

REPORT- 886

National Orientation Program for CJMS/ Civil Judges (Senior Division) P-886

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The conference commenced at 9:50 am with the remarks by Prof. Geeta Oberoi, Director, National Judicial Academy. She explained the methodology of the programme and informed as to why a new orientation programme for senior division judges was started this year in NJA

After self-introduction of the participants justice P.V. Reddi commenced the discussion on the role of a judge in a Constitutional democracy. Justice P.V. Reddi stated that the constitution is the law of laws and the Supreme law. He stated that every Judge shall read all important judgments of the Supreme Court on interpretation of the Constitution. He stated that good or bad of a country depends on three factors- Constitution, its interpretation and the respect it claims.

He stated that the great values are protected and thus certain values are important to be inculcated. Indian Constitution, he said withstood the test of time. He said Constitution is a living organ. Its evolution and growth was due to its molding by the Supreme Court. Supreme Court of India made the court below also powerful. He mentioned about Judicial Review and PIL as an important tool. Thus a reference was made about the judgment in the case of Maneka Gandhi. Thus Justice Delivery System is an important independent function in any organized community.

Mr. Pattabhi Ramarao added saying that the courts having Original Jurisdiction are the first places to ensure that the access to Justice and Legal Aid, which are considered to be the highly valued rights relating to the justice system are ensured. The judge should ensure that the Constitutional Guarantees of equalities, human dignity, rule of law-several written and unwritten constitutional values and rights.

Justice P.V. Reddi said that Independence of Judiciary is ensured at its highest order but Independence does not mean adjudication as per whims and fancies. Independence brings plethora of responsibilities. Justice Reddi quoted Justice R. V. Raveendran to say that independence and accountability are two sides of same coin. Accountability at the first instance means accountability to oneself and one's good conscience. Judges shall exhibit their accountability by their proper conduct and disposition towards the litigants and public. He said that important cases are decided from heart but not down the head. Justice Reddi extensively quoted Chief Justice Marshall. Judges shall be wise enough to know that he is fallible.

Justice Reddi further elaborated that perfect justice is a mirage. But still judges should aim to earn public confidence. Justice Reddi believed that the oath taken by judges as given in the Constitution is sufficient. It encompasses all the dimensions of Bangalore Principles. Thus there is no need to look beyond it.

Honorable Justice Reddi further conveyed that Lower judiciary should be sensitive. There is a need for socio-economic justice. Added constitutional dimensions to judicial reasoning are an important part of justice delivery.

There was discussion on section 91, section 80, section 133 CrPC and the creative ways of rendering justice to the public. Justice Reddi cautioned about the procedural safeguards. A participant mentioned that matters relating to personal liberty and human rights may have added constitutional dimensions. Another participant added that class action suits may be appreciated by way of Representative suits. Thus there was a discussion as to the why writ or class action suits jurisdiction cannot be conferred on the district judiciary. Thus Justice Reddi said that such a power is deliberately conferred on higher courts. Another important topic for discussion was with respect to powers of District Legal Authorities.

Later the documentary "All rise in your Honor" was screened for all the participants. The documentary discussed over the social impact of judicial delays, lack of proper implementation of the judicial decisions, judicial errors, frivolous suits, etc. It also discussed the issue of lack of public confidence in the judicial system. It also showed how the youth in our country is found such an attitude of the judiciary objectionable. And how they perceived it as set back to their own ambitions. It also explained about certain malpractices prevalent among judges.

After lunch all the participants were divided into five groups. The participants were facilitated to discuss on the subject "State of Justice Delivery System: Reflection by Judges." One representative from each of the five groups presented their views. Justice P.V. Reddi initiated discussion by addressing the issue of pendency of suits.

Representative from Group 1 referred to the problem of delays in disposal of cases. He said that there should be coordination among litigant, public, police and judiciary. He mentioned certain schemes to prevent judicial delays. One of the major suggestions was to use video conferencing as an extensive tool in judicial system. Thus the use of modern technology was advocated by the representative vehemently. Investigating Officer and Advocates should be made accountable. He then talked about fear psychosis.

Justice P.V. Reddi further deliberated over the issue of fear psychosis. He said it is a disturbing trend. It should not deter judges from deciding cases.

Representative from group 2 continued the discussion. He expressed a view that the above documentary did not reflect the true picture of the Indian Judicial System. Yet he focused on the four main issues of punctuality, pendency, adjournment and problems faced by vulnerable section of society. He said that the prime duty of a judge is to deliver justice, within the given timeframe, by giving opportunity to be heard to both parties, without misuse of procedure. He concluded by saying that increase in litigation does not reflect failure of system but that the people have faith in the system.

