

Management in Judicial Administration

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Judicial administration is the management of affairs pertaining to courts ? Civil, Criminal, Constitutional. All matters in relation to the functioning of Court, its presiding officers, its personnel, office of the courts, staff, library, buildings, residential accommodations, their maintenance and upkeep, utilization of funds allocated etc. come under its purview. The High Court has a wider ambit besides the above items. It has the responsibility to supervise the functioning of the Courts throughout the State. It has added responsibility of managing the affairs of the judiciary in the state, including the High Court.

First, a look at the Constitutional provisions in respect of the judiciary in the States. Art. 214 provides that there shall be a High Court for each State. Art. 225 lays down that the jurisdiction of the High Court shall be same as it was there with the High Court at the commencement of the Constitution, including power in relation to the administration of justice in the Court, and power to make Rules of Court, and to regulate the sittings of the Court and of members thereof. Art. 226 gives exclusive jurisdiction to issue certain Writs. Art. 227 provides for power of superintendence over all courts by the High Court. Art. 229 confers power for appointment of officers and servants of a High Court by the Chief Justice of the Court or under his direction by a Judge or officer of the Court. However, the proviso to the above Article requires the consultation with the State Public Service Commission in certain appointments as may be provided by the Rules made by the Governor of the State. The Chief Justice is also empowered to determine the service conditions of the officers and staff of the court subject to the provisions of any rule made by the legislature of the State. Art. 229 (3) states that the administrative expenses of a High Court, including all salaries, allowances, pensions payable to or in respect of the officers and servants of the Court shall be charged upon the Consolidated Funds of the State. Art. 235 confer on the High Court the control over subordinate courts, under Art. 234. The High Courts has a say in the recruitment of persons in the cadre of District Judges even if they were

not in service of the Union or the State. It will thus be seen that the High Court of the State has been given full control and power of administration over subordinate courts in the State. The Chief Justice holds the apex post and is a Constitutional authority and is charged with the administration of the judiciary in the entire State.

Persons attuned to hear and decide cases in court are usually not trained to deal with complex administrative problems that require instant decisions ? some having far reaching effect. It is true that Judges of the High Court decide many complex questions of law while hearing cases but such matters are decided after hearing learned counsel for the parties and the decision is handed over after mature consideration. Normally, there is not that urgency which an administrative matter may require. In such matter, which does not go before the Administrative Committee (A.C.) of the Judges or to the Full Court of Judges, the matter has to be decided by the Chief Justice. He may or may not consult his colleagues. Normally he depends on the Registrar of the Court, who has a duty to brief him with relevant facts and circumstances and also give an assessment about the likely fall out of the order. In any event the Chief Justice remains responsible for the order. In judicial administration the Chief is a lonely man in his work. He gains experience continuously and often has to rely on precedents in similar situations, if any. If he has been a Judge from the same High Court, he has a distinct advantage, of being associated with various administrative matters. The positions become different where the Chief Justice is from another High Court and has no such experience. For such a person it is usually an uphill task to know or solve complex problems that occur. In such circumstances the proper thing for him would be to seek advice/assistance from some of his senior colleagues. He can also seek the assistance of the Registrar of the Court. But to depend solely on his advice is not proper, for it may not be conducive to maintain good relations with his colleagues. Every Court has its own traditions and practices. Members of the Bench who were advocates practicing before that Court know all that but the Judges from the judicial service of the State may not be fully aware of the same as their stay in the High Court is of a limited duration. Registrars are usually senior District Judges and unless they are in the High Court for quite sometime, they too may not know all those traditions and practices. However, there is one aspect and that is: the Chief Justice can always bank on the advice of the Judges of the Court and also on a seasoned Registrar. Someone senior to all his colleagues has to occupy the

chair of the Chief Justice and discharge his duties with fairness and ability, so that the judiciary functions normally and smoothly all over the State.

Apart from being the apex authority in the pyramid of judicial administration, the Chief Justice is the 'paterfamilias' of the Judges of the High Court. He is also the Chief Financial Controller in respect of funds allotted to the Judiciary, with the exception of Hon'ble Judges of the Court, who are their own drawing authority in respect of salary, Dearness Allowance, CCA, House allowance (where he is not provided with a government or High Court House). He has to oversee the functioning of the subordinate courts, which number over 1600 in the State of Uttar Pradesh, (there are over 400 members in the Higher Judicial Service) numerous officials spread all over the State. There are more than sixty District Judges, one for each district in this State. There are courts away from the district head quarters also and junior officers are posted in remote areas too. The funds allotted for the subordinate judiciary are placed before the High Court and then with the District Judge, to be disbursed as indicated in the Budget allocations under distinct 'head' of expenditure. If however, the Chief Justice can ask for change of 'head' so that some part of the amount so leftover may be spent over other important and urgent requirement. Similarly, every High Court has a Budget Section, which prepares the demand for the next financial year and puts them under different 'head' of expenditures. At the time of the preparation of the Budget by the Deputy Registrar, or any other officer, so authorized, must include estimated expenditure on any special project, or additional expenditure due to expansion of the number of courts, staff, furniture, equipments, stationery etc. Similarly, all projects involving capital expenditure like buildings, both for Courts and residences, must be sent to the Government before the appointed date, usually the 1st of June, for being considered. High Court has now over a thousand accommodations built for the Judicial Officers of the subordinate Courts and 26 for the Hon'ble Judges at Allahabad. In view of the increase in the number of Courts in all districts and the formation of new Districts, additional Courtrooms and necessary infrastructure have to be provided. High Court used to get a very low priority in regard to funds from the State Government as expenses for the Judiciary did not qualify in the category of 'Plan-Expenditure'. Repeated efforts were made to include the expenditure on judiciary as 'Plan-Expenditure'. A huge amount of revenue is collected by the State from sale of 'Court-fees stamps'. The Supreme Court has

expressed its view that ? Court-fees? is fees and not tax. After 1980, the State Government has released substantial amounts of fund for construction of Court buildings and accommodation for judicial officers. Whenever the judiciary needs additional funds, it is a matter, which has to be discussed with the Chief Minister by the Chief Justice. I did so more than once. The then Chief Minister Shri N.D. Tewari was able to appreciate the urgency of completing the Court buildings in Kanpur, Allahabad, Lucknow and Ghaziabad. The Chief Minister released a substantial amount, to enable the work to go on and give relief to all concerned. These were all multistoreyed buildings. The urgency of constructing a Library building in the High Court was also realized by him and after a token grant in 1988-89 bigger amounts were granted in subsequent years, to complete the beautiful structure in the same design as the rest of the High Court building. The campus of the High Court in Lucknow also saw the completion of a multistoried building for members of the Bar, State Counsel and a big canteen. The Chief Minister also agreed to the suggestion that the newly erected "42-Flats" complex near the Court buildings be earmarked for judicial officers posted in Lucknow. This eliminated allotment of vacant accommodations to such officers, which ended long waiting periods.

