



The Imagination and Reality of Court Managers in India

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ABSTRACT

The Court Manager (CM) post was created in India in 2010 to improve court functioning. The imagination of the policymakers was that CMs would work in the diverse areas related to court management, including work for policy and standards, planning, information and standards, court and case management, human resource management, core system management, and IT system management. A few studies reported that the judges are reluctant to give the expected powers to the CMs. This study aims to check the utilization level of CMs. For this purpose, an interview schedule and a five-point Likert questionnaire were created. Thirty-one CMs were interviewed, and responses were taken from forty-one CMs using a questionnaire. Interviews were analyzed using content analysis, and the questionnaire was analyzed using mean scores. The reasons preventing the full utilization of the position of CM are discussed. Results reflect that CMs need adequate empowerment and support to make decisions for their imagined role. Based on the suggestions of the CMs, recommendations are given to better utilize this position by the Indian judicial system.

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1. INTRODUCTION

Delay in justice has been a problem in the Indian judiciary. To expedite the case disposal rate, various actions have been taken. One such action was the creation of the post of CM. F.NO.32(30).FCD/2010 of the finance ministry led to the creation of the post of CM in India. 300 crore rupees were allocated to employ CMs having minimum qualification of degree or diploma in management and other necessary skills such as five years' experience in system cum process management, information technology (IT), system management, human resource management (HRM), financial system management, excellent communication, interpersonal and computer application skills. This circular permitted the creation of one post of CM in each district court, two posts in each high court and one post for each bench of the high court (Chandra, 2010; Oberoi, 2017).

This paper explores the vision of court managers by policymakers when the post was created and the current reality of it. We aim to determine whether the envisioned plans have truly materialized or if the reality differs.

2. THE IMAGINATION OF CMs IN INDIA

The imagination of the policy makers was to allot administrative works of the court to the CM so that judges can devote more time to judicial work. Annexure-III of ministry of finance circular suggests following functions and responsibilities of CMs (See Figure 1).

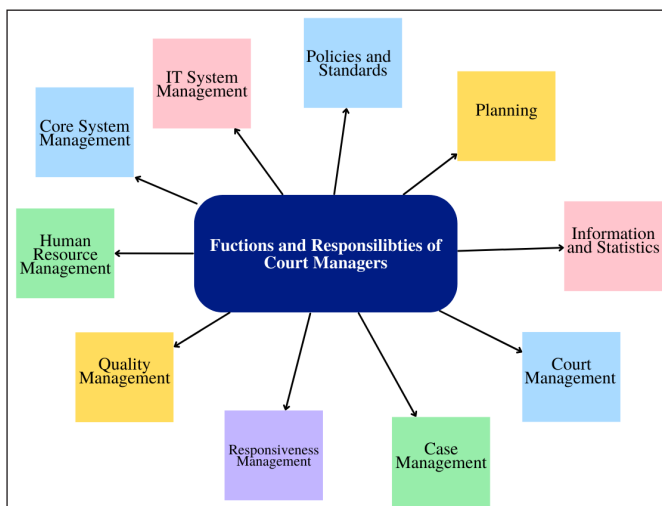


Figure 1 Functions and Responsibilities of CMs.

Policies and Standards: CM was expected to make policies and ascertain performance standards related to courts.

Planning: CM was expected to make planning related to court. CM was expected to maintain and update Court Development Plan (CDP).

Information and Statistics: CM was expected to manage information and statistics related to courts and provide the same courts as and when required.

Court Management: CM was expected to ensure overall management of courts.

Case Management: CM was expected to work towards case management to ensure efficiency, timeliness, and less cost to the litigants.

Responsiveness Management: CM was expected to ensure access to justice and user friendliness. CM was also expected to ensure legal aid to the deserving litigants.

Quality Management: CM was expected to ensure quality of adjudication standards established by high courts.

Human Resource Management: CM was expected to ensure Human Resource Management standards related to court staff such as superintendent, assistants, accountants, clerks, stenographers, typists etc.

Core System Management: CM was expected to ensure efficiency of the core court systems such as documentation, utilities, infrastructure, finances etc.

IT System Management: CM was expected to ensure IT systems standards established by high court.

3. THE REALITY OF CMs (LITERATURE REVIEW)

3.1 THE REALITY OF CMs IN INDIA

Very few studies have been done related to CMs in India. Oberoi (2017) highlights the reasons for the ineffective implementation of the designation of CM. Reasons included inadequate funds, inadequate numbers of CMs, poor compensation, absence of all compensation compared to other regular staff due to the contractual nature of the position, disrespect, lack of guidelines for CMs etc. Now an important question arises whether they had the empowerment to do their expected task. The paper highlights that judges are reluctant to dilute their power even if it reduces their workload. This statement hints at the lack of empowerment of CMs to perform their tasks. But it has a limitation of lack of data support.

Kochar and Zende (2019) collected data from 100 judges and 30 court managers from Maharashtra state. They asked the question of whether due to CM's administrative work of judges is reduced or not. 86% of judges reported that their administrative workload is reduced in infrastructure-related work. 68% of judges reported that their administrative work related to case management is reduced. Similarly, 76% of judges agreed on administrative work reduction in E-court project and IT management, 75% in preparation and implementation of the court development plan, 78% in recruitment and selection, 78% in the administration of ministerial staff, 78% in financial management, and 86% in improving data accuracy. However, the responses from CMs for similar questions were skewed in the opposite direction. For example, 53% of CMs reported not being involved in court administration. 86% of CMs reported that they do not design programmes for case management. 83.3 per cent of them reported that their services could be utilized fully.

Kaul (2020) also tried to find out the reasons for the ineffective implementation of this scheme. The list of reasons included causing ineffective implementation of the designation of CM. These reasons include the need for clarity of roles, contractual position, lack of promotional structure, dependence on judges for task directions etc. In a conference paper by Pathak (2019), a CM raised concerns in a hesitant voice related to CMs about disaffection from other court staff members.

3.2 THE REALITY OF CMs GLOBALLY

The idea of CMs is not exclusive to India; it has been used in varied ways by other court systems across the world. The function of court administrators has been well-established in the US for many years. These administrators oversee a variety of duties, such as system development, personnel management, and record keeping (Flanders, 1991). The job of a court administrator requires more than simply technical management abilities; it also

calls for a capacity for leadership (Foster, 2013). Because of the distinct separation of duties and authority in the American model, court administrators have been successfully incorporated into the legal system (Martin & Maron, 1991).

Similar arrangements exist in the UK, where Court Service Managers take care of the administrative duties so judges may concentrate on the law. In the UK, colleges play a significant role in the professional training of court administrators, which speaks to the maturity of the discipline (Baar, 2005).