Justice Reddi talked about delays in cases involving corruption, political leaders, influential personalities and terrorists.

Representative of group 3 now took up the discussion. A very important aspect covered by him was mind set of the people. Secondly he suggested that in order to prevent delays in judicial system when legislature passes an act there must be a study on financial burden on courts attributable to the legislation. Other measures were stretching of Bar Councils; litigants should be demoralized to file frivolous suits state officials should be sensitized.

Justice Reddi appreciated the mindset aspect.

Representative of group 4 was also unconvinced with the documentary. She said that there should be costs imposed on adjournments. There should be proactive role of judges in cases they decide. She said judges should take only as much cases as they shall be able to decide. She also said that there should be lesser focus on technicalities of procedure and more focus on substantive part. Her efforts to reduce pendency were appreciated by all.

Representative of group 5 was again against the documentary. He also talked about the issue of pendency in courts. He said that in order to maintain the faith of public in the Judiciary it is essential that the judiciary should be responsible. He also supported prompt and punctual decision making. He maintained that proper board management requires a lot of homework. He supported adherence to the procedural law. He also highlighted the significance of sensitivity towards the vulnerable group of the society. According to him limitation and jurisdiction of court should be primary issues and must be dealt with at the earliest.

Now Justice Reddy commented on all the above discussions. He advocated a shift from advocate dominated to judge managed adversarial system. There should be a litigant centric system rather than having a court centric system. He encouraged the need to proper case management among judges. There should be a time table which is strictly followed. Prioritization of suits according to nature of case is essential. He gave an example of targeted cases system in Kerela. Once targeted units are achieved judges should not be complacent. Relentless efforts should be made by the judges to win confidence.

After tea break Ms. Nidhi Gupta, Asst. Prof. National Judicial Academy deliberated over "Judicial Decision Making: Challenges and Concerns." She expressed variations in her thoughts due to her association with academia.

She urged the participants to reflect on their position if they would have been provided with best infrastructure and support system. She said still there would have been certain drawbacks in the system prevalent due to shortcomings of Judicial Officers. Apart from these external factors, there are certain internal factors responsible for defects in Judicial Decision Making. Judges have variations in their approach, method of appreciation and perception. She demonstrated this with the help of example of dilemma faced by a man if he has to save the majority or the one who is right. She suggested that hasty decisions may not be right even if they represent the majority.

She defined decision making as a process leading to selection of a course of action among alternatives. Decision Making may be rational, irrational or intuitive. It is a six step process- identification of problem, analysis of problem, generation of alternatives, evaluation of alternatives, selection of best alternative and implementation and follow up action.

Then she talked about two models of Decision Making. One was strict following of stare decisis. Second was a humanistic approach. Both of them were extremes. And she concluded that the reality lied somewhere in between.

Judges apply rational process yet attitude, policy preferences, skills, knowledge, experiences, affect their attitude. Certain issues in Judicial Decision Making are new situations without precedents, social distance between past case and current situation and process of precedent selection in case of conflicting precedents. Certain tools to combat these issues may be strict interpretation and legislative intents.

Judges according to her are not tabula rasa, They have their own beliefs, views and orientations. There are many labels given to judges-liberal, conservative, pro-labor, etc.

There are certain factors which affect their Decision Making. Factors relating to dispute are nature of case, issues involved, etc. Factors relating to litigants are personality, conduct, behavior, education, background, etc. Factors affecting adjudication process are personal knowledge relating to case, perception, ideologies, past experience, ego, fear psychosis etc.

There are four kinds of biases in judiciary. They are over confidence bias, anchoring bias, availability bias and conformation bias. Thus according to her experience of a judge should not turn into bias.

Impartiality does not mean gullibility in her words. Acceptance of existence of bias is important in order to get rid of them in view of Ms. Nidhi Gupta. Thus a judge should understand personalities in court, factors affecting the decision making process and ask himself about how these factors trigger him emotionally. Thus it is essential that a judge should know himself.

Thus P.V. Reddi sir appreciated the above thoughts and views. And in the end Mr. Pattabhi Ramarao thanked all.

