respect due to seniority
- Dominates
- Focuses on structure, procedure
- Knows how the work is done
- Delegates tasks, responsibilities
- Blames the person who is wrong
- Influences, inspires
- Good model
- Has followers
- Respect due to ability, quality
- Supports
- Focuses on Values
- Shows how the work is done
- Delegates authority
- Shows the thing which is wrong

**Learning by self reflection is the noblest way,
by imitation is the easiest way, by experience is the bitterest way
- Confucius 551 BC - 479 BC**

Confidential Reports

Appraisal

- ✓ Object to inculcate discipline; not to demoralize, but to protect
- ✓ Maintain their dignity and independence
- ✓ Judgments evaluation – qualitative and quantitative, with reason
- ✓ References for good as well as bad in judgments and orders
- ✓ Give opportunity - representation of JOs – quick disposal, short reasons

Self appraisal ??

Those who criticize us would do well to remember that, positioned as we are, we are unable to answer.

– Lord Denning

Aspects for Organizational Goals

For Judges and staff

- Appointments
- Confirmation
- Transfers
- Promotions
- Overall discipline of work

Justice without generosity is Shylock's Justice

Ambit of Responsibility

Disciplinary control - of Judges and Staff
Includes vigil over Judicial Misconduct by:

- Dishonest deeds
- Attire
- Demeanor
- Favoritism
- Social interactions
- Punctuality
- Expedition

The 5 I's :

INTEGRITY
IMPARTIALITY
INDUSTRY
INTEREST
INTELLIGENCE
for deserving
INDEPENDENCE

Infrastructure / Human Relations

- Court buildings – construction, repairs
- Bar requests – for conveniences, workshops
- Complaints – against Judges – Right of hearing, Inquiry

**The end of law is not to abolish and restrain,
But to preserve and enlarge freedom.**

Administrative System

Report of Hon'ble the Chief justice, Mr. Justice Deepankar Dutta,
Bombay High Court in the National Court Management
Systems(NCMS)Committee

Resource Development Strategy

- ❖ Court managers - expertise
- ❖ Judgment evaluation – qualitative / quantitative
- ❖ Remarks in judgments (judicial) / CRs (Administrative)
- ❖ Training and Education

Save the dying, rather
than bury the dead

SYSTEMIC PROBLEM SOLVING

5 stage Scientific Thinking Mechanism

- Identify problems – Think
- Make plans for improvement - discussions, suggestions, broad themes
- Apply improvement techniques – Eliminate / find waste
- Put plans into practice – (the Japanese way)



**Failing to plan
Is planning to fail.**

5 ISSUES OF CASE MANAGEMENT

R K M M O for DAR raised by NJA, India

- **R**ole & Responsibility of Judges
- **K**nowledge of Law
- Judicial **M**ethod
- **M**anagement
- **O**rganisational Efficacy

APPROACH TO TIME MANAGEMENT

A P P E M for DAR raised by NJA, India

- **A**IM – Secure justice, do justice
- **P**RIORITISE – e.g. Liberty of persons in the UK
- **P**LAN – absent in the 5 year plans
- **E**XECUTE – Put plans into practise
- **M**ONITOR – Research / impact assessment

The formulation of a problem is far more essential than its solution – Albert Einstein

ASPECTS OF COURT MANAGEMENT

- ❖ Scrutiny
- ❖ Technicalities
- ❖ Directions
- ❖ Certified Copies
- ❖ Group matters
- ❖ New Suits
- ❖ E-Filing
- ❖ Case tracking
- ❖ Expedition Orders
- ❖ Bench book/handbook / propositions of Law

Tomorrow's Court system must become at once a sentinel, monitor, mentor and ombudsman of the New World Legal Order
- Justice Krishna Iyer

ASPECTS OF COURT MANAGEMENT (Contd...)

- ❖ Discharge of Suits on Board / website
- ❖ Assignment period / part heard matters
- ❖ Classification of Suits
- ❖ Registrar's Powers – enhanced to dismissal, ex parte decree, settlements
- ❖ Facilitation Counter

*Successful people do not do different things,
They do things differently.*

MANAGEMENT for Efficient Judicial System

Elements of management

- Planning
- Organizing
- Directing
- Co-ordinating
- Controlling

As propounded by the Management Guru, Peter Drucker

The best way to predict the future
is to create it - Peter Drucker

JUDICIAL REFORMS - Infrastructure

- System of Case Management
- National Arrears Grid to assess pendency
- National Litigation Policy to curb litigation
- National framework of Court excellence
- System of performance parameters
- Court Development Planning System
- Increased strength of Judges

JUDICIAL REFORMS – Infrastructure (Contd...)

- Ad-hoc Judges on contractual basis
- National pool from retired Judges
- Speedy appointment of Judges
- Raised retirement age of Judges
- Increased number of working days
- Flexi-vacations

LEGAL & JUDICIAL REFORMS

- Define goals & re-examine outcome periodically
 - e.g. Israeli experience of Case Management & ADR program
- Fast track cases – all but the most complex
 - e.g. Rule 1800 of California Rules of Court
- Make changes in Procedural Laws
- Improve case management
- Training of judges, lawyers, police, prosecutors and other stakeholders
- Use ADR in civil & Plea bargaining in criminal cases
- Judicial Bench Books – for best practices & precedents
- Use ICT, Video-conferencing & E-Courts
- Implement National Minimum Court Performance Standard
- SPV to implement the action plan - Judicial impact assessment

Take time to be sure,
but be sure not to take too much time.



