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PROCEEDINGS OF THE CONFERENCE OF THE JUDICIAL OFFICERS
FUNCTIONING IN CHENNAI, KANCHEEPURAM & TIRUVALLUR
DISTRICTS HELD AT THE TAMIL NADU STATE JUDICIAL ACADEMY,
CHENNAI ON 14TH OF JUNE, 2009

PRESENT

THE HONOURABLE THE CHIEF JUSTICE
THE HONOURABLE MR. JUSTICE S.J. MUKHOPADHAYA
THE HONOURABLE MR. JUSTICE ELIPE DHARMA RAO
THE HONOURABLE MR. JUSTICE F.M. IBRAHIM KALIFULLA
THE HONOURABLE MR. JUSTICE D. MURUGESAN
THE HONOURABLE MR. JUSTICE K. RAVIRAJA PANDIAN
THE HONOURABLE MRS. JUSTICE PRABHA SRIDEVAN
THE HONOURABLE MR. JUSTICE S. TAMILVANAN

ALSO PRESENT

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
THE HONOURABLE MR. JUSTICE M. JEYAPPAUL
THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

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23/6/09
The Conference began with the Invocation.

The Registrar General welcomed the gathering. He said that the Honourable the Chief Justice has taken great pains to take a stock of the present day problems faced by the Subordinate Judiciary in the State and has initiated steps to remedy the situation. He stated that the Honourable the Chief Justice is very much concerned about the smooth functioning of the Subordinate Judiciary and this is reflected by the subjects chosen for this

Conference, which are very essential and necessary for the day-to-day administration of justice. The interaction, instructions and the guidelines from the Honourable the Chief Justice and the other Honourable Judges of the Administrative Committee as well as the Honourable Portfolio Judges will be very useful in administering justice without any delay. He thanked all the Honourable Judges, who inspite of their busy schedules and pre-occupation, have given their valuable time for attending the Conference and also accepted to give their valuable suggestions for the betterment of the judicial administration in these three districts and the State as a whole. The Registrar General welcomed the Honourable the Chief Justice to address the gathering and to give a brief outline of the Conference.

The Honourable the Chief Justice started by saying that the Conference is all about the things which we ought to do ourselves. But sometimes we are a bit lax and therefore, it becomes necessary to shake ourselves from our slumber. His Lordship said that though the judiciary of this State is good, the name has been tarnished because of some of the unfortunate events which have occurred recently. To take stock of the situation, it was decided to have a half-a-day workshop where all the judicial officers are present and it was decided to first have a conference of the judicial officers of three districts, i.e.,

Chennai, Kancheepuram and Tiruvallur Districts. This will, of course, be followed by Conferences for other Districts and there are plans of holding Regional Conferences also. When a District Judge takes charge of a new district, he must have a complete idea of the cases pending in his District. People have a lot of expectation from the judiciary, but of late, people are thinking twice before filing a litigation. However, large number of people are constrained to come to court and having come to court, they are before the subordinate judiciary, which is a very important limb of the judiciary.

His Lordship then gave a brief outline of the subjects chosen for the day, the reasons for choosing these subjects and also introduced the Honourable Judges who will be chairing/co-chairing the said subjects.

Session No.1 :

The First Session, "Reducing of Pendency of Cases in Subordinate Courts" was chaired by the Honourable Mr. Justice S.J. Mukhopadhaya and co-chaired by the Honourable Mr. Justice K. Raviraja Pandian.

The Honourable Mr. Justice S.J. Mukhopadhaya started the session by saying that the Conference is not for the purpose of training the judicial officers, but only to reinforce the thought that there has to be a change in our

mindset from the very beginning. Judgeship is not just about reading the bundles, hearing the parties, and passing orders. The mindset is that the duty ends there. But apart from that, there are certain other duties. The mindset of judicial officers on the administrative side should be like that of a guardian in the family, looking after the welfare of the family and that is how the administration of a court should be done. His Lordship highlighted the concern which the Honourable the Chief Justice has shown on the administrative side.