Australia has likewise developed a management strategy for conducting judicial proceedings. In Australian courts, Registry Managers oversee managing the administrative duties, such as case administration and public interaction (Foster, 2013). These managers are seen as a crucial component of the legal system and have been granted a great deal of autonomy (Nelson & Wright, 2016).

These global models' comparative study reveals certain recurring features. First off, the distinct separation of administrative and judicial tasks in these nations is substantially responsible for the effectiveness of court administration positions (Martin & Maron, 1991). Second, regular training and skill-development programs have been implemented with the increasing incorporation of these responsibilities into the court system (Baar, 2005).

The global backdrop sheds important light on the possible efficacy of court managers in India. In nations like the United States, the United Kingdom, and Australia, it appears that judges' unwillingness to distribute authority is less of a problem than it is in the Indian setting. This may be credited to the judiciary's explicit policy directives and cultural acceptance of administrative functions.

4. RESEARCH GAP

The existing literature has tried to explore the level of utilization of CMs, but it has limitations. For example, Oberoi (2017) has made conclusions based on observation. It lacks data support. The study of Kochar and Zende (2019) has not addressed the utilization levels at each function level of CMs. Though the issue of non-utilization of CMs has been discussed in some workshops there is no detailed empirical study to understand the utilization levels of CMs. For the smooth functioning of any role, empowerment of the employee is very important. They need adequate resources to perform their functions. Thus, it is important to understand the level of empowerment of CMs and analyse whether they are getting adequate resources or not to perform their duties.

5. IDENTIFYING REALITY THROUGH PRIMARY DATA

5.1 METHODOLOGY

To understand the reality of CMs through empirical data a mixed-method approach was chosen. Data was collected using qualitative and quantitative methods.

5.1.1 Sampling

The Snowball sampling method was used to collect the data. An interview schedule and questionnaire were sent to 200 CMs. Only 41 responses were received. One response was deleted due to an inappropriate entry. Out of 40 responses, 9 did not respond to the interview questions. Thus 31 CMs were interviewed, and 40 responses

to the questionnaire were considered for analysis. Tables 1 and 2 mention the demographic variables, state, and gender-wise sample frequency and percentage of interview and questionnaire respondents respectively.

DEMOGRAPHIC VARIABLE	CATEGORY	FREQUENCY	PERCENTAGE
State	Andhra Pradesh	2	6.45
	Assam	3	9.68
	Bihar	1	3.22
	Jharkhand	1	3.22
	Kerala	3	9.68
	Maharashtra	4	12.90
	Orissa	4	12.90
	Rajasthan	3	9.68
	Tamilnadu	1	3.22
	Uttar Pradesh	6	19.35
	Uttarakhand	1	3.22
	Unknown	2	6.45
Gender	Male	26	83.87
	Female	5	16.13

Table 1 Description of Sample of Interviewed Respondents.

DEMOGRAPHIC VARIABLE	CATEGORY	FREQUENCY	PERCENTAGE
State	Andhra Pradesh	2	5
	Assam	4	10
	Bihar	3	7.5
	Haryana	1	2.5
	Jharkhand	1	2.5
	Karnataka	1	2.5
	Kerala	3	7.5
	Maharashtra	4	10
	Orissa	5	12.5
	Rajasthan	3	7.5
	Tamilnadu	1	2.5
	Uttar Pradesh	7	17.5
	Uttarakhand	1	2.5
Unknown	4	10	
Gender	Male	35	87.5
	Female	5	12.5

Table 2 Description of Sample of Respondents Who Responded to the Questionnaire.

5.1.2 Data Collection Procedure and Tools

Data was collected using a structured interview schedule (See Table 2) and a questionnaire (See Table 4). The interview schedule included nine questions related to tasks performed, problems faced, suggestions for improvements etc. with respect to the position of CM. The questionnaire (See Table 3) included items related to perceived empowerment to perform the expected roles.

SL. NO.	QUESTION
(i)	What role do you play in policies and standards of the court?
(ii)	What role do you play in the planning of the court?
(iii)	What role do you play in the management of the court?
(iv)	What role do you play in case management?
(v)	What role do you play in the quality management of the court?
(vi)	What role do you play in IT system management?
(vii)	What are the problems you face while executing your work?
(viii)	What are the improvements can be done to utilize the post of CM in a better manner?
(ix)	Any other point that you want to mention.

Table 3 Interview Schedule.

QUESTION	MEAN
Q1. I feel empowered by the judicial system to ensure punctuality within the court.	3.23
Q2. I feel empowered by the judicial system to ensure timely disposal of the cases in the court.	2.46
Q3. I feel empowered to improve functioning of the court.	3.20
Q4. My decision is important for infrastructure related policies.	3.53
Q5. I feel empowered to take decision for human resources related policies.	2.90
Q6. I feel empowered to take decision for the case management of the court.	2.82
Q7. Stakeholders support me to evaluate the compliance of the court with performance standards.	2.87
Q8. I get support of the stakeholders to identify the steps required to achieve compliance of performance standards.	2.64
Q9. I have adequate resources to evaluate performance court standards.	2.15
Q10. I get adequate support of various stakeholders to prepare 5 years court development plan.	2.56
Q11. I get adequate support of stakeholders to monitor the implementation of five-year court development plan.	2.26
Q12. My report to the higher authorities for the progress of the five-year court development has been taken seriously.	2.49
Q13. I get required support from the stakeholders for five-year court development plan.	2.56
Q14. I can ensure that statistics on all aspects of the court functioning are compiled accurately.	3.05
Q15. I get required support from the stakeholders for getting required data.	2.97
Q16. I feel empowered to ensure that procedure of the court is fully compliant with policies of established by High court.	2.90
Q17. I feel empowered to reduce operational cost of the court.	2.74
Q18. I feel empowered to ensure that procedure of the court cases is fully compliant with policies of established by High court.	2.90
Q19. I feel empowered to ensure to ensure efficiency in the court cases.	2.59
Q20. I feel empowered to ensure access to legal aid in court cases.	2.79
Q21. I have practical powers to ensure court meets quality of adjudication standards established by the High Court.	2.08
Q22. I have practical powers to ensure that Human Resource Management of ministerial staff in the court comply with the standards established by the High Court.	2.28
Q23. I feel empowered to ensure that the IT systems of the court comply with standards established by the High Court are fully functional.	3.15
Q24. IT staff follows my instructions related to IT system management.	2.97

Table 4 Pie chart of the responses to the Question.

5.1.3 Results

Interviews were analysed using content analysis. Interview transcripts were divided into similar codes for each question. Based on the codes, patterns were derived.

The questionnaire was analysed using a mean score for getting an overview of the perceived empowerment and getting adequate resources to perform tasks connected with their expected roles.

