

*Identifying the  
Causes and  
Finding Solutions  
for Delays in  
Disposal of  
Criminal Appeals:*  
**Final Report**



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# About the Authors

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Shreya Tripathy, Chitrakshi Jain and Aditya Ranjan are Research Fellows at the Vidhi Centre for Legal Policy, New Delhi working for the JALDI (Justice, Access and Lowering Delays in India) Initiative.

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For more information, see [www.vidhilegalpolicy.in](http://www.vidhilegalpolicy.in).

Contact us at [jaldi@vidhilegalpolicy.in](mailto:jaldi@vidhilegalpolicy.in).

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# Contents

<b>Part I</b> .....	<b>12</b>
<b>Background</b> .....	<b>13</b>
<b>Need to Study Delay in the Criminal Justice Administration</b> .....	<b>16</b>
<b>Research Methodology</b> .....	<b>18</b>
<b>Right to Timely Justice</b> .....	<b>22</b>
<b>Legal Framework for Criminal Appeals</b> .....	<b>24</b>
Appeals to the Supreme Court .....	24
Appeals to the High Courts .....	25
Bail pending appeal and suspension of sentence.....	25
Supreme Court's Recent Intervention .....	26
Measures to deal with old Criminal Appeals .....	28
<b>Case Data Analysis: Supreme Court and High Courts</b> .....	<b>29</b>
Analysis of Filing Patterns.....	32
Analysis of Pending Cases.....	34
Analysis of Disposed Cases .....	40
Relationship between the length of the case and nature of offences .....	43
Relationship between length of a case and the range of punishment.....	47
<b>Case Data Analysis: District Courts</b> .....	<b>49</b>
Analysis of Pending Cases.....	52
Analysis of Disposed Cases .....	57
Relationship between the length of the case and nature of offences .....	61
Relationship between length of a case and the range of punishment.....	63
<b>Approaches to Judicial Reforms</b> .....	<b>64</b>
Specific attempts to fasten disposal of Criminal Appeals .....	64
<b>Considerations While Reforming the Administration of Criminal Justice in India</b> .....	<b>67</b>
<b>Recommendations</b> .....	<b>69</b>
<b>Part II</b> .....	<b>74</b>
<b>Assessing Recent Developments Made to Address Backlog and Delay in the Criminal Justice System</b> .....	<b>75</b>
Why have the past attempts at digitisation of courts not meaningfully informed legal reforms?.....	75
Why has plea bargaining failed to achieve its desired goals of reducing backlog and the prison population? .....	77
How have the recent attempts to digitise the adjudication of cases in the Negotiable Instruments Act fared? .....	78
<b>Annexures</b> .....	<b>81</b>

# Executive Summary

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## Part I

### Background

Pendency and delay are endemic to courts in India. While the total volume of cases pending across all the courts is staggering, it is necessary to unpack the pendency numbers court-wise and across different categories of cases to properly understand the causes of delay. Pendency in Criminal Appeals is particularly alarming since the number of cases pending for more than ten years across many High Courts is very high. If we categorise cases based on time taken for disposal within a High Court, a clear pattern emerges which suggests that Criminal Appeals take the longest to dispose of. This research attempts to understand the reasons behind delay in adjudication of Criminal Appeals and aims to devise solutions to the problem.

### Methodology

For this purpose, we are studying the criminal appellate jurisdiction of the Supreme Court of India, and four state High Courts (i.e., Allahabad, Bombay, Madhya Pradesh and Rajasthan). These courts report some of the highest pendency figures when it comes to Criminal Appeals. The research also delves into some District Courts under the jurisdiction of the respective High Courts. In addition to reviewing the existing policy and academic literature on the issue of arrears and delay in criminal cases in general and Criminal Appeals in particular. The research has employed mixed methods to analyse cases before the selected courts.

For quantitative case data analysis, meta data stored on the High Court servers has been collected for a period of ten years and data has been analysed for trends in disposal and pendency. The data for the District Courts has been sourced from the e-Courts data made available by the DDL Judicial Data Portal. For the qualitative analysis, stakeholder consultations have been undertaken to identify the challenges faced by them in criminal justice administration.

### Key Issues addressed

#### Criminal Appellate Jurisdiction

The primary function of appeals is to “protect against miscarriages of justice”. This report undertakes an in-depth analysis of the criminal appellate jurisdiction of the High Courts and the Supreme Court in India under Chapter XXIX of the Cr.PC. Sections 374-378 of the Cr.PC which deal with Criminal Appeals to the High Court and the Supreme Court which are relevant for the purposes of our study.

#### Findings from the Empirical Study

##### Case Data Analysis: Supreme Court & High Courts

###### Overview

- Of the 20371 Criminal Appeals filed before the Supreme Court between 2010-2019, 14767 (72.5%) Criminal Appeals have been disposed while 2604 (27.5%) Criminal Appeals remain pending. This is in contrast with the trends seen across the four High Courts chosen for the purpose of the study.
- Across all High Courts, for the Criminal Appeals filed between 2010-2019, the number of cases pending is considerably higher than the number of cases disposed of.

High Court	Filed	Disposed	Pending
MP High Court	72312	17996	54316

<b>Bombay High Court</b>	51391	18263	33128
<b>Rajasthan High Court</b>	30751	9083	21668
<b>Allahabad High Court</b>	(Not Available)	(Not Available)	54040

### *Filing Patterns*

- Barring a few exceptions, the number of cases filed per year before the Supreme Court between 2010-2019 has been consistent. This is again in contrast with the trends seen across the four High Courts chosen for the purpose of the study.
- For MP High Court, the current trend shows that number of filings for Criminal Appeals has been increasing by about 1000 cases since 2015. At this rate, the MP High Court will see about 20000 cases being filed in 2029 across all benches.
- By 2029, the Bombay High Court and Rajasthan High Court will witness about 9000 and 13000 Criminal Appeals being filed, respectively.
- These figures must be kept in mind by the Courts while devising administrative reforms, human resources, and caseload management strategies.

### *Pending Cases*

- Across all High Courts and the Supreme Court, Criminal Appeals remain pending for over 4-5 years on average.
- The median time for which Criminal Appeals remain pending is also considerably high with 5.61 for the Supreme Court, 4.39 for the MP High Court, 5.36 for the Bombay High Court, 3.67 for the Rajasthan High Court and 5.78 for the Allahabad High Court.
- Before the Supreme Court, most of the cases i.e., 82.27%, are pending at the 'Final Hearing' Stage. A similar picture is seen in the MP High Court with 79.48% cases in the 'Final Hearing' Stage.
- The other High Courts follow different methods of classification of stages of pendency.
- Before the MP High Court, highest pendency of appeals (79.48%) is at the 'Final Hearing' Stage.
- Before the Bombay High Court, highest pendency of appeals (25.18%) is at the 'Hearing' Stage.
- Before the Rajasthan High Court, highest pendency of appeals (26.32%) is at the 'Due Course' stage.
- Before the Allahabad High Court, highest pendency of appeals (53.21%) is at the 'Order' stage.

### *Disposed Cases*

- The trend for 2010-2019 cases before the Supreme Court shows that the gap between the number of disposals vis-à-vis number of filings in the given time period is widening.
- For MP High Court and Bombay High Court, a larger number of cases get disposed within the first two years of filing.
- The data shows that if a case is not disposed expeditiously (i.e., within 2 years of its institution), it is likely to languish within the system for long periods.

### *Relationship between the length of the case and nature of offences*

#### *Special Legislations*

- While the number of cases filed under the different Special Legislations before the Supreme Court is not very high, the time taken by the Court to dispose of such cases is. For example, 56 Criminal Appeals filed under the Negotiable Instruments Act before the Supreme Court took about 1290 days on average to dispose of. Further, 42 appeals filed under the Prevention of Terrorism Act take the highest time to dispose, i.e., 2497 days on average.
- The MP High Court disposed of 8543 Criminal Appeals filed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The average time taken by the Court to dispose such cases is only 49.77 days. The trend is similar before the Bombay High Court with 1655 appeals taking about 354 days on average.

- The Bombay High Court takes a long period of time to dispose cases under the Prevention of Corruption Act, i.e., 249 appeals taking about 2415 days on average.

## IPC Sections

### Nature of Offence

- Classification based on nature of the offence have been classified as:
  - Offences against the Body (“OAB”)
  - Offences against Property (“OAP”)
  - Offences against the State (“OAS”)
- Before the Supreme Court, 71 pending Criminal Appeals are cases that constitute offences against the body which is much higher than 6 pending Criminal Appeals under offences against property. The OABs are pending for over 1821 days which is also considerably higher than the 1069 days for which OAPs are pending.
- Before the MP High Court, 28867 Criminal Appeals (2442.85 days) pending are OABs while OAPs and OASs constitute only 9432 (2317.20 days) and 18 (1600.22 days) appeals respectively.
- Before the Bombay High Court, 13692 Criminal Appeals (1,779.35 days) pending are OABs, 3386 (1,822.30 days) appeals are OAPs and 15 appeals (1,518.40 days) are OASs.
- The general trend across all three courts shows that criminal cases that constitute offences against the body remain pending with the Court for a considerably longer period than offences committed against property or the State.
- Before the Allahabad High Court, the number days for which cases remain pending for offences against property (2,198.33 days) is comparable to the number of days for offences against the body (2,132.89 days). The number of OABs (25878), however, continues to be far higher than the number of OAPs (15128).

### Nature of Punishment

- Classification based on nature of punishment under the IPC have been classified as:
  - Death or Life Imprisonment
  - Imprisonment for 7 years & above
  - Imprisonment for 4 to 7 years
  - Imprisonment for 1 to 3 years
- The duration of time taken by the Supreme Court in handling offences that are punishable by death penalties or life imprisonment, is considerably higher than the time taken for offences with lesser quantum of punishment. The Supreme Court took 981.32 days on average to dispose 37 appeals which were offences punishable with death or life imprisonment. On the other hand, 22 appeals for offences punishable with imprisonment for 1 to 3 years took 328.18 days.
- A similar trend is seen with the MP High Court as well as for the cases pending before the Allahabad High Court.
- The Bombay High Court, on the other hand, takes comparable durations of time irrespective of the quantum of punishment prescribed for an offence.

## Case Data Analysis: District Courts

### Overview

- Across all District Courts, for the criminal cases filed between 2010-2018, the number of cases disposed of is considerably higher than the number of cases pending.

District Court	Filed	Disposed	Pending
Indore	141756	96933	44823

<b>Pune</b>	247555	168360	79195
<b>Jaipur</b>	164862	122970	41892
<b>Ghaziabad</b>	64943	39837	25106

### *Filing Patterns*

- The number of cases filed before the four District Courts analysed have been increasing between 2010 to 2018.
- If the current filing rate continues, the District Court of Indore will see about 50000 criminal cases being filed in the year 2028 and the District Court of Pune will see about 60000 criminal cases.
- As with the High Courts, the District Courts must keep these figures in mind by the Courts while devising administrative reforms, human resources, and caseload management strategies, and developing their digital infrastructure.

### *Pending Cases*

- Across all four District Courts, criminal cases remain pending for about 2.89 years on average.
- The median of pending cases across the District Courts is 1.99, 1.67, 2.75 and 2.33 years for the Indore, Pune, Jaipur and Ghaziabad District Courts respectively.
- Before the District Court of Indore & Jaipur, the maximum number of criminal cases are pending at the 'Evidence' stage, i.e., 48.1% and 26.2% respectively.
- Before the District Court of Pune, the maximum number of criminal cases (28.65%) are pending at the 'Unready Board' stage.
- Before the District Court of Ghaziabad, the maximum number of criminal cases (33.71%) are pending at the 'Appearance' stage.

### *Disposed Cases*

- For the District Courts in Indore and Pune, the trend between 2010 and 2018 shows a consistent widening of the gap between number of filings vis-à-vis number of disposals.
- The District Courts of Jaipur and Ghaziabad have managed to keep an equal pace between the filings and disposals overall. However, towards the later years, the gap between number of disposals and filings is seen to be increasing.
- It is important for the District Courts to keep up the disposal numbers so as to prevent backlogs and arrears.
- As opposed to the trends seen in the High Courts, the District Courts seem to be disposing of a considerable number of criminal cases within the first two years of filing which may be contributing to the high disposal percentages.

### *Relationship between the length of the case and nature of offences*

#### **Nature of Offence**

- Before the Pune and Jaipur District Courts, OABs remain pending for the longest period, i.e., 1032.68 and 991.77 days respectively.
- Before the District Court of Ghaziabad, OABs remain pending for marginally lesser number of days than OASs on average.
- A consistent trend across all four District Courts is that the Courts take considerably lesser time in disposing offences against property.

#### **Nature of Punishment**

- All four District Courts take the longest to dispose of cases that are punishable with imprisonment between 1 to 3 years. This is in contrast with the High Courts that take the longest time to dispose

offences punishable by death or life imprisonment and least amount of time to dispose cases punishable with imprisonment for 1-3 years.

### Approaches to judicial reform

- Various informal and formal committees have been constituted in the past to look at the problem of arrears and delay in Indian courts. Some have also specifically looked at the issues in disposal of Criminal Appeals. These committees have suggested measures which endorse one of the three approaches:
  - (a) supply side solutions which focus on augmenting judge strength and financial resources at the disposal of the judiciary;
  - (b) demand side solutions which seek to divert litigation to other forums and
  - (c) productivity-oriented approaches which seek to improve upon court administration and management and increase judicial efficiency.
- The present research examines the suitability of these approaches for devising solutions to the problem of delay in Criminal Appeals and provide empirical basis for the recommendations.

### Recommendations

On the basis of the empirical analysis and the consultations with practitioners we suggest that the following reforms be implemented to ensure faster disposal of Criminal Appeals in particular and improve the general administration of criminal justice in the country:

- Administration of criminal justice is vastly different from civil cases. Hence, a judge who deals with criminal cases consistently or who has prior experience in practicing on the criminal side would be better equipped to tackle Criminal Appeals and is likely to take lesser time to decide the case.
- Listing is a judicial responsibility and function. Courts should ensure that all cases are being heard in accordance with the interests of justice, and that the resources available are being deployed as effectively as possible. Criminal Appeals where the convicts are in jail should assume priority.
- Case Flow Management Rules should be drafted keeping in mind the time taken for various stages in the court in addition to dividing offences in different tracks.
- High Court websites must be made more accessible and open.
- Different High Court websites follow different formats of entering data and they do not always capture all the useful data. Hence, it is imperative that High Courts must systemise and streamline the data being captured and presented on the website.
- Scanning and digitisation of judicial records being undertaken under the Phase II of the e-Courts mission must be monitored to ensure accuracy and authenticity of documents.
- The procedure followed in premature releasing of prisoners must be made uniform in terms of procedure, including laws, rules, regulations and policies regarding the system. Proactive sentence review boards working with underlying principles of rehabilitation and reformation of convicts will ensure that the High Courts are less burdened with prioritizing older appeals.
- It is important to ensure that the standard of legal assistance provided to defendants is improved upon by institutionalising monitoring mechanisms.
- There is a necessity to improve the quality of assistance being given to the Court by creation of dedicated pool of *amicus curiae* who would be able to assist the Court in preparation of standardised convenience notes.

## Part II

### Assessing Recent Developments Made to Address Backlog and Delay in the Criminal Justice System

#### Issues with data quality on the eCourts platform

- While the e-Courts project has ensured basic digital infrastructure in the District Courts of India, the quality of data collected and presented on the website has its issues in terms of quality and availability of different data points.

- A recent study conducted on contract dispute and commercial dispute data set to examine the quality of e-Courts data shows that the data available on the platform is highly inconsistent.
- Data available on the e-Courts website needs to be reviewed for quality and quality control measures should be put in place for existing data as well as data that will be added in the future.

### Impact of plea bargaining

- An amendment to the criminal laws in the year 2006 resulted in plea bargaining being introduced in criminal justice framework for offences carrying a maximum sentence up to seven years.
- However, there are many concerns regarding the practice of plea bargaining:
  - Issues of procedural fairness and the right against self-incrimination;
  - Prioritisation of administrative expediency over societal interest; &
  - The nature of the plea negotiation system and its ability to produce fair results.
- Data produced by the NCRB shows low adoption of plea bargaining in the criminal justice system. The data maintained since 2015 also shows that plea bargaining has failed to achieve its objective of reducing pendency and the undertrial prison population.

### Digitising courts for offences under the NI Act

- In 1988, the parliament enacted the Negotiable Instrument (Amendment) Act, 1988 to introduce criminal liability on dishonour of cheque to protect the diminishing values of cheques among business communities. While the amendment met its objective, it significantly increased the caseload of the judiciary in the process.
- To expedite the disposal of these cases through the Negotiable Instruments (Amendment and Miscellaneous Provisions) Act was introduced in 2002, which empowered the courts to try complaints under the Act as summary trials and disposed them of within 6 months.
- In November 2020, the SCMS Committee of Delhi High Court established 34 Digital Courts in Delhi to address complaints arising out of the NI Act. The implementation guidelines for the Digital Courts prescribe for electronic filing, electronic payment of court fees, and virtual hearing through video conferencing.
- However, there are certain issues in the implementation of these Digital Courts:
  - Duplication of processes; &
  - Mirroring existing judicial processes often recreates the existing bottlenecks and complexities. Therefore, this approach has limited impact in improving the efficiency of the courts.
- For adequate implementation of the Digital Courts, a problem-solving approach with adequate process reengineering of the judicial processes is necessary.
- Some of the approaches that may be considered:
  - Identifying Judicial processes that contribute to delay and remedying the same; &
  - Implementing the recommendations of the Supreme Court in its judgment in *In re: Expeditious Trial of Cases under Section 138 of N.I. Act.*
  - Accommodating the recommendation that will be provided by the committee formed by the Supreme Court under the chairpersonship of Justice R.C. Chavan.

# Part I

# Background

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Pendency and delay are endemic to the courts in India. Recently, as a response to a parliamentary question in the monsoon session the Ministry of Law and Justice said that there were 51,52,921 cases pending in the High Courts alone.<sup>1</sup> While these numbers communicate the volume of pendency, it is important to unpack these numbers to understand the kind of cases that are really clogging the system and taking longer to dispose of. Rather than relying on the general pendency figures, it is important to segregate them into different case categories and identify causes of delay particular to each. It is also necessary to do so because delay in civil and criminal cases can have vastly different consequences for an individual. Administration of criminal justice necessarily involves deprivation of personal liberty; this understanding will also help shape priorities for judicial reform.

It has been argued that the criminal justice system in India is transforming into a problem-solving system.<sup>2</sup> Three tendencies demonstrate this shift; firstly, the disconnection between the government and the courts; secondly the expansion of executive power and thirdly the judiciary imitating the executive.<sup>3</sup> As per the data collected by National Crime Records Bureau (“NCRB”) for 2019, in Uttar Pradesh, the courts have a more than 90% pendency rate for IPC crimes while the same pendency rate for the police is at 15%. These figures highlight that the courts are becoming incapable of bridging the gap between the incidence of crime and its final adjudication.<sup>4</sup>

In addition to pendency, the other serious concern with the current manner in which criminal justice is administered is the low conviction rate.<sup>5</sup> As per the current statistics the conviction rate for crimes under the Indian Penal Code (“IPC”) is as low as 50.4% and the pendency percentage for courts is 88.2%<sup>6</sup> A low conviction rate combined with the high pendency erodes the legitimacy of courts as institutions dispensing criminal justice. It is important that corrective measures in the form of redesigning the laws and procedures are undertaken to induce change in the whole system. This report attempts to look at the functioning of the criminal appellate jurisdiction of some High Courts and the Supreme Court struggling with pending criminal appeals and the general criminal docket of four District Courts and offer solutions to ensure more efficient disposal of cases.

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<sup>1</sup> Ministry of Law and Justice, Unstarred Question No, 1827, Lok Sabha, Monsoon Session 2020 <<https://doj.gov.in/sites/default/files/LS-21.9.20.pdf>> accessed 20 September 2020.