SESSION 5

Importance of Interlocutory Orders in Civil Justice Administration

The moderator Mr. Pattabhi welcomed this session by a welcome address to all the dignitaries and the resource persons and he requested Hon'ble Justice B.P Katakey to commence this session of the conference on the importance of interlocutory orders in civil justice administration. The Hon'ble speaker began by telling the prominent use of interlocutory orders passed by courts. He further stated that granting an injunction is a very sensitive matter and grant or rejection of an injunction is of immense importance and hence it should be dealt with utmost care and caution.. The Hon'ble speaker placed his reliance on the three golden principles to grant an interim injunction:

- 1) Strong Prima facie case
- 2) Balance in convenience,
- 3) Irreparable loss and injury and (public interest in some cases).

He stated that sometimes in a suit of eviction a party has challenged his eviction notice and no injunction is granted then there is a possibility of suit being infructuous, provided he has a prima facie right to occupy the house. Justice Katakey proposed a question to the members that in such suits what is the right of the party to occupy that land? What prima facie proof he can enclose with the plaint?

He stated that the answer to this question lies in a judgment of Supreme Court where it was held that the generally before passing an ad interim injunction order hear the other party and issue notice. But in some cases ad interim order is required to be passed without issuing of notice otherwise the purpose of the plaintiff seeking injunction will be defeated. If the balance of convenience is the favour of one and there would be an irreparable injury then interim order can be passed without issuance of notice

Also , he stated that evidence is not required to pass an ad interim order of injunction and under Order 39 of CPC injunction may be passed on affidavits or otherwise. Also, section 30 of CPC allows to pass an order to prove and fact on affidavit.

The Hon'ble speaker delivered to the participants that the whole job of a judge is to find out the truth and give relief to the one who deserves on case to case basis. He state that interim injunction are for a temporary period and an ad interim injunction is valid till a limited date only. It is very difficult to get ad interim injunction to get it vacated.

He placed reliance on *Maria's Case* and he quoted Para 86 of the judgment where the apex court has said that the grant or refusal of injunction is most important. Due care & diligence is required to be given for such cases. In most cases the fate of the case is decided by the grant or refusal of cases and hence the judge should deal with utmost care and seriousness while dealing with the matter of injunction. It might cause irreparable damage to one party and hence one should be very cautious and careful while granting injunction.

The Hon'ble speaker then talked about the distinction between a regular appeal and an appeal under Order 43 of the CPC. He said that in a regular appeal one has to scrutinize everything and act like a trial court. But under an appeal under Order 43 the scope of interference is much less than scope of interference in regular appeal. He stated that if the interim order it is arbitrary, capricious, and perverse and if the trial court has passed injunction ignoring the relevant laws then the injunction can be challenged in appeal. He cited *Wonder Ltd v Antox India* (1993 Sup. SCC 727) where it was held that great importance should be given in passing an interim order for appointment of a receiver, order under 39 (1),(2) and order passed under 125 CrPC.

He concluded by stating that passing an interim order in civil/criminal cases is of immense important and we must see the balance between granting and refusing such order.

The session was followed by views of the Hon'ble chair Justice Seetharama Murti. He started by giving warm regards to colleagues and greetings to all. Justice Murti stated that law is an ocean and particularly this topic of session is very vast. Interlocutory applications are very prominent in day to day cases. He highlighted the important provisions of CPC dealing with injunction mainly the section 5, order 1 rule 8 , Order 2 rule 2 and order 11 rules (1), (12),(18) etc. .

The Hon'ble speaker then deliberated on the difference of Incidental proceedings and Supplemental proceedings. He stated that incidental proceedings deals mainly with commission, examination, investigation, expert opinion, and conduct sale of property etc. Whereas Supplemental proceedings part 6 (94) of the CPC deals mainly with Arrest, attachment, temporary injunctions, appointment of receivers, etc. He then placed reliance on

Varid Jakob case 2004 6 SCC 378 supreme court has laid down the difference. Incidental proceeding comes in aid of deciding main proceeding. Temporary injunction is supplemental in nature.

In respect with Status quo the Hon'ble chair stated that Status quo should be specified and asked the participants to not pass any vague order status quo which do not serve any purpose to any of the litigants.

He further placed reliance on a few cases mainly *Saraswati v Verbhadrav* , *Mahadev savalram case* & *Morgan Stanley case*.

To the aspect of perpetual injunction the Hon'ble chair suggested to read the wonderful guidelines laid down by the Supreme Court in *Sudhakar's case*. Also in the *Bagi constructions case* the concept of recalling of witness was discussed. It is not intended to fill a lacuna in evidence who has already been examined. If the tests mentioned are satisfied then u can recall a witness. Being liberal should not be injustice to the party and the judge should examine whether there is negligence or diligence.

