

NATIONAL JUDICIAL ACADEMY



P-1228

**SEMINAR FOR PRINCIPAL DISTRICT & SESSIONS JUDGES ON
LEADERSHIP SKILLS (*Virtual through Google Meet*)**

Organized by

**National Judicial Academy India
(07th to 08th November, 2020)**

PROGRAMME REPORT

PREPARED BY

**Mr. Yogesh Pratap Singh & Mr. Rahul I. Sonawane,
Research Fellow, NJA Bhopal**

Objectives of the Seminar:

The National Judicial Academy (NJA) organized a two-day *online* Seminar for Principal District and Sessions Judges on Leadership Skills' from 07th & 08th November, 2020 on virtual model. The seminar was conceived to provide a forum to participant judges to deliberate upon contemporary themes like leadership skills, strategies to achieve organizational goals, high performance through reorganizing courts to handle intensive and complex cases and organizing the civil & the criminal docket for effective caseload management. The aim of the seminar was also to facilitate transmission of skills towards better, speedier and quality adjudication in justice delivery. It also provided a platform to judges across the country to share their experiences of court working during COVID times. About 44 Judges from different High Courts participated in the seminar. A brief snapshot of the scheme of the seminar spread over the duration of 2 days was:

Day-1

Session 1 - Leadership Skills: Organizational Performance and Leadership Effectiveness.

Session 2 - Strategies to Achieve Organizational Goals.

Day-2

Session 3 - High Performance through Reorganizing Courts to Handle Intensive and Complex Cases.

Session 4 - Organizing the Civil and the Criminal Docket for Effective Caseload Management.

(DAY – 1)

Session 1

Leadership Skills: Organizational Performance and Leadership Effectiveness

Speakers: Justice Ram Mohan Reddy & Dr. Sripada Chandrasekhar

Justice G. Raghuram, Director, NJA commenced the seminar and set the theme of the session. He introduced the resource persons for the session and deliberated upon the theme of the session and background. Justice Ram Mohan Reddy then took over. He started his presentation stating that Principal District Judge hold very important position in a district. It is very important for every PDJ to be an effective leader as it is an important aspect of the post he/she holds. Core qualities of leadership viz. honesty, character and integrity are the most important aspects that every PDJ should possess. He quoted Martin Luther King saying – ‘We need leaders not in love with money but in love with justice; not in love with publicity but in love with humanity’. Leadership and management, accountability and openness are very important virtues. A judge needs to be an enabler for others. He needs to have proper planning, human resources, finances, and secure good results for his court. PDJ should strive to provide affordable and accessible justice to all the litigants. A judge needs to be innovative in his works. He summed up keys of leadership as (1) work for reward and reward for work, (2) a stake for everyone and opportunities for all, (3) anticipate a change and stay alert. A judge as leader should adopt pragmatic approach while taking decisions, attract best talent while recruiting for your district, follow meritocracy, and maintain administrative integrity. He quoted Socrates advising judges to hear courteously, to answer wisely, to consider soberly, and to decide impartially. Leader should have credibility, create focus through vision, and manage interdependency and work beyond boundaries. He concluded his presentation by explaining the importance of human resource management for being a good leader. Dr. Chandrasekhar then took over and presented his thought on leadership qualities required for judges. He stated that today’s world has become archaic and judge as a leader need to be aware of it. He explained three ‘e’s of leadership viz. Enable, Empower, & Engage suggesting that PDJ should be able to enable, engage and empower each one of his staff and colleagues. He maintained that judges need to change now as we cannot work in 21st century with the mindset of 18th or 19th century. He stated that people are not good leaders not because they do not know what it takes to be a good leader but because they do not do what they know. This is called ‘knowing-doing gap’. He stated

that hugely inordinate delays in courts are disturbing to everybody. With this he threw open the session for discussion and questions from participants. Most of the participants raised their issues regarding delays, human resource etc. and panel tried to suggest the way-outs. The session was concluded with vote of thanks by Director, NJA.

Session 2

Strategies to Achieve Organizational Goals

Speakers: Justice Shalini Phansalkar-Joshi & Justice M. Seetharama Murti

Justice Seetharama Murti commenced the discussion on topic strategies to achieve organizational goals. In continuation to the discussion in first session, he stressed on the participants that a leader influences, motivates, communicates, signals to all his staff to achieve high performance. A judge as an administrator should take stalk of his filings, disposals etc. He should take into confidence colleagues, advocates, staff etc. Prioritization of cases should be done for effective disposal. You should also take care to dispose interlocutory applications and incidental proceedings in time. As far as stayed cases are concerned, you should be vigilant about vacation of stay. You can always take bar into confidence for deciding cases in time-line. PDJs have to maintain good relations with staff members, bar members, prosecution wing, police and prison officials, revenue officials as you will invariably need their cooperation for achieving the goal set by you. Take help of technology whenever necessary and train your staff in technology. With this note he concluded his presentation and floor was handed over to second speaker Justice Shalini Phansalkar-Joshi. Justice Joshi emphasized that PDJ is in fact a chief executive officer of a district judiciary. He is nothing less than chief justice of district. PDJ has to maintain relations with all wings of government in his district. As regards strategic planning, she said, it can be formal or informal. Strategic planning involves determination of organization's mission or vision and its fundamental purpose, translating goals, training employees, formulating policies, allocating resources and redesigning the technologies. Within the limits of district PDJ can restructure the court effectively and plan the workload properly. PDJ should strive to make justice accessible to each litigant, should be transparent and accountable, inspiring public confidence. She referred to the International Framework of Court Excellence and suggested that PDJ should strive to achieve excellence in 11 keys areas viz. user satisfaction, accessibility of justice, affordability of justice, case clearance rate, duration of pre-trial custody, court file integrity, case backlog, trial date certainty, employee engagement, compliance with court orders, and cost per case. As regards the question how to do it, she stated that, to achieve these goals, PDJs should live by an example and follow all leadership techniques, s/he should use his powers of management in court and case management and maintaining good relations with all stake holders in a system. She suggested the participant PDJs