Apart from the above there was a complex problem regarding employees of the High Court posted at the residence of Judges of the High Court. Government was insisting that their services be terminated before the High Court was allowed 38 more posts of class IV staff. In the meantime, these employees had approached the High Court under Art. 226 for being paid the same scale of pay as any other Class IV staff in the High Court. This order had also been confirmed by the rejection of the Special Leave Petition in the Supreme Court. The Chief Minister had come to meet me in Lucknow and this matter was discussed. When he became aware of the facts of the matter he wondered how persons working for and being paid from the Treasury for 6 or more years continuously, be terminated. He passed necessary orders that all such persons be absorbed in the regular service of the High Court as and when vacancies occurred. This saved the services of nearly 240 employees. This could be possible only because the matter could be discussed with the Chief Minister.

The previous Chief Minister, Shri Bir Bahadur Singh was also very helpful.

Members of the High Court Bar Association will recall that he made a grant of Rs. 25 Lakhs for a new building with 75 chambers for practicing Advocates, Rs. Five lakhs for books for the Library and Rs. One lakhs for furniture for the Association. Many however do not know that the Chief Minister was in two minds about his visiting the Bar Association that morning. He was not sure whether he would be welcomed or not. Perhaps some contrary indications were given. The Judicial Secretary came to see me that morning. He inquired if I was going to the Bar Association function. I said in the affirmative. He then left for the Circuit House and informed the Chief Minister, who then came to the Bar Association and consulted me. In view of the urgency, the construction of the building was given to the UP Nirman Nigam. On the day of foundation stone laying ceremony a further sum of Rs. Eleven lakhs were granted. This was a splendid gesture and helped the Bar of the High Court in Allahabad.

Another matter in regard to the establishment of a new modern printing press in the High Court campus in Allahabad came about in a meeting at Allahabad when the Chief Minister met me. He realized the urgency and asked the Secretary Industries to install the press within three months. The building was ready and the new printing press started working with in a short time.

There is a long standing convention in Allahabad High Court that Judges keep aloof from politicians, ministers and officers connected with administration. The reason is that there should not be any hobnobbing with such persons, for very often these orders were subject of judicial scrutiny in the High Court. However, the Chief Justice has to meet the Chief Minister sometimes, when it becomes necessary in connection with some matter of the High Court of its employees or anything for which funds may be needed urgently to keep the courts functioning. This may be held a couple of times in a year, as most of other matters are dealt in correspondence with the Chief Minister and the Government. However, in the matter of appointments to the Bench of the Court, a meeting with the Chief Minister often solved matters quickly. Judges of the High Court are not supposed to talk about these problems individually with any Minister or the Chief Minister. That would raise eyebrows.

The nature of the work that the Chief Justice of a High Court is called upon

to do is so vast that he cannot do it alone, i.e., without assistance from some of his colleagues and without utmost co-operation from the Registry of the Court. He must also have a fully dedicated, able, courteous personal staff including his secretaries. The Chief Justice has a vast amount of administrative work that he must attend to everyday, at the appointed time of sitting of the Court and hear and decide cases. He has to write bulk of the orders and judgments. All this takes time. He has to sit for hours after Court hours to dispose of the administrative work. Brother Judges also come to meet him after Court-hours and not only keep him informed but also to discuss matters concerning their problems. They may also discuss their inspection or travel plans signifying the days they will be absent from the Court. It is essential that the Chief Justice know about their plans for he has to constitute Benches.

The personal staff must be alert, well informed and receptive; they should undergo a course of secretarial practice, so that visitors can be dealt with courtesy and promptness. Much of the reputation of any Chief Justice can be built or marred by staffs who are not competent or courteous. Sometimes, the visitor comes only to pay respects, and very many District Judges indulge in the practice, which, in my view only wastes the time of the Chief Justice. Some may have a very pressing and genuine grievance ? a good secretary will meet the Chief Justice and tell him about all those waiting to see him, with or without appointment. A register of visitors if maintained will help immensely.

The Chief Justice has to oversee the smooth functioning of the subordinate judiciary. Sometimes District Judges, or the Members of the Bar from distant places come to see the Chief Justice to apprise him of specific matters. There may be problems of judicial officers or dispute with the members of the Bar or something else. The Registrar should be asked to make a note and if necessary, the Chief Vigilance Officer may be sent for an inquiry and report. This facilitates the passing of necessary orders.

The most important work is of giving orders/directions to the Registry for formation of Benches and allocation of work and jurisdiction. This is indeed a very responsible work. It must be noted that the Chief Justice is also a Judge and enjoy all the privileges of a Judge but he alone has the additional power to form Benches

and allocate judicial work to Judges. He is the leader of the team and no Judge has ever questioned this power of the Chief Justice. He has neither to give any reasons nor explain why a particular Bench was formed. The question of duration of any Bench is also in his discretion. These are not to be questioned by any Judge, nor by the Bar. The Judicial edifice is built round this discipline. Similarly, there is no question of asking the Chief Justice to seat a particular Judge in any specific jurisdiction. This has not been done in the long history of the Court. If this was done then it would immediately raise questions ? why was Judge keen to sit in a specific jurisdiction? Motives would be ascribed. Innuendos would make rounds of the corridors of the Court. Enormous damage would be caused to the institution. Judges are supposed to keep aloof, restrained and totally disinterested in any case or type of cases.

Rotation of Benches is a matter, which has been raised frequently in the past 15 years by the Bar. They have even asked for changes in the Bench every month. This is neither feasible nor proper. Frequent change of Benches will only disrupt Court work. Much time of the court will be lost. Considering the mounting arrears, Benches have to speed up their work. This can be done by Benches, which are will acquainted with the subject matter, specific provisions of law involved and the jurisdiction. Every Bench takes a little time to settle down. If, by the time, the Bench settles down, it is changed it will cause greater harm. There has to be uniformity in approach and disposal. Too frequent changes of the Benches may result in waste of Courts time, for different Benches have to be formed for part heard or tied up matters almost everyday. I have noticed that Judges who have wide experience in Writ side should be placed in that jurisdiction. Similarly Judges having long experience in criminal matters should be made to sit in criminal jurisdictions. This is satisfactory to all concerned and adds some amount of speed in disposal. However, I felt that the Benches on the Admission side should be changed after a month or two, as long period in one jurisdiction brings about monotony and often exhausts a Judge or Judges.

The Registry lists cases according to the guidelines issued by the Chief Justice. It also lists cases in respect where of a Bench has given directions. All the files are required to be made available before the Bench concerned, so that there is no wastage of time or adjournment of cases. Adjournments cause the maximum

amount dissatisfaction to the litigant where he eagerly awaits early decision or order. There is another set of litigants who are not keen for the final disposal of the case and are satisfied with the ex-parte interim order. All this has to be borne in mind. The Chief Justice alone has the power to expedite the hearing of any pending case, unless he has given such expressly to any other Judge. However, what we see now is a spectre of Court rarely taking up older cases and is too engrossed with Admission cases.