5.1.3.1 Interviews Analysis

The findings of the interviews are discussed as follows:

Role of CMs in Policies and Standards of the Court. The first question was asked related to the actual role played by the CM in the policies and standards of the court. Most of the respondents reported that they did nothing for the policies and standards of the court. One male CM reported that he does an advisory role in the court. Two CMs from UP state reported that they wait for high court directions for compliance with duties and responsibilities. Similarly, two other CMs reported that they do whatever is asked by the higher authority. One CM from Orissa state reported that he ensures the data collection from the subordinate courts related to the pendency of cases. Insights from the interviews suggest that CMs do not get adequate opportunities in making policies and standards related to courts. They are only doing whatever is asked by the higher authorities. These tasks are generally clerical in nature.

Role of CMs in the planning of the court. The majority of CM reported that they were doing nothing in the planning of the court. However, a CM from Uttar Pradesh reported that his duties included identifying the required resources to ensure the smooth functioning of court proceedings, examining proper data filling in the IT room, and examining court infrastructure and trying to get them completed accordingly. He also ensured adequate resources to litigants, advocates, witnesses, and others on the court premises. His duty also included repair & maintenance of court infrastructure and communicating with High Court via District Judge regarding funds. Four CM reported that they work on infrastructure development. One CM reported that he must make phone calls to witnesses regarding the case. Insights from interviews suggest that CMs are not getting adequate opportunities and empowerment in court planning. They are doing jobs like calling witnesses regarding cases. Duties of similar nature can also be done by a less qualified person.

Role of CMs in the management of the court. The majority of the CMs reported that court management of the court is conducted by principal judges. They do not wish to delegate the power to CMs. They do supervisory work to maintain cleanliness in the court and ensure proper sitting arrangements. Some CMs reported that they do infrastructural work as per the policies and standards of the High Court. One female CM from Maharashtra reported that she does advisory roles related installation of CCTV cameras, mobile compactors, public addressing systems etc. One CM from Orissa reported that he ensures that funds are fully utilized without surrender. Findings from the interviews suggest that CMs do not get adequate opportunities to manage the court. Judges

are reluctant to assign them responsibilities. Some of the CMs are doing supervisory work like asking the sweepers to clean court premises, equipment installations etc.

Role of CMs in case management. The majority of CMs reported that due to the lack of power they rarely do anything for case management. However, some CMs asserted that for case management they take attendance of the official witnesses. They ensure compliance with reports as asked by the higher authorities. They are not allowed to say something. Some reported that they coordinate with the police department to the District Legal Services Authority and Lok Adalat for the execution of orders. In the case of management, the role of CMs is limited to taking attendance of witnesses and coordinating with stakeholders for case hearings.

Role of CMs in quality management of the court. Most of the responses reported that CMs do not have adequate powers and support to ensure quality management. Their role is mainly suggestive. Some CMs reported that they work to ensure well-furnished court rooms. One CM from Orissa reported that he worked on the recruitment software in coordination with the National Informatics Centre and implemented the optimisers system for storing of records. He was also involved in the implementation of the biometric attendance system.

Role of CMs in IT system management. More than one-third of CMs reported that they have no role in IT system management. Other CMs reported that they have some role in it such as reporting any IT system related to higher authorities, ensuring the upload of the data on the database, and implementing the Government e-Marketplace (GeM) for the purchase of materials. They also need to check random 5% data for accuracy. Comparatively more positive responses were received related to IT system management. CM's voice is more heard by IT staff as compared to other ministerial court staff. The contract or private nature of IT staff job can be a reason for this.

5.1.3.2 Questionnaire Analysis

The questionnaire was analysed using pi-charts and mean scores.

Figure 2 depicts that 45% of respondents agreed and 37.5% disagreed that they feel empowered by the judicial system to ensure punctuality within the court. Punctuality is expected in every office. More number of CMs reporting empowerment in ensuring

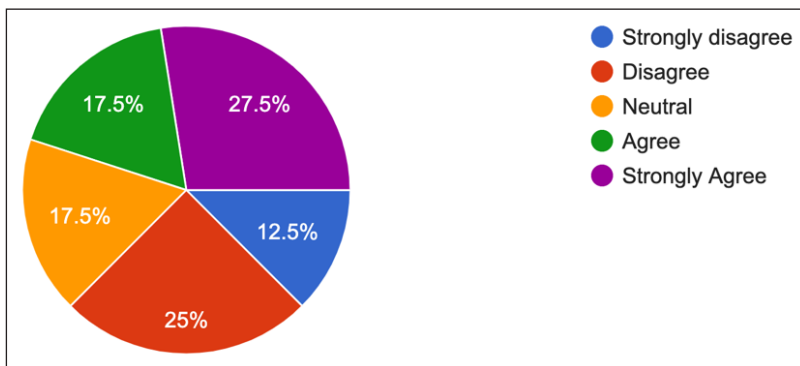


Figure 2 Responses to the Question 'I feel empowered by the judicial system to ensure punctuality within the court.'

punctuality depict that higher authorities listen to complaints against latecomers. This is a normal practice for any office. But disagreement of 37.5% of CMs to ensure punctuality depicts a sad picture of their non-utilization in ensuring punctuality.

Figure 3 depicts that 22.5% of respondents agreed and 57.5% disagreed that they feel empowered by the judicial system to ensure timely disposal of the cases in the court. The majority of the CMs do not feel empowered to ensure the timely disposal of court cases. CMs can ensure the better coordination of case stakeholders to avoid adjournments but judges have a bigger influence on timeliness related to court cases.

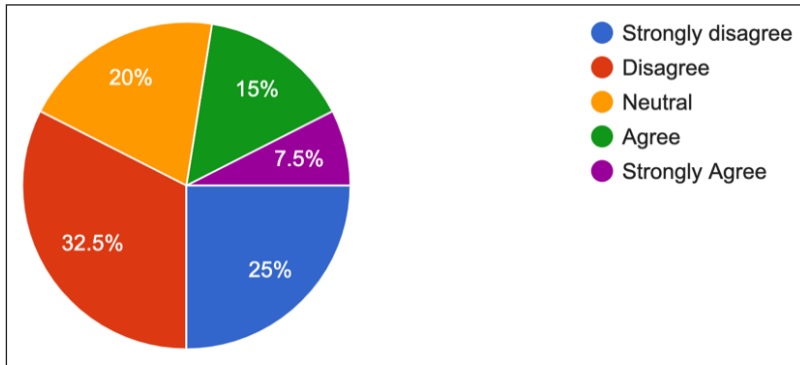


Figure 3 Pie chart of the responses to the Question 'I feel empowered by the judicial system to ensure timely disposal of the cases in the court.'

