

NATIONAL JUDICIAL ACADEMY



*Workshop on the use of Court Managers at the District Court Level
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Programme Report

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Introductory Remarks-

The chair for the session Justice Sunil Ambwani commenced the workshop by introducing the panelists. He then underlined that this is for the first time that a programme has been organized for court managers by the NJA. He also stressed upon the importance of adopting modern techniques for court management and that the government too realized the requirement and necessity of modern techniques in the courts and therefore under the 13th Finance Commission there was a provision for court managers. But unfortunately the rules for court managers as conceived under the 13th finance commission is not what the judiciary wanted or what could have been in the best interest of the judiciary. Even the funds were conditional under the policy for the states and therefore the real impact of the 13th finance commission could be seen in 2011 and 2012. The appointment of the court managers got delayed because every state wanted to have some peculiar rules for court managers in their state.

The court managers were not technically trained in court management and many of them felt almost lost in the beginning. In fact initially there was some resistance on the appointment and work of the court managers because many of the district judges were not interested in giving away or parting the work that they were doing. And that time it was felt that even the district judiciary along with the court managers should be given training regarding the roles, functions and responsibilities of court managers. Till 2015 there were serious confusions over the kind of work that the court managers will do.

In the light of this background the workshop was taken over by the first speaker for the session to follow.

Session 1- Regulatory framework for Court Managers under all High Courts

Speakers: Justice R.C.Chavan & Justice Ram Mohan Reddy

Chair: Justice Ravi Tripathi & Justice Sunil Ambwani

Justice R.C.Chavan initiated by referring to the responses to the questionnaire that was circulated to the participants prior to the workshop. He opined that according to the responses by and far everyone agrees that there is a need for professional managers. As far as the utility of court managers is concerned there have been differences like on one hand the court managers think that their services are not fully utilized while the district judges feel that they have been utilizing their services in whatever way it has been possible. He then opined that the fundamental principle of any resource management is determining what all are the tasks to be performed and fixing measurable criteria for performance evaluation etc. but unfortunately with respect to court managers this idea has botched. For instance, how many person would be required in a district court has not been assessed and it was believed that the court managers would be rendering assistance to the district judge and will work in all the areas without having any idea about what the court is and the district judges having no idea what a court manager can do and what are his core competencies.

While talking about the regulatory framework by all high court it is important to know whether performance standards for the court managers have been fixed by the concerned high court or not. If not then it becomes difficult to achieve the objective for which the nomenclature for court managers has been created. While making rules it is important to see whether the functions that are required to be performed

by the court manager can at all be performed, whether it is feasible or not. On the contrary everything has been put under the court manager's hat. Assessment with respect to the requirement for each district court is usually not done and at the same time it is believed that the court manager would be rendering assistance to the district judge in all the areas without the court manager having any idea what a court is and district judges having no idea what a court manager can do. Due to the lack of standards the core motive for which the court managers have come into existence is not achieved.

With respect to the qualification required for court managers it was stressed that why a management degree holder would will be interested in managing the courts? And will that be of any significance in rendering a better job opportunity afterwards. All such concerns were not well thought of while finalizing the qualifications required for a court manager. On the other hand regulatory framework can be evolved by the existing court managers if they are given at least free hand to examine the systems with the management perspectives, carry out some time motion studies in the courts and be allowed to come out with reports. It is then that performance standards could be fixed. For instance- service of processes is the biggest problem in the courts with the corruption involved in it and because of which the judiciary gets a bad name. Therefore, studies on such aspects will ultimately put the regulatory frameworks in place.

The 13th finance commission was a test whether the judiciary at all is capable of utilizing funds. And the judiciary was only able to spend 50% of the funds that were released. The reason for less spending is lack of managerial skills in the judicial officers, which according to the speaker should not be expected from them.

The next speaker initiated the discourse by stressing that most of the court managers did not have any idea as to why they have been appointed except for the huge nomenclature that means the persons manages the courts. Most of the court managers with five years of management experience failed to understand that court is not an industry and therefore regulating their work is a big task. While on the other hand the judges has this feeling that there is an alien that has come into the system and is trying to disturb the whole work. There are administration issues of the courts that the judges do not want to go out for various reasons. Unless the high court prescribes what is called the job task inventory, identification of exact tasks for court managers is required and it is only then that they will become more responsible and responsive as well. The job task inventory under the Karnataka High Court gives domain knowledge to court managers so that they have a sound understanding of the various departments and their functioning. This will aid them in understanding the staffing pattern that exists and the kind of skills each person has and what job description each of them have. A survey report on all such tasks will be of great help to court managers in understanding the requirements of court management.