The registry has the duty to issue copy of all orders passed by a Bench once a case is decided or an order is passed, provided the parties apply for a copy of the order. It is necessary to oversee that this work proceeds smoothly. The Chief Justice may appoint a 'Judge-in-charge-of-copying-section' to see that copies of orders are issued regularly and speedily. In other words, the Chief delegates his power to the said Judge. This is proper and fully justified.

The Chief Justice has to constitute a committee for considering amendments to the Rules in the Civil Procedure Code. The committee makes recommendations, which come up for consideration before in the meeting of the full Court of the Judges. If approved these are gazetted and made applicable from a date mentioned or from the date gazetted.

Every High Court has power to make Rules of the Court in relation to the procedure to be followed in the High Court. If any amendment is necessary these are to be referred to a Rules Making Committee, which is usually headed by a Senior Judge. If Rules require modification in view of the exigencies of the situation or in compliance of court decision, it is considered by the committee and thereafter their suggestions are placed before the Full Court for consideration and approval.

The Chief Justice has to constitute yet another committee for the administration of the Library. It is a three member Committee headed by a senior Judge. The Government makes a grant for the Library of the High Court and another for the subordinate Courts. It used to be a small amount for the High Court Library and much of the fund was used up in the subscribing to and for binding of journals. There remained hardly anything for purchasing books. The commission

given by booksellers was utilized for acquiring necessary books. The grant for the subordinate Courts was larger and inadequate in view of the fact that there were nearly 60 districts and the total grant was about Rs. 5.56 lakhs. This was for buying books, journals, binding charges, repairs of books etc. Nevertheless, it was distributed fairly, depending on the number of judicial officers posted in that district. I understand that a substantial amount is now provided for the Library of High Court and the lower Courts. With the strength of the Bench being raised to 77, the grant has to be bigger.

I discovered the reason for the low grants. The officer in charge of preparing the Budget of the High Court only added Ten percent more to the previous year's budget proposals to make the new proposals. Since the demand was low the grant too was low and inadequate. It is obvious that the proposals have to be carefully scrutinized by the Chief Justice. Proper assessment of the need for Court purposes has to be made, including funds required for new schemes and projects and submitted in good time.

Apart from the above funds, some amount was always made available for the new courts established under the Five Year Plan, including grant for books for the newly established Court. This amount should not be less than Rs. Fifty Thousand now.

The District Judge is required to purchase books out of a Select List of Books supplied to him by the High Court. The purport is to purchase only standard books and not any book liked by the District Judge. Law is indeed a very vast subject. There are so many branches of law, so many new laws coming on the Statute Books. Unless vigilant, law booksellers and publishers would like to push in their own books rather than those in the Select List. There is a clear direction by the High Court that only books from the Select List should be purchased, the choice being of the District Judge or the local Library Committee. It is therefore necessary for the Administrative Judge to make a random survey of the books purchased in the previous year and to see if the direction of the High Court has been complied with or not. If necessary, he may inform the Chief Justice of the breach of the High Court direction. Both the District Judge and the bookseller have to explain their stand and they may receive adverse noting too. The

bookseller/publisher may be taken off the list of approved booksellers/suppliers.

In the present day the Chief Justice should direct the Library Committee to take as many books in Hindi as are of standard quality on the Library of the subordinate courts, as all proceedings there are in Hindi. Encouragement to the officers to write their orders in Hindi is imperative. The Administrative Judges are expected to see some of the Judgments written by the officers in their zone to satisfy himself adequate attention is being paid to comply with the direction of the High Court in this regard.

The Chief Justice also appoints a sub/committee of three Judges, all fairly senior Judges, to select officers from the U.P. Judicial Service to the Higher Judicial Service as also hold selection test for the direct recruits to the H.J.S. There is an elaborate procedure. The committee members are the examiners of the answer books; the question papers are set by, the Chairman of the Committee. Only the candidates who obtain a specified percentage number of marks and above are called for interview. The names of the successful candidates are conveyed to the Chief Justice. The same is thereafter placed before the Full Court of Judges for ratification. The Chief Justice is kept in the know of the process of selection, since a large number of candidates appear for the tests and all arrangements have to be made for holding them. I have had occasion to be in several selection committees and I can say it is a good experience for any senior Judge to be a member of the above committee.

In this context it will be worthwhile to notice that there is so much of animosity between the 'promotees', from UP Judicial Service and the 'direct recruits'. There has been several decisions of the Supreme Court in litigations between these two sets, for seniority inter/se. High Court had to prepare seniority lists so many times. The purport of making a provision in Art. 234 of the Constitution for the recruitment of persons other than District Judges to the judicial service cannot be left inoperative. Supreme Court decisions show perpetual feud between the 'promotees' and the direct recruits in almost all branches of service eg. Income Tax Officers, Engineers etc. Numerous decisions have come but it seems that the problem continues. In case the Indian Judicial Service comes into being there too this question will arise.

As the Chief Financial Controller, the Chief Justice has to keep an eye on the funds allocated and the expenses incurred. One item that often exceeds the allocation is about Telephone Bills. It being the biggest High Court in the country the bills are likely to be high. The facility of intercom has certainly made some impact on the bill but than the number of calls continue to grow. While there is no restriction on the number of calls by a Judge, yet the amount allocated by the Government to the High Court under this head is limited. This causes problem to the Chief Justice.

Another item is the LTC (Leave Travel Concession). Such a bill has to be prepared on the information submitted by the Hon'ble Judge to the C.J.'s office regarding the farthest place he intends to travel or having traveled and the number of persons who are entitled to the facility and travel with him. With the growing number of the Judges, and the steep increase in train and airfare. The amount required now-a-days is a very big amount.

Similar is the matter in respect of motorcar repair bills of Judges. Old vehicles run up heavy bills for repair. This is an instance where the amount allocated is rendered insufficient and causes problems. For all these matters the remedy is to ask for a substantially bigger amount in the budget and also ask for a change of head of expenditure in respect of surplus amount, if any, available in the first week of March each year.

Inspection of the campus of the High Court, both at Lucknow and Allahabad, periodically is essential. The beautiful garden in the Lucknow campus is a sight to behold. The High Court building at Allahabad is an architectural grandeur. I do not think there is another High Court building in India as majestic as this one. Their proper maintenance and upkeep is imperative. It is an institution with history of personalities of over a hundred years and history of decisions both before and after the Independence.

