

**COURT MANAGEMENT &**  
**ADMINISTRATIVE SKILLS**

Justice R.Banumathi.  
Judge.,  
High Court, Madras

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### **I- COURT MANAGEMENT**

Efficiency is to be achieved on the administrative side also. Delay on the administrative side adds to the arrears. Most of the Officers think that the responsibility is only in respect of judicial work and they do not take interest in the administration. Some of the Officers who are excellent in judicial work hardly take interest on the administrative side. As you cannot afford a shallow performance in the judicial work, officers cannot avoid administrative responsibility.

#### **INTERLOCUTORY APPLICATIONS:-**

Number of cases are pending due to filing of number of Interlocutory Applications.

Much of the Court's time is wasted in hearing the Interlocutory Applications and passing elaborate orders. Officers need to be sensitised of pending Interlocutory Applications. Normally, what we noticed that application under Or.39, R.1 & 2 CPC, elaborate orders is passed thereby Court's time is wasted. Like wise, Officer should pass orders in Sec.10 CPC application and thereby Staying their own case which adds to the arrears go far Inspection. In all Interlocutory Applications, orders will have to be very brief and not lengthy one. Whenever suits having Interlocutory Applications are coming up for hearing, every endeavour to be made to hear both sides and pass orders then and there.

**STAY CASES:-**

With the **CPC Amendment 2002**, revisional jurisdiction in respect of Interlocutory Order passed in a trial or other proceeding has been curtailed. Mere filing of revision would not amount to Stay unless ordered by the High Court.

Whenever Stay cases coming up for hearing, the officer must ascertain whether Stay continues or not. The officer should not hesitate to correspond to the High Court through District Court to ascertain the status of Stay cases. Status of case can also be ascertained through net.

**PART-HEARD CASES:-**

Most of the Officers keep number of Part-Heard cases and they do not endeavour to complete the case which they themselves opened. This normally happens where the Officer is at the verge of transfer. In some Courts, we find Part-Heard cases are pending for more than 3 to 4 years. During Annual Inspection check up how many part-heard cases are there.

Whenever the officer takes charge in the new station, take list of pending cases in all categories, draft a plan for yourself and your Court as to how you are going to proceed. That apart as District in-charge, the District Judges will have to collect the particulars of pending cases in all Courts and impress upon the Officers in your Unit to have a planned strategy for timely disposal of cases.

**OLD CASES:-**

Efforts are to be taken in taking up old cases. During Annual

Inspection appropriate instructions are to be given to the Officers in the Unit to take up old cases.

**PROPERTY DISPOSAL:-**

**a. Valuables:**

Valuable properties:- In those of the disposed cases (where no appeal is pending) and where appeals were also disposed, Notice is to be sent to the concerned party through police.

In cases of Cash :- If the party (to whom the amount was ordered to be returned in the Judgment) does not turn out, where the amount involved a lesser amount may be upto Rs.250/- or so, the amount may be ordered to be confiscated by passing appropriate speaking Judicial order.

:- If the amount is more than Rs.250/-, every endeavour must be made to serve notice upon the witness to whom the amount was ordered to be paid. Depending upon the nature of the case, the Judicial Magistrate may pass appropriate orders (speaking judicial order).

Other Valuables :- In disposed cases, Gold jewels and other Valuables like Silver, Watch and other valuables, every endeavour should be made to serve notice

upon the party to whom the valuable was ordered to be returned. Steps are to be taken to reduce the pendency of valuables – Gold, Silver, Watch etc., and other valuables.

Valuables in cases :- In cases where further action is dropped where further action especially in Sec.4(1)(i) r/w 4(1-A)T.N.P. Act is dropped :- the cash involved is to be ordered confiscated to the State unless the circumstances otherwise warrant.

P.R.C. Cases :- Properties involved in P.R.C cases are to be sent to the Sessions Court as and when the case is committed.

b) :- In those of the matters where the properties are ordered to be confiscated, take a list of those properties and correspond to the District Collector through CJM as per the direction issued by High Court in **W.P.No.22249/2007 dated 02.02.2007** and subsequent orders thereon to be complied with.