Figure 4 depicts that 55% of respondents agreed and 32.5% disagreed that they feel empowered to improve the functioning of the court. This outcome suggests that a significant number of CMs do not feel empowered to improve court functioning. Improving court functioning can be done through advice and/or changes. Interviews findings suggest that the role of CMs is advisory in nature. They do not have adequate power and resources to improve court functioning.

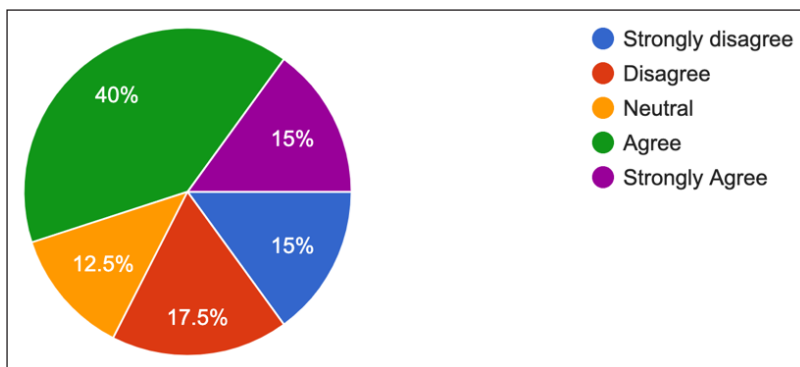


Figure 4 Pie chart of the responses to the Question 'I feel empowered to improve functioning of the court.'

Figure 5 depicts that 57.5% of respondents agreed and 25% disagreed that their decision is important for infrastructure-related policies. Findings suggest that in infrastructure-related matters CMs have a comparatively stronger role. Some CMs reported in the interviews that they do assessments related to infrastructure requirements. Their advice related to infrastructure-related projects is taken into consideration by the higher authorities.

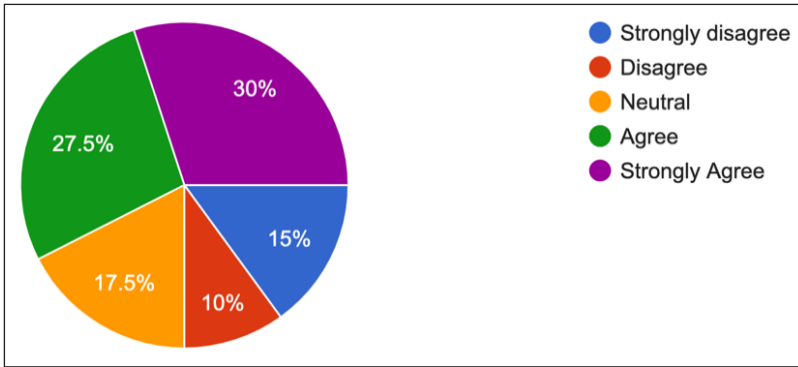


Figure 5 Pie chart of the responses to the Question 'My decision is important for infrastructure related policies.'

Figure 6 depicts that 47.5% of respondents agreed and 47.5% disagreed that they feel empowered to take a decision for human resources-related policies. The findings of the quantitative and qualitative study suggest that CMs do not get adequate opportunities and resources to take decisions for human resources-related policies.

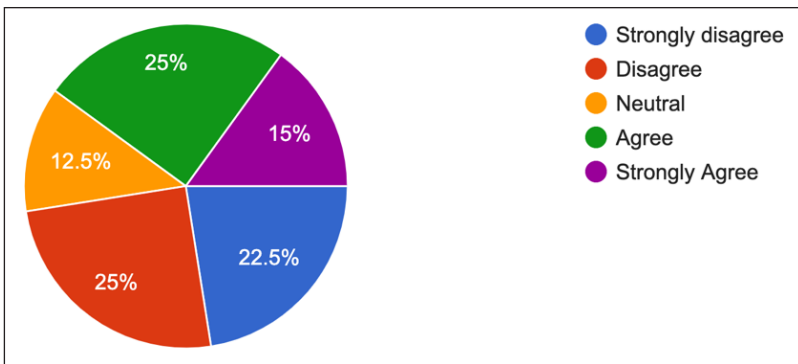


Figure 6 Pie chart of the responses to the Question 'I feel empowered to take decision for human resources related policies.'

Figure 7 depicts that 40% of respondents agreed and 47.5% disagreed that they feel empowered to take decisions for the case management of the court. Thus, CMs also not getting adequate empowerment to improve case management.

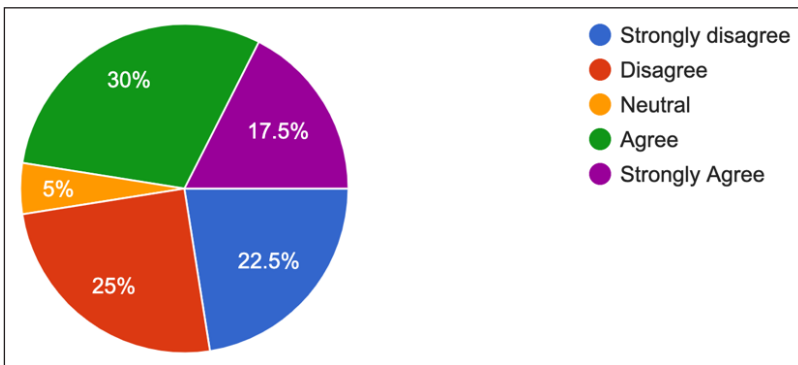


Figure 7 Pie chart of the responses to the Question 'I feel empowered to take decision for the case management of the court.'

Figure 8 depicts that 45% of respondents agreed and 42.5% disagreed that stakeholders support them to evaluate the compliance of the court with performance standards. Figure 9 depicts that 35% of respondents agreed and 50% disagreed that they get the support of the stakeholders to identify the steps required to achieve compliance with performance standards. Findings suggest that CMs are not getting adequate support

from stakeholders and there is a need to change the culture so that all stakeholders especially judges support the CMs to identify and evaluate the compliance of performance standards.

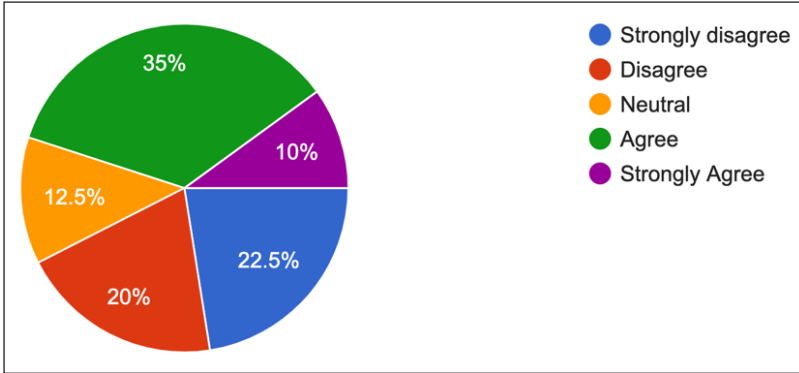


Figure 8 Pie chart of the responses to the Question 'Stakeholders support me to evaluate the compliance of the court with performance standards.'