Periodical inspection of the offices, sections, record rooms, storage, computer room etc. are essential. It helps in finding out the shortcoming, and pinpoints the areas, which needs attention. One of the biggest problems we have

in the High Court both at Lucknow and at Allahabad in the shortage of space to keep pending files and to locate them easily. The number of cases filed has gone up immensely. It had reached a figure of over 10,000 cases per month five years ago. Where will all these new case-files be kept? One can imagine the number of file covers. Orders-sheets, Registers, that will be required and the number of entries that have to be made everyday in various registers. The workload has increased manifold. The Chief Justice has to make necessary arrangements for all this. The Registrar has to deploy staff for all this. Besides the above there is a branch of the State Bank of India, a post office, a co-operative consumer store, a canteen for staff, a dispensary on the premises for sick and those needing urgent medical attention. Nearly 6000 to 7000 persons visit High Court everyday in Allahabad. There have been occasions when urgent medical aid was not available and two persons expired. It is available for Judges, officers of the Court, Advocates as well and the staff of the Court.

Apart from the above the campus also has three buildings in which Advocates have their Chamber and canteen/lunch room, besides the High Court Bar Association office. These also need to be seen and many complaints were brought to my notice about the upkeep of the place and for essential repairs. All these were done. After all the Bar members must also be provided with necessary amenities to work in the High Court. There is now a big building for Advocates, the State Counsel and a spacious Canteen-Cum-Lunch room in Lucknow.

Arrangement for security is essential in a place like the High Court. Unless checked there would be persons loitering inside the High Court or clog the corridors and block the passages. Besides, in these days of 'morchas' anyone can arrange a demonstration against a Bench or office of the Court. The matter that is of utmost importance is keeping the campus of the Court free from trouble and noise so that work can proceed in peace and tranquility. As it is court-work needs a peaceful atmosphere, so that the Judges can dispassionately apply their mind to the arguments raised by learned counsel for the parties. Vexed questions of law need deep thinking and analysis of statutory provisions or the consideration of case law. Counsel can also be at their best when matters proceed smoothly and without disturbance. If disputes are to be settled in a court of law, it is essential that the parties approach the court in a spirit of getting the matter considered and

decided by a reasoned order. It is well settled that a good and competent Bar makes good judges. It is the quality of arguments that raise the standard of decisions. It goes without saying that all concerned must be well prepared and render their best in each case before the Court.

The Bar of the Court is essential part of the Administration of Justice. Members of the Bar assist the Court. Where they do not come prepared, problems arise. They also have problems, and these have to be conveyed to the Chief Justice. This may be in respect of any provision of the Rules of Court, or any practice, or any amenity disrupted or any matter which affects the functioning of the members of the Bar. But this much is clear that if it pertains to any judicial matter, the approach must be through proper channel. The Bar Association ought to take an appointment with the Chief Justice. He is often much too busy with administrative work. Previous appointment helps. If a delegation has to visit its number normally should not exceed five. A crowd is not necessary to create a sense of urgency or importance of the matter. Sometimes the matter pertains to change of jurisdiction of a Bench or vice versa, but this has to be left to the wisdom of the Chief Justice rather than make an issue of it. It has to be remembered at all times that the constitution of Benches and allocation of jurisdiction and work to them are the prerogative of the Chief Justice. Besides, the Chief Justice has also to consider the position of his brothers on the Bench and their possible predicament. No hasty decision can be taken in much sensitive matter. If there be any incident in Courtroom, it may be brought to the notice of the Chief Justice and leave it at that. He should consider the matter and take necessary action where necessary. Unless there is a sense of courtesy and esteem between the Bench and the Bar, work cannot proceed smoothly in Court. It is imperative that the Chief Justice maintains good relationship with the Bar. The Chief Justice should be firm and fair and that should be evident to all concerned.

Certain funds are placed with the High Court for grant of loans for purchase of cars and scooters for the officers and staff of the High Court. The amount so granted is wholly inadequate and there are far too many claimants. Chief Justice has to determine the criteria for giving such loans. Vehicles so purchased should be recorded in High Court records.

The doyen of the Hindi literary world Late Pt. Sriman Narain Chaturvedi

wrote to me to consider the availability of all forms used in law courts or in the offices thereof, in Hindi. He wrote that this was pending for long. I took up this matter and thanks to the effort of the officers of the Court, all forms in use were translated in Hindi, promptly and I had the pleasure of placing print orders with the Government Press. This was an achievement, which was beneficial to the public. Numerous lawyers in the High Court apply to be made Oath Commissioners. This is a petty matter but for young lawyers a great help. While one cannot help every applicant, yet genuine cases do get help. However, no one should continue for more than three years unless there was some compelling reasons, e.g., physical disability or the like.

Some members of the staff also were designated as Oath Commissioners. Some tended to remain there for long period but this has to be discouraged. The idea is to make available Oath Commissioners all over the town so that no one suffered for want of them. However, there is no financial burden on the High Court in this matter.

The number of lawyers practicing in the High Court in U.P. is increasing every year. Lured by the dream of earning fabulously and reaching near the top easily, they join the Bar in the High Court, without the least experience of doing any work in the lower courts. They are fresh from the University or Law Colleges and without any training. There is no provision for imparting training to them. They cannot get a senior too to guide them. A lawyer's training can only take place in the Chamber of a senior lawyer. There he gets the chance to observe how his senior deals with clients, what course of action he suggests or takes and how he drafts or settles the draft of the petition or the plaint. Without this training it is very difficult for a budding beginner to make headway in the profession. It is a highly competitive profession. Everyone is out there to prove himself every time he appears in court. His preparation, his advocacy and his presentation of his clients case are all learnt in court. The new entrant to the Bar learns practice and procedure by sitting in courtroom even when he has no work there. Competent lawyers are not made in a day. They must not only know the basic tenets of law but should also develop the art of presenting a case. It takes years and years of toil, struggle and experience for one to become a seasoned and competent lawyer. History of this High Court is replete with names of great lawyers. Jurists, also have

assisted the court with their profound knowledge of law and ability, and also assisted clients with proper advice. They are still remembered for their learning, sagacity, acumen and advocacy. And there was another feature ? all those great lawyers did their work with great dignity and were held in high esteem by the Judges also. There was an excellent rapport between the Bench and the Bar and there were hardly any occasion when tempers were ruffled.

I remember one occasion in the Supreme Court, where two lawyers from same High Court were opposing each other in a case, before a Bench of Justice A.N. Ray & Justice Mathews. Both were nibbling at each other's arguments and disturbing the Bench. It may be mentioned both were colleagues on the Bench in High Court. Justice ray observed: "You both seem to be exercised today, what is the matter? Weren't you colleagues on the Bench?" That ended the arguments. Politeness costs nothing. Graciousness earns esteem.