**c)NON VALUABLES:-**

In several Courts it is noticed that thousands of properties (non valuables) are pending. The District Judges/Chief Judicial Magistrates are to give appropriate instructions to the Officers in their District to dispose

the Non-Valuable properties periodically.

By systematic and well coordinated acts, pendency of F.I.R and the properties could be reduced. Disposal of properties and reducing the pendency of F.I.R is not a one time measure, but a continuing systematic process.

#### **DEPOSIT OF MONEY IN MOTOR ACCIDENT CASES AND LAND ACQUISITION CASES AND OTHER DEPOSITS**

There has to be prompt deposit of the amount, especially the amount deposited in Motor Accident Cases and Land Acquisition Cases, so that the Compensation amount may fetch interest. If the compensation amount is not promptly deposited, the litigants are subjected to great loss by losing the interest.

In all cases where the money has already been deposited, when the time of deposit is over, take steps by issuing notice to the party, calling upon them to appear before the Court and withdraw the amount. Twelve year's is prescribed for lapse of deposit. Before taking steps for lapse of deposit, all necessary steps are to be taken by issuing Notice to the parties and also to the Counsel on record. It is to be noted that once the amount is lapsed, it would be well nigh impossible for the parties to get back the same.

In cases of deposits on cases, all steps are to be taken for prompt deposit, renewal of the deposits and to deposit the amount after the

period of deposit is over or the appeal is over, as the case may be.

**COPYIST ESTABLISHMENT :-**

- Ensure that Copy Applications are complied with then and there. See that there is no accumulation/pendency of Copy Applications.
- Officer must periodically verify 'A' & 'B' Registers. See that there is no delay in compliance of Copy Applications.
- When additional stamp papers are called for are not deposited, after giving time Copy Application is struck off. One year time is prescribed for disposal of struck off Copy Applications.
- In Magistrate Courts number of cases are pending for non-supply of Sec.207 Cr.P.C. copies. See that there is no delay in this aspect.
- Norms for Copyist is 84,000 words per month. Always insist that Copyist do atleast 1,25,000 - 1,50,000 words per month. Keep a watch over the work done by copyists.

**RECORD SECTION:-**

As District Judges, you must take all steps for destruction of records. Ensure that periodical consignment are to be sent to the Central Record.

You must periodically check prompt sending of consignment from

the Courts in your Unit. Every Summer Vacation, Christmas and Dasara Vacation to be fully utilised for destruction of records in the Central Record.

Chief Judicial Magistrates must ensure that Magistrates in your Unit are taking steps for destruction of records by publication and thereby taking steps for disposal.

District Judges/Chief Judicial Magistrates must ensure that the records are destroyed periodically. This is to be one of your important area of concentration.

## **II-MANAGEMENT AND ADMINISTRATIVE SKILLS**

### **PERIODICAL MEETINGS:-**

As Unit Head of the District, it is imperative on the part of the District Judge/Chief Judicial Magistrate, to call for periodical meetings. In those Meetings, the Officers are to be impressed upon the collective responsibility to motivate them for efficient functioning of the Courts and higher productivity. In **AIR 1992 SC 164 (174)**, All India Judge's Case, the Supreme Court has emphasized the need to call for such periodical meetings by the Unit Head - District Judge/Chief Judicial Magistrate. Such meetings help to share common goals and to proceed with time bound plans.

