

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES
REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES



RAPPORTEUR FOR
THE SEMINAR ON MANAGEMENT OF RESOURCES
[P-983]
[29th APRIL -1st MAY, 2016]

SUBMITTED TO:

DR. (PROF.) GEETA OBEROI

DIRECTOR IN – CHARGE, NATIONAL JUDICIAL ACADEMY, BHOPAL

PREPARED BY:

Mr. Mohd. Aadil Chaudhary

5th YEAR - B.A., LL.B. (HONS.)

INSTITUTE OF LAW, NIRMA UNIVERSITY, AHMEDABAD 382-481,

GUJARAT

[Email: adil.mayc@gmail.com]

(INTERN: 18th April. 2016 – 14th May. 2016)

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

TABLE OF CONTENTS

S.NO.	CONTENTS	PAGE NO.
1.	INTRODUCTION	3
2.	CONTENTS	4
3.	LIST OF RESOURCE PERSONS	5
4.	STANDARD SPECIFICATIONS FOR MODEL COURT ROOMS	6
5.	MANAGEMENT AND MAINTENANCE OF PHYSICAL INFRASTRUCTURE IN COURT ROOMS	8
6.	MANAGEMENT OF COURT RESOURCES	10
7.	MANAGEMENT OF FINANCIAL RESOURCES	12
8.	ROLE AND IMPORTANCE OF COURT MANAGER IN DISTRICT JUDICIARY	14
9.	MANAGEMENT OF COMPLAINT AND DISCIPLINARY ENQUIRY FOR JUDICIAL OFFICER	16
10.	MANAGEMENT OF HUMAN RESOURCES	18
11.	CASE MANAGEMENT	20
12.	MANAGEMENT OF BAR & LITIGANTS	22
13.	TRANSFER POLICY & CHANGE MANAGEMENT FOR EFFECTIVE ENVIRONMENT	24

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

INTRODUCTION:

The National Judicial Academy conducted a “**3-Day seminar on Management of Resources**” from April 29th – May 1st, 2016. There were all Principle District Court Judges present in that Seminar from all over the country. This seminar comprised of 11 sessions which continued for 3 long days. Each session was dedicated to lectures by distinguished speakers. The Seminar provided a forum for the District Court Judges to share their views and express their problem on different issues related to management of resources faced by them.

The present report categorically deliberates upon the major changes to be brought in the judiciary for better management of resources and suggestions highlighted by the resource persons and participants during the course of conference.

AIMS AND OBJECTIVES:

The aim of the Seminar was to provide to the District Court Judges to initiate discussion on vital issues related to Management of resources. The programme aimed towards devising new breakthrough in the field of administration and management of resources by the means of discussions among the judicial officers regarding the existing system and the possible amendments for the betterment of the same.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

CONTENTS:

- STANDARD SPECIFICATIONS FOR MODEL COURT ROOMS
- MANAGEMENT AND MAINTENANCE OF PHYSICAL INFRASTRUCTURE IN COURT ROOMS
- MANAGEMENT OF COURT RESOURCES
- MANAGEMENT OF FINANCIAL RESOURCES
- ROLE AND IMPORTANCE OF COURT MANAGER IN DISTRICT JUDICIARY
- MANAGEMENT OF COMPLAINT AND DISCIPLINARY ENQUIRY FOR JUDICIAL OFFICER
- MANAGEMENT OF HUMAN RESOURCES
- CASE MANAGEMENT
- MANAGEMENT OF BAR & LITIGANTS
- TRANSFER POLICY & CHANGE MANAGEMENT FOR EFFECTIVE ENVIRONMENT

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

PROGRAMME COORDINATORS:

1. Mr. Prasadh Raj Singh (Research Fellow, NJA)

RESOURCE PERSONS:

1.	HON'BLE MR. JUSTICE K.J. SENGUPTA	LOKAYUKTA, SKKIM
2.	HON'BLE MR. JUSTICE ANJANA PRAKASH	JUDGE, HIGH COURT
3.	HON'BLE MR. JUSTICE U.C. DHYANI	JUDGE, UTTARAKHAND HIGH COURT
4.	HON'BLE MRS. JUSTICE ROSHAN S. DALVI	FORMER JUDGE, BOMBAY HIGH COURT
5.	HON'BLE MR. JUSTICE DHARNIDHAR JHA	FORMER JUDGE, PATNA HIGH COURT
6.	MR. YASHWANT KUMAR	ECONOMIC ADVISOR, FINANCE DEPARTMENT, GOVERNMENT OF MADHYA PRADESH

DAY 1

SESSION 1:

STANDARD SPECIFICATIONS FOR MODEL COURT ROOMS

SPEAKER: JUSTICE ANJANA PRAKASH

Hon'ble J. Anjana Prakash commenced the conference with a brief introductory session whereof the judges were asked to introduce themselves. He aspired this training programme to be an interactive session to benefit the judiciary by exchange of their ideas and experiences.

She proceeded with the application of western culture of technology in Indian courtrooms and the idea of advancement in the way we litigate. It was stated by her that the condition in india is entirely different because 98% of litigant in india belong to poor class. In India there is the foremost need to bring change and first provide the basic amenities and services so as to allow proper functioning of the court and then look after the advancements else the short cut will not yield any results. She shared the incidence of a court in Jharkhand, where she found the court premise well maintained with the use of Khadi, the same was done by implementing a scheme which was formed after the discussion with local villagers. Thus it is important to involve to get into existence.

A brief discussion took place on model court

Participants gave suggestions that a court where a witnesses get proper facilities because it is very often seen that an accused and a witness suffers the same difficulties in spite of the fact that one is for assistance in delivering justice and another is accused for a wrongful act. The Speaker stated that every work is as important in its sphere as another and small things matters a lot. Witnesses are the backbone of a trial and it is essential that there has to be facilities to make their task easier and convenient. Participant stated that in Tis Hazari Court they have resorted to the problem of witnesses to some extent and there they started providing the facility of "Support Person" for witnesses, these support persons are one among the lawyers and social workers.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

Another suggestion was that the need of using “Video Conferencing” in day to day practices whenever it is possible so as to avoid unnecessary expenses on escorting team, transportation of prisoners and police arrangements. In case of offences against women, at the time of FIR there should be a lady lawyer to assist the victim in consonance to the amendment been made after the Nirbhaya case. District Judges can look after the available NGO’s working and take assistance from them regarding the Support person as well as for the legal aid.

The duty of Dist. Judge also include visits to jail and NGO’s so as to put a check over the activities but the same is seen rarely in practice.

Participant Judge shared their experience one of which was that when there is a need of computers and equipment’s the most they are out of service and nobody takes responsibility to get it done and the same is delayed by pointing out technical terms that AMC is not working or things are not available, the whole maintenance thing is so pathetic that it takes undue time and results into difficulty for the judge, as once it was ordered by the SC that the undated cases to be dated and the same should be updated, but due to the system failure along with its maintenance failure the judge had done the said work after working till 12 at night. Now this is what brings down the efficiency of judges who can perform well but are not provided with proper facilities and services.

Also there has to be incentives or marking for such judges who perform their task by going out of the box and bring in new ideas to tackle problems, so these officers must be encouraged through some or the other way. Also there has to be some mechanism to sort out the problem of trust deficiency between HC and subordinate Courts. Good practices by others are not accepted due to ego issues in spite of the fact that best practices shall be reported and followed for better development.

There are practices like as one of the Judge has shared that on floor carpets are placed but the computers are not functioning and toilets have no water. Therefore there is a need of listening to such small things which means a lot and are not small in long run. The speaker shared her experience when she was appointed with J. Aftab Alam for legal aid services, they inspected and found that number of phulwari prisoners were presented before court but not the railway prisoners, they inspected and found that there was no staff for cleaning with railways prison

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

administration, so they use to utilize these under trial prisoners for that work. What could be more unjust than these administration? Thus it is needed that there is a proper administration and services provided

SESSION 2

MANAGEMENT AND MAINTENANCE OF PHYSICAL INFRASTRUCTURE IN COURT ROOMS

SPEAKER: JUSTICE ANJANA PRAKASH

Hon'ble J. Anjana Mam started the session with an incident that these days we find that there are various types of courts like CBI Court, Narcotics Courts and Family Court, for example if see to a Family Court there it's obvious that females are struggling to find some place to feed their child and the children are crying loud in courtrooms causing disturbance in proceedings, these are the few things of which administration should take note of and provide infrastructure accordingly.