During my term as the Chief Justice I was closely associated with the Institute of Judicial Training Research, U.P. As a matter of fact it progressed substantially under the guidance of Shri Justice K.N. Goyal (Retd.) He was an experienced judicial officer, having worked in all branches of law, as law Secretary of the State, a Judge of the High Court, and for sometime a member of the Law Commission. He formulated this course of study in the Institute, he taught, produced excellent study papers. During his term many distinguished lawyers came from Delhi, including Judges of the Supreme Court. Many Judges took trouble of going to Lucknow to speak to the trainees on different branches of law. I was able to speak with some force before the meeting of the Chief Justices of the High Court at New Delhi and impress the Chief Justice of India to recognize the State Institute as the Northern Indian branch of the Training Institute for the members of the new Indian Judicial Service. This was approved. The Institute in the meantime started courses in Legislative drafting and legal training for law officers of the Banks etc. The first two batches of the trainees (entrants to the U.P. Judicial Service) got excellent training. The senior District Judges got training in management so that they could manage the post of District Judge with greater competence. But one year thereafter a sea change came about ? when Shri Goyal was appointed Lok Ayukt. The next Director was an officer of the rank of District Judge. This had a demoralizing effect. It was a gain for the High Judicial Service

officers of the State that they had a post equivalent to that of a senior District Judge at Lucknow, but it did not help the Institute. I wish this downgrading had not been done ? for a District Judge cannot have the same equation as a High Court Judge. I hope the post of Director will be kept reserved for a retired Judge of the High Court, on the basis of a simple honorarium and provision for accommodation and transport, so that it is not considered another lucrative post after retirement.

One of the major problems that has occurred again and again the High Court is the demand for closure of Court to mourn the death of a lawyer. In the recent past one has noticed closure of court for an Advocate who was mostly practicing in the lower courts and an instance when the Court assembled to mourn the death of an eminent citizen who was not connected with the Bar nor was a practicing Advocate. Another problem that has to be faced by the Chief Justice is the request to close the Court early in the day, to attend the funeral. At times this had to be conceded to but it is necessary to review the situation by the Bench and the Bar.

Closure of Court and its officers means enormous loss to the institution and the litigants. Should Courts be closed at all on the death of a lawyer? This matter came for strong public disapproval in Calcutta, where the media commented adversely against the practice. Supreme Court has its own practice ? a mention is made in the Court of the Chief Justice when he sits in Court and in 15 minutes the reference is over but the Court is not closed. Work proceeds. Should be not adopt this practice all over India? With such heavy arrears, huge listing everyday, enormous difficulty is faced by the lawyers and litigants by the disruption of Court proceedings.

There is another aspect. Should the Full Court assemble for the condolence reference? Originally the practice was to hold the reference in the Court of the Chief Justice or the Senior Judge and at 3.30 p.m. fifteen minutes from the time for the rising of the Court. Work was not affected in other courts. What should be the procedure when the C.J. or sitting Judge expires? Where a retired Judge dies a mention before a Division Bench at 3.30 p.m. would appear to be proper. All these matters must be settled once for all. The basic point is that Court's working hours should not be abridged, too frequently.

It is important to remember that the subordinate courts follow the High Court in these matters. Closure of Courts, which can be avoided, must be eschewed.

Disputes between members of the Bar and judicial officers in the subordinate courts are cropping up frequently. The effort of the District Judge often fails. Matters like these come up before the Administrative Judge and then before the Chief Justice. Prompt action is necessary to resolve the dispute. In any event the matter should not be allowed to spread in other districts. We have lately noticed calls given by the Bar Council to observe strike in all courts of law. How far will this be justified? Sympathy with strikers is one thing closure of courts another matter. Such closure not only obstructs the functioning of the courts out also reduces the faith in the judiciary.

Strikes in courts are something to be abhorred. Court is a public place to settle disputes between citizen and citizen, citizen and state, state and citizen, Government and Public Companies and State etc. It is to be done in a peaceful and disciplined way. Rules of procedure are there for the purpose. If anyone seeking justice finds the portals of the court closed, how and where does he get justice or in other word 'relief', though it may be of temporary duration. While he suffers, the majesty of justice also suffers. There should be no closure of courts. Whatever, the dispute it should be settled across the table. Even where a strike starts it can end in favour of the strikers only after discussion in meeting. Why waste time then? Timely action and firm action, wherever, necessary should be taken, threat to transfer jurisdiction to another district was enough to restart functioning of courts in two districts in 1983. The withdrawal of judicial work can also be an effective method to solve the problem of graft of an officer. However, the Chief should be convinced that there is truth in the matter. In all these matters Bar has an important role to play. The Courts come first, lawyers thereafter. Lawyers assist the court on behalf of client. If the court gets assistance from counsel, it helps all concerned. If lawyers resolve not to go on strike and resolve all matters through meeting, it will induce confidence in the system.

I am firmly of the view that the functioning of the courts should never be jeopardized. Closure of the courts whether at the instance of the employees of the Court or the members of the Bar, leaves an impression that it is another office or

so. The majesty of the Court is forgotten. The employees may take recourse to legal means for the redressal of their grievances and strike in the court to paralyse its action is reprehensible and condemnable. Nothing comes out of a strike, except to make inflammatory speeches over the loudhailer, and ultimately the matter has to be resolved by talking across the table. Strikers try to show their solid support, which is nothing but showing their strength or clout. Effort is made to circumvent the normal procedure, where a person has been charge sheeted or suspended, by making a claim that the order passed against him is incorrect or illegal. I had one such strike by lower court employees. It was reported some of the leaders had even shouted 'Murdabad' but then the strike had to be called off and they asked for forgiveness. What did it result in? Court work suffered in about 25 districts for ten working days or so. There are machinery under which these matters can be dealt with. But then encouraged by the fact that even criminal investigations are stayed by Courts, they think any adverse order against any employee should not have effect and should be recalled. They forget that the orders passed in criminal matters are part of judicial proceedings whereas orders passed against any employee of judicial administration is not so. The answer lies in tactful handling of the matter. If it can be talked over across the table it should be gone through at the earliest. Effort should be made to get at the bottom of the dispute. Not all employees are without reason, nor do they lack understanding. These are days of communication ? lack of communication often makes disputes grim.

Then there are the problems of the High Court staff, which number about 2000 persons. They have a very important task to perform. Their primary task is to see that work in the court is not hampered or paralysed, for want of clerical or ministerial action or inaction. The record of each listed case should be before the Bench concerned without fail. The orders for listing have to be carried out without mistake or lapse. The essential courtroom staff should be in attendance ? even if the regular staff is absent, his substitute should be present when the judicial officer is there. Presentation of the papers to the member or members of Bench, recording of notes re-cases, summoning and giving of the law books to the Judge, must all be done promptly. The proceedings in the court are to be controlled by the presiding Judge but the staff help expedite matters.

The staff have their problem too. This is to be considered by the staff union or association. Before agitating the matter it is necessary that the officer in charge

of the staff is approached. Even if it is a matter of staff indiscipline there are procedure to follow. I cannot understand any reason to call for a strike, or to approach the Chief Justice at once. High Court staff asks for parity in every respect with that of the Secretariat Staff, but when they agitate over the suspension or any other action against some member of the staff and even take recourse to strike they are bypassing the provisions of Government Servants Conduct Rules. They must realize that closure of courts is a serious matter. Strikes can at best draw attention of the public to their claim or demand. But there are too many strikes etc. and the public is chary of such things. I feel that such matters should be resolved at a very initial stage always.