Such meetings are to be convened preferably on Saturdays without wasting Judicial time. In such periodical meetings:-

- take stock of the pendency of the cases of each Court and reasons for the pendency of the old cases;
- instruct the Judicial Officers in the District to concentrate upon the old cases and Senior Citizens cases;
- know about the requirements of each one Court rather than to rely upon the details furnished by the staff;
- collect the details regarding the cases stayed by the Appellate Court (First Appellate Court, District Court and Sub Court) and those cases stayed by the High Court. During the meetings, the Officers are to be instructed to dispose of the cases stayed by the District Court/Sub Court;
- In the Civil Suits where the cases are pending for the filing of Commissioner's Report, Officers are to be instructed to see that the Advocate Commissioners file their Reports within the time fixed by the Court. If the Reports are not filed within reasonable time, the Court is to recall the Warrants from those Commissioners who have not filed their reports and also to direct them to return the remuneration if any paid to them. Keeping the cases pending for a long time for want of Advocate Commissioner's Report causes much delay in disposal of the cases.

- In the criminal cases, non appearance of Investigating Officers is a matter of concern. Suitable instructions are to be given to the Judicial Officers to insist upon the need for the prompt appearance of the Investigating Officers.
- To appraise all the officers about various programmes of Legal Services Authority.
- Get a feed back on the implementation of the instructions earlier given.

#### **MONTHLY REVIEW:-**

- Monthly review is to be promptly done and properly maintained in the District Court. Apart from regular File, one or two Review Registers are to be maintained. In those Registers, for each Court, 1 to 20 pages may be allotted, wherein the performance appraisal of each of the Courts/Officers could be recorded, so that even by perusal of those Registers, the District Judge/Chief Judicial Magistrate could assess the performance of each one officer. Otherwise each and every month, it would become difficult to go through the entire file maintained by the Office. If the monthly review is maintained only in loose sheets/separate files, it may not be possible to appraise the general performance and to see whether the instructions have been carried out or not.
- Monthly review work ought not to be shifted entirely to the

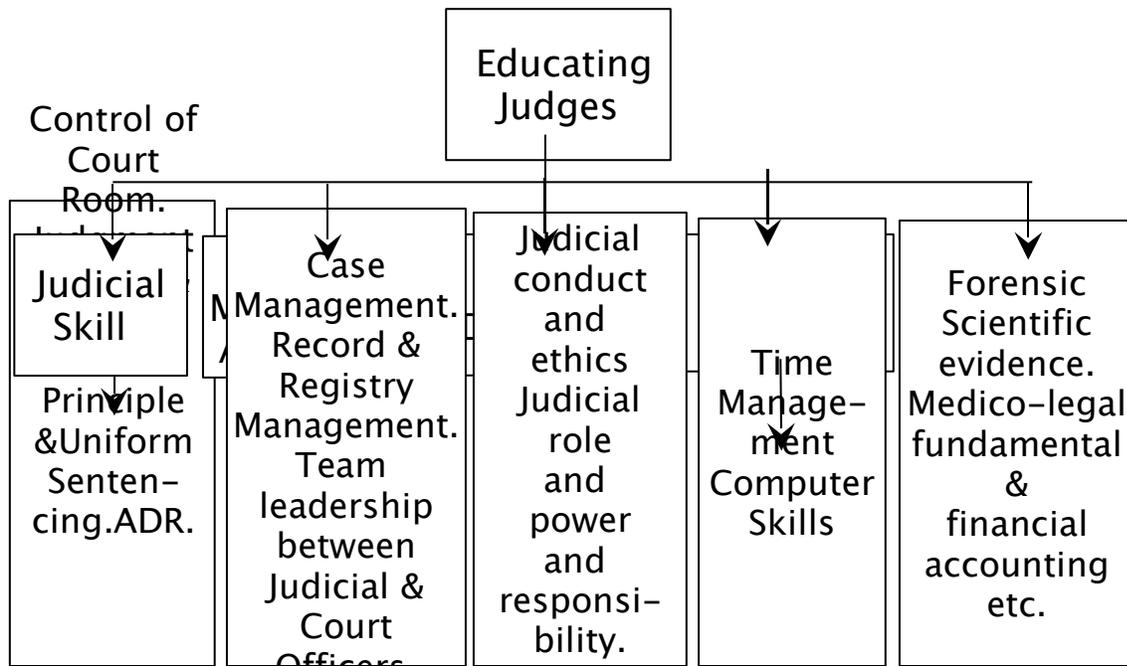
Staff. They could only help the District Judge to prepare the Notes. Only the District Judge has the administrative responsibility in recording the monthly review and ACR.