Judicial Officers should not think that their duties are from 10.30 am to 5.00 pm. They should have a good idea of the functioning of their office, whether the court premises are properly maintained or not, whether the staff is properly functioning or not. For such things, physical verification has to be done. His Lordship pointed out an instance in Jharkhand, where more than 7,000 cases were not running in the Board for 20 years; interim orders were obtained and cases were dumped somewhere, with the help of the staff of that period.

His Lordship pointed out the letter circulated to the Judges of the Administrative Committee wherein the following directions were recommended to be issued with a view to ensure speedy disposal of cases in a

more scientific manner and in accordance with law :

- A list of all the cases pending in different courts, subjectwise be prepared and forwarded to the High Court within 45 days. The District Judge of the respective courts will ensure that such list is prepared and sent to the High Court. If it comes to notice that one or other case is not included, it should be included according to its date of filing.
- Computerised charts should be prepared, courtwise and subjectwise, giving details of the case number, the names of the parties, the status of the case, the action taken in that case and the date of the said action.
- The laptops provided to the judicial officers can be used by giving the work of feeding these details to one or two clerks, to regularly update the chart and sending a soft copy thereof to the High Court, where such details from all the subordinate courts can be collected and maintained as a databank. An example of such a chart prepared and maintained in the Jharkhand High Court was produced.
- Even the reports which are being sent to the Portfolio Judges once every months can also be computerised and copies thereof sent to the High Court. Thus, even sitting in the High Court, the Honourable Judges can get to know the status of each and every case. Of course, this will take

some time, but the day has come to make a beginning.

His Lordship ended the session by urging the judicial officers to immediately start taking stock of the situation; start finding out what is happening in their courts; whether any pending case bundle has also gone into the disposed of cases; which cases are to be destroyed and which are to be preserved. It is high time to do something for the judiciary; if you do it, you will do it for you; people will say that your court is a smooth functioning court.

The Honourable Mr. Justice K. Raviraja Pandian said that as soon as the judicial officers are transferred and posted at a particular place, they should take a stock of the situation as to how many cases are pending in that particular court; what category of cases are pending; and if any case is pending for a long time, what is the reason therefor. A list of the pending cases can be asked to be prepared; then asking the staff to list 15 such cases everyday; only then they will have a physical knowledge of every case. If any bundles are not available, they should know what is the reason for it; whether any interim order is granted in it; and whether the person in whose favour the interim order is granted is taking advantage of it with or without the connivance of the staff. Even the counsel in such cases can be called for and asked as to why steps have not been taken to serve the other party or to get the matter listed.

Even if a particular bundle is voluminous, it will be better that it should be opened and read; sometimes, a voluminous bundle might contain only a small point which can easily be determined and the entire case disposed of. His Lordship pointed out one such experience which His Lordship came across sitting at the Madurai Bench. His Lordship also emphasized how even in the High Court, physical verification of each and every case bundle has been ordered to be done, which is being done.

Mrs. Vimala, Presiding Officer, Industrial Tribunal, submitted that her Court has prepared the computerised data as required by the High Court and also sent it to the High Court. Those who have not yet done such exercise were urged to start doing so.

Mr. S.F. Akbar, Principal Labour Court Judge, submitted that Interlocutory Applications have got to be identified and the High Court may direct the presiding officers to identify the IAs in every case and report their disposal. In the chart, the details of the pendency of the IA, when it is posted for disposal can be shown. Then on that day, the application can be taken up and disposed of.

Mr. Devadoss, Principal Judge, City Civil Court, suggested that annual verification can be undertaken. It was stated that annual verification is not

required, if everyday, the case status is noted and fed into the chart by monitoring the case status on a one-to-one basis. That will, however, be possible only if physical stock taking has been done and figures are already arrived at.

All The participants were urged to make a beginning; the difficulty will be only on the first occasion, thereafter, it will become a continuous process.

Their lordships suggested a three-stage exercise in this regard :

I Stage - Work to be taken up forthwith to prepare individual case status ;

II Stage - Everyday, the chart is updated and forwarded to higher courts;

III Stage - If some officer has a better suggestion, it can be tried out.

The Honourable Mr. Justice M. Jeyapaul said that a judicial officer is transferred normally every three years. So, as and when a judicial officer takes charge of a station, he should take charge of each and every case pending in his court. It is possible only if the first stage is done, i.e., physical stock taking is done and the actual pendency is known. Similarly, when he relinquishes office at that station, the incumbent officer should be provided with such details and so on.