ADMINISTRATIVE REFORMS

- Cost – Benefit Analysis
- Infrastructure (lighting, toilets, libraries)
- Budgeting – realistic and planned
- Social Audit
- Research
- Court Managers

**The only sure weapon against bad ideas
is better ideas – Alfred Whitney Griswold**

Desirable Qualities of Judges

- Management Skills
- Practicality
- Creativity
- *Hand-Holding / Power balancing* - Restorative Justice



Instead of constantly adapting to change;



Why not change to be adaptive?

Desired Action – other stakeholders

- Teamwork between lawyers and judges / Police and Prosecutors and Judges
- Interaction / Continuous education
- Sensitization of Lawyers in Judicial Academies
- Mentoring Interns

The secret of success is being a good thief;
Emulating the habits of the most successful people

Partners of the System

- Medical Officers
- Police Officers
- Prosecutors
- Legal Officers
- Judicial Officers
- Criminal Justice Agencies

Attitudinal change

&

Awareness Creation

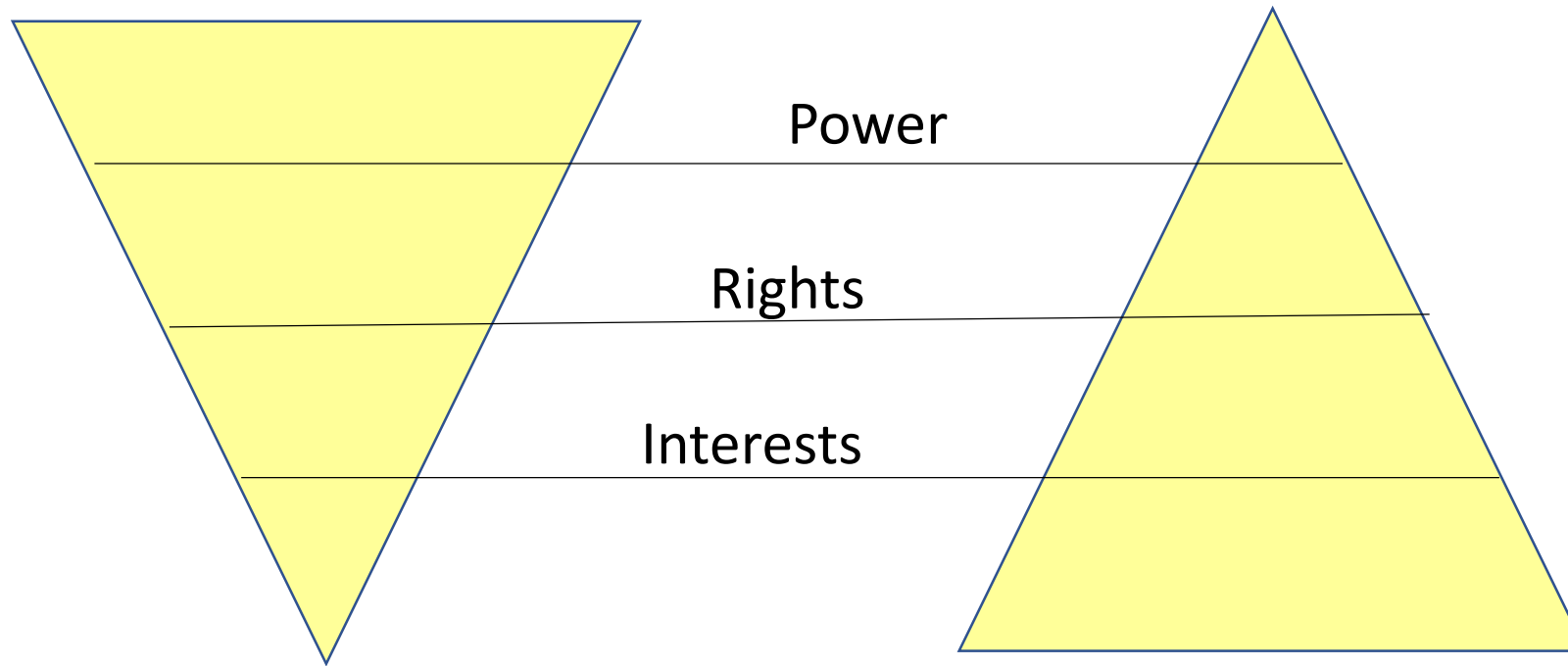
Hear those who cannot shout;

**Listen to those who cannot
speak**

New Approach to resolve disputes

TRADITIONAL

EFFECTIVE



E – ADR / ODR

- Online Dispute Resolution platforms - SAMA/CODR
- E Arb Systems-Global Outreach for Online Arb - JUPITICE
- E – ADR Institution for Online Mediation

Gram panchayat replaced by *Instagram* panchayat!

*If you change the way you look at things,
The things you look at, change.*



To
lead
the people,
walk
behind
them.

-Lao Tzu