Participant shared his experience that at one court premise he could find this facility but the same was far away from the court premise around at the distance of 1km approx. now this is what is to be called as the misuse of resources, now it won't serve the purpose then what is the use of it. Another need is that there shall be some uniformity with the installation of technology, as there are courts where there is not even a PC is apt condition and at other places there are speakers installed where there was no need of the same as the courtroom was small in size. In addition to technology the facility of video conferencing should be installed in all the courts and jails so as to curtail unnecessary expenses in bringing the prisoners from one place to another.

Speaker raised a question that what could be the expectation of judges? Participants along with the speaker came up with various suggestions for the same like atmosphere should be more conducive to give best outcome with basic needs covered for example noiseless court compound etc., courtroom should be disabled friendly as well as eco-friendly, infrastructure must be

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

suitable with the climatic conditions for ex. Height of roof and ventilation, garden for people, proper security facility.

Participant judge has shared his experience that they have to even sit in a court without a roof, it was added others that in Patna proceedings were going on under the stairs, and there is immense need of basic infrastructure like in British time it was a mandate that each court has to have a well so that nobody has to struggle for water but now even after independence we have water coolers but no water in them then what is the use of it. Thus it's not enough to have infrastructure unless the same is not managed and maintained properly.

A participant judge shared his experience that how an effort can change the whole scene, for Gram Nyayalaya there was no building, this judge requested to the competent authority and showed his interest and now there are two buildings , this shows that due deliberation and proper approach can change situation.

SESSION 3

MANAGEMENT OF COURT RESOURCES

SPEAKER: JUSTICE ROSHAN S. DALVI

Hon'ble J. Roshan S. Dalvi opened the session through these lines; "Time is Profit". It is an old saying that time is money, the same was rephrased by the speaker in judicial context, now in judiciary what can be the profit, no it can never be money like in other professions but it is something more than that it is the respect, recognition and intelligence. Disposing off number of cases makes it more of a clerical work then providing justice, thus it is rather better provide some value addition to it, like Keshavananda Bharati case, it is a landmark judgement not because of its length but due to the ideas and intellect put in it by the judges. Therefore there has to be a value addition in each judgement so that when the same is in knowledge of others it will provide profit to judge which would be priceless.

She shared a story of Big rock, that a prof. takes a big jar and puts in it big rocks till the edge of the jar and asks that is it full..? Students replied yes, he said no and putted some pebbles in it in the leftover space and then asked again, students replied yes now it is full. He said no, then he putted some sand into the jar and asked again students in an affirmative tone said yes, again he said no. He putted some water into the jar and then said now, now it is full. The moral of the story was there is a time for every action, like if he would have tried to put the big rocks at the end then it wouldn't have been possible to accommodate the same in that jar and also that it's never late to do any task as there remains the space every time. So she taught that same is the need in judiciary when there are number of cases pending there is the need to analyze that which one is more important and crucial, so as to deal with the same with priority and it can only be decided by the judge that what is important as per the need of the moment. Latest cases are usually taken first but there is also need of proportionate amount of disposal of old cases.

The speaker then shared the story of snake, where in British time britishers were afraid of snakes so they issued an order that whoever will kill and bring snake will be awarded, people started finding snakes and killing them for reward, then Britishers realized that the snakes remains the

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

same and it's only the fear which they are facing, thus they cancelled the orders. The moral was that there is a need to change the view one looks at things.

Also she emphasized on the accepting the best practices and to follow them, like in corporate world they have to report the best practices for enhancement in efficiency, the same is done even at international level by UNO in various fields. Thus we need to set aside our egos and start sharing and following best practices.

In case of performance, the speaker stated the principle of "Performance related Promotion" where if one cannot be paid for his better performances then must be promoted, so as to encourage the efforts made by that officer.