Session No.2 :

The Second Session, "Problems faced by Courts on account Agitations/Boycotts called by Advocates" was chaired by the Hon'ble Mr. Justice F.M. Ibrahim Kalifulla.

His Lordship said that one ordeal that is severely hampering the functioning of the courts is boycotts/agitations. His Lordship broadly outlined the nature of agitations, which are of three kinds.

The first category is one which we recently faced, which was a call given by the lawyers in protest of the Sri Lankan Tamils issue. That was a statewide agitation, which was a general cause, with which courts were not concerned.

The general problems giving rise to such agitations can be resolved only at the political level and after the actions taken by the Government or the State, and the courts cannot have anything to do with it.

The second category is the one such as relating to agitations on account of amendments to legal provisions like the C.P.C., Cr. P.C. or the Rules of Practice in implementing the procedures of law, grant of bail, etc.

As far this problem is concerned, which is a common legal issue,

everyone has to put their minds together and see how such issues can be resolved.

The third category is one centered at district levels due to special kind of situations prevailing in some districts like bifurcation of jurisdiction; transfer of certain proceedings from one court to another; transfer of a case from one to another, etc. Such situations give rise for agitations which are centered around particular areas.

Where there are some problems centered around any local issues, it must be brought to the notice of the High Court or the Portfolio Judge concerned. It will definitely lend a helping hand in resolving such issue quickly and amicably.

There are certain other agitations which are triggered by the statements/actions of individuals involved in public life. Sometimes, they provide scope for certain situations which provoke the lawyers, resulting in agitations.

Wherever agitations are in view of any individuals involved in public life, the best solution would be to have an amicable settlement between the bench and the bar.

One of the most important cause of agitations is the police. We must

admit that the police and the judiciary are intertwined. Invariably, in our State, we find certain police actions provide for some kind of agitation or the other. At some place or the other, there is some dislike or the other for either party.

Sometimes, our staff members also become acts of agitation in view of their manner of functioning. There are cases where agitations are held because of some attitudinal problems of some officers, where the agitations are centered around that court alone, which are adopted as pressure tactics.

Certain other agitations can be resolved with the assistance of Revenue Officials and by having periodical meetings with police, revenue officials and the members of the Bar. But it requires periodical reviews which will only ensure confidence and a better solution to such problems.

On some occasions, stern steps may have to be taken and the message sent across loud and clear that the courts are not going to budge to any pressure from any quarter and wherever there is violation of law, the law will take its own course.

Some participants brought to the notice of the Honourable Judges certain peculiar problems faced by their respective courts. Some peculiar instances were pointed, e.g., in Ambasamudram, the advocates were agitating

that a particular clerk at a legal aid authority should be transferred.

The Honourable the Chief Justice said that a collective stand has to be taken and stalling judicial work for something or the other should never be tolerated. The judicial officers were advised not to take long leave, which hampers the work at that particular station. The judicial officers should set an example by themselves. His Lordship pointed out an instance where in another High Court, one litigant wrote a letter to the Honourable the Chief Justice with a copy to the Honourable the Chief Justice of India giving a calender as to how for more than 100 out of 365 days, a particular subordinate court was not working. If some member of the Bar is indulging in something which is hampering court work, it should be reported to the High Court.

Mr. Paranjothi, Additional District Judge (FTC-I), Chennai pointed out that in the Kulithurai matter, the subordinate court has held that boycott is illegal and dismissed the case by imposing a fine on the advocate. The High Court stood by the order and the writ petition seeking action on the judicial officer was dismissed with costs of Rs.25,000/- Such instances should be handled with a firm hand and out of fear, the judicial officers must not yield to the pressure from the Bar, more so because you have all taken an oath to work "Without fear or favour".

Mr. S.F. Akbar, Principal Labour Court Judge, urged that a Code of Conduct should be evolved for the lawyers.

Giving his inputs, the Honourable Mr. Justice M. Jeyapaul said that judicial officers should sit for the full time even during boycott periods, thus setting an example. They should not make an endorsement on the docket that a particular matter stood adjourned on account of advocates' boycott, especially when the Supreme Court has declared strikes as illegal. The subordinate judicial officers can rest assured that the High Court will be on their side when they take a stern view in matters concerning boycotts.