<sup>2</sup> Abhinav Sekhri, ‘The disintegration of the criminal justice system’, *The Hindu* (7 October 2020) <<https://www.thehindu.com/opinion/lead/the-disintegration-of-the-criminal-justice-system/article32785928.ece>> accessed 30 July 2021

<sup>3</sup> *ibid.*

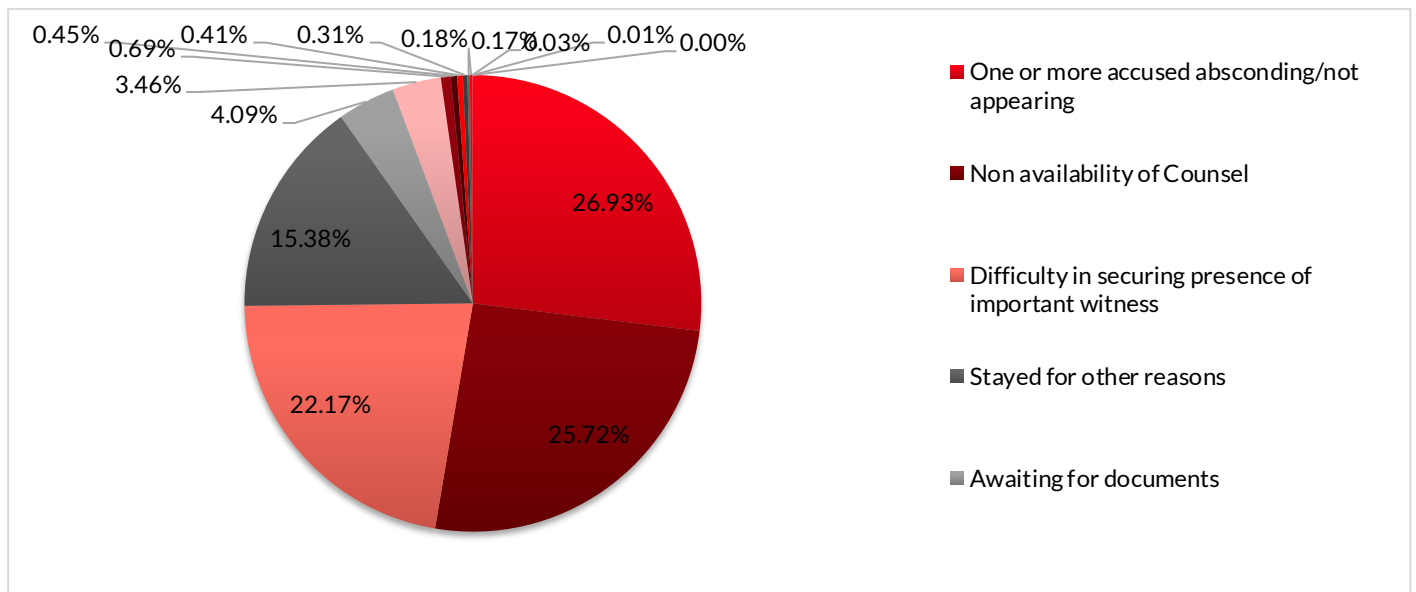
<sup>4</sup> *ibid.*

<sup>5</sup> NCRB, ‘Crime in India 2019’ (Ministry of Home Affairs, 2020) 1097 <<https://ncrb.gov.in/sites/default/files/CII2019-Volume-3.pdf>> accessed 30 July 2021

<sup>6</sup> *ibid* 1198.

## Reasons for delay

It is also evident that a supply side approach towards judicial reforms has failed to tackle the backlog effectively. There is greater need to study the administration of criminal justice more closely and unpack the reasons for delay.



**Figure A: Reasons for delay – District Courts**

It is pertinent to note that the National Judicial Data Grid (“NJDG”) has begun publishing the reasons for delay for the District Courts. After the perusal of data, it was found that the primary reasons for delay are the inability to produce the accused before the court, non-availability of counsel and inability to produce relevant witnesses. Equivalent data is not available for High Courts for a comparison between the courts selected under the study. The chart above displays the reasons for delay averaged for all the District Courts that are registered on the NJDG.

**Table 1: High Courts with highest pendency figures of Criminal Appeals.<sup>7</sup>**

High Court	10-20 years	20-30 years	30 or more
Allahabad	88,738	19,724	14,207
Rajasthan	22,945	5658	242
Madhya Pradesh	28,738	2602	0
Bombay	8474	838	8
Orissa	8884	832	8
Punjab and Haryana	19,864	317	0

<sup>7</sup> As cited in *Khurshed Ahmad v State of UP SLP(Cr)* Diary No. 35524/2019, Order dated June 15, 2020, Source: NJDG.

<b>Jharkhand</b>	10,462	645	2
<b>Kerala</b>	8672	10	1
<b>Gujarat</b>	5898	546	0

The current statistics emphasise why the pendency in Criminal Appeals especially in the High Courts is in dire need of attention. The sheer volume of cases stuck for more than 10 years is alarming.

The former Union Law Minister Ravi Shankar Prasad expressed grave concern on the high rates of pendency in Criminal Appeals across the country. While addressing the Rajya Sabha, *he appealed to the courts to invoke Section 436A of Code of Criminal Procedure (“Cr.PC”) through the established review committees for under-trials who have served more than half of their sentence.*<sup>8</sup> However, these multiple responses on the issue of pendency in the criminal justice system are scattered across a spectrum of judicial and policy interventions. There is a need to consolidate these interventions to evolve a streamlined process for reduction in pendency rates. The approach needs a fresh look in examining the causes of delay to innovate new methods for effective reform.

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<sup>8</sup> PTI, ‘Law Minister for Speedy Bail to Undertrial Prisoners’, *Times of India* (August 17, 2019) <<https://timesofindia.indiatimes.com/india/law-minister-for-speedy-bail-to-women-undertrial-prisoners/articleshow/70714625.cms>> accessed 30 July 2021; see also Utkarsh Anand, ‘Law Minister to HCs: Act on your own to free undertrials’, *Indian Express* (February 2017) <<https://indianexpress.com/article/india/ravi-shankar-prasad-cross-border-undertrials-free-high-courts-justice-chief-4521489/>> accessed 30 July 2021

# Need to Study Delay in the Criminal Justice Administration

The empirical work done on the data released by the judiciary indicates that certain case types are stuck in the system longer than other case types.<sup>9</sup> Additionally, when compared to the District Courts, High Courts take longer, on average, to dispose of cases.<sup>10</sup> If we categorize cases on the basis of time taken for disposal within a High Court, a clear pattern emerges which suggests that Criminal Appeals take the longest to dispose of.

**Table 2: Average time taken to dispose of certain case types across High Courts.<sup>11</sup>**

Case Type	Average Number of Days taken to dispose of the case
Criminal Writ Petition	373
Criminal Revision Petition	384.33
Civil Writ Petition	523.50
Civil revision Petition	932.50
Civil Appeals	1,972.80
<b>Criminal Appeals</b>	<b>2,264.33</b>

## *Timelines for disposal of Criminal Appeals*

Various High Courts have enacted the *Case Flow Management Rules* which aim to prescribe time limits for different categories of cases.<sup>12</sup> These rules largely resemble each other for Criminal Appeals and divide Criminal Appeals into different categories based on priority. Some High Courts have also enacted rules for the trial courts to deal with criminal cases and the principle of dividing cases into tracks resembles the division of subject matter of Criminal Appeals for High Courts where heinous offences and cases where the accused has not been granted bail are to be completed on priority.<sup>13</sup>

<sup>9</sup> Government of India, Ministry of Finance, 'Economic Survey' (2018-2019) 98 <[https://www.indiabudget.gov.in/budget2019-20/economicsurvey/doc/vol1chapter/echap05\\_vol1.pdf](https://www.indiabudget.gov.in/budget2019-20/economicsurvey/doc/vol1chapter/echap05_vol1.pdf)> accessed 15 September 2020; Dushyant Mahadik, 'Analysis of causes for Pendency in High Courts and Subordinate Courts in Maharashtra' (2018) <<https://doj.gov.in/sites/default/files/ASCI%20Final%20Report%20Page%20641%20to%20822.pdf>> accessed 15 September 2020.

<sup>10</sup> Alok Prasanna Kumar, 'Judicial Efficiency and Cases for Delay' in *State of the Indian Judiciary* (DAKSH, 2017) <[https://dakshindia.org/state-of-the-indian-judiciary/20\\_chapter\\_09.html](https://dakshindia.org/state-of-the-indian-judiciary/20_chapter_09.html)> accessed 01 October 2020.

<sup>11</sup> *ibid* (figures based on 2016 data).

<sup>12</sup> See Bihar (Case Flow Management in High Court) Rules 2008; Gujarat High Court Case Flow Management Rules 2016.

<sup>13</sup> DAKSH, 'Case Flow Management Rules in India' (March 2017) <<https://dakshindia.org/wp-content/uploads/2015/11/Case-Flow-Management-Rules-in-India-by-DAKSH.pdf>> accessed 30 July 2021

**Table 3: Cases divided into tracks as per the case flow management rules.**

<b>Priority</b>	<b>Subject</b>	<b>Time</b>
<b>Track I</b>	Cases which involve capital punishment, rape, sexual offences, dowry death	6 months
<b>Track II</b>	Cases where accused has not been granted bail and is incarcerated	9 months
<b>Track III</b>	Cases which affect a large number of persons such as cases of mass cheating, economic offences, illicit liquor tragedy, food adulteration cases, offences of sensitive nature.	12 months
<b>Track IV</b>	Offences under TADA, NDPS, Prevention of Corruption Act, under SLL	15 months
<b>Track V</b>	All other offences	

While these measures are to be encouraged, there are some gaps in the design of the rules themselves. The rules while dividing cases into tracks prescribe a general time limit ignoring the time to be spent on different stages of the case. Some stages take longer than the others and these statistics also vary for each High Court. It is peculiar that similar time limits are prescribed by all High Courts and the trial courts under their jurisdiction. Apart from these design flaws, it is no secret that these rules are hardly ever implemented in practice.

In this context, it is important to unpack pendency in the courts of India and attempt to study the specific causes that are responsible for delay in different categories of cases. Given that most approaches to judicial reform have been one-size-fits-all solutions, this study attempts to look at Criminal Appeals in select High Courts, the Supreme Court and criminal dockets of select District Courts. After examining the existing literature on judicial reform in general and delay in administration of criminal justice in particular, the study suggests measures to improve upon the administration of criminal justice in the country with a special focus on the criminal appellate jurisdiction of the High Courts.

# Research Methodology

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For the reasons mentioned in the previous section, the research project aims to holistically study the criminal appellate jurisdiction of the higher judiciary and also tries to unpack the criminal docket of select District Courts. The reasons for studying the chosen courts have been outlined below.

## Research Questions

In this context, the study will attempt to answer the following questions regarding the functioning of the criminal justice system:

1. What are the pendency and disposal statistics with regard to Criminal Appeals in particular and criminal cases in general in the justice system?
2. What are the variances in the criminal docket of District Courts under the study?
3. What are the variances in the Criminal Appeals docket of the High Courts and the Supreme Court under study?
4. Which category of cases (identified by Indian Penal Code/Special & Local Laws section numbers) account for the greatest number of appeals and cases filed before the appellate courts and District Courts respectively?
5. What are the variations in disposal of Criminal Appeals and criminal cases across the appellate courts and District Courts under the study respectively?
6. How can the institutional response be improved to ensure faster and more effective disposal of criminal cases?

## Research Methods

The research will be conducted using mixed methods, that is both quantitative and qualitative methods will be used to understand the causes behind delay in disposing of criminal cases across the tiered judiciary. The details of the manner in which the methods will be employed are given below.

## Literature Review

The study tries to understand the attempts made in the past at tackling the malaise of delay in criminal courts in general and pendency in Criminal Appeals in particular.

The secondary sources of information include:

1. Academic and policy literature identifying Criminal Appeals as a major cause of delay across courts and the causes of such delays, this includes the reports of the Law Commissions and various other formal and informal bodies which have in the past been tasked with dealing with the problem of delays in the Indian legal system;
2. Statistical data provided by various High Courts on their respective websites;
3. Judicial data available on NJDG as made available by Development Data Lab for studying the criminal docket of District Courts;<sup>14</sup>
4. Supreme Court Annual Reports<sup>15</sup> that publish case-type wise statistics from all High Courts on a yearly basis; &
5. Other sources such as the e-Courts website.

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<sup>14</sup> Development Data Lab, 'DDL Judicial Data Portal' <<http://www.devdatalab.org/judicial-data>> accessed 30 July 2021

<sup>15</sup> Annual Reports published by the Supreme Court of India are available at <<https://main.sci.gov.in/publication>> accessed 20 July 2021.

# Selection of Sample Size

This study will undertake a case data analysis of Criminal Appeals before the higher judiciary, i.e., Supreme Court and four High Courts which have the highest pending Criminal Appeals cases. The High Courts are selected on the basis of the number of appeals pending as provided in the Supreme Court Annual Reports published between 2014 and 2019.

**Table 4: High Courts with the highest number of Criminal Appeals pending (Absolute Figures).**

	<b>Criminal Appeals Pending as on 30.06.2019</b>	<b>Criminal Appeals Pending as on 30.06.2018</b>	<b>Criminal Appeals Pending as on 30.06.2017</b>	<b>Criminal Appeals Pending as on 30.06.2016</b>	<b>Criminal Appeals Pending as on 01.07.2015</b>
<b>Allahabad</b>	189649	185615	179690	173874	170143
<b>Bombay</b>	26087	24904	24976	24106	23632
<b>Madhya Pradesh</b>	78376	73586	70554	65799	60249
<b>Rajasthan</b>	42355	38972	37857	36130	34733

Data was available in varied forms on the websites of the abovementioned High Courts and some High Courts did not collect data in some fields which were critical for our analyses such as:

*Firstly*, the Rajasthan High Court website does not provide data regarding the section of the Indian Penal Code or Special Legislation under which the case has been filed before the Court. Hence, subject matter analysis of the cases before the Rajasthan High Court has not been undertaken in this report.

*Secondly*, the Allahabad High Court website provides data only for cases pending before the Court and no data is available for disposed cases. Due to this deficiency only the cases pending before the Allahabad High Court have been analysed for the report.

## District Courts Analysis

Additionally, the study undertakes an analysis of the criminal cases at four District Courts which fall under the jurisdiction of the selected High Courts. This is to understand the nature of cases that may proceed to be Criminal Appeals before the High Courts and also to have an overall idea of the criminal docket of the State. The District Courts have been selected based on data published by the NCRB regarding violent crimes (incidence and rate) in metropolitan cities.<sup>16</sup>

**Table 5: Metropolitan cities with the highest number of violent crimes under respective High Courts.**

<b>High Court</b>	<b>City</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Percentage City Share to Total (2019)</b>	<b>Actual Population (in Lakhs) (2011)</b>	<b>Rate of Total Violent Crimes (2019)</b>
<b>Allahabad</b>	<b>Ghaziabad</b>	900	884	1385	3.6	23.6	58.7
<b>Bombay</b>	<b>Pune</b>	2470	1871	1661	4.3	50.5	32.9
<b>Madhya Pradesh</b>	<b>Indore</b>	1260	995	1123	2.9	21.7	51.8
<b>Rajasthan</b>	<b>Jaipur</b>	1117	1189	1892	4.9	30.7	61.6

<sup>16</sup> NCRB, 'Crime in India 2019' (Ministry of Home Affairs, 2020) 156  
<https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%201.pdf> accessed 30 July 2021

While the e-Courts website publishes case information, judgments, and orders, and stores all such data as meta data, the captcha used by the website makes it difficult for the same to be extracted through data scraping. Hence, for the purpose of this project data has been sourced from the DDL Judicial Data Portal<sup>17</sup> which has made the judicial data on NJDG available in accessible formats.

While the time period taken for higher judiciary is 10 years, i.e., 2010-2019, the DDL Judicial Data Portal has information till 2018. Hence, case data analysis for the selected District Courts has been undertaken for the period of 2010-2018.<sup>18</sup>

## Case Data Analysis

Using the 'Practice Assessment Approach' we study the current filing, disposal and pendency patterns in the court and conduct a comparison across different time periods within the court and across the courts chosen under the study to relatively assess the court's performance.

We have selected the period (2010-2019) for the High Courts since the information related to cases filed prior to 2010 is incomplete. Since the High Courts started transitioning to digital systems in the 2000s the case data after 2010 is much more standardised and useful for the purposes of analysis.<sup>19</sup> The data for District Courts is from 2010 to 2018.

The data for the analysis was obtained for a list of variables such as the *registration date, case details, date of judgment, the current status of the case, the stage of the case, the statutory information regarding the case, the act under which the case has been filed, the district the criminal appeal from arising from, etc.* With the help of the collected data, the cases are analysed for amongst other things, trends in pendency and disposal, the identification of offences under which most appeals arose etc.

## Stakeholder Consultations

To further inform the understanding developed from the case data analysis, we conducted stakeholder consultations with judges who have served on the criminal side at the High Courts and lawyers who represent in such matters. We gained useful insights into issues faced by the various stakeholders and procedural changes suggested by the participants have been included in the recommendations section.

## Limitations

### High Courts and Supreme Court

The judicial data from the High Courts and the Supreme Court has been extracted based on the date of institution of a case. Hence there may be cases that were instituted before the year 2010 and disposed between 2010-2019 which have not been accounted for. On scrutiny of the data extracted from the websites, we have come across certain inaccuracies in the data entered; efforts have been made to rectify the errors during the analysis.

### District Courts

We have relied on the NJDG data made available in csv formats by DDL. Several inconsistencies have been found in the NJDG data by researchers who have conducted an external quality review of the dataset.<sup>20</sup> These include missing fields, incorrect recording of names of statutes, incomplete data before 2014 amongst other things.

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<sup>17</sup> Development Data Lab, 'DDL Judicial Data Portal' <<http://www.devdatallab.org/judicial-data>> accessed 30 July 2021

<sup>18</sup> Further limitations regarding the analysis (if any) will be elaborated upon in the respective analysis section.

<sup>19</sup> Shalini Seetharam and Sumathi Chandrashekar, 'E-Courts in India: A comprehensive assessment of the e-Courts project' (Vidhi Centre for Legal Policy, 2016) <<https://vidhilegalpolicy.in/research/2016-7-7-e-Courts-india/>> accessed 15 September 2020.

<sup>20</sup> Devendra Damle, Tushar Ahmed, 'Problems with the e-Courts data' (NIPFP Working Paper Series No 314, July 2020) <[https://www.nipfp.org.in/media/medialibrary/2020/07/WP\\_314\\_\\_2020.pdf](https://www.nipfp.org.in/media/medialibrary/2020/07/WP_314__2020.pdf)> accessed 30 July 2021

While the data extraction has been done with care, and it has since then undergone several reviews, there may still be a 3-5% error rate in the data collated.<sup>21</sup>

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<sup>21</sup> 3-5% is the general margin of error that may be cautioned in the analysis of any data set.

# Right to Timely Justice

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## Criminal justice and deprivation of liberty

Right to a speedy trial flows from the guarantee of reasonable, fair and just procedure provided under Article 21 of the Indian Constitution.<sup>22</sup> It has been observed that a citizen should not be deprived of this constitutional right citing reasons of financial constraints.<sup>23</sup> Criminal justice is intertwined with personal liberty of an individual and therefore right to a speedy trial assumes even more importance in this context.

## Right to speedy justice extends to Criminal Appeals

The Supreme Court has held in no uncertain terms that 'the right to speedy trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and re-trial.'<sup>24</sup> The court has noted that while depriving someone of their liberty cannot be avoided, the period of deprivation cannot be unduly long.<sup>25</sup> The court has acknowledged that the length of appeals severely compromises the rights of the incarcerated. In *Bhim Singh v UOI*<sup>26</sup> the court directed the Central Government to devise measures in consultation with the State Governments to fast track all types of criminal cases to expedite delivery of criminal justice.

## Persons in custody

Regarding the rights of the persons in custody the court has observed,

"It is incumbent upon the High Courts to find ways and means by taking steps to ensure the disposal of Criminal Appeals, particularly such appeals where the accused are in jails, that the matters are disposed of within the specified period not exceeding 5 years in any case. Regular benches to deal with criminal cases can be set up where such appeals be listed for final disposal. We feel that if an appeal is not disposed of within the aforesaid period of 5 years, for no fault of the convicts, such convicts may be released on bail on such conditions as may be deemed fit and proper by the court... We request the Chief Justices of the High Courts here the criminal cases are pending for more than 5 years to take immediate effective steps for their disposal by constituting regular and special benches for that purpose."<sup>27</sup>

The court has also contemplated whether an alternative forum for hearing of Criminal Appeals be explored by adopting suitable legislative or administrative measures to effectuate the mandate of fundamental rights under Article 21.