Some of the problems of the Staff need to be considered with sympathy. The personal staff has to attend the residence of Hon'ble Judges. They need conveyance. Whenever feasible I allowed them loans from the Special grant for Scooters. I was also able to allow the staff Rupees ten per day to visit the residence of the Judge, with he was attached. This enabled the Judges to avail of secretariat service both in the morning and in the evening. Their prayer for allowing them briefcases to carry important papers was also granted. All this helped in improving their ability and stature. Better amenities for working at their respective seats is also essential. There must be a feeling that the Chief Justice is alive to the problems of the staff which is necessary for good management.

The Chief Justice will do well to visit some of the districts, if he finds time to do so. Often delegations of lawyers come from district courts complaining of lack of basic amenities in the court premises and for lawyers. A visit would show the state of affairs. It helps in two ways ? raises the esteem of the Bar that the Chief Justice has considered their problem and wants to help. Secondly, the visit helps him to prepare the next budget proposals so as to ask for funds to improve matters. I had occasion to visit Kannauj, Roorkee to inaugurate one court of Additional District Judge each and felt that more accommodation for the courts were necessary and the lawyers worked in trying conditions. I also saw the courts in remote places like Tehri, Uttar Kashi where the work is too meagre but the premises were adequate. Amroha in Moradabad district had plenty of work put probably the worst place for the court building. What was once a court room meant for one court of Munsif was having five courts of Munsif in 1982-83. Congestion of

the worst kind. I had located a suitable plot, drew up a site plan, submitted it to the Chief Justice for necessary action. But scarcity of funds made the project 'still-born' Court premises must be neat and clean. Court building should always be well kept. Any number of new Court building have come up in the districts. More are being built. This is a growing process but the Chief Justice has to take initiative in this matter too.

Often delegations come from the districts to apprise the Chief Justice about the conduct of certain judicial officers. They were about often accompanied by senior members of the High Court Bar to speak on their behalf. All that I could say that the matter would be looked into at an early date. In once case, I sent the Chief Vigilance Officer to the district head quarters to see for himself things and report to me. He went the next day and came back after two days with a full report. He had seen things for himself and also met the District Judge before he left the place. His report confirmed most of the allegations made by the members of the delegation. I acted upon his report. The Chief Justice has an onerous duty. He must act to uphold justice but at the same time protect the judicial officer from a motivated or unjust accusation. I had no hesitation in taking action against the erring judicial officer. It usually resulted in the transfer of that one case; the judicial officer was divested of his judicial powers for sometime. These had beneficial effect on the entire judicial service.

There is so much of hue and cry these days about corruption in the Courts. It is true that the lower judiciary is not free from the cases of corruption, but it is also difficult to catch any officer accepting bribe. I did not consider it proper to order the laying of trap against any judicial officer. I thought it would cause a tremendous demoralization to other judicial officers, as the trap has to be laid by the officers of the executive Branch of the Government. However, it is essential that the High Court finds a suitable way to deal with officers who are reported to be dishonest or decide cases on considerations other than merit. One way could be to withdraw all his judicial powers to sometime and order an inquiry. The evil of corruption has to be dealt with ruthlessly. There is no place for a corrupt officer in the judiciary. Any officer who is not honest will be incapable of doing justice. The concept of the word 'Justice' connotes fairness, even-handed, absence of the bias, uninfluenced by any circumstance of caste, creed and sex. In other words the term

'justice' conveys a feeling of the Judge being scrupulously honest.

Full Court meeting of the Judges of the High Court are held at least thrice each year to consider the cases of confirmation. Promotion or punishment of judicial officers. The office of the court prepares details of entries from the A.C.R. for a number of years for the perusal and consideration by the Judges. The Full Court has to take a decision. In these meetings, the records have to be examined with care and dispassionately. The same norms as is observed in deciding cases in Court has to be the guiding factor. The action can be based on the entries in the records and cannot be based on 'hearsay' or 'impressions'. Good officers have to be cleared and promoted if the record does not show anything to the contrary.

It is therefore, of utmost importance, how the Administrative Judges mark the Annual report of all officers. Invariably his work has to be seen. Whether it is judgment delivered or orders passed on the order sheet/application, or listing and disposal of cases, collection/realization of fines, grant of remand etc. It is true the yardstick of measure may vary from Judge to Judge. It is, however, necessary to be pragmatical and cautious in all cases. The Chief Justice has to see the work of District Judges and make his own assessment. He can always see the report of other Administrative Judge and if he disagrees he has to make a note, thereon. All this needs very careful appreciation of facts and circumstances.

In the matter of inspection of the courts of District Judge and other judicial officers in the districts the High Court has at present 8 Administrative Judges and each has a zone of six or more districts under his jurisdiction. Earlier to 1977 there used to be only one Administrative Judge. He had to be absent frequently from Court work. He used to be a very Senior Judge and had an enormous amount of traveling. But the inspection tours lasted two or three days in a district and one in three years. Chief Justice Chandrasekhar, who came from Karnataka, pointed out the efficacy of a system where there was a separate administrative judge for each District. This was not feasible in U.P. as the number of districts exceeded the number of Judges we had then. Full Court meeting agreed to have eight Administrative Judges each with a separate zone. It was left to the Chief Justice to allocate the zones. He could also take or add any number or districts from one zone to another. However, nothing was decided about the number of visits to the

Districts, the duration of the visits and gap between inspection visits. It was assumed that the then existing norms of inspection visits would be followed. When there was a single Administrative Judge, he inspected a Judgeship once in three years and always informed the Chief Justice of his tour programme so that there was no dislocation in formation of requisite Benches. It is true that the burden on a single Administrative Judge used to be very heavy. He had to give entries to almost all judicial officers except the District Judges. One advantage was that similar appraisal of work and entries prevailed. After the change introduced in 1977, changes were noticed. Judges were often away on tour and some took longer time to complete the inspection. It must be borne in mind that 'inspection tour' meant a complete inspection of the Judgeship and also the outlying courts in the Judgeship. A staff unit went earlier and made a preliminary survey and not the Administrative Judge and handed him their survey report. After completing the inspection the Judge wrote out his inspection report, it used to be long one and covered all aspects of the Judgeship. This report also indicated the shortfalls and directions for their rectification. The District Judge on receipt of the report had to send a compliance report. This report was placed before the Chief Justice for his perusal. This was an effective means of checking on the functioning of the subordinate courts and the competence of the District Judge. Circumstances have undoubtedly changed and probably more than one visit is justified. Increase in the number of courts, large institutions, larger number of lawyers, and shortage of accommodation, staff and other necessities have made the task of any District Judge difficult.