He concluded by deliberating on the aspect of amendment of pleadings and he stated that amendment sought should not cause prejudice. He also suggested that interim order in maintenance cases civil/criminal should be dealt very carefully and the financial status of the family should be looked upon and some maintenance should be given to meet the ends of justice.

The Hon'ble resource person Justice Mukta Kapoor concluded the session by giving importance to 3 golden rules of granting injunction and she told to the house that they should always keep in mind that interim injunction are not mandatory in nature. The main purpose of interim injunction is to save the property and that no prejudice is caused.

SESSION 6

Execution of Decrees: Problems and Perspectives

Hon'ble Justice Seetharama Murthi was the speaker for this session focusing on problems on execution of decree. He stated that the actual Litigation commences when the party obtains the decree. The suit does not end on passing of a decree just like a businessman is not successful unless the product comes in market. But in legal system not much stress is given on execution of decree but instead on disposal of cases. He further deliberated that unless the decree is prepared with terms of judgment there would be objections and contributing to delay.

The Hon'ble Speaker highlighted that a decree is required to be prepared in 15 days after passing of judgment but that does not happen due to the lack of administrative department. He said that the 2nd stage of delay is scrutiny of the application as per Order 21 rule 17 of the CPC. Delay in reporting the judgment also amounts to further delay in execution of decree. He added that regular monitoring by the judicial officer relating to proper scrutiny and setting up a time frame is required to be done. The proper service of notice should be fixed and the judge should see that whether serious effort has been made to do the service or not.

He then cited case *Hiralal Patni v Shrikali Nath* with respect to objection under section 47 of the CPC relating to the territorial jurisdiction of court. The SC held that the argument, objection not taken on the initial stage and they have agreed to proceed in that court it cannot be a ground of nullity of decree. In *Dhirendra Nath gowri v Sudhir channandra gosh* the SC held that when the court lack inherent jurisdiction then only it is null. *Budhiaswine v Gopinath Dave* distinction between lack of jurisdiction and mere error in exercise of jurisdiction was discussed and it was held that mere error of exercise of jurisdiction. In the former it is a nullity but in latter it can be approached to appealed court. Also, in *Sundardas v Ramprakash* the decree was passes by the civil court where the civil court jurisdiction was specifically ousted because it was expressly barred and hence cannot be executed.

He further stated that while executing a decree sometimes it may be required to go through the pleadings to clear the doubt in mind as to the use of particular word. In *Bhawan Baja* it was held that in order to ascertaining the meaning of the words the pleadings have to be considered. The Hon'ble speaker suggested to the house to set apart one day in a week to execution cases only and on that day try forget about other cases and only focus on execution

cases. By doing so, entire execution proceeding will be in the judge's control and the lawyer who tried to delay the proceeding will know that this judge puts stress on the matter which will make a huge difference.

Hon'ble Justice Murti concluded by sharing these thoughts and suggested them to apply in life.

The session was followed by views of Justice B.P Katakey. He stated that the judges should not commit procedural mistakes and executing court cannot go behind the decree. When there is a conflict or ambiguity the court can look into the pleadings. In regard to the different modes of execution he stated that. Arrest is to be ordered only when detention is permissible and arrest of a woman cannot be ordered as per section 56 of CPC. An enquiry is a condition precedent before a final order of arrest is passed. Also, Notice is necessary in case of arrest as it relates to fundamental rights.

He further concluded the session by highlighting the two principles of standard of proof in civil matters:

- 1) Preponderance of probabilities &
- 2) Onus of proof shifts (evidentiary burden) i.e. onus shifts to judgment debtor.

SESSION 7

Criminal Justice System in India: Critical Analysis

The Hon'ble resource person Justice Joymala Bagchi addressed this session and he began with saying that Indian legal system of criminal law is very strong and by inviting suggestions and reforms and would like a free flow of ideas rather than a monologue.

Justice Joymala Bagchi mainly deliberated about the following points:

1) **Role of a Judge** in criminal justice delivery system hereinafter referred as '(CJS)'

He stated that the judge has become more participative, he tries to see that the criminal justice system is pushed towards a just end. Also, the concept of administration of criminal justice has undergone a perceptible shift over the time. He stated that a judge should be more than a mere umpire but a participative judge. He has to remain impartial and while being so but he should not cross the provisions of law. He placed reliance on

Ramchandar v State of Haryana where it was held that it is the duty of judge to discover the truth and he can ask question at any time to anyone but without going out his authorities and domain. His goal is justice and he acts as a captain of the team and he has to take everyone together. Also, in *Zahir Habibula* case it was stated that the entire CJS is based on inherent fairness of the investigator. In *Surkivi vasu*, the SC created a new law and held that there is limited power with magistrate as only to seek reports of investigation.