Need of Continues Education system which started from U.S and there now it can be seen in all the sectors whereas the same is very limited in India limited to very few sectors practicing. Also the need of TEAM work which means Together Each Achieve More for the better performance.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

SESSION 4

MANAGEMENT OF FINANCIAL RESOURCES

SPEAKER: MR. YASHWANT KUMAR

Mr. Yashwant Kumar an expert in finance and budget initiated his session on Finance management by stating main financial resources;

1. Human Resource
2. Physical Resource
3. Information

In management of finance resources there is a need of few essential functions be performed;

1. Acquisition
2. Allocation
3. Monitoring utilization of financial resources

All these three are been done through a process called Budgeting. For acquisition, estimation of financial resources or funds are to be made. Usually for long term it is 10 yrs. And medium term it is 5 yrs. period.

Acquisition	Maintenance
1. In HR it is recruitment, training and placement of judges & staff which requires finance	1. Here it is salary, wages, allowances for HR requires finance
2. In Physical Resources there are two categories; Permanent and Current, which requires finance	2. Here it involves upkeep charges, watch & ward, rent etc.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

3. In Information, it is in 3 categories that is Hardware, Software & data	3. It includes support services, electricity charges and annual network charges.
--	--

For preparing a budget, it necessary to take into consideration the following items;

1. Previous year expenditure
2. Current year expenditure
3. Current year revenue expenditure
4. Future year budget

As there was the demand for higher budget among the judicial members, to seek the same one needs to perform;

1. Job Analysis
2. Time Analysis
3. Pending cases Analysis

Along with keeping in mind the requirement of manpower and infrastructure.

Process of Budget Control is as follows;

1. Preparation
2. Enactment
3. Execution
4. Parliamentary Control

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

DAY 2

SESSION 5:

ROLE AND IMPORTANCE OF COURT MANAGER IN DISTRICT JUDICIARY

SPEAKER: JUSTICE DHARNIDHAR JHA

Hon'ble J. Dharnidhar opened the first session on Day 2. Before starting with the topic of discussion he preferred to give a brief background about who is a Court Manager and what are the functions to be performed by him. He said that first of all what is the role of District Judge? It is to perform administrative as well as judicial function within least available time. The role of Court manager is to provide assistance to the judge mainly in his administrative work. It is said to be a great and useful tool to add. There has to be a balancing duty be assigned to the court manager, his functions are many and out of them few are these; to create a record of staff with respect to the skills of each and allotment of work has to be done accordingly, assessment for requirement of space to accommodate more judges.

It was also recommended that there should be a scheduled sitting of court manager and District Judge to discuss the work and if any difficulties in performance of functions, as the court manager is under complete control of district Judges and the fact that usually the court managers are from commercial background and not legal, thus they might face difficulty in performing their task. So the District Judge could be the best person to understand the difficulties of court managers and thus accordingly must place the work for him as per his/her capacity.

It was found during the discussion that there is a need of training for the court managers on routine basis so as to remove the deficiency they face in dealing with the administrative side of the legal matters. Court manager should be so well guided and trained that he could identify easily by looking at the core issues of the case that which case be given priority over other cases. Though the court manager should not get the access to confidential documents and all the discussions and work between the judge and court manager shall remain confidential.

A participant judge mentioned the problem regarding the court manager that as his qualification is different and sometimes low in level with other functioning staff, it creates an inferiority for him

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

among other staff members and not being from legal background it is obvious that he will seek help from other staff which is mostly not provided by them due to some or the other reasons. Speaker suggested that there is need for District Judge and other staff members to sit and discuss the issues and be friendly with all the staff and reveal problems in official or in personal life if there is any. It was very well said that small things matters a lot, thus there is a need to understand that every work is as important as another work, because in a system all are in some or the other way interdependent on each other, thus there shall be harmony among all.

SESSION 6:

MANAGEMENT OF COMPLAINT AND DISCIPLINARY ENQUIRY FOR JUDICIAL OFFICER

SPEAKER: JUSTICE DHARNIDHAR JHA

Hon'ble J. Dharnidhar commenced the session by discussing an incidence when he received a complaint against a judicial officer but he rejected the same as there was no appropriation regarding the judge. In many places like U.P. and Bihar caste plays an important role and even if the matter is dealt correctly few decisions are questioned and become the reason for agitation among lawyers and litigants resulting into fake complaints against judges.