Session No.3 :

The Third Session, "Maintenance of Buildings, Control of Court Staff, Custody of Case Properties, Usage of Laptops, Computers and Problems arising due to Power-cuts" was chaired by the Hon'ble Mr. Justice D. Murugesan and co-chaired by the Hon'ble Mr. Justice S. Tamilyanan.

The Hon'ble Mr. Justice D. Murugesan began by saying that administrative work is as important as judicial work. If administration is in order, it will help in discharging judicial functions easily as this is also related to pendency of cases. However, sufficient interest has not been evinced on the

administrative side. Let us make a beginning now, as we need change.

Keeping the Court campus clean is the primary responsibility of a Judicial Officer, because he should work in a good clean atmosphere. This is interlinked with space management. One should allot one or two days in a week or fifteen days to see whether the building is in condition or not and what are the requirements. The court building includes the premises of the Court also, which are to be kept clean and not allowed to be misused by miscreants.

Control of staff is important in many aspects. Unless proper control is exercised, we will be indirectly a party to the injustice caused to litigants. In one Court, there were nearly 3000 cases which were not indexed by one Record Clerk. It is mandatory that once a case is disposed of, it is indexed and the matter is sent to the District Headquarters. In this instance, the Clerk concerned has received the bundle after disposal, but has kept them pending. Because of not indexing, when appeals were filed, they were frequently being adjourned for want of records. These matters without being indexed will not be reflected in the disposal register and will continue to be shown as pending cases. That is why physical verification of the records pertaining to pending cases and equally physical verification in respect of the records, which are

pending with the Clerk for indexing work is necessary.

When copy applications are filed, whether they are put up in the bundle and copies are served or not, is the sole prerogative of the Clerk of that Section. Advocates/litigants are made to run from pillar post to get copies of the orders. But as Judicial Officers, you do not give importance for that, which is not correct. When you come across cases where copies of judgments are not made ready for a long time or the copies are not despatched, you must pull up the staff concerned. This can be ensured only by frequent visits to the sections and by having a physical verification of the bundles. Otherwise, you will lose control of the staff. That will result in the Clerk becoming the boss and acting according to his whims and fancies, though you are the Officer in charge of the Court. Knowingly or unknowingly you should also not be a party to the injustice caused to the litigants by saying that this is not my work.

As far as Disciplinary Proceedings are concerned, this subject was introduced in today's discussion so that experts can speak on the issue with relevance to the rules. Any laxity in this regard will embolden the erring staff to continue it. For any misconduct, action should be initiated immediately, though in accordance with law. Unless control is exercised on the staff members, it will be very difficult to run the institution.

As regards Promotions, Judges should not rely on the note put up by the staff, particularly when it is prepared by a person who is expecting his promotion. Whenever a note is put up, the service particulars should be called for and the issue decided the issue one way or the other. No representation should be kept pending for days together, as it is not in the interest of administration. Faith in the staff is good, but it should be borne in mind that we have a duty to verify it ourselves. His Lordship pointed out one instance where a person who was dismissed from service, after a period of six years, was once again allowed to join duty and to work for nine months. All this was because of the officer whose note was blindly accepted.

As far as Custody of Case Property is concerned, random checks are necessary. These properties are valuable properties. Ensure that frequent inspections are made and if any properties are missing, which is not noticed, then there is no purpose in the inspection. It is not highly impossible to verify the case properties, if you really wish to do it.

Whenever a committal is made in a criminal case, alongwith the committal proceedings, the valuable properties are sent to the District Court or Taluk Court. However, none of our Fast Track Court Judges and District Judges receive the properties. The difficulty expressed by them is that they do

not have separate rooms for this purpose. If that be the case, it is the duty of the concerned Judicial Officer to bring it to the notice of the High Court. If you do not receive the case properties, it will cause frequent adjournments of the case, thus resulting in delay in administration of justice.

Taking inventory and maintaining records of the furnitures in your Courts is very important. Here also, physical verification is necessary from the old records as to what are the properties that are given to a Court, what are all available as on date and what is the reason for the missing of any property.