2) **Timely dispensation of Justice**

The Hon'ble spokesperson suggested that there should not be an alteration of fair dispensation of justice. The swift disposal of a case is established as a fundamental right in article 21 of the constitution and speedy trial at all stages in a CJS is a fundamental right of the accused. He further added that Article 21 protects the accused but what about the victim? In one case the apex court held that article 21 not only is limited to accused but is extended to victim. Court takes so much time to declare the obvious which the common man does not like. In *Mohd. Hussain case* a larger of SC held that speedy trial and fair trial to a person accused of a crime are integral part of article 21 of the constitution of India. Right to speedy trial is party non-specific. Accused party speedy trial is party specific. He further stated that right to speedy trial depends on various circumstances depending on case to case.

3) Evolution of sentencing Jurisdiction

Hon'ble Justice Joymala Bagchi then deliberated about the aspect of Consecutive sentencing. He stated that ordinarily we impose concurrent sentencing but consecutive sentencing can be there in some cases of NIA.

The session was then concluded by a few queries.

SESSION 8

Role of Courts in Ensuring Fair Trial

This session was addressed by Justice Mukta Gupta. She with a help of presentation deliberated about the basic constitutional provisions of Fair trial such as Right to equality, self-incrimination, life and personal liberty etc. She placed reliance on the *Dk Basu* and *Nandadni Satpadi* case. No person to be compelled to be a witness against self is also an essential principle of fair trial and provisions dealing with this are Art 20(3) of the constitution, section 161(2) CrPC and section 313 Crpc. She further added that an accused is presumed to be innocent unless proven guilty is also a principle of fair trial and need to follow. She also relied upon the five principles of *Sharad Biridhichand Sarda vs State of Maharashtra*.

She also stated the right to fair defence and the accused must be able to present his case. If there is a material in his favour then the investigation officer. The SC in *Manu Sharma case* held that the role of Public prosecutor is to ensure that accused is punished. His duty is also to ensure that all relevant documents and information has been brought to the court. It is the duty of the court to get all the necessary documents pertaining to the case. Also, In *Ajmal Kasab case* SC held that if lower courts do not provide a legal aid to the accused then they are not doing their duty and would be exposed to Disciplinary action as everyone has a right to legal aid.

She suggested that judges should be careful, sometimes while recording the cross examination the witness is saying the same thing but in a different manner and that does not amount to improvement.

The session was concluded by the remarks of Justice Murti and he stated that fairness of a trial is not only in hands of judges since there are so many people involved. Fairness of trial should be considered from filing of FIR. We must make an endeavour to make every trial a fair trial but within the limitations of law.

SESSION 9

Appreciation of Digital Evidence

The session was commenced by Mr. Debasis Nayak about the aspects of digital evidence. The speaker started by explaining the basic concepts of digital evidence. He stated that the Evidence stored or transmitted in binary form is a digital evidence. It includes from computer, digital audio, digital video & cell phones. Computer documents can easily be tampered. He stated that Section 64 (b) Indian Evidence Act(IEA), deals with digital evidence. A cell phone comes under the ambit of definition of 'computer' under IP act. He highlighted the main computer forensics practices as follows:

- a) Analysis of bit stream copies can be made. When we delete a file the file is not accessible. The file is not non-existent but is deleted. Every computer has a file index and it stores the address of the file. While deleting the file only address is deleted but not the file. But it can be recovered from software
- b) Use of proper software utilities.
- c) Proper documentation
- d) Not trusting the suspect computer. A software is a creation of a human and is programmed in a particular manner by the maker and if not followed will erase the data.

Thumb rule: If a computer is open while investigation. Don't shut it down just pull out the plug.

He then stated that the computer forensics process happens in four parts:

- a) Acquiring the computer
- b) Authenticate (authenticated with the original to check that it is the exact copy of other)
- c) Analysis of the authenticated copy
- d) Document.

- **AUTHENTICATION**

The speaker explained the technical aspects of the authentication in forensic process. He stated that authentication is achieved in computer by 'hash function' defined under the IT act and Hash function is a mathematical algorithm that takes in input of variable length (size of the file) and gives a output of fix length. If the character of input differs minutely then the output will differ. Even a single, will give different output. They check the hash output of the original and the copy to see its authenticity. Also, he stated that editing the original with a fake is morphing.