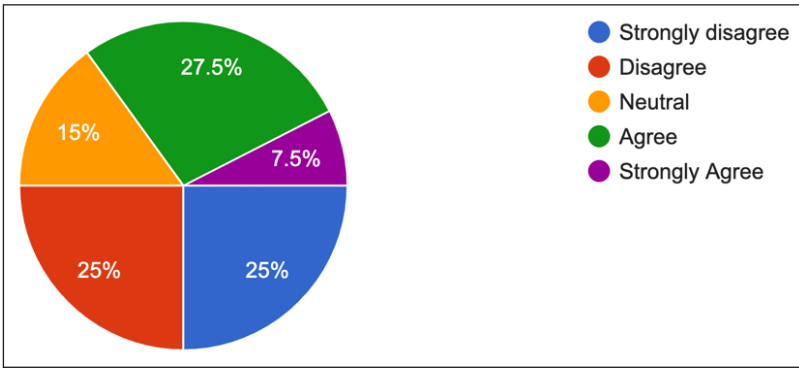


Figure 9 Pie chart of the responses to the Question 'I get support of the stakeholders to identify the steps required to achieve compliance of performance standards.'

Figure 10 depicts that 20% of respondents agreed and 60% disagreed that they have adequate resources to evaluate performance court standards. The findings suggest that CMs lack the resources to evaluate performance standards. Interviews reported that CMs do not have any subordinate staff to perform the tasks. Lack of support from court staff makes it more difficult to perform this task.

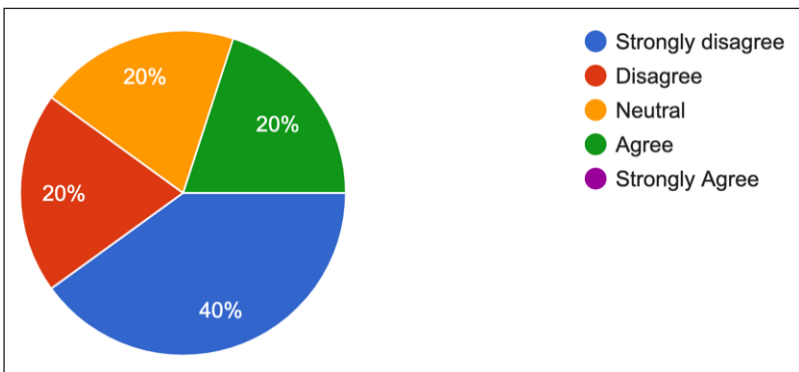


Figure 10 Pie chart of the responses to the Question 'I have adequate resources to evaluate performance court standards.'

Figure 11 depicts that 32.5% of respondents agreed and 47.5% disagreed that they get adequate support from various stakeholders to prepare five years court development plan. Figure 12 depicts that 22.5% of respondents agreed and 67.5% disagreed that

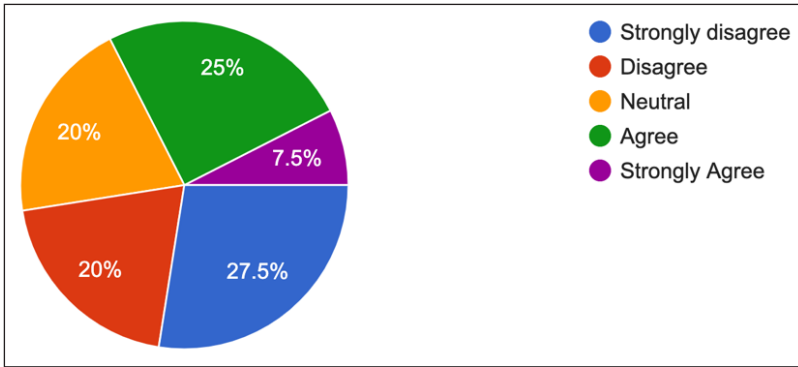


Figure 11 Pie chart of the responses to the Question 'I get adequate support of various stakeholders to prepare 5 years court development plan.'

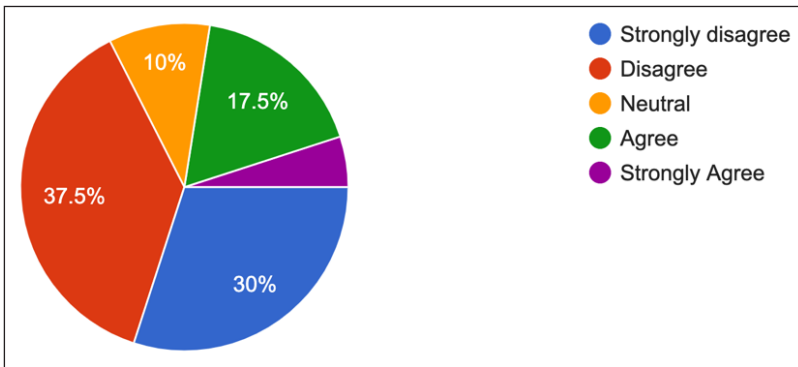


Figure 12 Pie chart of the responses to the Question 'I get adequate support of stakeholders to monitor the implementation of five-year court development plan.'

they get adequate support from stakeholders to monitor the implementation of the five-year court development plan. Development of a court development plan and monitoring its implementation require access to data and the support of judges and other ministerial staff. However, due to a lack of support, these activities become difficult. Despite these difficulties, if CMs prepare the 5-year court development plan then they are not taken seriously by court authorities (See Figure 13). The majority of CMs reported that do not get support from stakeholders for a 5-year court development plan (See Figure 14).

Ensuring statistics accuracy is one of the expected duties of CMs. Most of the CMs reported that they can ensure that statistics on all aspects of the court functioning are compiled

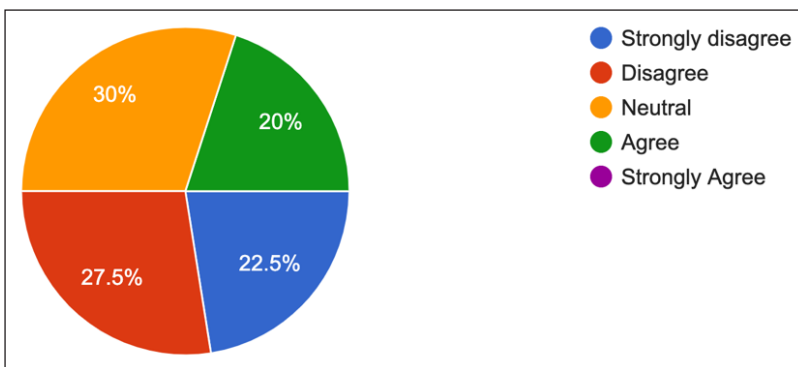


Figure 13 Pie chart of the responses to the Question 'My report to the higher authorities for the progress of the five-year court development has been taken seriously'.

accurately (See Figure 15). Only 55% of CMs reported that they get the required support from the stakeholders for getting the required data (See Figure 16). CMs are expected to ensure that procedure of the court is fully compliant with policies of established by the High court. Only 40% of CMs felt empowered to perform this duty (See Figure 17).