He also opined that even after these five years of the 13th finance commission not much has changed in the administration of the court and still the old administration methods are functional with an exception of ICT use and therefore, there is a need to ease out the administration of courts, process of work and for this there is a need for a changed management training judges where the judges may be told that there are certain areas please don't interfere and leave it to the court managers to do the job, of course the judge will ultimately take the decision but give them some leeway where they can say "yes". This change management can also occur in the department itself. There is need for each and every person in the administration to understand that court management is big scientific management of courts. Unless all such things are done any kind of regulatory framework will not be practically efficacious. There is need for cohabitation of a

judge with court manager without which there cannot be proper administration in the courts. Such kind of a partnership would be a good idea but to a certain extent.

According to the speaker another important thing to understand is that none of the court managers had any curriculum designed exclusively for them in the college or anything to do in the administration of justice and it would be a good thing to recommend universities to have this as a subject- court management, court administration as one of the subjects in management or law schools so that if someone wants to join this work it will go a long way in assisting the judge. The structure and functioning of the high court and the district courts is of course different and their requirement of professional staff that will do the managements of these courts is also to be different who can participate with judges in policy functions and have a significant role in policy execution. If such a situation is there then the judges can fulfill all their obligations- responsibility of judging, the judicial branch under the constitution will have its own independence.

The speakers emphasized that it is high time that we need a regulatory framework i.e., an authoritarian framework, even if it is not legislative, it should like the guidelines by the high courts for the court managers. In a court structure where almost everybody is permanent, they do not give respect to the court manager who have just few years to serve so they do expect desired cooperation from them. The court managers have experience and trainings of working in a profit model rather they need to be experienced or trained to work in a service model industry, such was introduced through a course model by IIM Lucknow. Lastly, court managers have proved their utility, they are essential for court administration system but to utilize their best capacities we must have some regulatory framework.

Session 2 : Importance and Role of Court Managers

Speakers: Justice Ravi Tripathi & Prof. Geeta Oberoi

Chair: Justice R.C.Chavan & Justice Ram Mohan Reddy

Prof. Geeta Oberoi commenced the session by saying that before going into the role of court managers it is important to look into the documents which define the role. Ministry of Finance, GOI, F.No.32(30).FCD/2010 led to the creation of posts of court managers for judiciary in India. The relevant extract of this F.No. reads as:

12.1 With a view to enhancing the efficiency of court management, and resultant improvement in case disposal, Rs. 300 crore were allocated for employment of professionally qualified CM to assist judges. The CM, with MBA degrees, will support judges to perform their administrative duties, thereby enabling judges to devote more time to their judicial functions. The post of a CM would be created in each judicial district to assist PDJ. Two posts of CM may be created for each HC, and one for each Bench of the HC.

ANNEX. – III SUGGESTED FUNCTIONS, RESPONSIBILITIES AND QUALIFICATIONS for court managers that are- Policies and Standards, Planning, Information and statistics, Court management, Case management, Responsiveness management, Quality management, Human resource management, Core system management and IT System management. The issues and concerns as identified by the speaker with respect to these specific roles are as follows:

1. Policies and Standards which are based on applicable directives of superior courts, establish performance standards applicable to court (on timeliness, efficiency, quality of court performance, infrastructure and human resources, access to justice, as well as for systems of court management and case management). To carry out evaluation of compliance of court with such standards, identify deficiencies and deviations, identify steps required to achieve compliance, maintain such an evaluation on a current basis through annual updates. **The issues and concerns on this role are** that how will a court manager find all applicable directives of the superior courts in this area, establish performance standards for whom – for judges? Or for staff of the court other than judges? Or for registry officials who are mostly deputed judges?, know which directives are latest and which are old ones and which one to be applied and which one to be discarded when there are so many conflicting judgments/ reports on all these aspects from different high courts and the SC? Therefore, only those high courts which are appointing LLB and MBA degree holders as court managers can delegate some role to court managers in policy making responsibilities because they will know from where to find out directives of the superior courts in areas of timeliness, efficiency, court performance, infrastructure, human resource, access to justice, court and case management. Person not qualified in law cannot be right person therefore to take this kind of research, let alone checking for compliance. Even if court manager finds directives applicable in specified areas, court manager cannot carry out evaluations for compliance with these directives unless and until supported by staff of the court who is knowledgeable and committed to work and who can dig out non compliances point wise, staff wise and court wise. Therefore role in policy making and laying down standards in areas specified will be almost impossible for outsider with no knowledge of the system. Managers are employed by other institutions and professions also – hospitals can be taken as an example. In hospitals, managers do not set policies in core areas of profession of doctors.
2. Planning in consultation with stakeholders (including the bar, ministerial staff, executive agencies supporting judicial functions such as prosecutors/police/process serving agencies and court users), prepare and update annually a 5 year court wise Court Development Plan (CDP). To monitor the implementation of the CDP and report to superior authorities on progress. **The issues and concerns on this role are** that updating annually of CDP had been good enough task for CM but expecting that they will also develop CDP is expecting too much from a person/s who are new to the system/process/environment. This task to be given only to court manager who is retained in the system for a long time of about decade or more and who by virtue of experience gained in the system learn completely of the system. As of today we have court manager who have served maximum period for 4 years in that position Not even all PDJs and RGs are in position to prepare CDP for multijudge and multi-staff court complex. Then why expect court manager to come out with such a plan?
3. Information and statistics is to ensure that statistics on all aspects of the functioning of the court are compiled and reported accurately and promptly in accordance with systems established by the high court. To also ensure that reports on statistics are duly completed and provided as required. **The issues and concerns on this role are** that the syllabus of MBA degree programme consist of 32 Courses (Papers) and a project in any of the specialization area opted by the student. The courses are segregated in three groups viz. Hard core or Compulsory courses, Soft core and Specialization. The student have a choice to select the specializations and soft core courses from the list according to his/ her area of interest. Statistics is not compulsory part of this degree programme. Indian Statistical Institute (ISI) set up by Parliament in 1959 offers BA/MA/Ph.D in Statistics. It is public university with branches in Kolkata, Delhi, Chennai, Bangalore, Tezpur, Giridih, and Hyderabad. It has 255 academic staff and

every year 110 B.A in Statistics Hons pass out from these 7 centres, 225 post graduates and 40 doctoral students. Instead of giving statistical work to CM, students/ faculties of these centres could be used for statistical works in a team of court manager and the RG /PDJ.

4. Court management role is to Ensure that processes and procedures of the court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully compliant with the policies and standards established by the HC for court management and that they safeguard quality, ensure efficiency and timeliness, and minimise costs to litigants and to the state and enhance A2J. Note: Standard systems for court management should be developed at the HC level. **The issues and concerns on this role are** that the court managers are expected to learn about all process and procedures and evaluate them with the standards developed by the HC that too in a period of one year? Most of the court manager are employed on yearly basis? court manager with MBA degrees only and no legal qualification will take routine time to learn about various processes and procedures, minimum 5 years at least. How can court manager ensure compliance with standard set by the HC? What tools, what authority, what level of access to internal workings court manager is given?
5. Case management responsibility is to ensure that case management systems are fully compliant with the policies and standards established by the HC for case management and that they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the state. (Note: standard system for case management should be developed at the HC level)
6. Responsiveness management ensures that the court meets standards established by the High Court on access to justice, legal aid and user friendliness. Since access to justice issues all over the world are handled by executive and not judiciary. It is not a judicial function. Therefore whole access to justice burden can be shifted to court managers – like taking steps to organise lok adalats, legal literacy camps, mega functions etc.
7. Quality management ensures that the court meets quality of adjudication standards established by the high court. **The issues and concerns on this role are** that- What are quality of adjudication standards set up by the HC? Which issues relating quality of adjudication are framed by the HC? Quality of adjudication being central to adjudication work/judicial work – how it can be given to court manager?
8. Human resource management ensures that human resource management of ministerial staff in the court comply with the human resource management standards established by the High Court. Since judicial officers at both the HC level and DC level cannot be asked to spare their time to decide HR issues on administrative side. This work has to be delegated to the court managers.
9. Core system management ensures that the core systems of the court are established and function effectively (documentation management, utilities management, infrastructure and facilities management, financial systems management (audit, accounts, payments). Under this role court records management can be done by court manager. For instance- volume and age of records in the custody of courts along with problems of security, loss and privacy cannot be left to the mercy of section officers and court manager can review the records management system in his court and set up a new system of storage and retrieval with the help of an in house staff allocated to him/her or by engaging professional equipment companies which can be outsourced for setting up system under control of court manager.
10. IT System management ensures that the IT systems of the court comply with standards established by the high court and are fully functional. Feed the proposed national arrears grid to be set up to monitor the disposal of cases in all the courts, as and when it is set up. **The issues and concerns on this role are** that the salary package of court manager is it attractive to recruit MBAs with ICT specialization?