- **DOCUMENT**

He then explained the concept of document. He stated that a forensic examination report must

- a) List software used & their versions
- b) Be in simple language.

Chain -of-custody log. ACL (access control list) of people having access to collected evidence. It tracks evidence from source to courtroom.

The 5Ws of chain of -

- 1) Who - took possession of the evidence
- 2) What-description
- 3) Where-did they take it to
- 4) When
- 5) Why

He stated that usually in trials the accused comes up with the defence that trojan responsible for attacks which means someone else has done without my knowledge without using Trojan programme or material was pushed to the suspect's computer via p2p (peer2peer) , via email. He placed heavy reliance on S.64 (B) IEA, "It **shall be admissible** in any proceedings, without further proof of the original". He further stated that, according to this section the computer should have been used regularly. Problem arises because the only person who can say that computer was used regularly is the owner himself who can be the suspect also.

He then stressed upon the admissibility of text messages in the court that a printout of text message may be admitted following the usual method under section 65B of IEA but however,

WhatsApp messages are not stored on WhatsApp servers unlike telecom service provider in case of text messages.

The Hon'ble speaker then deliberated about the emails as evidence and stated that procedure under section 65B has to be followed and contents of e-mails as evidence are admissible if

- If parties admit the content
- If email is digitally signed
- By subsequent conduct of parties

Finally, by examination of witnesses.

He then discussed the *Parliament Attack Case* where laptop, storage devices recovered from a truck in Srinagar and -laptop contained files relating to identity cards, stickers used by terrorists. Defence argued that files created after the laptop was seized, date can be edited. The Court held that if accuracy of computer evidence is to be challenged, burden lies on the side who makes such a challenge.

But this case was overruled by the famous *ANWAR* case where it was held that certificate under section 65(B)(4) is mandatory and special law shall take precedence over general law. Also electronic record by way of secondary evidence is inadmissible unless certificate is produced. In this case proposition was laid down regarding no mandatory requirement of certificate in 65B is bad in law.

The session concluded by a few queries of the participants.

SESSION 8

ESSENTIAL PRINCIPLES OF COURT MANAGEMENT

The last and the final session of the conference started and Mr. Pattabhi devoted a warm welcome to the speaker of this session Justice R.C Chavan. The Hon'ble resource person started the session by stating that Civil Judges of senior division hold a very big post. They play a big role in judicial administration and they are the link between newly joining judicial officers and district judge.

The Hon'ble speaker urged all the participants to be selfish for your growth as many times we are not interested in ourselves and do not conduct our affairs properly. He told that these days every judge thinks that had he be given proper staff, better posting & better district judge then his performance would have been better. However, he said that an officer who gets the worst conditions and yet he performs then he is applauded. Opportunity and adversity are to be utilised. The very first principle of management is managing ourselves. He told the house to start managing time from getting up in morning till you sleep. Sleep properly and then start your day.

The Hon'ble speaker discussed the following problems:

1) INSTITUTION

He cited the Report of Nick Robinson, which contends that the higher Indian courts can deal with 100 cases on single day because 90 of them are adjourned. He suggested that if u keep lesser no. of cases then you can do better justice. Adjourning matters regularly is not the right to do. Also, he suggested to talk about the family members of your clerks/staff members and ask about their family as it creates a bond and the employee understand that my boss is concerned.

2) ADJORNMENTS

Justice Chavan delivered that advocates plead adjournments because they do not get paid and this is one of a reason for adjournments. He suggested that if a lawyer does not comply to the orders then dismiss the matter. Secondly, the adjournment culture should be removed gradually and hearing matter on the day they are fixed. He also recommended to be firm and uniform to every advocate and to fix a limit to adjournments and remind the advocate that this the last time he is getting adjournment and reject the application next time. He further

added that do not be an easy judge and be a tuff guy to deal with. He urged all the participants to stop this adjustment business gradually from the first day. He suggests that judge should Ask the advocates to agree on a common date.

3) Human Resource Management

He stated that Communication, , motivation, encouraging confidence, ignoring small mistakes, build a trust relationship. , praising the clerks and letter or recommendation sometimes will make a big difference. He asked the judges to apply the formula of praise publically and criticize privately.

He concluded the session by suggesting the judges to make a diary of the mistakes of the clerks and keep it on open cupboard, so the clerk will read and then try to help them an. A judge can make an incompetent clerk a qualified clerk.

The moderator Mr. Pattabhi then officially ended the three day conference by thanking all the dignitaries, speakers and participants.