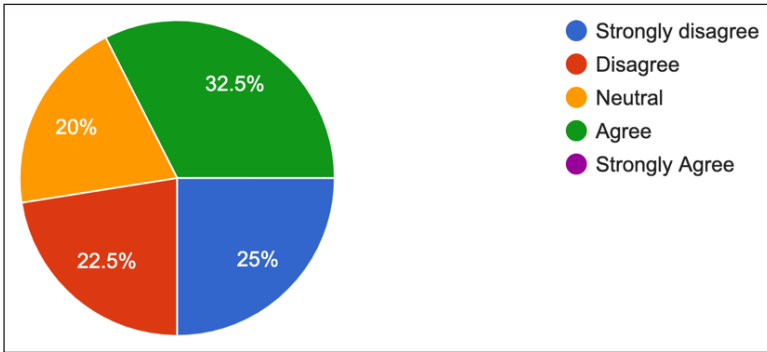


Figure 14 Pie chart of the responses to the Question 'I get required support from the stakeholders for five-year court development plan.'

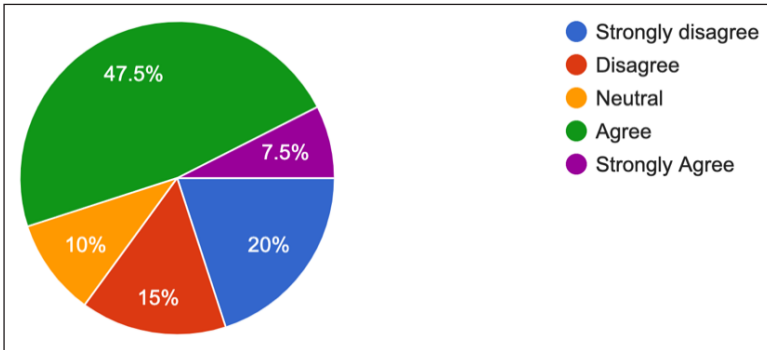


Figure 15 Pie chart of the responses to the Question 'I can ensure that statistics on all aspects of the court functioning are compiled accurately.'

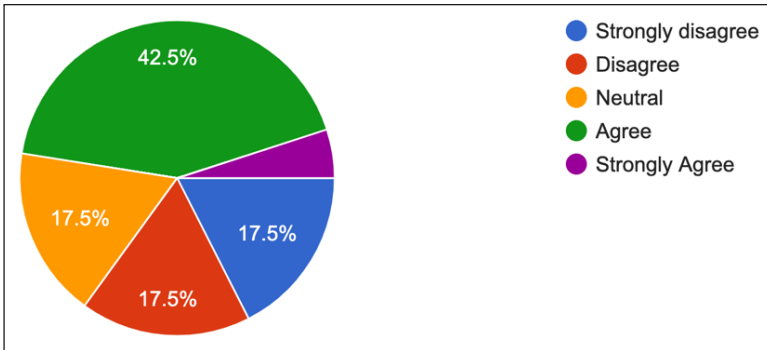


Figure 16 Pie chart of the responses to the Question 'I get required support from the stakeholders for getting required data.'

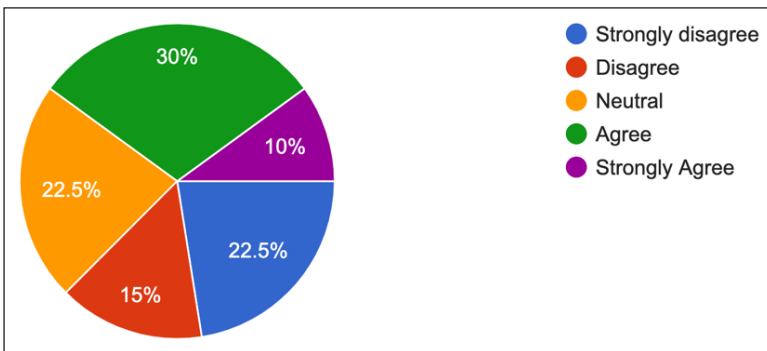


Figure 17 Pie chart of the responses to the Question 'I feel empowered to ensure that procedure of the court is fully compliant with policies of established by High court.'

For optimum utilization of resources and reduction of operations, the cost is an important factor but unfortunately, 47.5% of CMs do not feel empowered to reduce the operational cost of the court (See Figure 18). To manage cases effectively, high courts issue policies regarding the procedure of court cases and CMs are expected to ensure compliance with these procedures. A significant number of CMs do not feel empowered to ensure this duty (See Figure 19). Similar findings are derived related to the sense of empowerment for ensuring the efficiency of the courts (See Figure 20).

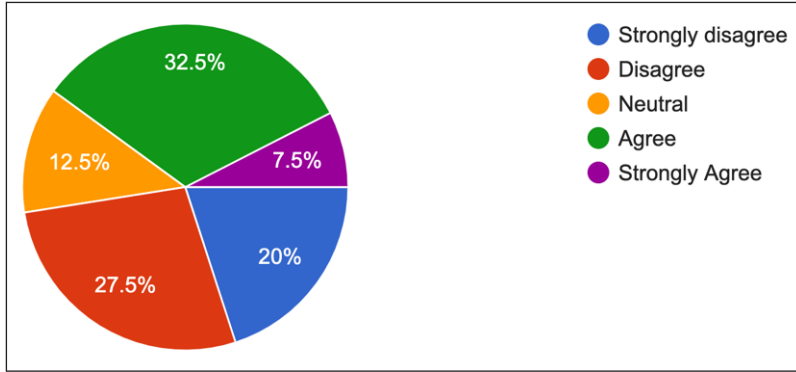


Figure 18 Pie chart of the responses to the Question 'I feel empowered to reduce operational cost of the court'.

