

**JUDGE AS THE MASTER OF THE  
COURT:  
COURT AND CASE MANAGEMENT**

**By Justice U.C. Dhyani,  
Chairman,  
Public Services Tribunal Dehradun**

**AT NJA, Bhopal**

**Date:-17.01.2023**

- **We, the people of India**
- **We, the people of Bangladesh**
- **People are most precious assets  
(Human Resource Management)**
- **Can we give assurance to the  
people for timely justice?**

# STAKE HOLDERS

- JUDGES
- LAWYERS
- LITIGANTS
- PROSECUTORS
- WITNESSES
- STAFF OF THE  
REGISTRY/COURT

- **Role and Profile of a Judge**
- **Judicial Decision Making**
- **Management's Humble ancestry**

# Three Levels of Management

- **TOP**

- **MIDDLE**

- **BOTTOM**

**Governance, Administration & Management**

**(within available Resources)**

# Three Tiers

Conceptual

Human

Technical

**Mind Pre-occupied ?**

**What will Happen?**

**Know your strength?**

- **Manage Your Court**

  - ( **Case Management** )

  - Civil as well as Criminal**

- **Self Management**

  - **Open Mind**

- **Positive bent of Mind**





**A B C D**

**Docket exclusion**

**Docket explosion**

**Promptness is Vital**

- **Motivation**
- **Communication**
  - **Knowledge**
    - **Skills**
    - **Attitude**
- **Leadership and Team Building**

- **Mc Gregors Theory**

**X & Y**

- **Abraham Maslow**

- **Bentham**

**Public Servants are like  
Defective Clocks, Mad Caps,  
Shake is Shock**

# • Peter Pan

Public Servants are  
born with Horns on  
head & thorns in the  
Chest

- **Ego States**

**P---Parent**

**A---Adult**

**C---Child**

**Peeling of Ego States is  
Physiological Nudism**

- **PERCEPTS OF LAW**

- **PETER DRUCKER**

- **Magna Carta**

- **Professionalism**

- **Make Thing Happen**



# **“FUTURE SHOCK”**

## **by Alvin Toffler**

*“Manage the change otherwise the change will manage you”*

### **Challenges**



**I am not useless**

**I am used Less**

**Money is not Honey**

**And the Spoils of the  
Office are not Funny**

**No Job is too Small for a  
Man**

**And**

**No man is Greater than  
his job**

**I am infallible because I  
am Supreme**

**I am not Supreme  
because I am Infallible  
- Chief Justice Marshall**

# **Justice is not a cloistered Virtue**

**It must be allowed to  
suffer, even if  
outspoken, scrutiny of a  
common man .**

**Ambard v Attorney-  
General for Trinidad and Tobago, 1936 PC**

# CRISIS OF CREDIBILITY

A patient visited a Doctor's clinic and asked the receptionist- I want to see a specialist of eyes and ears.

**The Receptionist Said- “There are doctors of ear, nose, Throat (ENT) and there are doctors of eyes. There is no specialist who treats both the eyes and ears. But then why are you in need of such a doctor?”**

**“The patient replied-  
these days I do not see  
what I hear and I do not  
hear what I see”**



## Personality of a Judge:

A Chief Justice of the New York State Court of Appeals on his first appointment as Chief Judge proudly showed his wife the Chair in the Court room of his illustrious predecessor-in-office of nearly half a century ago Chief Justice Benjamin Cardozo (a legend amongst Judge of the United states) and he said to his wife in a reverential whisper – “see-this is Cardozo’s chair and this is where I will sit”

**His wife responded not very reverentially: “Yes- and after fifty years and five more chief Justices it will still be Cardozo’s chair!”**

- EAT LAW, TALK LAW, THINK LAW,  
DRINK LAW, BABBLE OF LAW AND  
JUDGMENT IN YOUR SLEEP,  
PICKLE YOURSELF IN LAW - IT IS  
YOUR ONLY HOPE.

**(Karl Llewellyn, The Bramble Bush, 1951)**

# Without Beginning or End

“ To cause delay in Lincoln’s Inn

Two different methods tend:

His Lordship’s Judgments never begin,

His Honour’s Judgements never end.”

Hearing without determination &

determination without Hearing

**Budgeting for the  
judiciary is something  
like making a walk with  
a tiny stone in your  
shoe.**

**Judiciary may Seem like a  
bottomless Pit because it  
always seems to be asking  
for more money without  
explaining exactly what it  
will do with the extra  
money.**

**“ SUNSHINE IN THE COURTROOM ACT”**  
**Sunshine is the best disinfectant**  
**- Louis Brandeis (US)**

Pradyum Bisht vs. Union of India.,  
(2018) 15 SCC 433

**Installation of CCTV Cameras inside  
the court.**

# Nawal Singh v. State of U.P., (2003) 8 SCC 117

For keeping the stream of justice unpolluted, repeated scrutiny of service records of judicial officers after a specified age/completion of specified years of service provided under the Rules is a must by each and every High Court as the lower judiciary is the foundation of the judicial system.



Chandra Singh v. State of Rajasthan, (2003) 6 SCC 545/High Court of Judicature of Bombay v. Shirishkumar Rangrao Patil, (1997) 6 SCC 339

Article 235 of the Constitution of India enables the High Court to assess the performance of any judicial officer at any time with a view to discipline the black sheep or weed out the deadwood. The nature of judicial service is such that it cannot afford to suffer continuance in service of persons of doubtful integrity or who have lost their utility.

# 'K', A Judicial Officer, In re, (2001) 3 SCC 54

Under Article 235, the emphasis should not be on punishment, but on discouraging the repetition of errors or failures.

# Madan Mohan Choudhary v. State of Bihar, (1999) 3 SCC 396

The officers of subordinate judiciary are public servants their whole service is placed under the control of the High Court and the Governor cannot make any appointment or take any disciplinary action including action for removal or compulsory retirement unless the High Court is consulted.

# Hari Datt Kainthla v. State of H.P., (1980) 3 SCC 189

If any new rules are formulated under Art.309 for regulating recruitment and conditions of services of District Judges they will have to be in conformity with Art.233's Constitutional mandate or else will be *ultra vires*.

# Renu v. District & Sessions Judge, (2014) 14 SCC 50

Administrative control over the Subordinate Courts extends to all functionaries attached to the Subordinate Courts including the ministerial staff and servants in the establishment of the Subordinate Courts.

# Imtiyaz Ahmed vs. State of Uttar Pradesh & ors (2012) 2 SCC 688

Supreme Court directs the Law Secretaries of all State Governments to file affidavits relating to budget allocation and utilization.

**THANK YOU**