The District Judges should ask their Subordinate Judges to furnish them an inventory of all the properties in their respective Courts within a particular period and maintain it with them, sending a copy to such Court. If there is any difference in the properties received originally and properties available as on date, the High Court should be intimated.

In respect of the Libraries in the Subordinate Courts, please inform the High Court as to which books you require and subject to availability of funds, the High Court will provide the same. Inventory of books is also equally important. Separate registers which are maintained for the books should be verified physically as these are also our property.

Being the Chairman of the Computer Committee, on the basis of the

information available, His Lordship said that though laptops have been provided to most of the Judicial Officers, most of them are not using them and they are mostly used by their children. The laptops can be used to feed any kind of information such as preparation of charts, showing the pendency of cases, etc. as enumerated by Hon'ble Mr. Justice S.J. Mukhopadhyaya. These can also be used for maintaining the inventory of furnitures, books and on all administrative aspects. At the time of relinquishing charge of the station, these details can be easily handed over to the incumbent officer, who will in turn maintain the same.

Since many of the Judicial Officers do not have formal training in computers, trainers have been appointed for each District Judge and his staff under the Central Government Scheme. If the trainers do not do their duties properly, it should be informed to the High Court.

As regards power cuts, it is the problem concerning everybody. Some mechanism should be evolved, where alternative modes of energy generation can be explored. On that aspect, the Honourable the Chief Justice pointed out that the State Government has already issued an order that there will not be any power cut between 10.00 a.m. and 8.00 p.m. in court premises. In spite of this, if power cuts continue, the matter be taken up immediately with the local

officials of the Electricity Board and also brought to the notice of the High Court - See High Court Circular dated 15.5.2009.

In every Court, staff are allotted for the work of reconciliation and for want of reconciliation, disbursement of salaries of many of officers is kept pending. The staff concerned should be asked for particulars and follow up action taken.

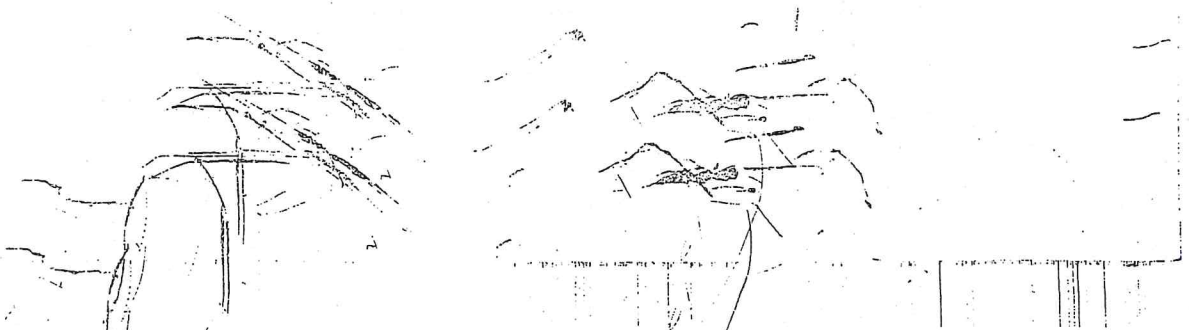
Taking over from the Chair, the Honourable Mr. Justice S. Tamilvanan said that it is the duty of the Court to maintain the Court and its premises neat and clean because cleanliness is next to godliness. Recently, during a surprise inspection by a portfolio Judge of a particular Court, it was seen that rubbish was being dumped inside the Court premises. The Presiding Officers are custodians of the property as well as for maintaining cleanliness. There should be constant supervision of the work done by the maintenance staff.

His Lordship also reiterated the need to have control over the staff. His Lordship pointed out the shameful scenario where an Head Clerk of a Court had stolen 182 items of case properties by loading them in a van. It was nothing short of a case of robbery in daylight. No criminal complaint was lodged immediately and this incident was reported only after one month. Now, 153 non-valuable items have been recovered. Had there been a

complaint in time and intimation to the High Court earlier, there could have been a full recovery. Such incidents will lead to the people losing confidence in the judiciary. The custody of case properties is not just a duty of the Clerk concerned; the Judicial Officer is the custodian of the case properties. His Lordship also reiterated the proper utilisation of laptops/ computers provided to the Subordinate Courts.