## Other Interventions

The court has time and again iterated the need to take steps to ensure that Criminal Appeals are adjudicated upon in a timely manner. In *Imtiyaz Ahamad v State of UP*, the Supreme Court lamented the plight of criminal

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<sup>22</sup> *Hussainara Khatoon v State of Bihar* (1980) 1 SCC 98:1980 SCC (Cri) 40.

<sup>23</sup> *ibid.*

<sup>24</sup> *Abdul Rehman Antulay v. R.S. Nayak* (1992) 1 SCC 225.

<sup>25</sup> *Supreme Court Legal Aid Committee v UOI* (1994) 6 SCC 731 [15].

<sup>26</sup> *Bhim Singh v UOI* (2015) 13 SCC 603.

<sup>27</sup> *Akhtari Bi v. State of MP* (2001) 4 SCC 355.

justice system and initiated a deeper inquiry into the causes of delay in the system.<sup>28</sup> As a consequence the National Court Management System (“NCMS”) committee and the Law Commission of India were made to submit the recommendations with regard to the norms that should govern the calculation of judge strength in the courts of India. While the final report is still to be released by the NCMS committee, the method of calculation prescribed in the interim report is to be followed by the court administration to calculate vacancies at all tiers. In another study that we conducted last year, we had found that most of the High Courts seem to be ignoring the findings of the study and the directions of the Supreme Court in *Imtiyaz Ahmad* when it came to calculation of judge strength.<sup>29</sup>

In 2017, the Supreme Court held that directions have already been issued in a number of earlier cases of the court. It directed that the High Courts must frame guidelines to effectuate these decisions. The court further held that expeditious disposals of appeals must be effectuated particularly in cases where the persons are in custody.<sup>30</sup> The court said that priority needs to be assigned based on the time period of detention. It was also held that it is necessary to ensure that adjournments are minimised at all levels and technology has to be accordingly integrated to facilitate speedy justice in the form of scanning and digitising police reports and allowing electronic service of summons. High Courts are the monitoring authorities for ensuring the directions passed in this case and the previous cases are implemented.

In February 2020 the Supreme Court issued a circular containing guidelines to fast-track hearing of Criminal Appeals which involve capital punishment.<sup>31</sup> The circular directs,

"As soon as the special leave petition involving death penalty is filed, a communication from the Registry may be sent to the court appealed from to make ready and dispatch to this court the certificate of service as well as the original record within a period of 60 days or within further such period fixed by court, after receipt of the intimation of the filing of such special leave petition along with the translation of the documents in vernacular language, if any".

In an ongoing litigation, the Supreme Court has embarked on an information gathering exercise and is asking the worst performing High Courts to submit statistics with regard to pending old Criminal Appeals. It has also sought list of measures undertaken by High Courts to tackle the problem. This case will be discussed in detail in the next section.

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<sup>28</sup> *Imtiyaz Ahmad v State of UP* (2017) 3 SCC 658.

<sup>29</sup> Chitrakshi Jain, Tarika Jain and Shreya Tripathy, 'Back to Basics: A Call for Better Planning in the Judiciary' (Vidhi Centre for Legal Policy, 2020) <<https://vidhilegalpolicy.in/research/back-to-basics-a-case-for-better-planning-in-the-judiciary/>> accessed 28 September 2020.

<sup>30</sup> *Hussain v. Union of India* (2017) 5 SCC 702.

<sup>31</sup> ANI, 'SC issues guidelines over listing of Criminal Appeals involving death penalty', *Times of India* (14 February 2020) <<https://timesofindia.indiatimes.com/india/sc-issues-guidelines-over-listing-of-criminal-appeals-involving-death-penalty/articleshow/74141984.cms>> accessed 01 October 2020.

# Legal Framework for Criminal Appeals

This section studies the criminal appellate jurisdiction of the higher judiciary and the judicial decisions that have acknowledged the lengthy process of appeals and its effect on the rights of convicts. It also discusses Supreme Court's recent orders which have tried to expedite the adjudication of older pending appeals.

## Purpose of Appeals

Appeals serve many functions in the criminal justice system. The primary function of an appeal is to “protect against miscarriages of justice”.<sup>32</sup> Wrongful convictions based on errors erode faith in the courts, such errors can occur if evidence is not properly appreciated or if relevant evidence is not brought to the notice of the court of first instance. Additionally, the defendant may have been deprived of a fair trial; appeals provide a forum in such circumstances to address the concerns of the defendants.<sup>33</sup> A related secondary function of the appellate process is to cultivate consistency in trial courts.<sup>34</sup> Both of these functions collectively ensure that legitimacy of the criminal justice system is maintained.

Appeals are divided into three categories, appeals from convictions, appeals from acquittals and appeals filed by the State Government.

## Appeals to the Supreme Court

The Constitution of India vests the appellate jurisdiction in the Supreme Court. The constitutional scheme clarifies that a general right to appeal in criminal matters does not exist apart from the provisions of Article 134 (1) (a) and (b).<sup>35</sup> Additionally, if the High Court certifies under Article 134A that the case is a fit one for appeal and involves a substantial legal question which requires interpretation, the appeal shall lie to the Supreme Court.

The code provides that an appeal lies to the Supreme Court against an order of conviction passed by a High Court in its extraordinary criminal jurisdiction.<sup>36</sup>

While the original constitutional scheme included a narrow criminal appellate jurisdiction for the Supreme Court<sup>37</sup>; in 1970 it was enlarged to include cases which do not fall under Article 134 (1) (a) and (b) or under Section 379 of the Cr.PC. The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970 granted additional statutory rights to appeal. While earlier the appeals were restricted to sentences of death penalty, as per this Act, sentences imposing life imprisonment or for imprisonment for a period not less than ten years could also be appealed.

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<sup>32</sup> Peter D. Marshall, 'A Comparative Analysis of the Right to Appeals', <<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1014&context=djcil>> accessed 18 March 2021.

<sup>33</sup> *ibid.*

<sup>34</sup> *ibid.*

<sup>35</sup> Constitution of India, art 134 (1) “An appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India if the High Court (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or (b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death; or (c) certifies under article 134A that the case is a fit one for appeal to the Supreme Court; Provided that an appeal under sub-clause (c) shall lie subject to such provisions as may be made in that behalf under clause (1) of article 145 and to such conditions as the High Court may establish or require.”

<sup>36</sup> Code of Criminal Procedure, s 374 (1)

<sup>37</sup> Raeesa Vakil, 'Jurisdiction' in Sujit Chaudhary, Madhav Khosla, and Pratap Bhanu Mehta, eds. *The Oxford handbook of the Indian constitution* (Oxford University Press, 2016) <<https://www.oxfordhandbooks.com/view/10.1093/law/9780198704898.001.0001/oxfordhb-9780198704898-e-21>> accessed 18 March 2021.

It has been noted that restricted appellate jurisdiction in the initial decades of the functioning of the Supreme Court led to the widening of the special leave appeals under Article 136.<sup>38</sup> The statutory expansion of the criminal jurisdiction was seen as a cure to the rise of the SLPs. However, as Dr. Dhavan has documented, the number of Special Leave Petitions (SLPs) has only increased, and even recent scholarship endorses this finding<sup>39</sup>. It is important to note here that whereas the criminal appellate jurisdiction of the Supreme Court is exercised on final orders in the context of Articles 133 and 134(1); this limitation does not exist for Article 136(1); the power under Article 136 is not affected by Article 134.<sup>40</sup>

## Appeals to the High Courts

This section accounts for most appeals filed to the High Courts and the Supreme Court. A person has a right to appeal on both matters of fact and of law.<sup>41</sup> An appeal to the High Court lies in cases where the Sessions Judge or an Additional Sessions Judge or any other court has passed a sentence of more than 7 years.<sup>42</sup>

### *Appeal against conviction*

The first category of appeals made to the High Court are conviction appeals where any person convicted in a trial by a Sessions judge or an Additional Sessions judge or on a trial held by any other court in which sentence of imprisonment for more than 7 years has been passed against him or against any other person convicted at the same trial.<sup>43</sup>

The High Court has full power to independently come to a conclusion by re-appreciating the evidence.<sup>44</sup>

### *Appeal against acquittal*

Appeals against acquittals are also allowed under Section 378 of the Cr.PC. This section allows for an appeal against acquittal by:

1. The government with leave of High Court; or
2. By a private party if it was instituted on complaint, after obtaining special leave from the High Court.

The right to appeal against an acquittal is restricted primarily to the state, which is expected to exercise this power sparingly, it is an extraordinary remedy.<sup>45</sup> The right to appeal for private parties is restricted to complaint cases. The requirement of obtaining special leave from the High Court and a shorter limitation period, act as restrictions on the right.<sup>46</sup>

## Bail pending appeal and suspension of sentence

It is important to distinguish bail for under-trials and bail pending an appeal, for the latter is not a right, it flows from the discretionary powers of the Court. The right of the convict to bail is supposed to be subordinate to the public peace and the well-being of the society. The situation of a post-conviction bail is different from the bail at the time of trial; the burden is on the convict to point out glaring infirmities in the case of prosecution.

The time taken to dispose of appeals in the appellate courts however emerges as a cause of concern. In case of *Kashmira Singh v. State of Punjab*<sup>47</sup>, Supreme Court rightfully stated that it would be unfair to keep the

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<sup>38</sup> Raeesa Vakil (n 37)

<sup>39</sup> *ibid.*

<sup>40</sup> Speech delivered by Justice P Sathasivam 'CRIMINAL JURISPRUDENCE OF THE SUPREME COURT: KEY HIGHLIGHTS' (South Zone Regional Judicial Conference on Enhancing Timely Justice: Strengthening Criminal Justice Administration) <<http://tnsja.tn.gov.in/article/Cr%20Jur%20by%20PSJ%20SC.pdf>> accessed 18 March 2021.

<sup>41</sup> *Siddanna Apparao Patil v. State of Maharashtra* AIR 1970 SC 977

<sup>42</sup> Section 374 (2), Code of Criminal Procedure.

<sup>43</sup> *ibid.*

<sup>44</sup> *State of Karnataka v. Papanaika* 2005 SCC (Cri) 104

<sup>45</sup> *Emperor vs Baldeo Koeri and ors* AIR 1931 All 712

<sup>46</sup> SC Sarkar, *Commentary on the Indian Penal Code, 1860* (4th edn, 2020)

<sup>47</sup> *Kashmira Singh v. State of Punjab* (1977) 4 SCC 291

convict locked up for years due to the inability to dispose of the appeal in time, especially when the conviction is reversed as it contrives irreparable harm to the individual.

The court has also clarified that the suspension of the sentence must be accompanied by reasons recorded by the court. This requirement for justifying the suspension of sentence is introduced to ensure there is careful consideration of the relevant factors and the order directing the suspension of sentence must not be cursory in nature.<sup>48</sup>

Further, the Supreme Court in *Rama Narang v. Ramesh Narang*<sup>49</sup> held that the sub-section (1) of Section 389 Cr.PC confers power not only to suspend the operation of sentence appealed against but also grant bail with or without sureties if the person accused of an offence is in confinement. Section 437A of the Cr.PC provides that before conclusion of the trial and disposal of the appeal, the court trying the offence shall require the accused person to execute bail bonds with sureties. The Law Commission considered the issue of bail pending appeal and found that this provision poses a problem because the person accused of an offence is not entitled to release even after an acquittal by a trial court, unless and until he furnishes a bail bond, with sureties and had recommended amending the section.<sup>50</sup>

Rajasthan High Court in *Tahir Khan @ Shakeel v State of Rajasthan*<sup>51</sup> acknowledging the delay in appeals remarked that, "The court is not oblivious of the fact that victims of crime too have rights and therefore, enlargement on bail of a person convicted of serious crime who ultimately could be held guilty would seriously hurt the feelings of the victims." The court therefore endorsed that a balance be struck between these conflicting interests.

It then took note of the judgment of the Division Bench of Punjab and Haryana High Court in *Dharmpal v State of Haryana*<sup>52</sup> and the categorisation of crimes given in the Punjab Government circular, dated July 8, 1991, issued by the Department of Home Affairs and Justice. The case was dealing with the question of premature release of convicts. The circular had identified the nature of offences and the period of imprisonment to be actually undergone by the prisoners, crimes had been divided into five categories i.e., 'A' to 'E', with Categories 'A' and 'B' detailing the most serious crimes and category 'E' being the least of them. The court was of the view that such a classification with suitable modifications could form the basis for the issue of guidelines for this Court as to the manner in which bails ought to be granted to the prisoners whose appeals cannot be heard expeditiously.

## Supreme Court's Recent Intervention

The Supreme Court while deciding an ongoing special leave petition seeking release on bail, acknowledged the volume of pending Criminal Appeals in the High Courts.<sup>53</sup> It observed that directing for expeditious hearing in some cases and not all, would jeopardize the rights of incarcerated convicts and nullify their appellatory rights. In the case in question the petitioner had already undergone three years of imprisonment and his application for suspension of sentence had been rejected by the High Court, hence, the special leave seeking release on bail was filed before the Supreme Court.

Taking the NJDG statistics on record the Supreme Court identified the High Courts with the most chronic pendency<sup>54</sup> and directed the High Courts to file affidavits. These affidavits were to contain the details regarding-

1. The total number of convicts awaiting hearing of their appeals pending before them;
2. Segregation of single judge and Division Bench matters;
3. The number of cases where - in such old pending cases bail has been granted;

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<sup>48</sup> *Masood Ali Khan v. State of U.P.* AIR 2009 SC 1465

<sup>49</sup> *Rama Narang v. Ramesh Narang* (1995) 2 SCC 513

<sup>50</sup> Law Commission of India, 'Amendments to Criminal Procedure Code, 1973 – Provisions Relating to Bail' (Law Com No 268, 2017) 70-77 <<https://lawcommissionofindia.nic.in/reports/Report268.pdf>> accessed 29 October 2020.

<sup>51</sup> *Tahir Khan @ Shakeel v State of Rajasthan* 2005 SCC OnLine Raj 725 [9]

<sup>52</sup> *Dharmpal v State of Haryana* (1994) 4 RCR (Criminal) 600

<sup>53</sup> *Khursheed Ahmad* (n 7) Order Dated June 15, 2020

<sup>54</sup> The High Courts of Bombay, Madhya Pradesh, Orissa, Patna, Rajasthan and Uttar Pradesh were directed by the Supreme Court to provide affidavits.

4. Steps proposed to expedite hearing of appeals, including steps to prioritize hearing of cases of convicts in jail;
5. Steps proposed to trace and ensure hearing of cases of those who were granted bail, and the timeline for starting hearings;
6. Appropriate use of information technology, such as digitisation of appeal records/paper books;
7. Feasibility of creation of a dedicated pool of *amicus curae* who would assist the court in such old matters; and
8. Feasibility to create dedicated special benches for hearing and disposal of old cases or alternatively assigning a certain number of appeals to a large number of judges to be decided by them, regardless of which rosters they are assigned.

*In response to the direction of the Supreme Court, the High Courts filed affidavits containing the details asked for and have provided useful statistics with regard to pending appeals in the High Courts, the replies are presented in the section below.*

## Madhya Pradesh High Court<sup>55</sup>

**Table 6: Details of the number of convicts awaiting hearing of their appeals**

	Between 10-20 years	Between 20-30 years	More than 30 years	Total
<b>Number of Appeals</b>	21848	3448	0	25296
<b>Convicts</b>	38295	6195	0	44490

**Table 7: Details of cases in which bail has been granted.**

		Between 10-20 years	Between 20-30 years	More than 30 years	Total
<b>Single Bench</b>	<b>Appeals</b>	15740	2290	0	18030
	<b>Convicts</b>	27368	3989	0	31357
<b>Division Bench</b>	<b>Appeals</b>	4811	1134	0	5945
	<b>Convicts</b>	9287	2176	0	11463

## Bombay High Court

**Table 8: Details of cases in which bail has been granted and in which convicts are in jail.**

	Numbers	Appeals Preferred	Division Bench	Single Bench
<b>Convicts in Jail</b>	4423	3352	2049	1303

<sup>55</sup> *Khursheed Ahmad* (n 7), Affidavit filed by filed by High Courts at Allahabad, Bombay and Madhya Pradesh before the Supreme Court of India.

<b>Convicts on Bail</b>	17572	12351	1675	10676
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## Allahabad High Court

**Table 9: Details of cases before Single Bench and Division Bench of the Allahabad High Court.**

<b>Single Bench</b>	8829
<b>Division Bench</b>	5458
<b>Total</b>	14287

## Measures to deal with old Criminal Appeals

The High Courts also divulged that they have taken concrete steps to expedite hearing of Criminal Appeals. The incarcerated accused have been provided legal aid and their matters are being listed before special benches on non-working Saturdays. Some High Courts have already created these special benches while others are in the process of creating them.

The High Courts have proposed to list old Criminal Appeals in which the accused/convicts are in jail on priority basis before special benches who will not be assigned motion hearing work. The High Courts have said they will endeavour to dispose of cases which have been pending for 20-30 years within six months to one year from the date of constitution of the special benches. They shall prepare an advance list of final hearing cases without the provision of adjournment/adjustment being granted.

The courts are also in agreement with the idea of ensuring that a pool of experienced advocates is created to be appointed as *amici curiae* and assist the courts in adjudication of Criminal Appeals.

Additionally, the High Courts are trying to integrate technology into their functioning. They are trying to scan and digitise their judicial records. The Madhya Pradesh High Court has even drafted rules for the same purpose.

We have studied and endorsed the regularisation of some of these measures in the recommendations section of the report.

# Case Data Analysis: Supreme Court and High Courts

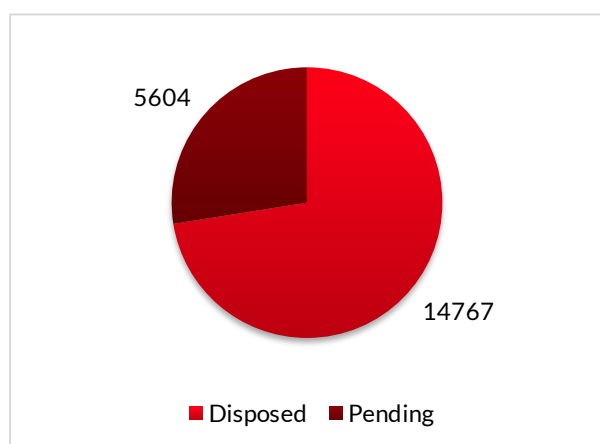
A critical part of managing Criminal Appeals in any court stems from understanding the caseload of Criminal Appeals before the court. This section undertakes an analysis of the Criminal Appeals before the Supreme Court and the four High Courts to further facilitate better understanding of the nature of Criminal Appeals, time taken by the Court to deal with such cases, subject matters that take longer to get disposed of, etc.

In this report, we have undertaken an analysis of all Criminal Appeals filed before the Supreme Court and the four High Courts<sup>56</sup> for a 10-year period, i.e., 2010-2019, across all benches.

## Overview

### Supreme Court

Of the 20371 Criminal Appeals filed before the Supreme Court between 2010-2019, 14767 (72.5%) Criminal Appeals have been disposed while 2604 (27.5%) Criminal Appeals remain pending. This contrasts with the trends seen across the High Courts chosen for the purpose of the study, where the number of cases filed before the High Court in the given time period that remain pending is much higher than the number of cases disposed of.



**Figure B: Overview of cases before the Supreme Court.**

### High Courts

The graphs below show the pending and disposal figures of Criminal Appeals filed across all benches of the respective High Courts between 2010-2019.<sup>57</sup>

The Madhya Pradesh High Court (“MP High Court”) has one of the highest pendency of Criminal Appeals across all High Courts. Of the 72312 Criminal Appeals filed before the Court in this period, 17996 (24.89%) cases have been disposed of while 54316 (75.11%) cases remain pending. A similar trend is seen in the Bombay High Court and Rajasthan High Court where the number of cases filed before the Courts between 2010-2019 that remain pending is much higher than the number of cases disposed of. Of the 51391 cases filed before the Bombay High Court, 18263 (35.54%) Criminal Appeals have been disposed of while 33128 (64.46%) Criminal Appeals remain pending. Similarly, of the 30751 cases filed before the Rajasthan High Court, 9083 (29.54%) Criminal Appeals have been disposed of while 21668 (70.46%) Criminal Appeals remain pending.