Thus it was recommended that in subordinate courts it is the duty of District Judges to protect their subordinate judges and in case of High Court for their District Judges and subordinate judges so as to discourage the practice of frivolous complaints and trivial matters as the same demotivates an innocent and hard-working officers who later are not able to recover out of the trauma faced during the period of investigation, as it is rightly said that for a judicial officer it is the integrity and dignity which matters the most.

HC usually seek remarks from District Judges for their subordinate judges and it is of crucial importance in enquiry proceedings. Also at times HC ask for report to submit, usually that is the basis on which HC takes important decisions and action against a judge. In case of probability as well a District judge can give their opinion against the enquired judge but there has to be proper reasons cited for the same. A District judge should never “fumble” in stating that the officer is innocent.

There are incidents when lawyers have threatened judges of complaint if the required orders not passed, another important aspect was discussed by the speaker that a judge if asked to give remarks on particular officer can a judge initiate an enquiry against that judge and make report of it and send the same to HC? It was said by the speaker that no, unless the HC has asked about the report one should not send it but can enquire and on the basis of the said report can give his remarks.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

In an incident when one judge asked for transfer due to the sexual harassment by another judge, when informed to District judge he asked not give this reason but show some family problem and I will make sure that the transfer is done, she did accordingly and the transfer was done, later again some serious complaints came up against the same judge and then at the time enquiry this previous judge also recorded her evidence. This shows that there is some wrongful practices happening to which the District judge is bound to react in apt manner which wasn't done in this case.

SESSION 7

MANAGEMENT OF HUMAN RESOURCES

SPEAKER: JUSTICE U.C. DHYANI

This session dealt with the topic of “Management of Human Resources”. **Hon’ble J. Dhyani** through experience and learnings enhanced our knowledge. In the beginning of the session he placed a question before the participants that what is the task of a judicial officer? After few responses he said it is JDM (Judicial Decision Making) or adjudication. The speaker cited **Prof. Panikker**, who has said that “*where people avoid taking decisions, it is the judge who do that either it is good or bad situation*”. Thus there is a need of professionalism which consist of three things;

1. Knowledge
2. Skills
3. Attitude

Management is optimum utilization of resources and in judiciary resources are lawyers, staff, litigants and judges and others. It has been well said that “*it is at the cost of freedom we fought for.. too many laws and too little justice*”. There is a need of monitoring cell meetings and monthly meetings for proper human resource management.

Another most important thing is time management as rightly it is been said that “*Yesterday was a cancelled cheque; tomorrow is only a promissory note. Today is all the cash you have in hand*”. In this field punctuality has to be maintained. There are number of cases pending therefore one needs to learn how to be more efficient.

Emphasis was placed on the health of officers, it was said that till the one is healthy they can work efficiently else they cannot. Therefore one needs to get involved in extracurricular activities and that too with people from different profession so as to avoid the conflicting situation of facing the same environment which one is trying to avoid, plus this will open up the mind and will provide a new wide range of thinking.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

In human resources selection plays an important role, the speaker cited the case that is; ***Ajay Hasia and others v. Khalid Mujib Sehravardi and others (1981) 1 Supreme Court Cases 722***

“But allocation of above 15per cent of total marks for interview for only 2 or 3 minutes per candidate and asking irrelevant questions, held, would vitiate the selection - Selection can be quashed even in the middle of the academic session” this was a landmark judgement which posed questions on wrongful appointments and provided power for checks and balances at the same.