When the courts have Registrar (IT) posts under the E-Court project, then why court manager is dragged into IT management of the courts? MBA need not be hired for data entry jobs as there is position of DEO in every government department. Courts too can hire DEO as many as it wants and all of these can function under the directions of Registrar (IT). Court manager is different from CSA and there is a difference between the two.

Talking about the role of court managers outside India, the speaker stated that the court managers in US perform post sentence management of fines. The court managers monitor and enforce compliance with the fines and other non-custodial penalties to help the criminal justice system over there to ensure that fined offenders meet their obligations to the court in an appropriate and timely manner. And Writing job description, screening, interviewing, selecting, assigning and monitoring daily performance of secretarial staff. In England and Wales parties to litigation have to apply to the court manager for the individuals to be admitted to court proceedings. Whether to permit the individuals enter into the court building is then decided by the CM for the particular court and not by any judicial officer. Excluding or removing individuals from the court buildings by security personnel has to be sanctioned by the court manager.

The deliberation further suggested that one of the foremost concern with respect to the role of court managers is a person who does not have relevant knowledge of law for him it would be certainly challenging to find all applicable directives of the superior courts, to establish performance standards be it for the judges, court staff or for registry officials, to know which directives are latest and which are old ones and which one to be applied and which one to be castoff when there are so many conflicting judgments/ reports on all these aspects from different High Courts and the Supreme Court. It is for these reasons, High Courts which are appointing LLB and MBA degree holders as court managers can delegate them with some role in policy making responsibilities for the reason that they will know from where to find out directives of the superior courts in areas of timeliness, efficiency, court performance, infrastructure, human resource, access to justice etc. Person not qualified in law cannot be right person therefore to take this kind of research, let alone checking for compliance.

It was also discussed that court managers are expected to learn about all process and procedures and evaluate them with the standards developed by the High Court that too in a period of one year. At the same time most of the court managers are employed on yearly or contractual basis. On the other hand court managers with only MBA degrees and no legal qualification are obvious to take more time to learn about various processes and procedures, minimum 5 years at least. In such situations how a court manager can ensure compliance with standard set up by the High Court. Invariably it is pertinent to know as to what tools, authority and level of access to internal workings are given to court managers.

Session 3 - Case Management System: Role of Court Managers

Speakers- Justice Ravi Tripathi & Justice Sunil Ambwani

Chair- Justice R.C.Chavan & Justice Ram Mohan Reddy

Justice Sunil Ambwani initiated the session. He said that the duty assigned to the court managers is to ensure that the systems are fully complied with the policy and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in terms of

quality, efficiency and timeliness. Cost to litigants and to the state. The standard systems for case management should be developed at the High Court level. There has not been any specific guidelines/standards for court management and case management in all the High Court. The High Court of Karnataka, Maharashtra and Madhya Pradesh do have case management rules but it is important to note they are just the rules and not the standards. Case management is very important because we have hierarchy of courts. The case management part is mostly left at the discretion of the district judge. What is important to know is that what is included in case management? First, it begins with the registration of the case, then allocation of the case. After allocation cases starts with a particular judge. Stages so far as the civil cases are concerned it includes service of summons, appearance of witnesses etc. the problem arises when cases are allocated to the judge in large number and that is the reason why large number of cases are left out every day because of the listing in allocation that is the main part of case management. Wherever a judge has large number of cases listed that creates a problem. After registration the main problem is allocation of the case. CIS 2 is one of the most potential tool of case management. CIS has features which starts right from the filing of the case and it goes through all the stages of the case. It has also got a virtual integration with the high courts and in the future may also go on a virtual integration with the Supreme Court.