<sup>56</sup> The analysis undertaken for the 4 High Courts depends on the data available on the High Court website or e-Courts.

<sup>57</sup> This exercise could not be undertaken for the Allahabad High Court because the High Court website provides information for only Pending cases and not Disposed cases.

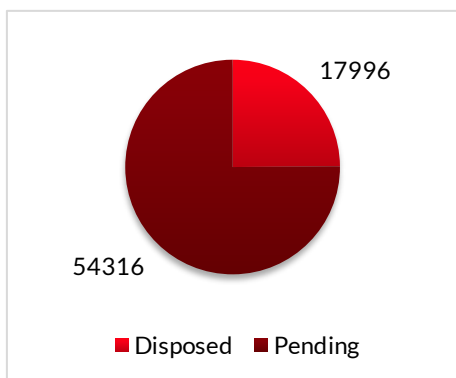


Figure C: Overview- MP High Court.

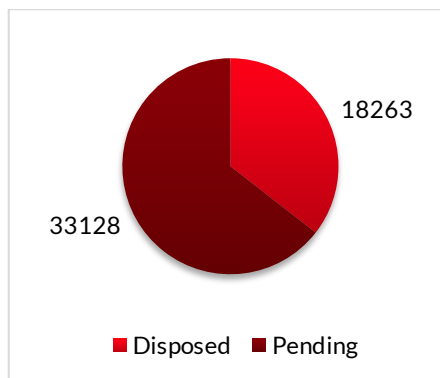


Figure D: Overview- Bombay High Court.

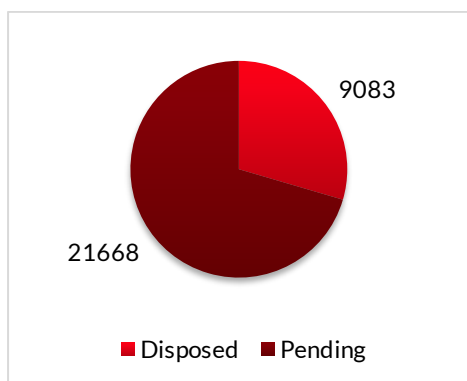


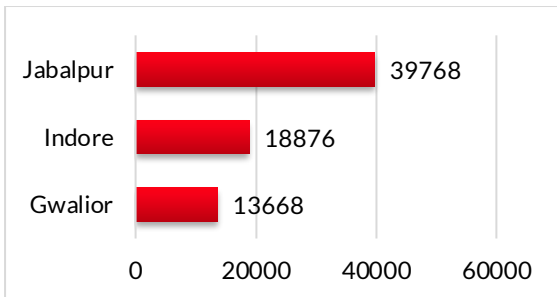
Figure E: Overview- Rajasthan High Court.

Table 10: Overview of Cases Filed, Disposed and Pending<sup>58</sup>

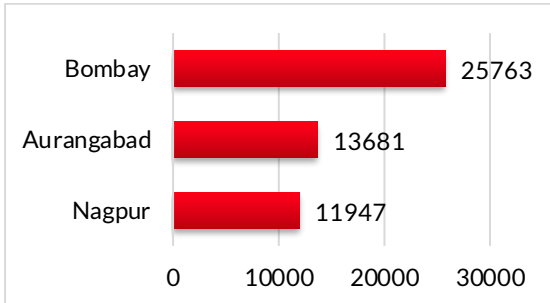
High Court	Filed	Disposed		Pending	
		Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
Madhya Pradesh	72312	17996	24.89%	54316	75.11%
Bombay	51391	18263	35.54%	33128	64.46%
Rajasthan	30751	9083	29.54%	21668	70.46%

The MP High Court has its Principal seat at the Jabalpur and two circuit benches at Gwalior and Indore. Notably, most of the Criminal Appeals remain at the Principal seat, i.e., 55%, while the benches at Indore and Gwalior have 26% and 19% of the caseload, respectively. The Bombay High Court has its Principal seat at Bombay with circuit benches at Aurangabad and Nagpur. Like the MP High Court, over 50% of the Criminal Appeals remain at the Principal seat, while the benches at Aurangabad and Nagpur have 26.62% and 23.25% of the caseload, respectively. Only the Rajasthan High Court sees a more equitable distribution of cases with the principal bench at Jodhpur witnessing 43.99% of the case load while the Jaipur bench has 56.01% of the Criminal Appeals case load. (**Annexure A-** Details of Pending/Disposed across Benches)

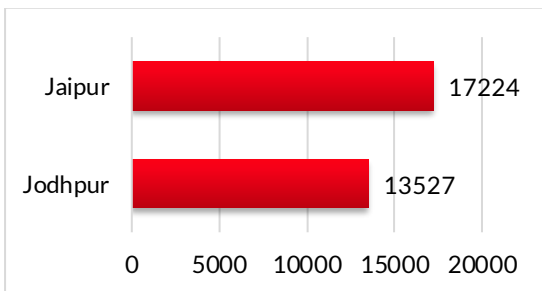
<sup>58</sup> This analysis could not be undertaken for the Allahabad High Court because the website doesn't provide information on disposed cases.



**Figure F: Distribution across Benches- MP High Court.**

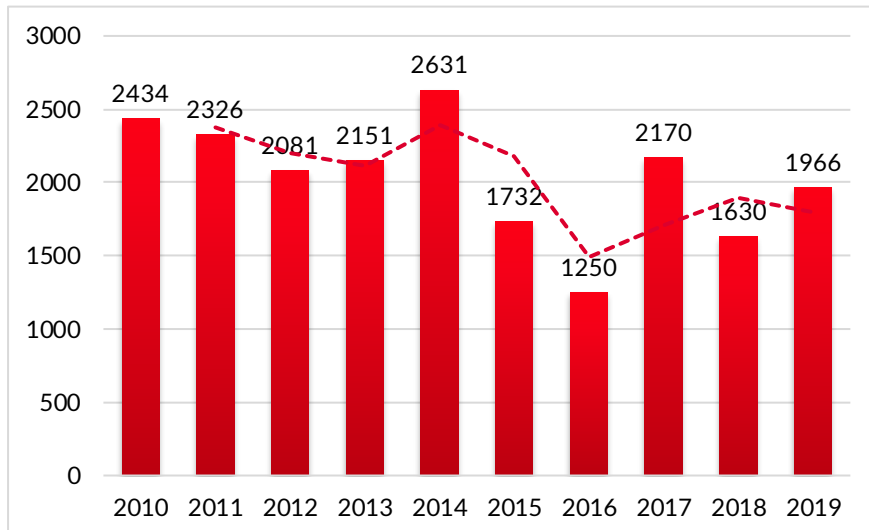


**Figure G: Distribution across Benches- Bombay High Court.**



**Figure H: Distribution across Benches- Rajasthan High Court.**

# Analysis of Filing Patterns

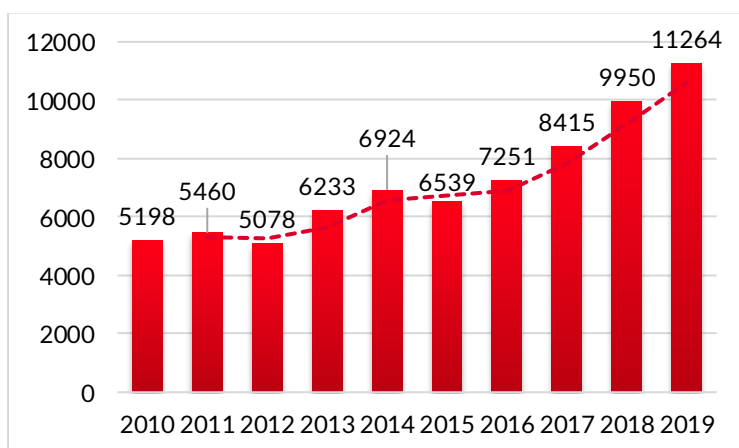


**Figure I: Number of cases filed before the Supreme Court (2010-2019)**

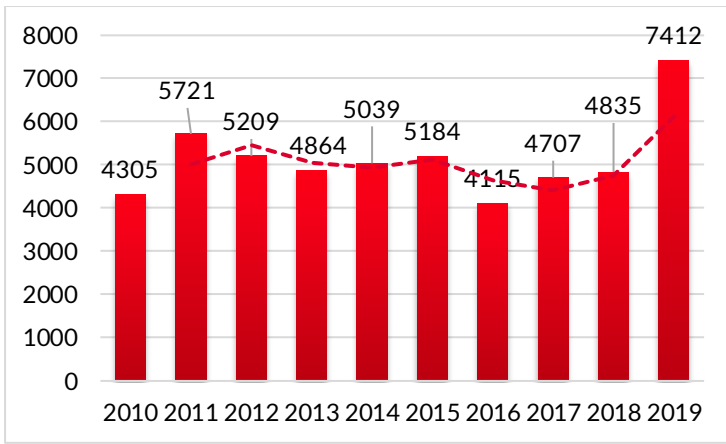
Barring a few exceptions, the number of cases filed per year over the last 10 years before the Supreme Court has been consistent. Based on the current filing rates, it can be predicted that in the coming 5 years the Supreme Court will continue to have about 2000 fresh Criminal Appeals being filed annually. The numbers in the High Courts, however, are very different from the Supreme Court.

From the graph below, we can see that the number of Criminal Appeals filed per year before the MP High Court has been on an increasing trend over the last 10 years. If this trend continues, the number of Criminal Appeals filed before the MP High Court will increase by at least 1000 cases every year and consequently, by the year 2029, the High Court will see almost 20,000 Criminal Appeals filed. Similarly, the Bombay High Court will witness about 9000 Criminal Appeals and the Rajasthan High Court will witness about 13000 Criminal Appeals by 2029.

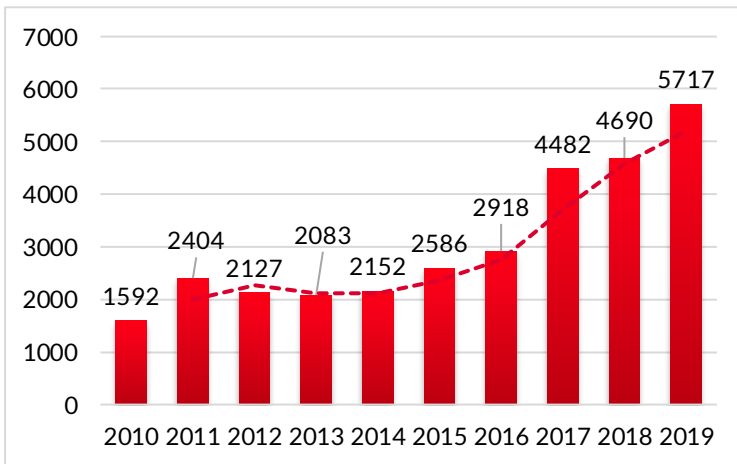
This combined with the data of high pendency across High Courts should act as a necessary push to bring in administrative and strategic reforms to keep up with the rising number of Criminal Appeals being filed. It is crucial for the High Courts to take stock of their own capacity of disposing cases and adopt human resource and case-load management strategies accordingly.



**Figure J: Number of cases filed before MP High Court.**



**Figure K: Number of cases filed before Bombay High Court.**



**Figure L: Number of cases filed before Rajasthan High Court.**

# Analysis of Pending Cases

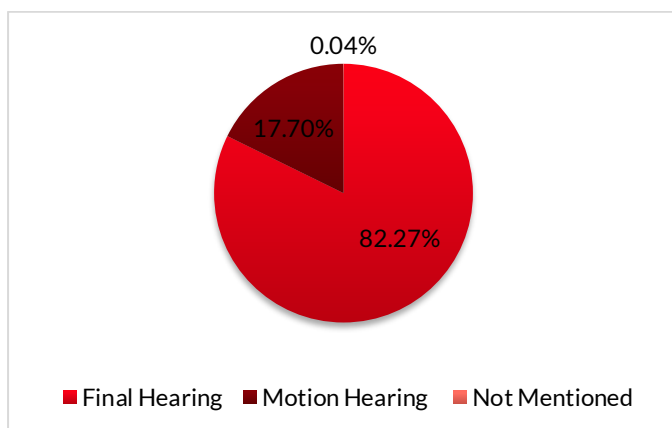
The following section analyses the pendency data of Criminal Appeals before the Supreme Court and the High Courts. The tables below show the average and median age of a pending case in number of days and years in the Court based on a calculation<sup>59</sup> of all pending cases filed between the years 2010-2019 along with the stage at which such cases remain pending.

## Average, Median & Stage of Pendency

From the below graphs, across all High Courts as well as the Supreme Court, Criminal Appeals remain pending for over 4-5 years on average. This indicates that the Courts are taking a considerable length of time to dispose Criminal Appeals which in turn is adding to huge backlogs.

**Table 11: Average & median age of cases pending before the Supreme Court.**

	Days	Year
<b>Average</b>	1987.92	5.44
<b>Median</b>	2049	5.61



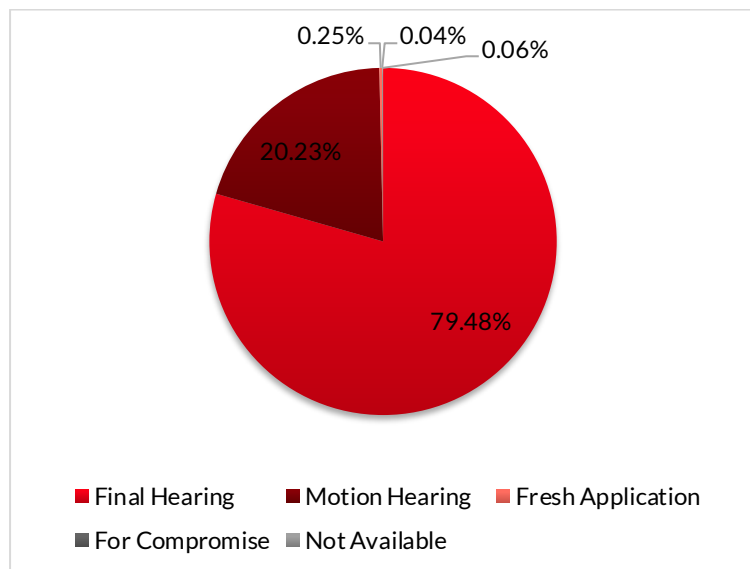
**Figure M: Supreme Court- Stages of Pendency.**

In the case of the Supreme Court, while the overall pendency and disposal rates fare better than the High Courts being analysed, the median of cases pending before the Supreme Court sits high at 5.61 years. Out of 5604 cases pending before the Supreme Court, as many as 4611 (82.27%) cases are pending at the 'Final Hearing' stage followed by 992 (17.7%) cases are pending at the 'Motion Hearing' stage.

<sup>59</sup> Date calculated as of the date on which data has been scrapped from the website.

**Table 12: Average & Median of cases pending before the MP High Court.**

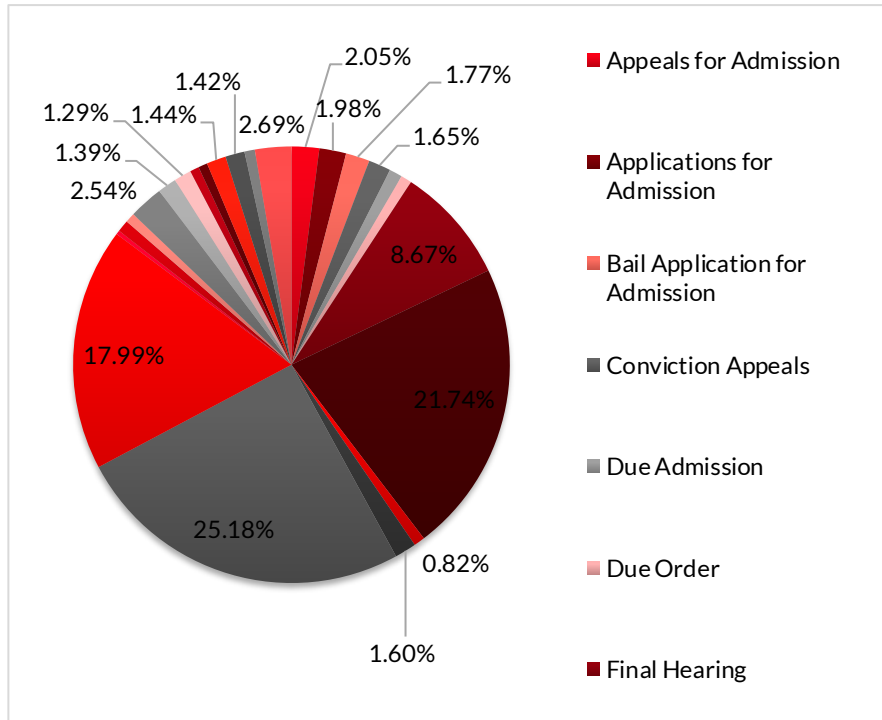
	Days	Year
<b>Average</b>	1643.14	4.5
<b>Median</b>	1602	4.39



**Figure N: MP High Court- Stages of Pendency.**

**Table 13: Average & Median of cases pending before the Bombay High Court.**

	Days	Year
<b>Average</b>	1999.42	5.48
<b>Median</b>	1955	5.36



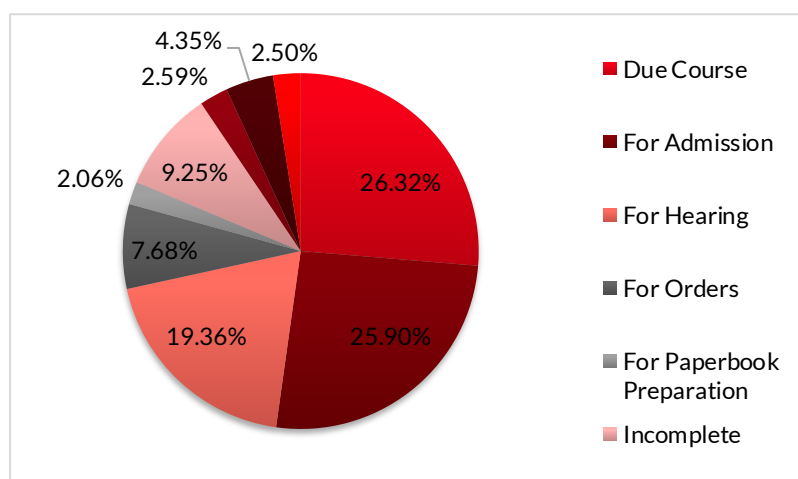
**Figure O: Bombay High Court- Stages of Pendency.**

	Key for Stages before Bombay High Court	No. of Cases
1.	For Hearing	6053
2.	For Admission	5225
3.	For Orders	4325
4.	Final Hearing	2085
5.	Others	647
6.	Urgent Admission/Circulation/Order	611
7.	Appeals for Admission	492
8.	Applications for Admission	477
9.	Bail Application for Admission	426
10.	Conviction Appeals	397
11.	For Direction	384
12.	Order Matters	346
13.	Preventive Detention Habeas Corpus	342
14.	For Production	335
15.	For Settlement (N.I.Act)	311

16.	Due Admission	230
17.	Petition for Admission/Order	210
18.	For Circulation	197
19.	Due Order	195
20.	Ready Matters	184
21.	Regular Admission	173
22.	Not Available	162
23.	Fresh Admission	161
24.	For Pronouncement of Judgement	71

**Table 14: Average & Median of cases pending before the Rajasthan High Court.**

	Days	Year
<b>Average</b>	1562.41	4.28
<b>Median</b>	1338	3.67



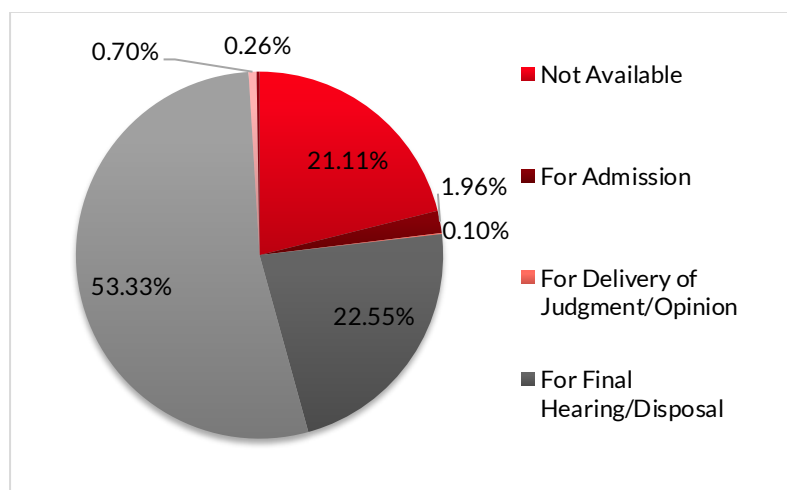
**Figure P: Rajasthan High Court- Stages of Pendency.**

	Key for Stages before Rajasthan High Court	No. of Cases
1.	Due Course	5024
2.	For Admission	4944
3.	For Hearing	3696
4.	For Orders	1467
5.	For Paperbook Preparation	393

6.	Incomplete	1765
7.	Notice	494
8.	Paperbook	830
9.	Others	477

**Table 15: Average & Median of cases pending before the Allahabad High Court.**

	Days	Year
<b>Average</b>	2217.21	6.07
<b>Median</b>	2109	5.78



**Figure Q: Allahabad High Court- Stages of Pendency.**

	Key for Stages before Allahabad High Court	No. of Cases
1.	For Order/Hearing/Disposal	28818
2.	For Final Hearing/Disposal	12186
3.	Not Available	11407
4.	For Admission	1059
5.	Fresh	379
6.	Other	139
7.	For Delivery of Judgment/Opinion	52

The median of pending cases across all High Courts- 4.39, 5.36 and 5.78 years for the MP High Court, Bombay High Court and Allahabad High Court respectively are also very high. While the Rajasthan High Court has a relatively low median of 3.67 years, its overall pendency of 21668 cases (70.46% cases filed between 2010-2019) is very high and requires deeper enquiry. Like the Supreme Court, the maximum number of pending

cases before the MP High Court are pending at the 'Final Hearing' stage, i.e., 79.48% (43147) followed by 20.23% (10981) at 'Motion Hearing' stage.