Another case for the proper selection of staff in HC was; ***Renu and others v. District and Session Judge, Tis Hazari Courts and others (2014)14 SCC 50*** which states that;

- *All the high courts are requested to re-examine the statutory rules dealing with the appointment of staff in the high court, as well as in the subordinate courts and in case of any rule is not in conformity and consonance with the provision of article 14 and 16 of the constitution, the same may be modified;*
- *To fill up any vacancy for any post, either in high court or in courts subordinate to the high court, in strict compliance with statutory rules so made. In case of any appointment is made in contravention of the statutory rules , the appointment would be void ab initio irrespective of any class of the post, or the person occupying it;*
- *All the high courts are requested to re-examine the statutory rules dealing with the appointment of staff in the high court, as well as in the subordinate courts and in case of any rule is not in conformity and consonance with the provision of article 14 and 16 of the constitution, the same may be modified; To fill up any vacancy for any post, either in high court or in courts subordinate to the high court, in strict compliance with statutory rules so made. In case of any appointment is made in contravention of the statutory rules , the appointment would be void ab initio irrespective of any class of the post, or the person occupying it;*
- *Each high court may examine and decide within six months from today as to whether it is desirable to have centralized selection of candidates for the courts subordinate to the*

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

respective high court and if it finds it desirable, may formulate the rules to carry out that purpose either for the state or on zonal or divisional basis:

- *The high court concerned or the subordinate court as the case may be, shall undertake the exercise of recruitment on the regular basis at least once a year for existing vacancies or vacancies that are likely to occur within the said period, so that the vacancies are filled up timely, and thereby avoiding any inconvenience or shortage of staff as it will also control the menace of ad hocism.*

SESSION 8

CASE MANAGEMENT

SPEAKER: JUSTICE U.C. DHYANI

The session continued by Hon'ble J. Dhyani with another topic in hand, he initiated it with the *Salem Advocate Bar Associations V. Union of India (2003) 1 Supreme Court Cases 49* it was held;

The words added by amendment, it appears, fix outer time frame, by providing that steps must be taken within thirty days from the date of the institution of the suit, to issue summons. The object is to avoid long delay in issue of summons for want of steps by the Plaintiff". It is quite evident that if all that is required to be done by a party, has been performed within the period of thirty days, then no fault can be attributed to the party. If for any reason, the court is not in a position or is unable to or does not issue Summons within thirty days, there will, in our opinion, compliance with the provisions of Section 27 once within thirty days of the issue of the summons the party concerned has taken steps to file the process fee along with completing the other formalities which are required to enable the court to issue the summons.

Followed by Siddharth Kumar and Others V. Upper Civil Judge, Senior Division, Ghazipur and others 1998 (32) ALR 156 delay in disposal of cases causes hardship to the parties - Presiding Officers duty bound to take up and decide old cases, power of High Court to control

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

inferior Courts and Tribunals for quick disposal of the cases & it was suggested that co-operation of the member of bar associations is essential, along with the Court functioning on all working days plus increased working hours Court should not remain unmanned and District Judge shall supervise the progress of the disposal of old cases.

***Makhan Lal Bangal V. Manas Bhunia and others (2001) 2 Supreme Court Cases 652** it was discussed that while deciding election petition at conclusion of trial and making Order under Section 98 High Court is required under Section 99 to record names of all persons guilty of any corrupt practice and opportunity to such persons to be given by notice so that they may defend themselves, also requirements of Section 99 not complied with.*

He then discussed the principle of **4D's** that is; Delay, Delegate, Dump & Do. Where do comes at the end. I case of **Rajindra Singh v. Prem Mai (2007)** it was said that the *Delay in disposal of cases as the Suit filed in 1957 and it has rolled on for half century, Concerned authorities to do needful in matter urgently to ensure speedy disposal of cases if people's faith in judiciary is to remain.*

The categorization of Suits into;

1. Track I
2. Track II
3. Track III

These has brought a change in dealing with the cases in a smart manner and boosted up the efficiency to some extent. The speaker discussed the casualties that occurs due to number of pending cases like quality of judgement in present cases, old cases do not get deserving attention.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

DAY 3

SESSION 9:

MANAGEMENT OF BAR & LITIGANTS

SPEAKER: JUSTICE K.J. SENGUPTA

Hon'ble J. Sengupta started the session by saying that every judge has to have an insight of the subordinate courts as well as of the conditions of officers outside the court but being into the limit of their official capacity. The challenges faced by the courts earlier has changed at present.