One new feature has come up ? it is publicity in the media. Local correspondents are always on the lookout for sensational news. Some believe that the court precincts offer a good bit of such news. This has resulted in the District Judges being met and asked about certain cases. Earlier, not much used to be printed in newspapers. But with the growth of newspapers and journals things have changed. The District Judge has to have good relationship with the media-persons so that unnecessary matters are not published with any or particular emphasis. Media has a soothing role too- it can play down any non-issue matter so that it does not blow-up or cause disturbance in court work.

Sometimes it is necessary to conduct a surprise visit to find how things are functioning. Normally it is not necessary. However, if there be information that the

court does not sit at the appointed hour or rises much too early, a short visit by the District Judge can settle the matter. Similarly, the Administrative Judge can look into more serious complaint himself, provided he confides in the Chief Justice about the purpose of his visit. And on return he should submit a confidential report to the Chief Justice. No proper action can be taken unless the Chief is in the know of things. The 'surprise visit' should not take the Chief Justice with surprise. He has to arrange Benches and the absence of a senior member or the Bench means many changes.

While an inspection is being done, the Administrative Judge should note matters, which affect the efficiency of work. This may be shortage of effective staff, shortage of drinking water in the campus, ineffective cooling devices during summer months, absence of security in the court campus, etc. In any event a brief note about the shortage of these matters should be brought to the notice of the Chief Justice so that immediate steps can be taken and funds provided for the same. It is well known that the High Court has to depend on the State Government for fund. If it can be arranged well and good otherwise, the Chief Justice has to move the State Government through the Legal Remembrancer/Judicial Secretary. I have referred to the semi constructed courts in Kanpur, Lucknow, Allahabad and Ghaziabad. Paucity of funds held up constructions. When I inspected those I had an impression that court work cannot be done in the existing mound of rubble and strewn about building materials. Pathways carved out by construction workers were not usable by lawyers and judicial personnel. I drew the attention of the Chief Minister to the existing situation and requested him to release funds to complete the court building in the above places. It was so good of him that he was able to grant the necessary funds promptly for the above purpose.

I saw very old dilapidated building in court campus at Agra. No funds could be arranged but whatever was possible was collected (it was perhaps nearly ten lakhs of rupees) that was given for necessary repairs.

I had noticed the difficulty that judges had whenever a number of them came to Allahabad to attend a Full Court meeting. Accommodation in the Circuit House is limited and it is often occupied by others. I gave a proposal for a Guest House for Judges in Allahabad on the same lines as a Circuit House, in the

Judges Colony, opposite the Civil Hospital, where the High Court has ample land to make constructions. Plans were submitted. It has not come through but it is urgently required.

Similar is the need for a proper storage for the articles High Court purchases in bulk for its use. I suggested a building with plans next to the Canteen. I also asked for a Rest House for judicial officers and staff who come here with record and important papers at the direction of the High Court. This is also necessary, as they often travel with very important material. If they have a place to stay it would save a lot of money.

I am firmly of the view that computerization is absolutely essential in managing the docket-explosion in the High Court. There should be a complete inventory of all pending cases, with essential features and progress noticed, apart from the location of the relevant file with the room and the rack number. Similarly the recent decisions in the past ten years should also be entered in the computers for easy reference. Any court would then be able to find out if there was a decision on the point concerned by any Bench of the Court. Apart from the above the Computer can also keep on record the essential particulars or information regarding all the judicial officers, staff of the High Court and of the Judges if necessary. In the Central Administrative Tribunal, New Delhi, we had all those information on the computer, save the decided cases. Now with the coming in of Fax machines, important decisions of the Allahabad Bench and Lucknow Bench can be exchanged in minutes. In such Big courts as the present High Court, the Chief Justice must have the aid of computers, to manage matters. Computer can be used for preparing Cause List also.

“Inter-com” was introduced in 1987-88 and has aided conversation inside the High Court both here and in Lucknow. It is possible for the Chief Justice to converse and discuss any matter on intercom with five Judges. Every District Judges Court must be equipped with Photostat Machines, Electronic Typewriter. High Court Judges should be provided with word processor to help preparation of judgments quicker. We must take to all modern gadgets so that the functioning becomes efficient and speedier.

So much for machines and gadgets, but unless more cases are heard and

disposed of there will be no effective relief to the litigant. It is for the Judges to devise ways and means to expedite hearing of cases. It can be worked out if the Bar is associated with this work. May be written arguments and shortened arguments or with limited time may help. Similarly by weeding out infructuous cases or misc. applications a huge amount of pending matters will be disposed of. The Chief Justice has to think of means and plan to get the work speedily done. A collective effort may do wonders. The office staff will be a necessary party to this.

In the United States, there is an opportunity to the parties to settle their disputes mutually after the issues are framed in civil cases. Most of the cases are for damages, arising out of contract or tort. Whatever point cannot be settled goes for trial. And whosoever loses is saddled with heavy costs and damages. That is something which dissuades parties from going with the trial of the case, unless they have a strong case on facts and law. Similarly, it will be worthwhile for our Judges, lawyers and legislators to think about bringing a sea change in the matter of sentencing. Instead of all sentences running concurrently if they are made consecutive, it would be a deterrent to anyone committing a serious crime. If along with this the State is able to amend the Jail Manual, to give no more than two meetings a month with relatives there would be sufficient disadvantage of going to jail. In England they lodge prisoners undergoing life sentence in 'Maximum Security Prisons' and they are not released in society unless they are found fit to be so released as certified by Psychiatrist. In cases where bail is refused, such cases should be heard with a year. These can be considered by a national Judicial Commission along with many other suggestions. A fresh look at the system is called for. With the experience that Judges, lawyers have gained the last decade or so, all over India, it is imperative that such a Commission should be constituted at the earliest. A Chief Justice with all wisdom, all his ability, all the assistance by the Bar and his colleagues will not be able to take a big dent in the working or even to give prompt relief. They will continue the present system of giving ex-parte relief at the admission stage. Which will remain in operation perhaps indefinitely. Neither the system nor the respondents will ever be satisfied with this state of affairs. Various malpractices are bound to develop and the system will continue to totter ? which is a sign of the collapse of the system. It is time for all those who believe in the system of rule of law to come

together and suggest ways and means to refurbish and revitalize the system with necessary changes. In my view the system is not bad, it served a century very well, but the increase in the filling and the weight of increasing pendency crippled the system. It is not able to function effectively in the changed circumstances. If nothing is done and the matter allowed to drift a time will come and it is not far away, when those seeking an interim order will have it, fairly, if possible otherwise by any other means possible. And nothing is impossible these days. Once they obtain an interim order they will do anything to preserve it till doomsday. The judiciary will also be blamed for such orders and motives will be ascribed to the Judges. All schemes of the Government will come to a grinding halt and any action taken under law may also meet the same fate. The 14th Report of the Law Commission under the chairmanship of Shri Motilal Setalvad had observed that half the arrears of this High Court, was due to non-filling up of vacancies in time. That was in the year 1957. They observed "The malaise is the director result of the complacent attitude of the Government and their failure to appreciate the seriousness of the problem". Three decades, have passed since, the position has only deteriorated. Added to the above numerous legislation which seek to deprive the citizen of their agricultural land etc. have added thousands of cases every year. Criminal cases ? appeals single judge and two Judge cases are in thousands. It is indeed galling.