The other 3 High Courts, however, follow a different method of classification of stages of pendency. The Bombay High Court has the most elaborate classification of stages with over 173 categories.<sup>60</sup> The maximum number of Criminal Appeals before the Bombay High Court are pending at the 'Hearing' stage (6053, 25.18%) followed by 'Admission' stage (5225, 21.74%), 'Orders' stage (4325, 17.99%) and 'Final Hearing' stage (2085, 8.67%). The Rajasthan High Court has a less extensive list of stages with 34 categories<sup>61</sup>, 26.32% (5024) cases are pending at the 'Due Course' stage, 25.90% (4944) cases are pending at the 'Admission' stage and 19.36% (3696) cases are pending at the 'Hearing' Stage. The Allahabad High Court also follows a system of classification of stages with over 40 categories.<sup>62</sup> 53.21% (28755) of Criminal Appeals pending at the Allahabad High Court are at the 'Order' stage and 22.55% (12186) of Criminal Appeals are pending at the 'Final Hearing/Disposal' stage. For 11407 (21.11%) Criminal Appeals pending before the Allahabad High Court, however, the stage of pendency is not available on the High Court website.

The average and median years data along with the stages of pendency, should be taken by the courts as a ready reference to adopt a tailor-made disposal mechanism for these cases. The lack of information for the Allahabad High Court is especially concerning given that as many as 54040 Criminal Appeals are pending before the Court and the lack of information about the number of disposals acts as a hindrance in providing evidence-based recommendations.

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<sup>60</sup> For this report, the number stages of pendency have been combined on the basis of category as well as number of iterations of the stage. For complete list of stages of pendency, please refer to **Annexure B1**.

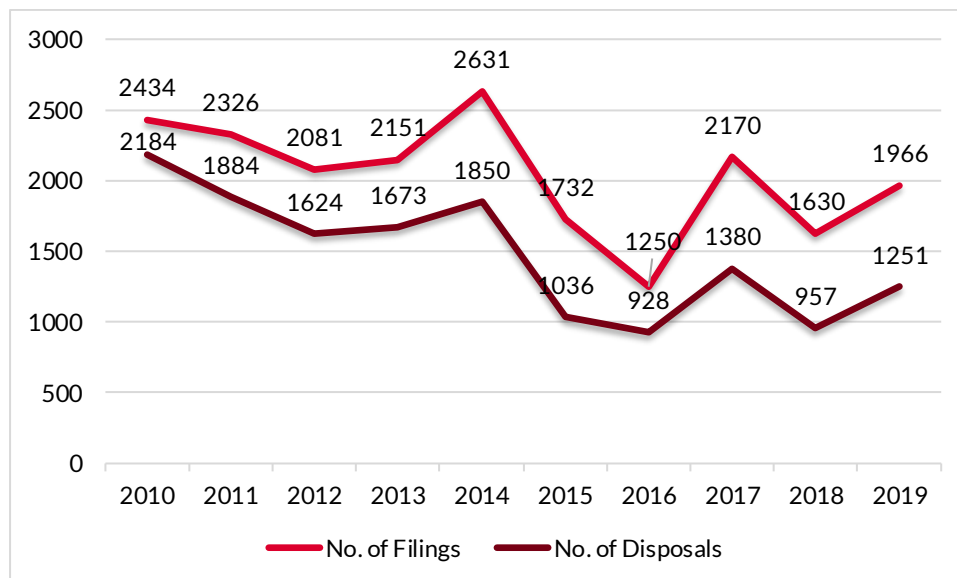
<sup>61</sup> For complete list of stages of pendency, please refer to **Annexure B2**.

<sup>62</sup> For complete list of stages of pendency, please refer to **Annexure B3**.

# Analysis of Disposed Cases

## Analysis of Disposed v. Filed Cases

The following section analyses the Criminal Appeals filed between 2010-2019 that have been disposed of by the Supreme Court and the selected High Courts.



**Figure R: Supreme Court- No. of cases Filed v. No. of cases Disposed.**

The graph above plots all filings in a year vis-à-vis disposals in that year, which may or may not have been filed in that particular year. The trend for 2010-2019 shows that the gap is widening, which is not the desired outcome. If this trend is not checked, then the backlog of cases will continue to increase exponentially. This also hints at a lack of consistency in the Court's performance, which might be attributed to multiple causes - varying number of judges and supporting staff, lack of adequate infrastructure, lack of attention given to Criminal Appeals, etc. All these factors must be further assessed.

## Disposal Buckets

The tables below contain the break-up of disposal rates in different time periods for MP High Court, Bombay High Court and Rajasthan High Court. This analysis has been undertaken to understand the number of days that the Court takes to dispose of a case filed before it. We also attempt to understand whether the duration of pendency influences the disposal of a case.

**Table 16: Disposal Buckets for cases filed before MP High Court (2010-2019).**

	0 to 2 years	3 to 5 years	6 years & above	Total
2010	772	256	437	1465
2011	741	198	260	1199
2012	675	155	120	950
2013	582	246	68	896
2014	527	185	7	719
2015	547	148		695

2016	1454	50		1504
2017	3223	2		3225
2018	3770			3770
2019	3573			3573

**Table 17: Disposal Buckets for cases filed before Bombay High Court (2010-2019).**

	<b>0-2 years</b>	<b>3-5 years</b>	<b>6 years &amp; above</b>	<b>Total</b>
2010	969	619	315	1903
2011	1298	402	300	2000
2012	1500	504	229	2233
2013	1263	599	91	1953
2014	999	529	36	1564
2015	1044	382		1426
2016	837	150		987
2017	1140	23		1163
2018	1198	6		1204
2019	1345			1345

**Table 18: Disposal Buckets for cases filed before Rajasthan High Court (2010-2019).**

	<b>0-2 years</b>	<b>3-5 years</b>	<b>6 years &amp; above</b>	<b>Total</b>
2010	68	546	814	1428
2011	170	1027	1362	2559
2012	145	1045	464	1654
2013	145	1085	120	1350
2014	248	912	18	1178
2015	353	539		892
2016	252	231		483
2017	222	9		231
2018	60			60

2019	14			14
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For this analysis, the table plots all disposals for cases filed in a particular year. To explain through an example of MP High Court– 1465 Criminal Appeals filed in 2010 stand disposed as of 31.12.2019. Out of these, 772 disposals occurred within the first two years of filing, while the remaining 693 disposals have taken anywhere between three to seven years.

Overall, it can be seen for MP High Court and Bombay High Court that a large number of cases have been disposed within the first two years of filing. This along with the data that of 75.11% and 64.46% of Criminal Appeals filed before the two High Courts respectively remain pending, shows that if the case is not disposed expeditiously (i.e., within 2 years of its institution), it is likely to languish within the system for long periods.

The Rajasthan High Court is an outlier from this trend. The number of cases disposed by the Rajasthan High Court within the first two years of filing is consistently low. For example, only 68 cases filed before the Court in 2010 has been disposed within the first 2 years whereas 1360 cases were disposed by the Court thereafter. This combined with the data that 70.46% of Criminal Appeals filed before the High Court between 2010-2019 remain pending indicates that the Rajasthan High Court should strive to dispose of higher number of cases within the first two years to potentially reduce its pendency figures.

As mentioned in the limitations, there may be some cases that were instituted before 2010 and have been disposed between 2010-2019 that have not been considered in this analysis.

The disposal of cases shows an expected trend of being intrinsically linked to the year of filing. Therefore, the twin aims of any delay and backlog management strategy for Criminal Appeals should be: one, increasing the percentage of disposals within the first two years of filing and two, ensuring that the delayed cases do not get lost within the system through approaches such as listing such cases with the aim of reducing Criminal Appeals backlog, roster allocation, special benches to deal with these cases, etc.

# Relationship between the length of the case and nature of offences

To better understand the nature of cases pending before the Supreme Court and the High Courts, we go deeper into the subject matter of Criminal Appeals before the respective courts.<sup>63</sup> The following section analyses the time taken by the courts to deal with cases filed under special legislations and specific IPC provisions. This data will potentially facilitate the formation of specific case management systems to deal with Criminal Appeals.

## Special Legislations

The following sections analyses the top special legislations under which Criminal Appeals were filed before the courts that have been disposed of.

From the table below, while the number of cases filed under the different Special Legislations before the Supreme Court is not very high, the time taken by the Court to dispose of such cases is. 56 Criminal Appeals filed under the Negotiable Instruments Act disposed of by the Supreme Court took about 1290 days on average. Criminal Appeals filed under the Prevention of Terrorism Act take the highest time to dispose with 42 cases being disposed of in about 2497 days on average followed by 11 cases under the Prevention of Corruption of Act taking 2308 days on average.

**Table 19: Special Legislations under which Criminal Appeals have been disposed by the Supreme Court.**

	Special Legislation	No. of Cases Disposed	Average Duration
1.	Negotiable Instruments Act	56	1289.84
2.	Prevention of Terrorism Act	42	2496.52
3.	Narcotic Drugs & Psychotropic Substances Act	38	2244.69
4.	Arms Act	29	1727.21
5.	Dowry Prohibition Act	12	1026.58
6.	Prevention of Corruption Act	11	2308.27
7.	Others <sup>64</sup>	60	1685.46

**Table 20: Special Legislations under which Criminal Appeals have been disposed by the MP High Court.**

	Special Legislation	No. of Cases Disposed	Average Duration
1.	SC/ST Prevention of Atrocities Act	8543	49.77

<sup>63</sup> This exercise could not be undertaken for the Rajasthan High Court because the High Court website doesn't provide information regarding the subject matter under which the case has been filed. Only pending cases before the Allahabad High Court have been analysed because the High Court website provides information regarding pending cases only.

<sup>64</sup> For this report, the number of cases disposed under Special Legislations mentioned in the 'Others' category has been combined based on number of cases filed under the Legislation. For complete list of Special Legislation and time taken by the Court to dispose such appeals, please refer to **Annexure C1**.

2.	Protection of Children from Sexual Offences Act 2012	1860	88.57
3.	Arms Act	299	91.49
4.	Negotiable Instruments	76	387.09
5.	Narcotic Drugs and Psychotropic Substances Act	55	432.4
6.	Dakaiti Aur Vyapharan Prabhavit Kshetra Adhinyam Act	42	198.43
7.	Dowry Prohibition Act	41	217.86
8.	Information Technology Act	34	53.21
9.	Electricity Act	25	361.24
10.	Prevention of Corruption Act	23	291.74
11.	Motor Vehicles Act	21	57.67
12.	Immoral Traffic Prevention Act	19	35.53
13.	Others <sup>65</sup>	106	207.81

**Table 21: Special Legislations under which Criminal Appeals have been disposed by the Bombay High Court.**

	<b>Special Legislation</b>	<b>No. of Cases Disposed</b>	<b>Average Duration</b>
1.	SC/ST Prevention of Atrocities Act	1655	353.69
2.	Negotiable Instruments Act	894	1923.85
3.	Protection of Children from Sexual offence Act	716	898.45
4.	Prevention of Terrorism Act	355	1135.46
5.	Mah. Control of Organised Crime Act	277	1324.46
6.	Prevention of Corruption Act	249	2414.72
7.	Arms Act	222	1775.57
8.	Bombay Police Act	113	1707.00
9.	Narcotic Drugs and Psychotropic Substances Act	103	1374.76
10.	Others <sup>66</sup>	483	891.80

<sup>65</sup> For complete list of Special Legislation and time taken by the Court to dispose such appeals, please refer to **Annexure C2**.

<sup>66</sup> For complete list of Special Legislation and time taken by the Court to dispose such appeals, please refer to **Annexure C3**.

It is important to note that as many as 8543 Criminal Appeals disposed by the MP High Court were filed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (“SC/ST PoA”) and the average time taken by the court to dispose such cases is only 49.77 days. A similar trend is seen before the Bombay High Court with 1655 disposed appeals under SC/ST PoA taking about 354 days on average which is considerably lesser than the average time taken for other Special Legislations. It is important to note that the overall disposal percentage over the last 10 years is very low, while the volume of cases under SC/ST PoA is very high. A successful case flow management strategy will have to address this anomaly.

Similar to the Supreme Court, the Bombay High Court takes a considerably long period of time to dispose of cases under the Prevention of Corruption Act with 249 appeals taking about 2415 days on average. This may be explained by the nature and complexity of the cases before the courts under the said Act and may be used by the court to designate special courts or dedicated benches to deal with such cases.

## IPC Sections

For the analysis, offences under IPC<sup>67</sup> have been classified in terms of the nature of the offence and the quantum of punishment. For this analysis, there may be cases that can be included in more than one category, the overlapping categories in such cases have not been taken into consideration (which may not be representative).

Classification based on nature of the offence have been classified as:

- a. Offences against the Body (“OAB”)
- b. Offences against Property (“OAP”)
- c. Offences against the State (“OAS”)

**Table 22: Nature of offences before the Supreme Court<sup>68</sup>.**

	Offences against the Body		Offences against Property		Offences against the State	
	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Disposed</b>	38	976	10	119.9	0	0
<b>Pending</b>	71	1821.35	6	1069	0	0

Out of the cases filed before the Supreme Court, 71 pending Criminal Appeals are cases that constitute offences against the body which are much higher than 6 pending Criminal Appeals being offences against property. The OABs are pending for over 1821 days which is also considerably higher than the 1069 days for which OAPs are pending. Criminal Appeals before the Supreme Court that have been disposed of show a similar trend with 38 appeals constituting offences against the body getting disposed of in 976 days on average which is much higher than the 119.9 days for the 10 offences against property.

Before the MP High Court, as many as 28867 Criminal Appeals (2442.85 days) pending are OABs while OAPs and OASs constitute only 9432 (2317.20 days) and 18 (1600.22 days) appeals respectively. 13692 (1,779.35 days) cases pending before the Bombay High Court are OABs with 3386 (1,822.30 days) appeals being OAPs

<sup>67</sup> All cases in which the IPC sections have been mentioned are part of the analysis. The figures represent the number of cases that were listed under every IPC provision, irrespective of the number provisions listed in that case. For instance, if a case has 3 different IPC provisions, it will be counted thrice in the total numbers– one for each IPC provision. However, it correctly identifies the number of times cases have been filed under the given IPC provision. Please refer to **Annexure D** for classification details based on Nature of Offence & Nature of Punishment.

<sup>68</sup> Please refer to **Annexure E1** for year wise division of Criminal Appeals classified based on the nature of offences before the Supreme Court and the duration for which cases have remained pending or have been disposed of.

and 15 appeals (1,518.40 days) are OASs. A similar trend is seen across disposed cases before the MP High Court as well as the Bombay High Court.

The general trend across all three courts shows that criminal cases that constitute offences against the body remain pending with the Court for a considerably longer period than offences committed against property or the State.

In the Allahabad High Court, however, the number days for which cases remain pending for OAPs (2,198.33 days) is comparable to the number of days for OABs (2,132.89 days). The number of OABs (25878), however, continues to be far higher than the number of OAPs (15128).

**Table 23: Nature of offences before the MP High Court.<sup>69</sup>**

	Offences against the Body		Offences against Property		Offences against the State	
	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Disposed</b>	10841	574.24	3234	746.2	4	334
<b>Pending</b>	28867	2,442.85	9432	2,317.20	18	1,600.22

**Table 24: Nature of offences before the Bombay High Court.<sup>70</sup>**

	Offences against the Body		Offences against Property		Offences against the State	
	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Disposed</b>	12	1,790.00	2	11	0	0
<b>Pending</b>	13692	1,779.35	3368	1,822.30	15	1,518.40

**Table 25: Nature of offences before the Allahabad High Court.<sup>71</sup>**

	Offences against the Body		Offences against Property		Offences against the State	
	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Pending</b>	25878	2,132.89	15128	2,198.33	0	0.00

<sup>69</sup> Please refer to **Annexure E2** for year wise division of Criminal Appeals classified based on the nature of offences before the MP High Court and the duration for which cases have remained pending or have been disposed of.

<sup>70</sup> Please refer to **Annexure E3** for year wise division of Criminal Appeals classified based on the nature of offences before the Bombay Court and the duration for which cases have remained pending or have been disposed of.

<sup>71</sup> Please refer to **Annexure E4** for year wise division of Criminal Appeals classified based on the nature of offences before the Bombay Court and the duration for which cases have remained pending. The Allahabad High Court website doesn't provide information of disposed cases and hence, the analysis could only be undertaken for pending cases.

# Relationship between length of a case and the range of punishment

Classification based on nature of punishment under the IPC have been classified as<sup>72</sup>:

- a. Death or Life Imprisonment
- b. Imprisonment for 7 years & above
- c. Imprisonment for 4 to 7 years
- d. Imprisonment for 1 to 3 years

**Table 26: Nature of punishments before the Supreme Court.<sup>73</sup>**

	Death or Life Imprisonment		Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Disposed</b>	37	981.32	3	338.67	16	143.44	22	328.18
<b>Pending</b>	70	1841.17	3	1370.67	9	1203.44	18	1207.94

**Table 27: Nature of punishments before the MP High Court.<sup>74</sup>**

	Death or Life Imprisonment		Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Disposed</b>	8047	365.59	3885	241.31	16	196.81	3287	226.94
<b>Pending</b>	21840	2,004.45	7566	1,789.99	9	1,746.64	8829	1,874.56

**Table 28: Nature of punishments before the Bombay High Court.<sup>75</sup>**

	Death or Life Imprisonment		Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
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<sup>72</sup> Please refer to **Annexure D** for classification details based on Nature of Offence & Nature of Punishment.

<sup>73</sup> Please refer to **Annexure F1** for year wise division of Criminal Appeals classified based on the nature of punishment before the Supreme Court and the duration for which cases have remained pending or have been disposed of.

<sup>74</sup> Please refer to **Annexure F2** for year wise division of Criminal Appeals classified based on the nature of punishment before the MP High Court and the duration for which cases have remained pending or have been disposed of.

<sup>75</sup> Please refer to **Annexure F3** for year wise division of Criminal Appeals classified based on the nature of punishment before the Bombay High Court and the duration for which cases have remained pending or have been disposed of.