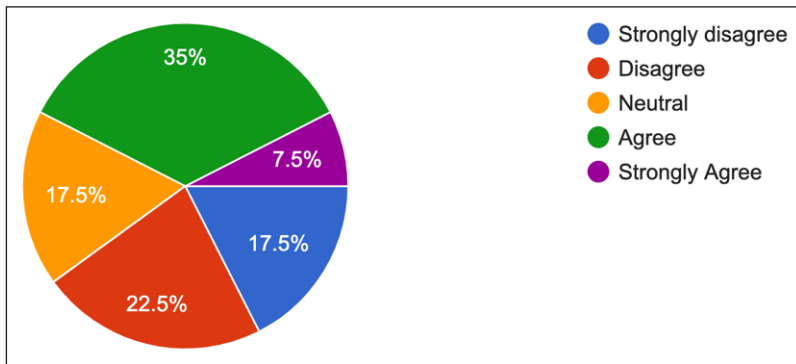


Figure 19 Pie chart of the responses to the Question 'I feel empowered to ensure that procedure of the court cases is fully compliant with policies of established by High court.'

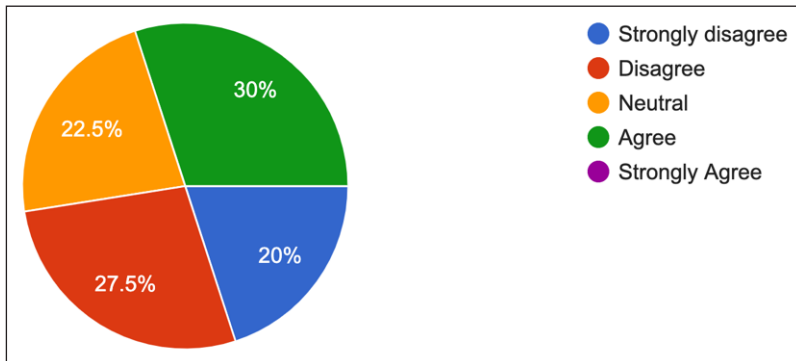


Figure 20 Pie chart of the responses to the Question 'I feel empowered to ensure efficiency in the court cases.'

To provide free legal support to needy people provision of legal aid is made. CMs are expected to ensure that needy people should get legal aid. Most of the CMs do not feel empowered to ensure legal aid in court cases (See Figure 21). The reality related to practical powers to ensure the quality of adjudication standards and human resource management of ministerial staff established by the high court is also not in good

condition. 72.5% of CMs reported they do not have practical powers to ensure the quality of adjudication standards and 65% of CMs reported that they do not have practical powers to ensure human resources management standards (See Figures 22 and 23).

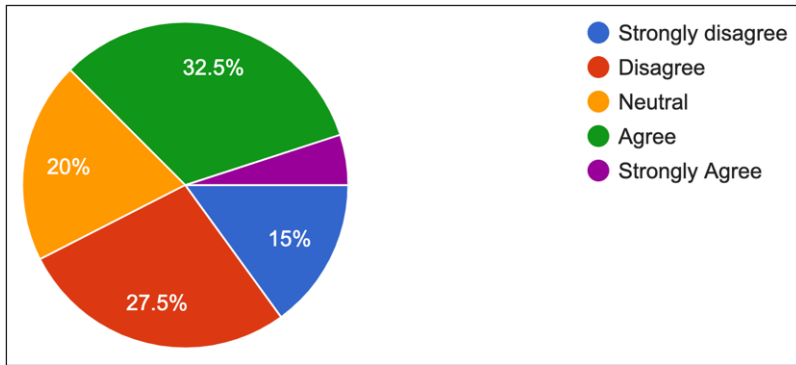


Figure 21 Pie chart of the responses to the Question 'I feel empowered to ensure access to legal aid in court cases.'

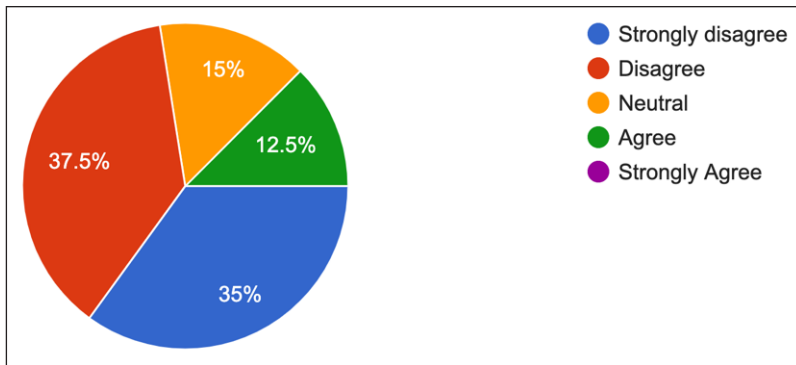


Figure 22 Pie chart of the responses to the Question 'I have practical powers to ensure court meets quality of adjudication standards established by the High Court.'

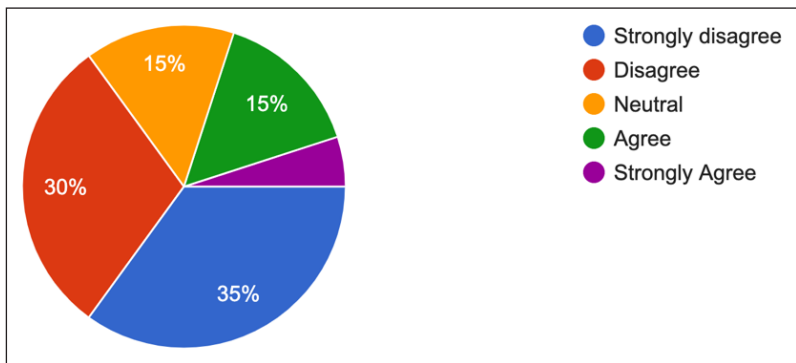


Figure 23 Pie chart of the responses to the Question 'I have practical powers to ensure that Human Resource Management of ministerial staff in the court comply with the standards established by the High Court'

IT system management was an imagined duty of CMs and reality about this aspect needs improvement as only 55% of CMs reported being empowered to ensure standards established by the high court related to IT system management (See Figure 24). Due to the lack of power and acceptance of CM in the court system IT staff also do not follow the instructions of CMs (See Figure 25).

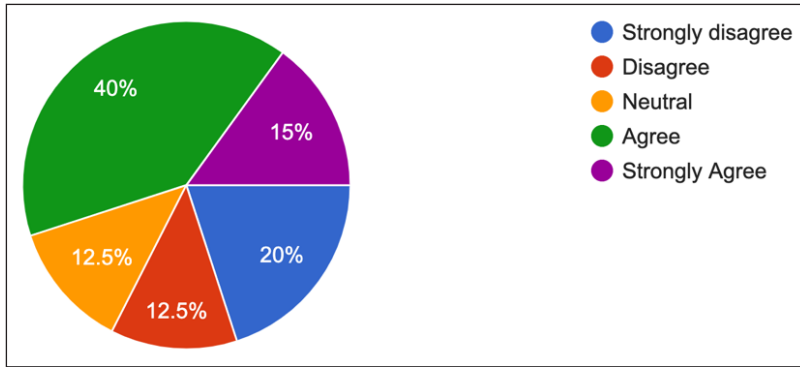


Figure 24 Pie chart of the responses to the Question 'I feel empowered to ensure that the IT systems of the court comply with standards established by the High Court are fully functional.'