His Lordship also added that Judicial Officers must conduct periodical and proper inspections of the courts under their control. His Lordship emphasised the need to preserve certain records which are permanent in nature, like the suit registers, property registers and said that these registers should contain all the details. His Lordship pointed out an instance where during an inspection it was found that the schedule of property in a particular case did not contain the Survey Number, the extent of the property and the name of the Village, which are the fundamentals.

His Lordship, with inputs from the Hon'ble Mr. Justice M. Jeyapaul and the Hon'ble Mr. Justice S. Nagamuthu, pointed out a landmark judgment rendered by the Supreme Court in *Sunderbhai Balan Desai vs. State of Gujarat* reported in A.I.R. 2003 S.C. 638 concerning disposal of case properties. Instance of the burning of a case property being a vehicle parked inside the



Tirunelveli Court Complex was cited. This was only because of the delay in not sending back the property after disposal of the case.

Mrs. Vimala pointed out that the Linux Operating System is not user friendly like MS Windows. However, it was pointed out that the Chairman of the Computer Committee has recommended only for Linux OS as it is better equipped to deal with judicial work. Some of the participants also wanted online journals, like Manupatra to be provided to them, so also broadband connections. Mr. Paranjothi expressed his opinion that the time for the judicial officers to attend to the administrative work may be extended by 15 minutes, to which it was suggested that administrative work can even be attended to after office hours.

With the permission of the Chair, Hon'ble Mr. Justice S. Nagamuthu pointed out that when valuable case properties are brought from the Treasury to the Court, the officers concerned should write to the police to provide security to ensure safety of the valuable properties. To reduce the delay in coping with copy applications, a mechanism should be evolved to make as many number of copies to as many parties to the *lis*. When depositions are recorded, number of copies can be taken and simultaneously copies can be

prepared and given to the parties.

As far as Suit Registers are concerned, His Lordship stated that claim cases are filed in Principal Court and then transferred to some other Court and in many places, there is no separate suit register in the transferred court. As a result, whenever there is disposal of Interlocutory Application etc., entries are being made in the Principal Court. For that purpose, records are to be taken there and information is to be furnished in that court, then entries are to be made. This problem has to be addressed.

Session No.4 :

The last session, "Some Key Judicial Problem areas - Recording of Dying Declarations and exploring possibilities for Alternative Dispute Resolution under S.89, CPC in Civil Cases" was chaired by Honourable Mr. Justice Elipe Dharma Rao, co-chaired by Honourable Mrs. Justice Prabha Sridevan.

The Honourable Mr. Justice Elipe Dharma Rao pointed out the following instances which necessitated this topic :

- (1) Failure by the Judicial Magistrate at Madurai to record the dying declaration of a victim.
- (2) Selling away of the case properties by the Head Clerk in Tiruvallur District Court.

A dying declaration is part of every judicial officer who is in charge of criminal cases, who cannot express his/her inability to go and record the dying declaration from a victim merely because he/she was asked to come at odd hours. In this particular case in Madurai, a victim woman suffered 80% burn injuries and she died within two hours. But the Magistrate, though informed, did not go to the hospital and record the dying declaration, which is a crucial document to convict the culprit.

As regards expediting the proceedings under Section 138, N.I. Act, His Lordship suggested conducting a District Judicial Officers' Meeting once in three months by the Portfolio Judge and give a time limit for disposal of the old cases within a stipulated period of 4 to 8 weeks and if the cases are not so disposed, the officers are liable to explain the reasons therefor.

As far as maintenance claims and cases filed by senior citizens, such cases should be given priority and dealt with expeditiously.

With regard to the distribution of work among judicial officers, it is alleged that this work of distribution is being done by showing favouritism to a particular officer or the other. The Equality Principle has to be borne in mind and work should be distributed equally among all the judicial officers.

As regards fixation of norms, the judicial officers have to explain non-

disposal of old cases.

As the Co-Chair, the Honourable Mrs. Justice Prabha Sridevan reiterated the issues highlighted by the Honourable Mr. Justice Elipe Dharma Rao. According to Her Lordship, the task is so mammoth that we should feel apprehensive, but we should start today and slowly chip away at the mountain.