	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Disposed</b>	13	1,652.77	9	1,766.33	9	935.44	8	1,401.00
<b>Pending</b>	9924	1,820.57	3823	1,671.55	6687	1,676.98	5331	1,877.01

**Table 29: Nature of punishments before the Allahabad High Court.<sup>76</sup>**

	Death or Life Imprisonment		Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
<b>Pending</b>	25878	2,132.89	0	0.00	300	603.35	0	0.00

For this analysis, where a section provides more than one duration of punishment, the higher duration has been considered. The duration of time taken by the Supreme Court in handling offences that are punishable by death penalties or life imprisonment, is considerably higher than the time taken for offences with lesser quantum of punishment. A similar trend is seen with the MP High Court as well as for the cases pending before the Allahabad High Court. This may be expected given that the Courts are dealing with the life and liberties of individuals and more complex cases with higher quantum of punishment may need to be deliberated upon by the Court for a longer period.

The Bombay High Court, on the other hand, takes more or less the same time irrespective of the quantum of punishment prescribed for an offence.

<sup>76</sup> Please refer to **Annexure F4** for year wise division of Criminal Appeals classified based on the nature of punishment before the Allahabad High Court and the duration for which cases have remained pending. The Allahabad High Court website doesn't provide information of disposed cases and hence, the analysis could only be undertaken for pending cases.

# Case Data Analysis: District Courts

This section undertakes an analysis of criminal cases before four District Courts, one each under the jurisdiction of the four selected High Courts. In this section, we attempt to better understand the nature of criminal cases before the District Court, time taken by the Court to deal with such cases, etc. This analysis had been undertaken to further understand the nature of cases that may proceed to be Criminal Appeals before the High Courts and to have an overall idea of the criminal docket of the State.

## Overview

The graphs below show the pendency and disposal figures of criminal cases filed before the respective District Courts between 2010-2018.

In overall numbers, all four District Courts seem to be performing well in terms of their disposal figures. The District Court of Indore has disposed of 96933 (68.38%) criminal cases while 44823 (31.62%) of the cases remain pending. These figures are considerably better than the 75.11% pendency of Criminal Appeals before the MP High Court. A similar trend is seen across the remaining three District Courts. The District Court of Pune has disposed of 168360 (68.01%) criminal cases while 79195 (31.99%) remain pending, the District Court of Jaipur has disposed of 122970 (74.59%) cases while 41892 (25.41%) remain pending and the District Court of Ghaziabad has disposed of 39837 (61.34%) criminal cases while 25106 (38.66%) remain pending.

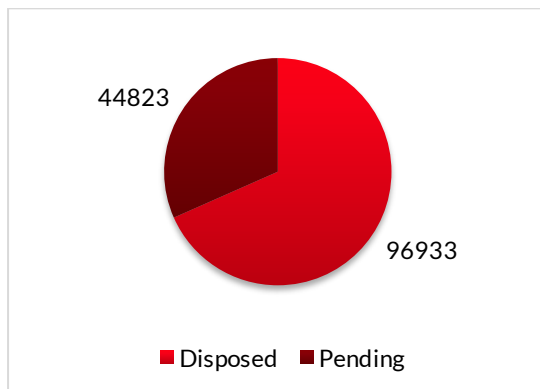


Figure S: Pendency in District Court of Indore

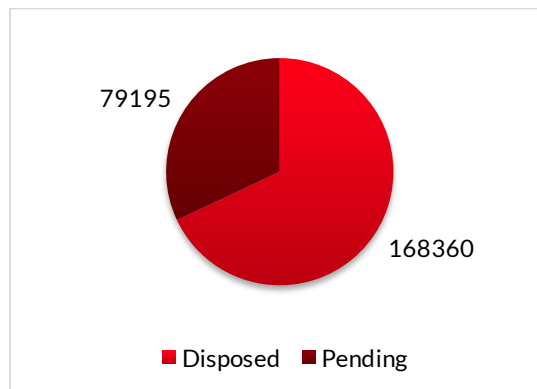


Figure T: Pendency in District Court of Pune

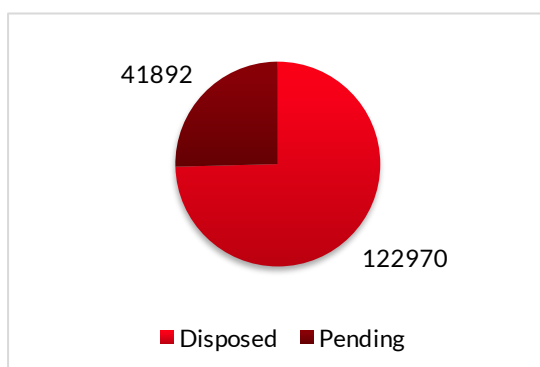


Figure U: Pendency in District Court of Jaipur

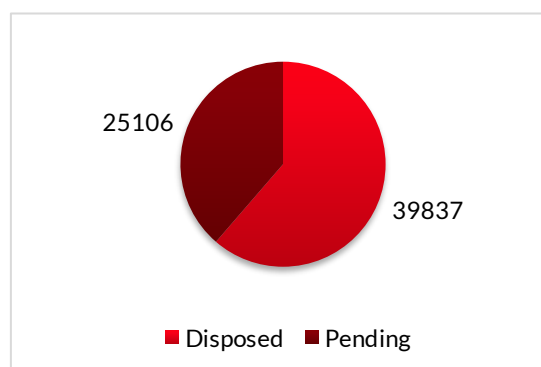


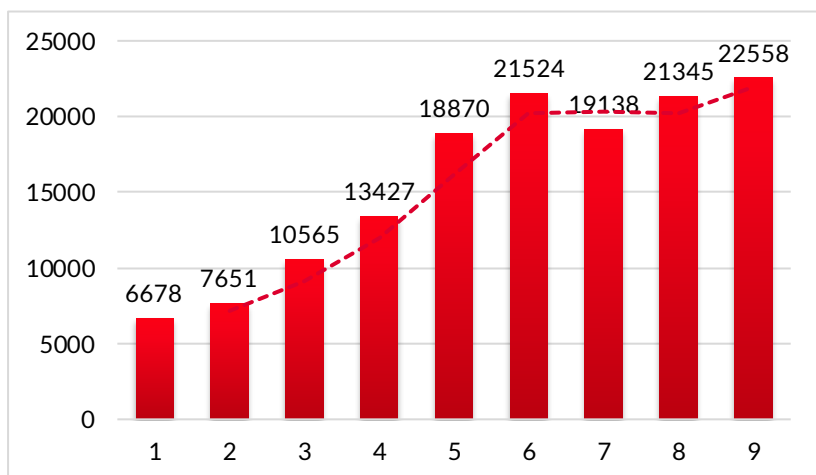
Figure V: Pendency in District Court of Ghaziabad

**Table 30: Overview of Cases Filed, Disposed and Pending**

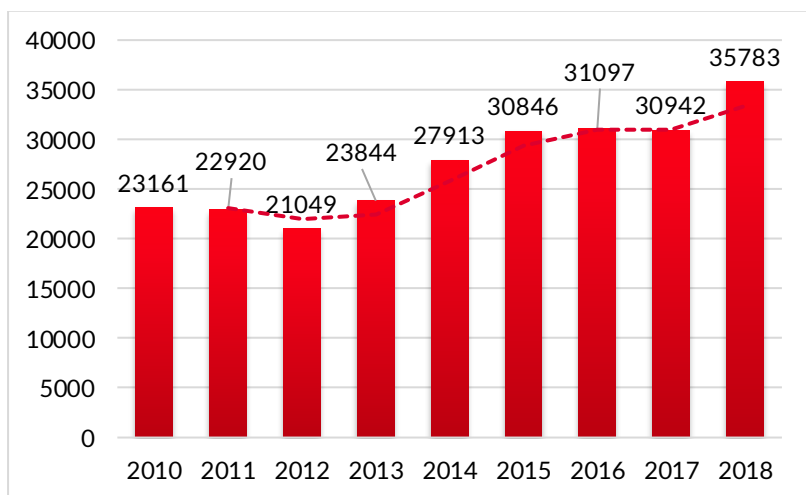
District Court	Filed	Disposed		Pending	
		Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
Indore	141756	96933	68.38%	44823	31.62%
Pune	247555	168360	68.01%	79195	31.99%
Jaipur	164862	122970	74.59%	41892	25.41%
Ghaziabad	64943	39837	61.34%	25106	38.66%

### Analysis of Filing Patterns

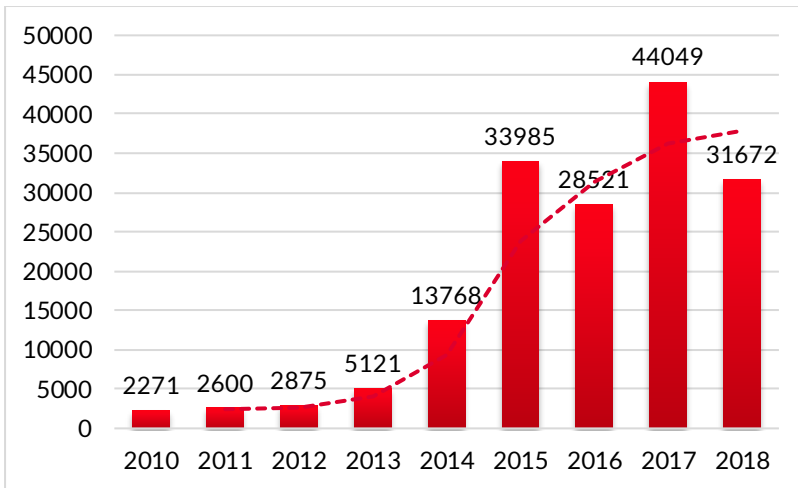
To further understand the case load of the four District Courts, we undertake an analysis of the number of criminal cases being filed before them.



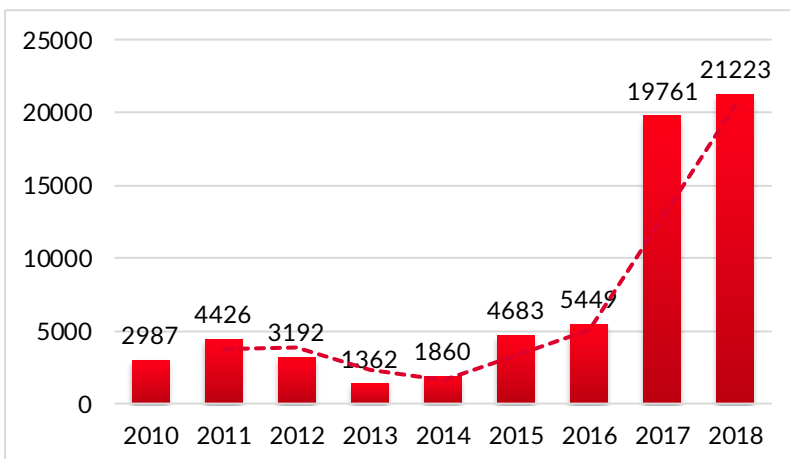
**Figure W: Number of cases filed before the District Court of Indore (2010-2018)**



**Figure X: Number of cases filed before the District Court of Pune (2010-2018)**



**Figure Y: Number of cases filed before the District Court of Jaipur (2010-2018)**



**Figure Z: Number of cases filed before the District Court of Ghaziabad (2010-2018)**

The number of cases filed before the four District Courts analysed have been increasing between 2010 to 2018. While the low filing numbers between 2010 and 2015 for the District Court of Jaipur and the earlier years for the District Court of Ghaziabad may be attributed to the lack of data on the e-Courts website, the absolute numbers towards the later years, indicate the rising number of criminal cases before the respective Courts.

Barring a few years, the number of criminal cases before the District Court of Indore and Pune has been consistently increasing. If the current rate of filing continues, the District Court of Indore will see about 50,000 cases by the year 2028 and the District Court of Pune will see about 60,000 criminal cases being filed by the year 2028. While the District Courts have much better disposal rates than the respective High Courts, these numbers should be kept in mind while planning administrative and judicial reforms to ensure that the disposal rates persist. Additionally, the Courts should ensure adequate capacity building in terms of human resources and building digital infrastructure to accompany the same.

# Analysis of Pending Cases

The following section analyses the pendency data of criminal cases before the four District Courts. The tables below show the average and median age of a pending case in number of days and years in the Court based on a calculation of all pending cases filed between the years 2010-2018.<sup>77</sup> We further analyse the stage at which most of the cases remain pending before the respective District Courts.

## Average & Median

**Table 31: Average and median pendency in District Courts**

District Court	Average		Median	
	Days	Years	Days	Years
Indore	1023.13	2.80	726	1.99
Pune	1180.97	3.24	611	1.67
Jaipur	910.82	2.50	1003	2.75
Ghaziabad	1062.02	2.91	849	2.33

Across all four District Courts, criminal cases remain pending for about 2.89 years on average. While this number is considerably lower than the average number of days Criminal Appeals remain pending before the respective High Courts, steps may be taken by the Courts to reduce this further and increase the respective disposal rates.

The median of pending cases across the District Courts-1.99, 1.67, 2.75 and 2.33 years for the Indore, Pune, Jaipur and Ghaziabad District Courts respectively are also considerably lower than the median of Criminal Appeals before the respective High Courts.

To get a better understanding of the cases that are contributing to the pendency numbers, we analyse the stage at which most of the cases have been pending. Like the High Courts, the District Courts across different states use different nomenclature for the stages. The below graphs show the stages of pendency of cases before the Indore, Pune, Jaipur and Ghaziabad District Courts.

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<sup>77</sup> Date calculated as of 01.01.2019 because the data set consists of cases between 2010-2018.

## Stage of Pendency

### District Court of Indore

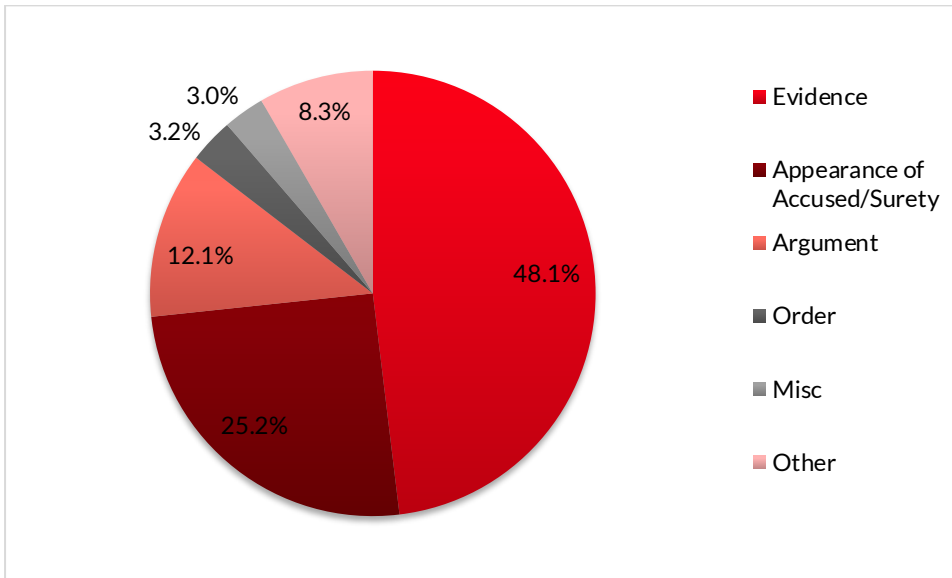
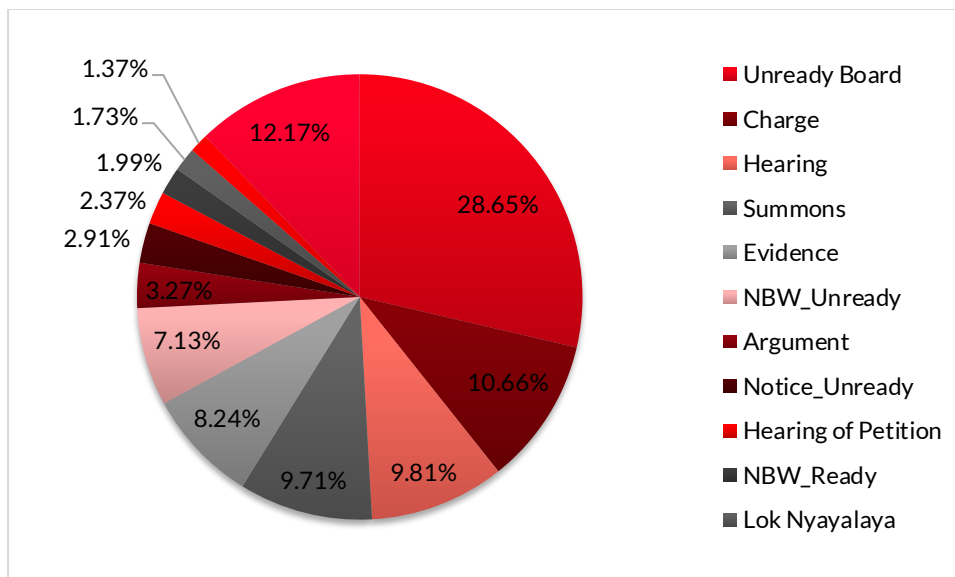


Figure AA: Stage of Pendency in District Court of Indore

	Key for Stages before District Court of Indore	No. of Cases
1.	Evidence	21224
2.	Appearance of Accused/Surety	11138
3.	Argument	5345
4.	Order	1423
5.	Miscellaneous	1326
6.	Other <sup>78</sup>	3681

<sup>78</sup> For complete list of stages of pendency classified as 'Others', please refer to **Annexure G1**.

## District Court of Pune

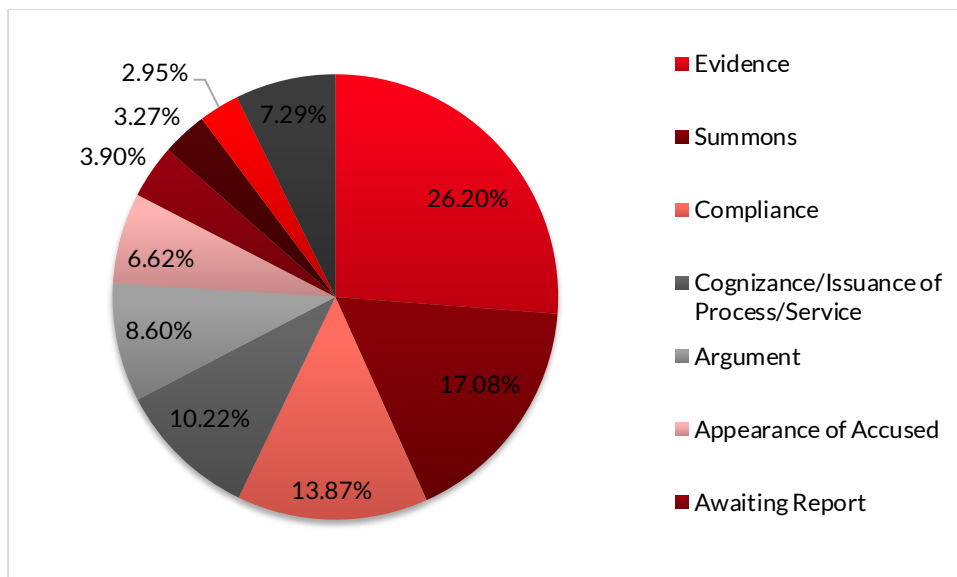


**Figure AB: Stage of Pendency in District Court of Pune**

	Key for Stages before District Court of Pune	No. of Cases
1.	Unready Board	22614
2.	Charge	8419
3.	Hearing	7741
4.	Summons	7667
5.	Evidence	6503
6.	NBW Unready	5628
7.	Argument	2579
8.	Notice Unready	2295
9.	Hearing of Petition	1871
10.	NBW Ready	1568
11.	Lok Nyayalaya	1364
12.	Order	1082
13.	Other <sup>79</sup>	9610

<sup>79</sup> For complete list of stages of pendency classified as 'Others', please refer to **Annexure G2**.