to set short term goals, or medium term goals, or long term goals to be achieved by his court and district and strive to achieve it by heart. She also cautioned the judges that the target they are setting should be achievable and realistic and not imaginary. Proper allocation work is a key to achieve the set goal. The staff as well as judicial officers should be allocated the work according to their areas of interest and aptitude. PDJ being the head of the judicial family should always be accessible to all. This will help in building the confidence and team building. At the end the floor was kept open for discussion and suggestions by the participants. Many participants shared their valuable inputs and the session was concluded by Prof. S.P. Srivastava, NJA.

(DAY – 2)

Session 3

High Performance through Reorganizing Courts to Handle Intensive and Complex Cases

Speakers: Justice Talwant Singh & Justice Sonia Gokani

The session commenced deliberating upon brief history, advantages and disadvantages of specialized Courts in context of high performance and in handling intensive and complex cases. Advantages of specialized courts such as better efficiency, quality decisions and uniformity of decisions were highlighted and discussed. Potential inequalities, access to justice, not updated with latest advancement in the law and same set of judges for substantial period of time were pointed out as some of the disadvantages of specialized courts. Different models of specialized courts were also discussed during the session. It was stressed that there is a need for specialized courts which should be continuous. It was emphasized that the high performance will come out when you as a leader command the things for right cause, think and act globally. It was pointed out that unforeseen challenges are coming before the court due to pandemic and we need to prepare our self for the same. It was deliberated that for handling complex matters we need to have special courts with judges having special skill set and knowledge.

Session 4

Organizing the Civil and the Criminal Docket for Effective Caseload Management

Speaker: Justice S. Talapatra

Justice S. Talapatra commenced the session explaining the importance of case management in contemporary period. He urged the participant judges that in their capacity as PDJ that there is nothing which they cannot do as far as case management is concerned viz. allocating cases to judges, organizing courts and staff, establishing protocols for case management etc. He posed a question – Is judiciary in management crisis? He stressed that we are now living in an age of transformation. The judiciary is now tasked to safeguard the rule of law by change preserving our procedural and substantive protections. He stressed that courts are not only service providers but are tasked to protect a democracy and rule of law. To substantiate it, he relied on *Bremer Vulcan Schiffbau Und v/s South India Shipping Corp. Ltd.* [1981] AC 909 and *R(Unison) v/s Lord Chancellor* [2017] 3 WLR 409. He stated management is the art of getting things done through and with people. He quoted Henry Fayol saying ‘to manage is to forecast, to plan, to organize, to command, to coordinate, and to control. He shortlisted main areas of broad concern which judiciary and judges should look into as judicial leadership & management, increasing accessibility and open justice, and quality of justice. He defined case management as a comprehensive system of management of time and events in a law suit as it proceeds through the justice system, from initiation to resolution. He added that setting a time table for predetermined events and suspension of the progress of the law-suit through its time-table are the two essential components of case management system. He stressed that court is the only one who is and should be responsible for supervising case progress. At every stage of a case proceeding, the court should be in control. He discussed the modalities of case load distribution amongst the judges in district and need based reorganizing of the dockets. He added systematization of case load and case-flow is a challenging task. The case management system needs to identify the cases, their place on the pathway, and their schedule for moving along that pathway. He summarized six case management principles as differentiated case management, early judicial management, monitoring and control of complex cases, encouragement of cost effective discovery through voluntary exchanges and cooperative discovery devices, good faith efforts to resolve discovery disputes before filing motions, and

referral of appropriate case for alternative dispute resolution programme. He also discussed the court backlog reduction programmes and their importance for the efficiency of judiciary. He suggested management changes like setting realistic time frame per type of case and per type of procedure, dissemination of data amongst stakeholders, setting prompt intervention when time frame is not achieved and fixing responsibility of staff, lawyers and other agencies. He suggested that PDJs should show strong commitment to reduce the delay and arrears and make use of various provisions in CrPC and CPC to curtail the delay in courts. He summarized six touchstones for effective case management viz. ensuring justice to those who need it and improve its quality and accessibility, designing systems around the people who use them, creating a system that is financially viable using cost-effective measures, eliminating most common causes of delay, upgrading the national and international standing in terms of legal service and access to justice, and maintaining the constitutional independence of the judiciary. In the concluding remarks, he urged all PDJs that – “You are a leader, you are supposed to lead from the front. You are accountable to guarantee the access to justice. Act now before the chances are lost.” The session & seminar concluded with a vote of thanks.