He also stressed that one of the most important part of case management is the type of cases. According to the speaker there are 2400 case types in the country and the case types varies to such an extent that it was a task to develop CIS 2. Types include adjournment types, disposal types etc. these case types are so different that nothing was coming up for case management at NJDG and the e-committee could not answer the questions of parliament or the department of justice or the Supreme Court as to how many cases are there. Just adjournments have been of hundred types.

An idea was developed to create national master types of these case types. It was further opined that one's these national master types are developed then the state could be asked if they had their own requirement to have a kind of periphery software development which they can give those sub-types. These sub-types would be up to them. So that there can be at least analytics made out of the NJDG for the purpose of searching. So now the e-committee has developed charts which are now being implemented they are about the case types both in civil and criminal the acts types [central acts]. While in holding state acts another problem was that each state has around 870 acts, some states like UP has 200 acts, then there are acts of archiachal value of princely states. All these have been formalized after seeking information from the CPCs. The new website is dynamic it has information pertaining to district and taluka courts. But there are still issues of connectivity. At present there is connectivity of only 80% of the courts established. On NJDG there are 38 million online judgments and as on today 299,000 cases are listed in the courts. This NJDG has three important parts- e-court services, district court services which give access to cause list, case status etc. On the other hand CIS 2 has the capacity of providing case no. record (CSR No.). Every case in India has this number except those 80% courts where the migration has not gone to CSI 2. But all those 82% of cases have CNR No. and now there is no need to trace a case from the court vicinity.

The speaker also stressed that the main cause of people's dissatisfaction in the courts is because of the deficiencies in the court system. As far as case management is concerned it was opined that although there are no strict measures for case management but with facilities like CIS 2, NJDG the judges as well as the court managers can do wonders in terms of delivering what the decision makers have decided what they should deliver. Thus making the symbiosis work better.

Session 4: Implementation of E-Court Project : Role of Court Managers

Speakers: Justice Sunil Ambwani & Mr. Atul Kaushik

Chair: Justice R.C.Chavan & Justice Ravi Tripathi

Mr. Atul Kaushik started the session by quoting *Curriculum Guidelines, National Association for Court Management, USA*- "Well-managed courts make good use of Information Technology. Automation requires courts and others work more closely and at new levels of detail. This creates tension and requires superior management, delegation, and communication. The quality of technical staff is critical and the market for them makes it difficult for courts to compete. But for even highly qualified court technologists to be effective, court leaders must manage the technologists. Talented court leaders know how to blend technical staff into the court and justice system, achieve common understandings and, very importantly, ensure that technical staff service and support those who do the court's work. Budget, staff, equipment, and case flow and other business processes must be aligned."

He then added that the US took more than seventy years in institutionalizing court managers system. Whereas in India, the institution of court managers has been institutionalized by way of creating a cadre of court managers. The speaker made reference to an article whereby four reasons were cited as to why courts should explore digital possibilities. Firstly, the system is costly for users; secondly, it's usually too time consuming and disputes take a long time to resolve; thirdly, it's largely unintelligible; and lastly, it also seems out of step in the internet society. He was of the view that now the media is very interested to know how much computerization is used in the justice delivery system. In fact, three of the abovementioned reasons are already being handled by India.

According to him internationally speaking there is a lot of diversity in the job description, employment, structure of the court managers and India has a platter of options to choose from if at all we want to make amendments for improvement in the current court manager system in the country. For instance, in United Kingdoms a court administrator is responsible for dealing with enquiries from the public, preparing lists of the day's court sessions and keeping ushers informed of these, updating of court electronic systems with the decision of the court. In Canada the general purpose set out for the organization in the Courts Administration Service is to enhance accountability for the use of public money in support of court administration while safeguarding the independence of the judiciary. In the United States a court administrator plans and oversees a courthouse's administrative operations, facilities, budget and case management procedures. They can also run the court's communications, which includes speaking with the public about the court's activities or acting as a liaison for the court. Whereas, in South Africa court managers are responsible for the overall management of courts and act as a support to both the judiciary and prosecution. The duties of the court manager include business planning processes, managing the facilities and physical resources, as well as information and communications, implementing departmental policies.