## District Court of Jaipur

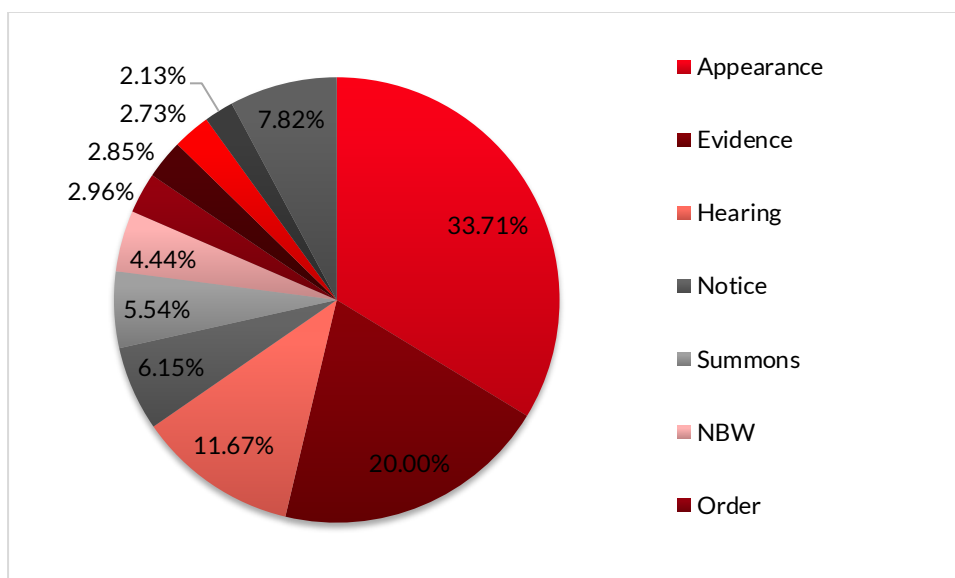


**Figure AC: Stage of Pendency in District Court of Jaipur**

	Key for Stages before District Court of Jaipur	No. of Cases
1.	Evidence	10941
2.	Summons	7130
3.	Compliance	5791
4.	Cognizance/Issuance of Process/Service	4267
5.	Argument	3589
6.	Appearance of Accused	2766
7.	Awaiting Report	1630
8.	Service of NBW	1366
9.	Order	1231
10.	Other <sup>80</sup>	3042

<sup>80</sup> For complete list of stages of pendency classified as 'Others', please refer to **Annexure G3**.

## District Court of Ghaziabad



**Figure AD: Stage of Pendency in District Court of Ghaziabad**

	Key for Stages before District Court of Ghaziabad	No. of Cases
1.	Appearance	21903
2.	Evidence	12993
3.	Hearing	7584
4.	Notice	3995
5.	Summons	3598
6.	NBW	2888
7.	Order	1921
8.	For Issuance of Process Service	1853
9.	Bail	1776
10.	Objection/Disposal	1386
11.	Other <sup>81</sup>	5081

Across the District Courts, the stage of pendency at which most criminal cases remain pending are varied. The maximum number of criminal cases 21224 (48.1%) pending before the District Court of Indore are at the 'Evidence' stage. This is considerably higher than the next stage of pendency - 'Appearance of Accused' (11138, 12.17%) and 'Argument' (5345, 10.66%). 'Evidence' stage also attributes to the maximum number of pendency before the District Court of Jaipur (10941, 26.2%) which is followed by 'Summons' stage (7130, 17.08%) and 'Compliance' stage (5791, 13.87%).

Before the District Court of Pune, 28.65% (22614) cases remain pending at the 'Unready Board' stage followed by 10.66% (8419) pending at 'Charge' stage and 9.81% (7741) at 'Hearing' stage. The District Court of Ghaziabad sees the maximum number of criminal cases pending at 'Appearance' stage (21903, 33.71%) followed by 'Evidence' stage (12993, 20%) and 'Hearing' stage (7584, 11.67%).

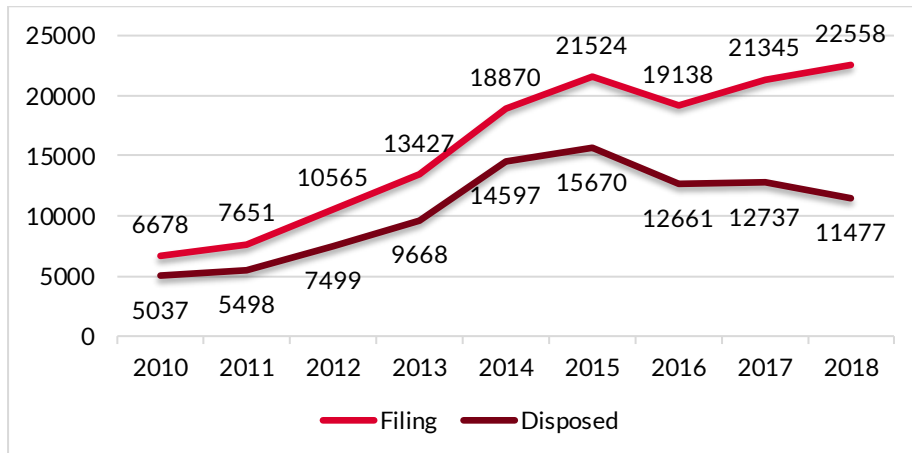
These graphs along with the accompanying tables can act as a ready reckoner for the District Courts to take a deeper look into the stages of pendency that are acting as major bottlenecks and find measures to remedy the same. The District Court of Pune has 48.1% of cases pending at 'Evidence' stage. This is almost half of all criminal cases pending before the Court; this demands deeper examination. Similarly, the District Court of

<sup>81</sup> For complete list of stages of pendency classified as 'Others', please refer to **Annexure G4**.

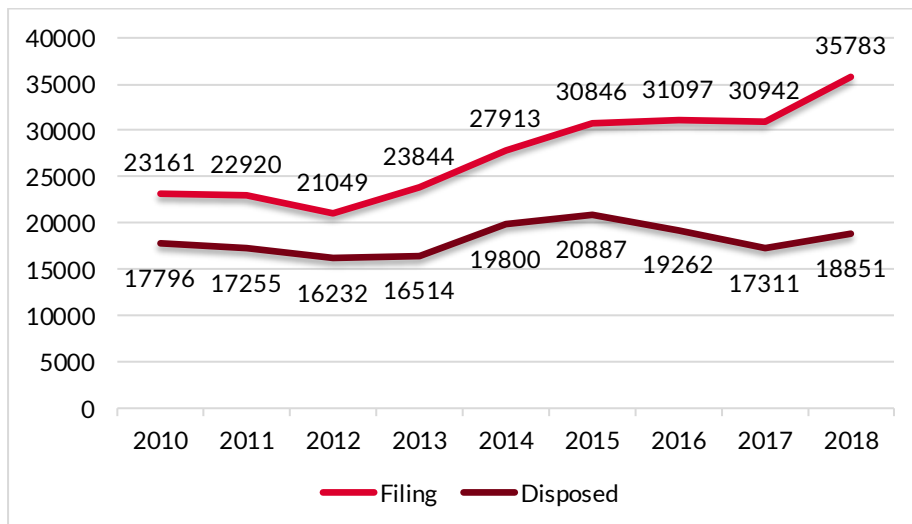
Ghaziabad should take a closer look at the 33.71% of cases pending before it at the 'Appearance' stage. This data may also be used by the District Courts to design a tailor-made approach to navigate cases pending at certain stages.

## Analysis of Disposed Cases

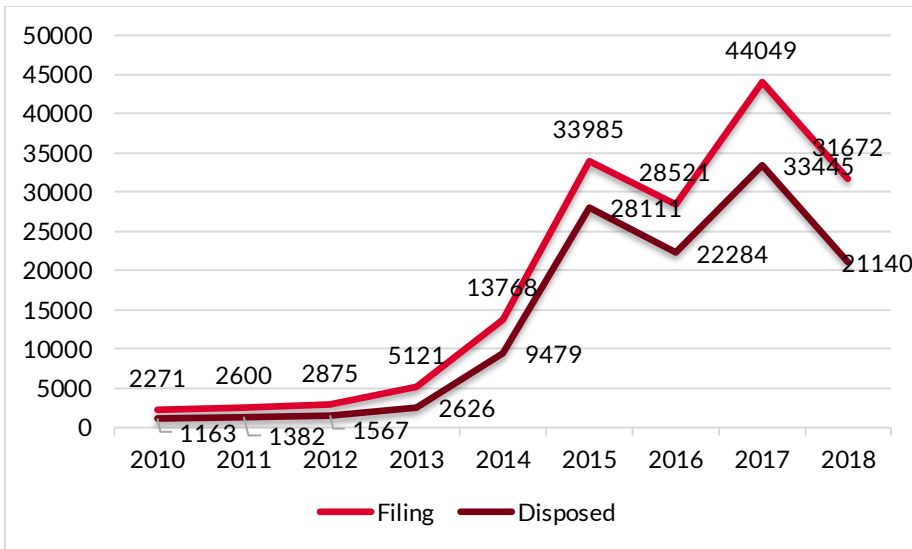
The following section analyses the criminal cases that have been disposed of by the four District Courts between 2010-2018.



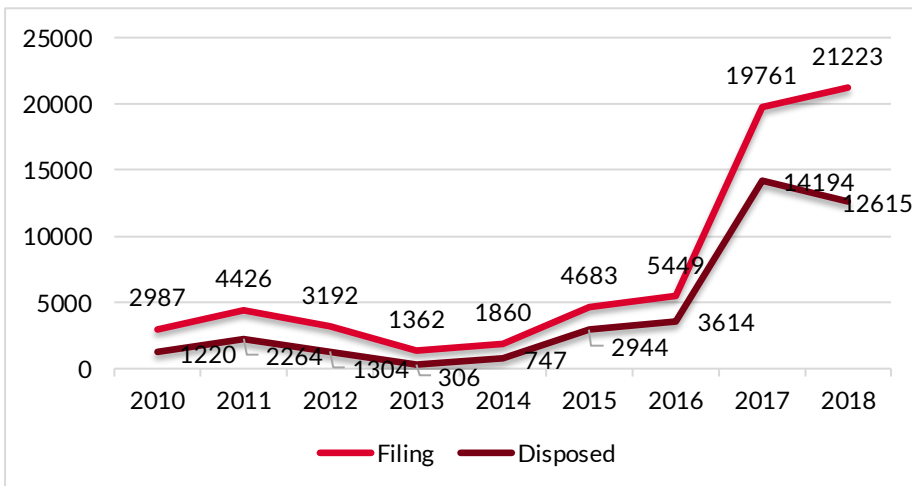
**Figure AE: District Court of Indore: No. of cases Filed v. No. of cases Disposed**



**Figure AF: District Court of Pune: No. of cases Filed v. No. of cases Disposed**



**Figure AG: District Court of Jaipur: No. of cases Filed v. No. of cases Disposed**



**Figure AH: District Court of Ghaziabad: No. of cases Filed v. No. of cases Disposed**

The graphs above show the gap between the number of filings vis-à-vis number of disposals between 2010-2018. For this analysis, the graph plots all filings in a year vis-à-vis disposals in that year, which may or may not have been filed in that particular year.

For the District Courts in Indore and Pune, the trend for 2010-2018 shows that the gap is widening, which is not desirable.

Although the graph for the District Court of Jaipur shows that the trend of disposals has kept up with the trend of filings, the difference between the two in 2015, 2017 and 2018, is about 10000 cases each year. This indicates that, even though the District Court is maintaining a consistent disposal rate, in absolute numbers the number of filings is much higher than the number of disposals which will in the long run contribute to backlogs.

The disposals for the District Court of Ghaziabad, on the other hand, have kept up with the filings till 2016. The widening gap between disposals and filings in 2017 and 2018, must be remedied swiftly to prevent backlogs from increasing. The overall widening gap for all the above Courts may be attributed to multiple issues endemic to District Courts in India such as lack of human resources, infrastructural issues, etc., and further enquiry is required into all such factors.

## Disposal Buckets

**Table 32: Disposal Buckets for cases filed before District Court of Indore (2010-2018)**

Year	0 - 2 years	3 - 5 years	6 years and above	Total
2010	1617	2462	958	5037
2011	2279	2465	754	5498
2012	4442	2659	398	7499
2013	7442	2210	16	9668
2014	12729	1867	1	14597
2015	13865	1805		15670
2016	12072	589		12661
2017	12671	66		12737
2018	11476	1		11477

**Table 33: Disposal Buckets for cases filed before District Court of Pune (2010-2018)**

Year	0 - 2 years	3 - 5 years	6 years and above	Total
2010	11282	4264	2250	17796
2011	11393	3912	1950	17255
2012	11483	3939	810	16232
2013	12380	4084	50	16514
2014	15590	4208	2	19800
2015	17798	3089		20887
2016	18048	1214		19262
2017	17154	157		17311
2018	18843	8		18851

**Table 34: Disposal Buckets for cases filed before District Court of Jaipur (2010-2018)**

Year	0 - 2 years	3 - 5 years	6 years and above	Total
2010	4	210	949	1163
2011	48	649	685	1382
2012	292	841	434	1567
2013	697	1740	189	2626
2014	4999	4472	8	9479
2015	19439	8672		28111
2016	17488	4796		22284
2017	32204	1241		33445
2018	21104	35		21139

**Table 35: Disposal Buckets for cases filed before District Court of Ghaziabad (2010-2018)**

Year	0 - 2 years	3 - 5 years	6 years and above	Total
2010	218	686	316	1220
2011	999	924	341	2264
2012	463	671	170	1304

2013	155	143	8	306
2014	478	268	1	747
2015	1982	962		2944
2016	3355	259		3614
2017	14156	38		14194
2018	12615			12615

The tables above give further insight into the disposal trends before the Indore, Pune, Jaipur and Ghaziabad District Courts respectively. The methodology followed in this section is same as the methodology followed for the High Courts. Hence, the table plots all disposals for cases filed in that particular year.

As opposed to the trends seen in the High Courts, the District Courts seem to be disposing of a considerable number of criminal cases within the first two years of filing. For example, the District Court of Indore has disposed of more than 60% of cases filed between 2014-2017 within the first two years of filing respectively. This may be an important contributing factor to the low pendency figures for these Courts. However, the nature of the cases that contribute to such quick disposal and their effect on the Appellate Courts is a factor that must be further investigated.

## Relationship between the length of the case and nature of offences

The following section analyses the IPC sections under which criminal cases were filed before the District Courts. For the following analysis, offences under IPC<sup>82</sup> have been classified in terms of the nature of the offence and the quantum of punishment.<sup>83</sup>

**Table 36: Number of disposed cases classified in terms of the nature of the offence<sup>84</sup>**

		Offences against the Body (OAB)		Offences against Property (OAP)		Offences against the State (OAS)	
		No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
Indore	Disposed	9511	487.5355	11187	278.5624	149	467.9396
	Pending	6975	982.513	4817	965.544	47	1085.57
Pune	Disposed	37226	262.9877	18380	418.0843	58	814.2414
	Pending	18087	1032.68	13237	1192.88	20	956.9
Jaipur	Disposed	8549	534.6628	25496	324.3483	108	377.2778
	Pending	4078	991.774	6511	882.717	36	752.861
Ghaziabad	Disposed	14006	362.5705	24796	278.1218	137	350.708
	Pending	11699	959.637	10854	901.188	36	998.5

Before the District Court of Indore, the highest number of pending cases are under OAB (6975) followed by OAP (4817) and OAS (47). However, the duration for which the OAS are pending is the highest 1085.57 days on average followed OABs for 982.52 days and OAPs for 965.54 days. On the other hand, the Court took only 278.56 days on average to dispose of 11187 OAPs, while 9511 OABs took 487.54 days on average and 149 OASs took 467.94 days on average.

OABs before the Pune and Jaipur District Courts remain pending for the longest period, i.e., 1032.68 and 991.77 days respectively. Before the District Court of Ghaziabad, OABs remain pending for marginally lesser number of days than OASs on average. This is in contrast to the trend seen across the High Court data. The general trend across all three High Courts analysed shows that criminal cases that constitute OABs remain pending with the Court for a considerably longer period than offences committed against property or the State.

<sup>82</sup> All cases in which the IPC sections have been mentioned are part of the analysis. The figures represent the number of cases that were listed under every IPC provision, irrespective of the number provisions listed in that case. For instance, if a case has 3 different IPC provisions, it will be counted thrice in the total numbers – one for each IPC provision. However, it correctly identifies the number of times cases have been filed under the given IPC provision. Please refer to **Annexure D** for classification details based on Nature of Offence & Nature of Punishment.

<sup>83</sup> This analysis could not be undertaken for the cases filed under Special Legislations.

<sup>84</sup> For a detailed break up of number of cases & duration of cases pending under the categorized Nature of Offence, please refer to **Annexure H**.

A clear trend across all four District Courts is the considerably short period of time the Courts take in disposing offences against property. Similar to the District Court of Indore, the District Court of Pune disposed of as many as 18380 OAPs within 418.88 days on average, the District Court of Jaipur disposed of 25496 OAPs within 342.35 days on average and the District Court of Ghaziabad disposed of 24796 OAPs with 278.12 days on average.

Similar trends can be seen before the Pune and Ghaziabad District Courts that disposed of 37226 OABs within 262.99 days and 14006 OABs within 362.57 days on average. A further look into the subject matter of these cases may be necessary to get a better understanding of the numbers.

## Relationship between length of a case and the range of punishment

Table 37: Number of disposed cases classified in terms of the quantum of punishment<sup>85</sup>

		Death or Life Imprisonment		Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
		No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration	No. of Cases	Average Duration
Indore	Disposed	6478	505.51	3297	234.29	3311	445.29	4911	534.73
	Pending	5064	1023.65	1006	714.15	2643	993.43	4054	820.43
Pune	Disposed	28394	217.56	12241	185.86	4941	469.35	5151	744.34
	Pending	11147	1075.53	4080	1051.87	6123	1114.96	8292	1137.01
Jaipur	Disposed	5028	513.57	3015	446.75	6420	490.64	3961	761.80
	Pending	2396	1036.86	1165	908.90	2883	912.80	1871	970.78
Ghazi abad	Disposed	11762	360.52	5690	256.75	4738	315.01	1992	701.42
	Pending	8930	1003.70	3891	910.20	3659	943.38	3048	1141.99

The duration of time taken by all four District Courts is the highest for disposing of cases that are punishable with imprisonment between 1 to 3 years. This contrasts with the High Courts which take the maximum duration of time to dispose of cases that may be punishable with death or life imprisonment.

On the other hand, cases punishable with death or life imprisonment also remain pending before all four Courts for considerably long periods of time. It may be worthwhile to explore which categories of offences progress faster between offences which prescribe the same quantum of punishment.

<sup>85</sup> For a detailed break up of number of cases & duration of cases pending under the categorized Nature of Punishment, please refer to Annexure I.

# Approaches to Judicial Reforms

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Timely disposal of Criminal Appeals is critical to restoring faith in the criminal justice system. The associated life and liberty costs are too high and therefore, judicial work related to criminal justice should be prioritised. It should be acknowledged that delay in Criminal Appeals has been a lingering feature of the Indian legal system. The issue has been considered by multiple bodies tasked with reforming the judicial administration in the country. This section looks at some of the suggestions made by these bodies particularly the ones that had a bearing on delays and arrears in the High Courts.

Various formal and informal committees have looked at the issue of arrears in the higher judiciary and suggested reforms which aim to improve the general functioning of courts.<sup>86</sup> These reforms can largely be divided into three approaches<sup>87</sup>:

## *Supply-side*

These underscore how delays and arrears are symptomatic of the lack of resources in terms of funds and personnel and highlights the poor conditions under which the judiciary is forced to function. The measures for improving functioning consequently include optimally calculating judge and staff strength and filling vacancies, and better physical infrastructure amongst other things.

## *Demand-side*

This approach works with the understanding that the volume of litigation in the country is the cause of delays. Reformative measures include attempts for diverting litigation towards alternative dispute resolution mechanisms and streamlining Government litigation.

## *Productivity oriented*

These identify the inefficiency in the current procedures and norms which govern the working of the courts. Reforms typically include better case management and efficient use of judicial time through improvement in court administration and technological integration.

## Specific attempts to fasten disposal of Criminal Appeals

### **Law Commission of India 14th Report, 1958**

In 1958, the First Law Commission of India too in its report emphasised on the need for quick disposal of appeals for delay defeats the objective of having a criminal justice system in the first place. The commission felt that if the objective of punishment is deterrence, untimely execution dulls the edge of the deterrent effect and if a person is acquitted in appeal, then the person deserves an expeditious legal process. The report acknowledged that the volume and pace of disposal of Criminal Appeals was disheartening.<sup>88</sup> It found that the pendency of Criminal Appeals in the High Courts of Andhra Pradesh, Assam, Bihar, Bombay, Madhya Pradesh, Orissa, Punjab and West Bengal had been rising progressively. Uttar Pradesh High Court was leading the tables even

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<sup>86</sup> Justice JC Shah and Justice K Veeraswami, 'The High Court Arrears Committee Report 1972' (1972); Law Commission of India, 'Delay and Arrears in High Courts and Other Appellate Courts' (Law Com No 79, 1979); Committee on Reforms of Criminal Justice System, 'Report' (Government of India, Ministry of Home Affairs, 1989); Justice VS Malimath and others, 'Report of the Arrears Committee 1989-90' (Government of India, 1990).