- When the Calendars are sent by the Judicial Magistrate, the Chief Judicial Magistrate is equally under great responsibility in analyzing the performance of each one Officer in their Unit. There has to be a thorough verification of the Calendars.
- Monthly reviews are to be promptly sent to the High Court.

**INSTITUTIONAL EXCELLENCE:-**

To make the system more efficient, Officers are to equip themselves on various branches and develop the Court management and judicial skills. Excellence cannot be a matter of knowledge and one must achieve it and employ it in the working sphere.

**NEED TO BE TRAINED ON COURT MANAGEMENT AND JUDICIAL SKILLS:-**



**NEED FOR TRAINING THE STAFF:-**

Not only that the Judges are to be trained, there is need for training the staff members also. There is no systematic training for the staff members in the Subordinate Judiciary. Presently, we do not have systematic training for staff members. For the system to be efficient, systematic training of staff members is very much essential. As District Judges, you yourselves can well organise such trainings within your Districts using the services of Judicial Officers within your District, Head Ministerial Officer, retired staff etc. By imparting inservice training and continuous learning, the staff members are motivated and we take them along in the judicial reform we foresee.

**III-EFFICIENT IN HOUSE MANAGEMENT****CLEANLINESS:-**

- Cleanliness in and around the Court premises and maintain the Court premises neatly.
- See that the Court men meant for cleaning the Court are first used for Court purpose and then only could be used for residence of the Officer.

- Take personal interest in ensuring cleanliness and maintaining atleast a small garden.

#### ELECTRICITY:-

- There has to be thrift in usage of electricity.
- Where there is huge billing of electricity, all possible steps are to be taken to conserve the electricity and to reduce the high billing.

#### FURNITURE:-

- Repairing of rickety furniture is essential. You can consolidate the estimate for repairing the furnitures and address to the High Court.

#### TYPEWRITERS:-

Since Computers are yet to be supplied to the lower Courts, typewriters are very much essential for the functioning of the lower Courts. Needless to point out that most of the typewriters in the lower Courts are very old and worn out. As per Rules, time stipulated for English Typewriters is 15 years and for Tamil Typewriters, it is 18 years. Almost in all the Moffussil Courts, the Typewriters are old and worn out. The old Typewriters are to be substituted by new ones by addressing the **Director of Stationery and Printing, Chennai**. The District Judge/Chief Judicial Magistrate are to call for particulars of the old typewriters in their Unit and take steps for substituting the same. The date of supply of the

old typewriters and the File Number are very much essential for substitution.

**LIBRARY AND BINDING:-**

Books that are supplied are to be neatly covered and kept in order. Librarian is to be suitably instructed to maintain the Law Journals and other periodicals supplied to the Courts. Book binding is to be periodically undertaken. In the State of Tamil Nadu, Book Binding is mostly done only through prisons. Book binding have been undertaken in almost all the Central Prisons *[Trichy, Salem Coimbatore and Palayamkottai]*. Concerned Prison Authorities are to be communicated for knowing about the book binding undertaken. Before sending the Law Journals and Periodicals, they will have to be neatly arranged, since prisoners may not know the proper arrangement of the cases reported and the Journal Section and the Index part. The Staff Members are to be suitably instructed to arrange them before sending the books to the Central Prison. For the book binding undertaken by the prisons no amount is payable and such work is undertaken on Book adjustment.

All that be required is to change our mindsets, each and everyone

of officer to make a beginning by making everyone at all level responsible for implementation.

*"Our work must reflect our heart-felt response to the work.  
Let us have excellence in work, highly disciplined  
and responsiveness to the institution  
and Justice delivery System."*

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