While recording a dying declaration, the most important duty of a judicial magistrate is to assess the mental capacity of the person giving the dying declaration. Her Lordship pointed out that it was alarming to note that cyclostyled forms are being used in which it is already stated that the victim was / was not in a fit state of mind, which is very serious dereliction of duty and also a serious offence. The judicial officers are going to record a very solemn statement of a person who is about to die and which can only be the truth and the officer must see whether she was capable of making such a statement.

When one of the participants pointed out that they do not have proper conveyance to visit hospitals for recording dying declarations, it was pointed out that for performing their duty, the judicial officers need not be provided

with any special facility and that they will have to do it on their own and it is part of their judicial function.

Her Lordship invited response from the participants as to how many of them have invoked Section 89, CPC for resolution of old suits, when out of 120, only eight participants answered in the affirmative.

As regards fixation of norms, Her Lordship suggested if the percentile system could be followed where incentives are given for referrals under Section 89, CPC. This method will also be good for cutting down on cases under Section 138, N.I. Act. Her Lordship cautioned that the judicial officers are not here on a *sinecure* to earn without working and added that incentive is a luxury and we have to perform our duties, for which we are paid.

Her Lordship invited attention of the participants to the Salem Bar Association case, which dealt with elaborately on the topic of alternative dispute resolution mechanism or Section 89A, CPC referrals. Her Lordship urged the judicial officers not to be irresponsible and indiscriminate even in the matter of calling it or attending it. Each order, even if it is not signed by the officer and is written "By Order", it is an order of the Court or an order of the Officer concerned. Her Lordship likened the words "Call On" to "Kaalaan"

(Mushroom), and felt that this exercising of calling ~~work~~ has really mushroomed in the system which should not be entertained.

Mr. Paranjothi, Additional District Judge (FTC-I), Chennai, stated that when both parties are inclined to get the matters disposed of in court, there is less inclination for referrals, so for referrals, incentives can be given in norms.

The Honourable Mr. Justice S.J. Mukhopadhaya pointed out that regular lok adalats are planned to be held for resolving cases under Section 138, N.I. Act and instructions are being given by Portfolio Judges to direct such cases to the Legal Services Authority.

At the end of the four sessions, the Honourable the Chief Justice summed up the entire proceedings.

From the First Session on the issue of physical verification of bundles, the following main suggestions emerged :

1. As suggested by K. Raviraja Pandian, J., firstly the entire bundle checking must be completed to arrive at the exact position of the number of matters that each Court is having.
2. Thereafter, as suggested by S.J. Mukhopadhaya, J. each Judge concerned in charge of whatever matters he is having should keep on updating the

position on his computer or otherwise, so that at every given point of time, the exact figure of the matters is known and it is also known as to at what stage they stand.

3. As suggested by M.Jeyapaul, J. when a Judge is transferred and is handing over charge to his successor, he should be able to hand over the charge of the exact number of matters to the incoming Judge. Similarly, when a Judge takes charge at another station, he should be able to take the charge along with the exact number of matters.

From the Second Session, the principle propositions put forward by the Honourable Mr. Justice Ibrahim Kalifulla were :

1. Judges should not give any occasion themselves for the lawyers or anybody else to have any grievance. But in the event there is any agitation or strike, they should be firm and keep the High Court informed all throughout about such agitation.
2. If the agitation is on issues other than those concerning the Court, the Judicial Officer may not be able to do much.
3. If it is concerning any local issue or anything to do with the judicial or administrative functioning of the Court, the High Court will definitely

assist the Judge in resolving the problem.

At the end of the Third Session, on administrative requirements, the following suggestions emerged :

1. The Judges must encourage good employees and at the same time keep proper control on the others.
2. As far as the Court properties are concerned, proper entries must be made in their register and the properties should be checked atleast once in a month. If adequate place is not available for keeping the property, the matter be taken up to the High Court for that purpose.
3. The judgment of the Apex Court in the case of *Sundarbhai Balan Desai vs. State of Gujarat* reported in A.I.R. 2003 S.C. 638 should be followed with respect to disposal of the case property.
4. The premises must be kept clean and the inventory should be made of the furniture and it should be entered into a register meant for that purpose. It should be checked and repaired whenever necessary.
5. Inventory should be made of the library books and registers should be maintained containing the particulars of the books. If the Judges require any particular book, that should be brought to the notice of the High

Court.