Speaker asked the participants reveal what all are the problems faced by them in practicality so as to find out some way out for the same, judges started sharing their difficulties with the speaker and there were many like;

1. Strikes by the lawyers
2. Condolence at in appropriate time
3. Late coming of many lawyers
4. Lawyers are concern for the client that is good but to show their affection they take the matter personally and are hurt if order not passed in their favor
5. Lawyers do not limit themselves within the legal limits and to show their loyalty to the clients they adopt wrongful means
6. Lawyers behave unethically in their professional life.
7. Mainly in District Courts they try to pressurize the judges and play tactics.
8. Groupism is done in courts
9. If relief is not provided to lawyers or ordered passed against them then they goes on strike
10. Lawyers passes unanimous resolutions against District judges

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

11. Junior lawyers do not follow the rules and etiquettes in court and only practicing lawyers or senior lawyers behave in proper manner

12. Lawyers who do not practice are the one who creates mess in court rooms

The speaker said these are nothing, I have dealt more problems than these, he then shared his experience of dealing with one such incident where in a district court, in the court compound there was lots of waste of eatery stuff and the compound remains dirty due to the lawyers, a judge took an action against it but lawyers went on strike. The speaker use to travel incognito for the purpose of legal aid, he went to that court premise and found there was boundary all around but the same was not been locked. He entered in an Italian restaurant asked for their services and its timing. He identified the stalls which do not belong to lawyers and first targeted them, by putting the restriction of locking the gates of court premise and not to open the same before 9a.m and the same will be closed by 7p.m the whole set up stall owners was disturbed by this action and the lawyers too were affected, they came for the relief and were asked to take license and run the same. In a while the whole set-up got dispelled and they had to leave the premise.

Like this there were many suggestions were given like the judges need to decide that whom to talk and with whom not to, because there are lawyers who are not mature enough and only those who have the zeal to learn and passion are the one who can understand things and not all. In case of high profile cases or the matters related to lawyers themselves where they try to create an atmosphere to pressurize the judge, there one needs to opt for part hearing, so as to dispel them to avoid mass audience for nuisance.

It was taught very wisely by the speaker that there is a need to deal with the situation calmly and with intellectual wiseness and not past experiences and knowledge you carry, because sometimes the situation demands action which is not in history but in your calm mind, one can use humor and fun to deal with situation along with that there is also a need to set aside our ego and deal. Sometimes problem is nothing but the ego itself.

SESSION 10:

TRANSFER POLICY & CHANGE MANAGEMENT FOR EFFECTIVE ENVIRONMENT

SPEAKER: JUSTICE K.J. SENGUPTA

The Hon'ble J. Sengupta stated that in this last session the discussion will be on the rules and what can be the apt rules to be kept in consideration for transfer and posting. Rules in many states might look different but they are same as they have to be as per the guidelines by Supreme Court and the changes may be due to the change in geographical conditions and other factors. These rules are to be followed to ensure independence in judiciary and remove corrupt practices.

It was suggested by the speaker that in case of transfer one need not say no at all but to deal with it in a manner that there can a bargain or request can be made to the Portfolio judge to discuss the problem one is facing. Though that's absolutely demoralizing when there is an abrupt transfer is been made.

In an incident when one judge asked for transfer due to the sexual harassment by another judge, when informed to District judge he asked not give this reason but show some family problem and I will make sure that the transfer is done, she did accordingly and the transfer was done, later again some serious complaints came up against the same judge and then at the time enquiry this previous judge also recorded her evidence. This shows that there is some wrongful practices happening to which the District judge is bound to react in apt manner which wasn't done in this case. Thus the transfer policy should consist of all these factors and rules to maintain good environment at work place.

It was suggested that though some transfers are not in the hands of District Judge but they need to make request to appropriate authority for few of them like the transfer of Court inspector who is said to be one of the most important source of corruption and also the staff involved in bail bond work that too within 6 months but within the same station.

REPORT ON SEMINAR ON MANAGEMENT OF RESOURCES

For an effective transfer mechanism there can be made a three members committee, so as to see convenience of staff as per their residence and suggestions can also be given in it by the staff members themselves.