Referring to the key elements of court management the speaker was of the view that in reality a lot of this is done by few court managers in some jurisdictions but not by everyone. He also pointed out that only one third of the allocation for the court managers was taken up by the high court and only 40% of that was utilized by the end of the thirteenth finance commission [Rs 300 crore allocated; Rs 100 crore released; utilisation certificates received for only Rs 40 crore] and this is the reasons why it could not be a success. It is also pointed out that it is important to understand that the high courts too had a lot of difficulty in

creating the post for court managers. Monitoring stopped after award ended in March 2015 and till that time only 128 court managers were appointed: Haryana(88), TN(70), Punjab(46), Rajasthan(39), Odisha(32), Bihar(32), AP(27), Jharkhand(24), Assam(23), Maharashtra(22), Karnataka(21), Gujarat(14), MP and Chhattisgarh(12each).

Thereafter the speaker said that when we compare the role of court managers to the e-court project then we find that we need to look at what the e-court project is doing and then try to align it with the abovementioned wheel of court management and one will find that there is a lot of alignment between the larger objective of the e-court project on one hand and elements of court management that every court has to have on the other hand. This brings in the possibility whether the e-courts project or e-committee could become the new parent to the system of court management because the functions that are available at NJDG are actually the inputs for what the court managers are required to do. The main objectives of e Courts Mission Mode Project are :

- To provide efficient and time-bound citizen centric service delivery
- To develop, install and implement decision support systems in courts
- To automate the processes to provide transparency of information access to its stakeholders
- To enhance judicial productivity, both quantitatively and qualitatively, to make the justice delivery system affordable, accessible, cost-effective and transparent
- To make policy for managing case loads; for effective court management and case management system
- To provide interoperability and compatibility with National Court Management System; Interoperable Criminal Justice System; National Legal Services Authority (NALSA) and other programmes to enhance the quality and quantity of justice delivery system

He summed up the session by stating that the job of the court managers seems to be not only diverse but is something which cannot be expected from an individual in a court complex. But if the tools of NJDG that are made available through CIS 2.2 and what all the high may suggest to CIS 2.2 then a lot of information is already available on the desktop of the court manager. He suggested that a court manager should be given the management password and then he can create a lot of those reports that a court manager is asked to prepare.

Session 5 - Human Resource Management

Speakers- Justice Ram Mohan Reddy & Justice U.C. Dhyani

Chair- Justice R.C.Chavan & Justice Sunil Ambwani

Justice Ram Mohan Reddy started the session by emphasizing that there cannot be a strait jacket formula for motivation. It could come in different forms like- one need to dwell out into the department to know how the system works. He opined that the need for ACRs arose because the performance levels have gone down because there was nobody to monitor performance levels. According to the speaker the aspects of management that must be taken care of by the court managers should include – performance records, retirements benefits, sexual harassment and ensuring wellness of all the employees this will ensure quality of work as well.

According to him core competency is required in human resource management. There are 2 aspects to this- one, task and two, skill. Human resource personals requires to know how important it is to perform tasks and the need for further knowledge or skill development. Court manager's job is diverse and a complex task. What is rated as the upper most is inter- personal sensitivity while focus is result orientation, action and flexibility. It is imperative that communication has the highest priority and this formed the core concern because court managers communicate with external authorities and internally manage their courts.

His focus was that court managers must possess the ability to assimilate and analyze data, draw policy conclusions from the data, present findings, and forecast and identify as well as try to ascertain problems that arise in the usual course. The critical intellectual skill however is the success of management. The other facet of human resource management is the ability to motivate, possess leadership quality, listening skills, ability to take decisions, maintain a broad vision, good coordinator, tactful, ethical sensitivity, knowledge of the judicial system and relations with non-judicial personals. Record keeping should also have some interference by court managers. In this process there is something called research, data processing and statistics? Media relation is also an important aspect of human resource. According to the speaker if one possess these skills it will be worth investing in court managers. He opined that the court managers should be trained in a manner that they know the requirement of the hour. He also stated that the educational qualification for court managers is intellectually disoriented because it is not based on a systemic understanding of the intellectual and technical skills that comprise the core of the profession of court managers and because there is no system in place for court managers to acquire the skills. The challenge therefore is to provide instructions in a no. of basic organizational skills which the court manage can apply on variety of problems and environments.

It was also stressed that court managers are court enablers or people enablers because human resource management is a planned process for managing people effectively for performance. Dealing with people is very difficult and at the same time very important therefore human resource management is inevitable. The court managers are enablers to the judges in administration of justice the reason being that the courts are overburdened which requires someone to aid the judges in assisting them on the administrative side.