6. The trainers appointed by the High Court be utilised for learning the mechanism and making the best use of the computer.
7. On power cut, the Government's Circular dated 15th May, 2009 is sent to the judicial officers. There will not be any power cut between 10.00 a.m. and 8.00 p.m. In the event of any such power cut, this matter should be taken up with the Electricity Board relying upon the said Circular.
8. Discrepancy in the accounts: The accounts should be reconciled at all material times, so that there is no occasion for non-payment of salary arising therefrom.
9. In Nazir's office, proper security should be maintained and when there is any movement of valuables from the Court to the treasury or otherwise, proper precaution should be arranged.
10. As far as the copies of the depositions are concerned, Advocates to be asked in advance, whether they need them, in which case, adequate number of copies can be made of the notes of evidence at the time of the trial itself.
11. As far as final judgments and decrees are concerned, adequate number of copies be made taking into account the number of parties while preparing

the main copy itself, so that time is not wasted subsequently.

12. The work of Process Servers and Ameen's should be properly supervised.
13. Meeting of all the Judicial Officers in the District at a particular station should be held atleast once in a week and of all the Judicial Officers in the District atleast once in a month to know their problems.

From the Fourth Session on the areas of problem determination in judiciary, the following suggestions emerge :

1. The District Judge ought to see that the work is distributed equally amongst all the Judicial Officers.
2. Matters concerning senior citizens and maintenance claims should be decided early.
3. As far as old cases are concerned, they should be listed with priority by all the Courts and the time taken by the Advocates should be regulated by refusing frequent adjournments, whenever necessary.
4. Magistrates should be prompt in recording the Dying Declarations. They are not required to use any particular forms.
5. The Judicial Officers must effectively use the provisions of Section 89, CPC for getting old suits decided by alternative dispute resolution

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mechanism.

6. Matters be sent to Lok Adalat, wherever that procedure could be availed of.

The Registrar (Vigilance) proposed the vote of thanks. She said she was extremely thankful to the Honourable the Chief Justice for arranging this conference and the other Companion Judges for having spent their valuable time to be in our midst. She said that the participants must have been greatly benefited and indebted to the Honourable Judges for having taken great pains in identifying and addressing the participants on the key and burning issues hampering the smooth functioning of the State Judiciary, both on the judicial side as well as on the administrative side. She said that the participants must have been enlightened on various aspects, with the information content, and the anguish with which some of the speeches have been made and thanked the Honourable Judges for the opportunity given to the participants for discussing and interacting with each other upon the same. She thanked the Honourable the Chief Justice for painstakingly noting down and summing up the entire guidelines which have emerged from the four sessions. She said that the spirit of the participants must have rejuvenated and energised; our mindset and thought process have been recharged and we will all feel highly motivate us

towards achievement of our targets. The tools, techniques and guidelines presented by the Honourable Judges will surely help the participants to improve their time and space management skills and to have effective control over the staff members and other men and matters. She believed the participants will be able to overcome all the difficulties and implement the techniques that emerged to them. She was sure that the judicial officers will function more effectively and qualitatively even under intense pressure and achieve the desired results and upheld the dignity of the judiciary and to render qualitative and quantitative justice to litigants. She urged the participants to keep these guidelines in mind and apply them at the appropriate time and place to achieve the desired results. She made an appeal to one and all, while thanking them for their active co-operation, to go back to their work with great confidence that our High Court is with us and with great zeal and enthusiasm and centre their time and attention more on proper and stricter compliance with the guidelines in letter and spirit and instructions from the directions given to us. She quoted a couplet from Thirukkural to end her Vote of Thanks.

R.No.1923/2009.

Office of the Chief Judl. Magistrate,
Pudukkottai. dt: 22.6.2009.

Copy communicated to All the Judicial Magistrates
in the Criminal Unit of Pudukkottai District.

To

The Judicial Magistrates //T.C.F.B.O//
in the Criminal Unit of
Pudukkottai District.

CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

22/6/09
JUDICIAL MAGISTRATE
PUDUKKOTTAI