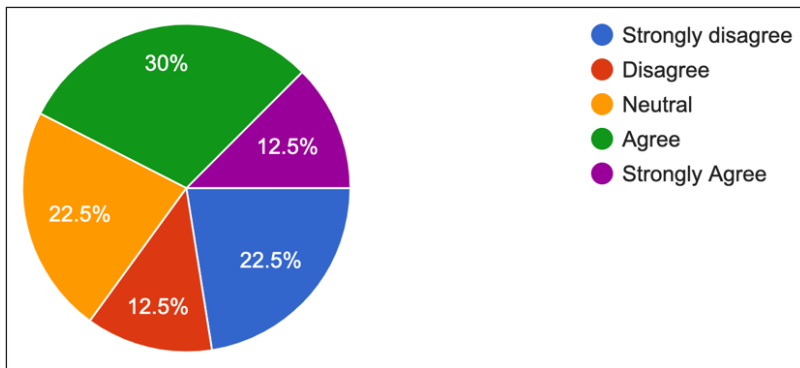


Figure 25 Pie chart of the responses to the Question 'IT staff follows my instructions related to IT system management.'

6. DISCUSSION

The findings of the study suggest that the imagination of CM post was a utopian idea and due to their qualifications CM have the potential to do their expected tasks. But the reality is far from the imagination. Findings suggest that CM are unable to perform to their full potential. This finding is consistent with previous articles that reported that CM's position is not implemented effectively (Oberoi, 2017; Kochar & Zende, 2019; Kaul, 2020). Less than half of CMs agreed that they feel empowered to ensure punctuality within the court. In the era of biometric attendance ensuring attendance is not a big deal for the courts and it can be ensured without the intervention of a CM but 37.5% of CM not feeling empowered to do that should be a cause of concern. More than half of the respondents do not feel empowered to ensure the timely disposal of the cases. More than half of CM reporting a sense of empowerment to improve functioning in the court is a comparatively better outcome vis-à-vis utilization of CMs. In infrastructure-related policies, only one-fourth of CM reported that do not feel empowered in to perform in this area. More than half of the CMs agreed that their decision is important for infrastructure-related policies. More than half of CMs do not feel empowered to take any decision related to human resources-related policies. The majority of CM do not feel empowered to take decisions for case management because case management-related decisions are mainly taken by judges and other court staff. Mix responses were received for getting support from stakeholders to evaluate compliance with performance standards. Only 20% of CMs agreed on getting adequate resources to evaluate performance court standards, this reflects a lack of access to resources to evaluate performance court standards.

Responses to four questions related to the five-year court development plan suggest that CMs do not get adequate support to prepare and monitor the five-year development plan. Their report is also not taken seriously by the higher authorities. More number of CMs reported that they get the required support for getting the required data. Mix responses were received regarding the sense of empowerment for making courts compliant with policies established by the high court. Most of CMs do not feel empowered to ensure access to legal aid in court cases.

More than 65% of CMs reported that they do not have practical powers to ensure that the Human Resource Management of ministerial staff in the court comply with the standards established by the High Court and 20% reported the opposite to it. In the case of IT system management more than half of CMs reported that they feel empowered to ensure IT systems of the court comply with standards established by the High Court.

The overall analysis of the questionnaire suggests that CMs are unable to work up to their full potential because they do not feel empowered, and not getting the required support and resources to perform their duties. Based on the responses following reasons are creating hurdles in the realisation of the imagination related to CM into a fruitful and efficient reality.

Treating CMs as Outsider: Responses of the respondents reflect that court personnel treat the CM as outsiders. Due to the lack of support from judges, other court staff also do not give them importance. Due to this attitude of court personnel, they face difficulty in performing their duties.

Contract Position: The post of CM is on a contract basis. It is not permanent in nature. Due to that CMs are apprehensive about their future and many of them resigned and moved to other careers. Due to contract-level positions court personnel also do not give them adequate importance.

Non-Cooperation from Judges: Judges are reluctant to give their administrative powers to CMs. Though they are aware if they delegate their powers, it will reduce their workload. Despite that judges are reluctant to hand over the work to CMs.

Lack of Resources: CMs face difficulty in performing their duties because of the lack of resources. CMs are not provided with any supporting staff. Other staff of the courts do not listen to CM. The court does not provide any vehicle to CM if they need to go outside for any official visits. When CMs need any data, then also many times court personnel do not provide it. CM also do not have control over financial resources. They are dependent on judges to taking financial decisions. Due to a lack of cooperation from judges they face difficulty in performing their duties.

No Clear Direction from High Court: Some CMs reported that due to a lack of clear directions from High Courts they do not get clarity on what they are supposed to do. Due to the lack of guidelines, it becomes more difficult to get the support of judges and other court personnel in the improvement of courts.

Lack of Adhocracy Culture: Most of the people in courts are old-school types. They are reluctant to accept change. Staff is reluctant to learn recent technologies for efficient working. Due to the adhocracy culture court personnel are reluctant to accept the post of CM.

7. LIMITATIONS OF THE STUDY AND FUTURE DIRECTIONS

Though rigour is ensured in this study, it has some limitations. The data collection was done through the snowball method due to the unavailability of a complete database of CMs. Future studies can get bigger data to get clarity about the utilization of CMs. We also tried to get responses from the judges to understand their viewpoint, but they denied giving responses. Comparative analysis also can be done state-wise to understand the differences and how different states can learn from one another for the better utilization of CMs. The questionnaire used in the study has been used to get an overview of the level of empowerment and support regarding the functioning of CM. This questionnaire can be further refined to validate it statically to be used for understanding the level of utilization of CMs.

8. CONCLUSION

Based on the primary data and literature review it can be concluded that CM is not fully utilized, and it is a missed opportunity to productively use an important resource. For better utilization of this position, it should be made a permanent position with a pay grade of District judge. The judges should be responsible for judicial work only and all administrative functions should be taken over by CM. So that judges can devote their full time to judicial work and reduce the pendency of cases. All ministerial staff should report to CM and other resources should also be provided to CMs. The high court should investigate the reason for the reluctance of judges to give up their administrative powers and take corrective actions. The high court should arrange sensitization workshops so that court personnel understand the importance of the post of CM. High courts should send clear guidelines regarding the duties, responsibilities, and powers of CMs so that they can work efficiently. High courts should also ensure the accountability of CMs so that they are doing their best for the courts.

COMPETING INTERESTS

The authors have no competing interests to declare.

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