Session 6- Financial Resource Management

Speakers- Justice R.C.Chavan & Justice U.C. Dhyani

Chair- Justice Sunil Ambwani & Justice Ram Mohan Reddy

Justice Sunil Ambwani started the discourse by pointing out that the judiciary is very conservative in doing expenditures. With respect to the 13th Finance Commission he said that there were no guidelines for the judiciary on how to spend the budget and by the time the guidelines came a year passed. The projections were very high. Although there was 330 Cr. For court managers but in reality only 13% of this huge amount was spend. Even a rise of two thousand rupees or conveyance allowance to the court managers was not given. According to him there is serious need for budgetary planning for the judiciary.

Justice U.C. Dhayani said that finance is the life and blood of an organization. Everything would be at a standstill if there are no finances available. Money makes the mere go. It is the job of the court manager to do budgeting for the judiciary. Whatever budget that is given to the judiciary is non-plan subject

which is not a subject of discussion and debate in the legislature. Then the budget is passed and allocations are made for most items of expenditure. Since the judiciary is not proficient in the planning of budget therefore certain improvements are required and here comes the role of court managers. They must assist the district judge in the preparation of the budget on the bases of what was the requirement of last year, what is anticipated in the coming year, like anticipated increase in man power, maintenance etc. according to the speaker budget preparation practices need to consider improvement in operational efficiency and capital expenditure requirements in order to be effective. He suggested that administrative capacity of the judiciary with respect to budget-making needs to be enhanced.

He further opined that from the annual financial statements released by state government, it is not possible to analyze the quantum of expenditure on modernisation, computerisation, upgradation, and expansion, and more detailed disclosures need to be made. This assumes even more significance as the 14th Finance Commission has put the onus on state governments for making budgetary allocation to the judiciary. Given the enormous social impact of the operation of the judiciary, the High Courts and the Law Ministry should consider the idea of transparent budget making process based on public inputs and presenting the same separately from the general budget. This would also assuage any concerns about the independence of the judiciary from a financial perspective.

According to him resource allocation and resource acquisition are inextricably linked. The practical implication of this linkage include- Finance and budget must command the court manager's attention throughout the year, not just when the court budget is being prepared or presented; Effective budget planning and management require consideration of available resources and funding sources; the goals to be advanced by court expenditures; and the people, work or activity to be funded; Effective budgeting and financial management mandate continuous change in what a court does and how it does it, given the court's purpose, priorities and performance. Court leaders must adjust court spending and programs to respond to court determined priorities and external pressures, including external funding authorities, and available funding and revenue sources; Change is incremental. To manage change rather than to be managed by change and to improve court performance over time, the court executive leadership team must have vision, will, strategy, a multi-year budget plan and long-term commitment.

He also stressed that the ability to be persuasive when presenting court needs and budgets requires leadership and interpersonal skill, but cannot be effective unless required and technically sound supporting data has been assembled. The Court's allocation, acquisition and management of its resources must be oriented to the court's purposes and responsibilities and its future vision. Court leaders must understand that budget and finance fundamentals are means rather than ends unto themselves. Expert court budgeting requires expert leadership and management of the court, its budget and finance staff, and resources. Budgeting is not a technical, once-a-year bookkeeping exercise.

For the purposes of diagnosing the problem and bringing in change the court managers should be able to anticipate, identify and diagnose problems in the court. Tools that can aid court managers may include computers, spreadsheets, database and financial management software. Budget controls and performance monitoring is also very significant for which the court must account for the use of public funds. In cases where surplus budget is there then it should be communicated to the concerned High Court.

For court managers to oversee, manage and improve- e-court systems, human resources and financial resources they must understand the fundamentals. Job analysis is critical. When court leaders

understand what the court staff do, they can oversee the evaluation of actual against desired performance. This will help the court structure jobs, departments, and workflow; develop job descriptions; design recruitment and selection procedures; evaluate positions to ensure equitable compensation; and organize performance management systems.

While concluding the workshop all the panelists strongly recommended that court managers are doing a wonderful job and they should be retained in the Indian judiciary since the court managers have proved to be extremely useful. They also suggested that each state should endeavor to make rules and provide budgetary support for court managers.

The workshop concluded with a vote of thanks to all the panelist by the programme coordinator.