Having noticed the multitudinous workload of the Chief Justice and the nature of problems he has to face. I also noticed that the Chief Justice kept things to themselves and did not share the information they had or the problems they faced. It was only when the matter reached a flashpoint that the other Judge came to know about it. It often resulted in acute embarrassment and difficulty. I felt that as the leader of a team, the Chief Justice must take into confidence his senior colleagues and share information with them. I had the good fortune to have as my colleagues some very able and pragmatic thinkers with whom I exchanged my thoughts and profited by their suggestions. I had thereafter, greater ease in dealing with the problems or complex matters. There has to be certain amount of secrecy no doubt but in the matter of judicial administration, if no harm would accrue to anyone, the matter can be discussed. There is nothing private in an official dealing.

The matter regarding motorcare and housing of Judges raised some very time consuming matters. I had constituted two small committees of Judges, who were able to deal with their problems. I had also seen the utility of giving judges some work to look after apart from their judicial work in the High Court. This was useful to the Chief Justice. The office at first did not like this but with the Hon?ble Judges to oversee the working, things became smoother. There were three advantages of this: firstly, it give the Judges some authority and a sense of participation; secondly, the office worked efficiently; thirdly it gave the Judges an opportunity to assist the Chief Justice in the Judicial administration and gather experience. It worked well.

I now propose to give an indication of the matters, which hampers Court work. Judges go on tours to their 'area' (Administrative Zone) or on 'Surprise Inspection Trip' often which cause loss of days of Court work. This has to be controlled by the Judges themselves. Unless absolutely necessary they should not go. The District Judge is already there ? he should be able to do the needful and keep the Administrative Judge apprised of all important matters and seek direction, if need be. If there is a matter, which is likely to snowball into a big affair, the AJ should consult the Chief Justice and seek his guidance. Then often days are lost in attending to business not connected with judicial administration. Often 'Lok Adalats' are held on Sundays. Judges of the Court are invited to preside or inaugurate the same. Driving to the venue and returning back to the High Court is often not possible before Court starts functioning on Monday. That day is lost. Lok Adalats in UP is not very effective for deciding those cases which come up before the Courts under the control of the High Court. Mostly revenue cases are decided ? which do not come under the purview of the High Court except under the Writ Jurisdiction at a very much later state ? after going through several revenue courts. A few Motor Vehicles Claims cases, which are usually settled earlier by the concerned parties are disposed of by the Addl. District Judge. A few minor civil and criminal cases are decided. This disposal hardly makes a dent in the arrears. The Lok Adalats should be of three types: one for Revenue Cases, and should be held once a year in each Tehsil headquarters. It will take care of thousands of mutation, transfer of plots etc cases. Secondly, a Lok Adalat for Civil cases, where the parties are agreed for disposal of a case in less than 30 minutes and have applied for it. Similarly, a Lok Adalat for Criminal

Cases, most of which have to be decided by the Magistrates. Their number is a legion and must be taken up year-wise, oldest getting preference. Infructuous or petty matters should also be disposed of in such Lok Adalats.

The nomination of sitting Judges to various State University Executive Council is another matter, which affects Judge hours. I had an occasion to object to such nominations without consulting the Chief Justice. For such work, I had suggested that only retired Judges of the High Court should be considered. A minimum of three days in going and coming to the University concerned besides traveling by the Staff car would mean additional expense in petrol, repair and maintenance of the Staff car and payments for the Staff, for work which had no connection with work of the High Court. Besides, there are often Writ Petitions against the decisions of the University and the Judges nominated to the Executive Council may be arrayed as parties in the Writ Petition. My suggestion was taken note of and further appointments were not made during my term in the High Court.

I am firmly of the opinion that Judges of the High Court should not accept any invitation to attend any function outside the Court premises during Court hours. This creates a wrong impression in the public mind. Judges are appointed principally to do Court work and that should be strictly adhered to. Even then regular hours of sitting and rising has to be maintained by all Judges. If a Judge is not able to attend Court on any working day it is his duty to inform the Chief Justice of the same and also indicate the reason briefly. It could be his illness, or his wife's or of a very close relative, or of a sudden happening which precludes his or her from coming to Court. It helps the Chief Justice to recast the Bench or Benches that day, without disrupting the Cause List of the day.

Disposal of cases by short orders or orders dictated in Courtroom often saves time of the Judge. Any matter that takes 30 minutes or more of Court time to dictate may be reserved, except in very urgent matters. It will save time to attend to other cases on the Cause List of the day. Too many adjournments are a bare to quick disposal of cases. Frequent adjournments caused by the filing of illness slips is another. The Benches have been honouring these slips for quite sometime and is a practice peculiar to this Court. Under the Code of Civil

procedure adjournment has to be sought for by oral or written application. It is for the Bar to suggest a remedy in this regard otherwise which Judge will be able to come prepared, when he is not certain as to which cases are to be adjourned and which are to be heard.

One more thought before I come to the end of this narration. The judicial system in this country is facing flak all round but the Judges should not come for criticism or not having done their homework or work in court. Each Judge of the High Court is expected to work assiduously, uninfluenced by anything other than law. He has to remain cool and dispassionate even when passions run high. However, one does not except unparliamentary language in courts or law. The Chief Justice is the leader of the team of Judges and he has to show the way. He has to make each brother Judge feel that he is an important member of the team. He should discuss problems, find solutions and above all keep good relations with all. It is necessary for the smooth running of the court that relations with the members of the Bar are cordial at all times. Esteem begets esteem. This works both ways. Firmness is the hallmark of a Judge. Extreme leniency is based on misconception. Judge is not concerned with his popularity. If he wins esteem that by itself is high reward. It does not come from admitting all cases or granting bail easily. I have known one who on the date of his retirement rued his leniency. Another rued that in spite of his accommodating nature he was not given a reference. It also does not pay to sit over a judgment indefinitely or to disclose a 'hamlet' like attitude. A decision has to be arrived at, let it be reached at the earliest. We have instances of Justice Changla of Bombay High Court, dictating judgment the moment arguments ceased. Lord Denning wrote short and crisp judgments. Instances are galore. Reminiscences bring to my kind many facet of judicial administration but then one thought permeates through all this: the present system is the best system that the Bar can ever have. Anything that replaces this system will be, undoubtedly, harsh on them.