<sup>87</sup> Bibek Debroy, 'Start from the top', *Indian Express* (November 10, 2016) <<https://indianexpress.com/article/opinion/columns/supreme-court-pending-cases-justice-t-s-thakur-judges-appointment-njac-4366873/>> accessed 1 October, 2020.

<sup>88</sup> Law Commission of India, 'Reforms of the Judicial Administration' (Law Com No. 14, 1958) 805-806

then with 3727 appeals pending from the year 1957 and a high percentage of such appeals had been pending for more than a year.<sup>89</sup>

The commission recommended that the powers of the single judge be enlarged to enable her to deal with all appeals save the ones with sentences of death and life imprisonment. The commission considered other issues such as the frequency of summary dismissal under Section 421 of Cr.PC of appeals filed by the State Governments in cases of acquittals. These issues remain contentious to this date. The commission was of the view that the State cannot be treated differently, and the onus was on the legal department of the State to carefully think of the decision of appealing. Largely the commission recommended that High Courts should aim to dispose of Criminal Appeals within the period of six months.

## Report of the High Court Arrears Committee, 1972

In 1967 the Government of India reviewed the functioning of all the High Courts and found that the accumulation of arrears in some of the High Courts was a serious cause for concern.

Consequently in 1969, the Government of India in concurrence with the Chief Justice of India constituted an informal committee under the chairmanship of Justice J.C. Shah, former Chief Justice of India. The committee was tasked with suggesting ways and means for reducing the High Court arrears.

The committee in its report gave many recommendations of general nature to fasten the legal process in the High Courts. It also gave particular recommendations for different categories of cases. It noted that in some courts the Criminal Appeal did not reach hearing for five-six years after admission.<sup>90</sup> The committee recognised that when it comes to admission of appeals, different practices existed in the High Courts; while some allow admission as a matter of course and release the accused on bail, in others, appeals involving life imprisonment are also dismissed summarily. It suggested a balance be struck in this regard and the High Courts carefully scrutinise the memorandum of appeal and be satisfied that a reasonably arguable case is made.<sup>91</sup>

## Law Commission of India 79th Report, 1979

The 79<sup>th</sup> Law Commission was to review the functioning of appellate courts and suggest measures to reduce delay. While the report had many suggestions for general improvement in the court processes it also looked at different categories of cases.

The Commission was of the view that measures for expediting the Criminal Appeals in High Courts will largely be administrative. It noted that often courts dismissed first appeals against judgments of conviction preliminarily.<sup>92</sup> It urged that judges record a brief order, giving reasons for the dismissal at the preliminary stage itself. The commission reiterated the suggestion of the 1958 report that the powers of single judges be enlarged so that she can dispose of all appeals barring the ones which deal with death sentences or life imprisonment and directed the High Courts to amend their rules accordingly.

## Joint Conference of Chief Justices

It was decided at the conference in 2015 that all High Courts will establish Arrears Committees and prepare a plan to clear a backlog of cases pending for more than 5 years. In 2016 it was resolved at the joint conference that the delay and arrears committee at the High Courts will prioritise disposal of cases which are pending for more than 5 years and efforts shall be made to strengthen case flow management rules.<sup>93</sup> The Arrears

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<sup>89</sup> Law Commission of India, 'Reforms of the Judicial Administration' (Law Com No. 14, 1958) 805-806

<sup>90</sup> Justice JC Shah and Justice K Veeraswami, 'The High Court Arrears Committee Report 1972' (1972)

<sup>91</sup> *ibid.*

<sup>92</sup> Law Commission of India. 'Delay and Arrears in High Courts and Other Appellate Courts' (Law Com No 79, 1979)

<sup>93</sup> 'Resolutions Adopted in the Chief Justices' Conference' (Supreme Court of India, 2016), p 7, 17 <<https://main.sci.gov.in/pdf/sciconf/Resolutions%20adopted%20in%20the%20Chief%20Justices%27%20Conference,%202016.pdf> > accessed on 31 July 2021 see also 'Minutes of the Joint Conference of the Chief Ministers of States and Chief Justices of the High Courts' (Department of Justice, April, 2016) , <<https://doj.gov.in/sites/default/files/MINUES%20OF%20CMCJ%20CONFERENCE%2C%2024TH%20APRIL%2C%202016.pdf> > accessed on 31 July, 2021.

Committees of the respective High Courts are tasked with monitoring the pendency in the High Courts and devising measures to deal with them.

The constitution of these bodies displays the commitment of the judiciary and the executive to internally and collectively resolve issues related to pendency and delay. However, as current statistics show us, the measures have not always translated into action or have not achieved the desired results. It is therefore important to identify the challenges that need to be considered before meaningful reforms are initiated in the legal system.

# Considerations While Reforming the Administration of Criminal Justice in India

## *Reforms to be based on strong empirical foundations*

A lot of the suggested reforms which deal with Criminal Appeals and the general literature on reforms in judicial administration can be seen to endorse one of the three approaches (supply side, demand side and productivity oriented) outlined in the earlier sections. This approach emphasises resource constraints that the Indian judiciary has to work under. While these constraints exist, legal scholarship has noted that often these reforms are counter-productive and further impede access to justice.<sup>94</sup> The productivity of judges is being carefully measured and their performance is being monitored. The content of reform mostly ends up incentivising judges for disposing more cases quantitatively.

As an outcome of this, the outlook of the judges has become 'disposal-oriented'. Consequently, the quality of decision making and structural reasons for delay appear to be less concerning than the volume of cases disposed of. It is necessary that these reforms which underscore judicial efficiency should not come at the cost of justice delivery.<sup>95</sup> Additionally, most reforms have been implemented in an *ad hoc* fashion for the administrative management of the courts leaves much to be desired.

Scholarship on legal reform has highlighted the fact that most of these efforts lack strong empirical foundations and therefore end up being unsuccessful in the long run.<sup>96</sup> It highlights that the Indian legal system is still nested in an empirical black hole.<sup>97</sup>

## *Inefficiencies in administration*

The summoning of lower court records and preparation of paper books takes a very long time, and this affects the overall shelf life of a Criminal Appeal.

In Tahir Khan<sup>98</sup> the court observed:

"The work of preparation of paper book is done by getting the record photocopied. It takes nearly 2-3 years in preparation of paper book. The oldest case which is pending in the paper book section is D.B. Criminal Appeal No. 481/1999. It was sent to the Paper Book section on 13.1.2003 for comparison and checking. It was ultimately the counsel who filed the paper book on 9.1.2003. Reasons for delay in preparation of the paper book have been enumerated as follows:

- The work of preparation of paper book in above mentioned cases through typing of the document is not carried out for more than 10-15 years due to shortage of staff...

- Initially, at the time of establishment of the Jaipur Bench in the year 1977 there were about 30- 35 officials posted in the Paper Book Section including Translators, Hindi Typists, English Typists, Comparison Clerks and Paper Book Clerk etc. At that time the work of the preparation of a paper book

<sup>94</sup> Dushyant Mahadik (n 9); Aparna Chandra, 'Indian Judiciary and Access to Justice: An Appraisal of Approaches' in Narasappa & Vidyasagar (eds) *State of the Indian Judiciary* (Eastern Book Company, 2016) <<https://ssrn.com/abstract=3156141>> accessed 28 September 2020.

<sup>95</sup> *Patel Maheshbhai Ranchodbhai and Others v State of Gujarat* (2014) 14 SCC 657

<sup>96</sup> Sudhir Krishnaswamy, Sindhu K Sivakumar & Shishir Bail, 'Legal and Judicial Reform in India: A Call for Systemic and Empirical Approaches' (2014) *Journal of National Law University, Delhi* Volume 2 <[http://nludelhi.ac.in/download/publication/2015/Journal%20of%20National%20Law%20University%20Delhi%20Vol.2%202014%20\(Complete%20Journal\).pdf](http://nludelhi.ac.in/download/publication/2015/Journal%20of%20National%20Law%20University%20Delhi%20Vol.2%202014%20(Complete%20Journal).pdf)> accessed 01 October 2020.

<sup>97</sup> *ibid* 6.

<sup>98</sup> *Tahir Khan @ Shakeel vs State of Rajasthan* 2005 (4) WLC 637 <<https://indiankanon.org/doc/552935/>> accessed 31 July 2021

was done by typing out and comparing the record as per rules. Gradually the number of members of the staff of the Paper Book Section was decreased and now there are only 10 officials posted in the Paper Book Section including 3 Translators. Out of three translators, one translator is posted in I.L.R. Section in Library Department and two translators are working in the Paper Book Section, four officials are disputed for doing the work of comparison work in which counsel files the paper books out of court.

- In spite of non-availability of required staff in the Section earlier whenever any Court Master or Cause List Incharge goes on short or long leave, substitute arrangements were made by deputing translators of this Section in cause list section as Cause List In charge and to different Courts as Court Master also.”

While this information pertains to 2005, it is worrisome that the issue of inadequacy of personnel infrastructure in court administration continues to be a reality even today. It is important that to expedite the court processes the technological infrastructure of courts is improved and such avoidable delays are done away with. The court administration is under-equipped in terms of personnel, digital infrastructure and digital skills to transition to making court processes more efficient. While correcting this situation requires government investment in the short-term, if executed well it can in the long-term lead to faster administration of criminal justice.

### *Learning from other jurisdictions*

Based on Sir Brian Leveson’s Report which insisted on leveraging technology to improve efficiency in criminal proceedings,<sup>99</sup> the United Kingdom has made consistent efforts to transform the justice system and integrate technology into its everyday functioning, including the functioning of criminal courts. Under the reforms, the entire criminal justice system is being digitised, in partnership with the Crown Prosecution Service (“CPS”) and police, with investment of £270 million in 2015 and due to be completed in 2019.<sup>100</sup> The aim is to provide an online process to manage criminal cases from charge to conviction, linking the courts with others within the criminal justice system. It will also notify and update victims and witnesses of crime about the cases they are involved in. Under this, a common data platform has also been created with links between the different agencies i.e. the CPS, the police and the courts.

Courts in India are in the early stages of digitisation and the access barriers to digital infrastructure are immense. To create an integrated justice system has also been one of the goals of the e-Courts Project.<sup>101</sup> In implementing reforms we can learn from the implementation of such modernisation programmes in other common law jurisdictions and accommodate suitable modifications which are considerate to our realities and resources, and also respect the fundamental right to privacy.

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<sup>99</sup> President of the Queen’s Bench Division, The Rt Hon Sir Brian Leveson, ‘Review of Efficiency in Criminal Proceedings’ (Judiciary of England and Wales, January 2015) <<https://www.judiciary.uk/wp-content/uploads/2015/01/review-of-efficiency-in-criminal-proceedings-20151.pdf>> accessed 20 March 2021.

<sup>100</sup> Ministry of Justice England & Wales, Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals, ‘Transforming Our Justice System’ <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/553261/joint-vision-statement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/553261/joint-vision-statement.pdf)> accessed 15 March 2021.

<sup>101</sup> Supreme Court of India, ‘e-Courts Projects Phase II- Objectives Accomplishments Report’ (2019) <[https://e-courts.gov.in/e-courts\\_home/static/manuals/Objective%20Accomplishment%20Report-2019.pdf](https://e-courts.gov.in/e-courts_home/static/manuals/Objective%20Accomplishment%20Report-2019.pdf)> accessed 20 March 2021.

# Recommendations

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Based on the empirical analysis and the consultations with the practitioners, we suggest the following reforms be implemented to ensure faster disposal of Criminal Appeals in particular and to improve the functioning of criminal courts in general.

## 1. Allocating Criminal Appeals to judges with experience in criminal law

While the focus of judicial reforms has been on filling judicial vacancies in the High Courts to deal with the caseload, it is equally important to understand how the specialisation of judges affects the timeliness of disposals. Administration of criminal justice is vastly different from civil law, a judge who deals with criminal cases consistently or who has experience in practicing before on the criminal side would be better equipped to tackle Criminal Appeals and will take less time to decide the case. Specialisation inevitably contributes to better quality of decisions and consistency.

The *Malimath* Committee while reviewing the criminal justice system was also of the opinion that a criminal division should be constituted in the High Court and work in that division should be assigned to judges who have a good record of disposing criminal cases or were lawyers who specialise in criminal law.<sup>102</sup> It is pertinent to note that the High Courts of Allahabad, Bombay, Chhattisgarh, Delhi, Calcutta, Madhya Pradesh, Madras, Punjab and Haryana, Gujarat, Himachal Pradesh and Jharkhand favoured the idea of criminal divisions being presided by judges who had expertise in the area.<sup>103</sup>

In recent years, many High Courts have constituted *ad hoc* Saturday benches which sit for the sole purpose of deciding old Criminal Appeals.<sup>104</sup> While these ad hoc measures can temporarily resolve the issue it is important that the structural reasons for delay in appeals such as improper roster allocation are addressed.

## 2. Listing on priority

Delays in listing of appeals for final hearing despite the accused person being in prison is very common. As is noted in the practice directions of the Magistrates and Crown Courts<sup>105</sup>

“Listing is a judicial responsibility and function. The overall purpose is to ensure that, as far as possible, all cases are brought to a hearing or trial in accordance with the interests of justice, that the resources available for criminal justice are deployed as effectively as possible, and that, consistent with the needs of the victims, witnesses of the prosecution and the defence and defendants, cases are heard by an appropriate Judge or bench with the minimum of delay.”

We found that most of the cases in the data set were stuck at the stage of final hearing. In the context of Criminal Appeals, cases where the convicts are in jail should assume priority. Many High Courts have included this in their directions, such as the Bombay High Court which states that Criminal Appeals which have been pending for longer than 5 years and where the accused is in prison should be prioritised.<sup>106</sup> Similarly the Allahabad High Court directs that priority hearing be given to those Criminal Appeals where the accused has undergone more

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<sup>102</sup> Committee on Reforms of Criminal Justice System, ‘Report- Volume 1’ (Government of India, Ministry of Home Affairs, March 2003) 137 <[https://www.mha.gov.in/sites/default/files/criminal\\_justice\\_system.pdf](https://www.mha.gov.in/sites/default/files/criminal_justice_system.pdf)> accessed 06 January 2021.

<sup>103</sup> *ibid* 138.

<sup>104</sup> Express News Services ‘Five High Courts form special Saturday benches to clear pending cases.’ *The Indian Express* (12 September 2014) <<https://indianexpress.com/article/india/five-high-courts-form-special-saturday-benches-to-clear-pending-cases-4839308/>> accessed 05 January 2021; Satya Prakash ‘CJI: Special HC Saturday Bench for criminal pleas’ *The Tribune India* (13 September 2017) <<https://www.tribuneindia.com/news/archive/nation/cji-special-hc-saturday-bench-for-criminal-pleas-466831>> accessed 05 January 2021.

<sup>105</sup> The Criminal Practice Direction Amendment Number 2, 2014, [2014] EWCA Crim 1569.

<sup>106</sup> Bombay High Court, ‘High Court Original Side and Appellate Side, Bombay (Sitting List w.e.f. 15 March 2021)’ <<https://bombayhighcourt.nic.in/writereaddata/sittinglist/PDF/sitlistbomos20210310170201.pdf>> accessed 17 March 2021.

than half the sentence in view of Section 436A Cr.PC and the accused is in jail. It also directs that priority be given to 'matured Criminal Appeals for final hearing'.<sup>107</sup>

The Supreme Court too has sought to examine the way in which the High Courts with larger volumes of pendency of Criminal Appeals are prioritising the same by constituting special benches or by including them in the general listing schedule of courts.<sup>108</sup>

### 3. Utilising existing safeguards to prevent unnecessary trials

In the context of criminal trials, the high acquittal rate is a cause of serious concern. It is also an indication that many cases with insufficient evidence are tried at the courts and a low conviction rate defeats the purpose of the criminal justice system. As per the NCRB data, police files chargesheets in 70% of the cases and judges try 89% of the total cases that they eventually dispose of.<sup>109</sup> It has been argued that the criminal justice system incentivises all the actors in the system to pursue criminal trials.<sup>110</sup>

It is important to ensure that the cases which can stand trials go to trials. The safeguards given in the statutory procedure at different stages in the progress of a trial to assess whether there is sufficient basis to proceed should be used. This includes the important safeguard in the form of withdrawal from prosecutions which is barely exercised.

### 4. Case Flow Management

Judges need to take responsibility for delay and usher in a cultural change by ensuring that the timeline for a case is decided in the beginning and that cases adhere to the set timeline.

While various High Courts have enacted the *Case Flow Management Rules*, these rules largely resemble each other for Criminal Appeals and divide Criminal Appeals into different categories based on priority.<sup>111</sup> The same scheme appears to be in operation for the trial courts under their jurisdiction where cases are similarly prioritised. There also exist gaps in the design of the rules themselves. The rules prescribe a general time limit ignoring the time to be spent on different stages of the case when it is known that certain stages take much longer than others in the life cycle of a case.

Hence, it is important to unpack pendency in the courts of India and attempt to study the specific causes that are responsible for delay in different categories of cases rather than a one-size-fits-all solutions.

- Administration of criminal justice is vastly different from civil law, hence, a judge who deals with criminal cases consistently or who has experience in practicing before on the criminal side would be better equipped to tackle Criminal Appeals and will take less time to decide the case.
- Listing is a judicial responsibility and function. Courts should ensure that all cases are being heard in accordance with the interests of justice, and that the resources available are being deployed as effectively as possible. Criminal Appeals where the convicts are in jail should assume priority.
- Using the safeguards present in Cr.PC such as withdrawal from prosecution to unburden the court from weak cases which cannot stand trials.
- Case Flow Management Rules should be drafted keeping in mind the time taken for various stages in the court in addition to dividing offences in different tracks.

### 5. Improving technological efficiencies

<sup>107</sup> Registrar (J) (Listing), 'Notice' (Allahabad High Court, 10 February 2021) < [http://www.allahabadhighcourt.in/event/event\\_8827\\_10-02-2021.pdf](http://www.allahabadhighcourt.in/event/event_8827_10-02-2021.pdf) > accessed 31 July 2021

<sup>108</sup> Khurshed Ahmad (n 7)

<sup>109</sup> Abhinav Sekhri, 'Disentangling the threads of a broken criminal justice system' *Hindustan Times* (15 January 2020) <https://www.hindustantimes.com/analysis/disentangling-the-threads-of-a-broken-criminal-justice-system/story-ZGwbEh2Rz2lqYhwgXoGiiP.html> accessed 30 July 2021

<sup>110</sup> *ibid.*

<sup>111</sup> Khurshed Ahmad (n 7).

### **a. Making court websites open and accessible**

The scraping exercises revealed that the High Court websites' digital architecture makes data collection a time-intensive exercise. Some websites made it impossible to carry out any scraping due to the use of CAPTCHA while others had other limitations such as limited data availability which makes the task of analysis harder. The courts in India have traditionally followed the principle of open courts. Notwithstanding the exceptions to the same namely matrimonial cases, national security cases, sexual offences cases, juvenile justice cases, trade secrets cases, etc., the Court should work towards making the websites more accessible, promoting the rights of citizens to know.<sup>112</sup>

### **b. Improving case information management by regularising data quality reviews**

The poor quality and the lack of granular data on the NJDG and the High Court websites makes it difficult for policymakers and researchers to rely on these websites to inform legal reforms. It is therefore important that the inconsistencies in data availability in terms of inconsistent fields, missing values and the accompanying geographical variance be removed in the existing data set. Additionally, data entry operators should undergo training workshops which impart them with adequate skills in cleaning and validating judicial data.

While data is collected by the High Courts and the NJDG, it must be subjected to periodic quality reviews and validation by using a combination of increased technological assistance and human oversight.

### **c. Digitisation of court records**

Scanning and digitisation of judicial records was one of the deliverables under the Phase II of the e-Courts mission. However, as the objectives-accomplishments report for 2019 notes, it could not be completed under e-Courts for it was assumed that the XIV Finance Commission had allocated funds for the same. Given this confusion, while some High Courts have begun to scan and digitise the judicial and administrative records of the court, the process is far from complete. Digitisation of records offers many benefits, for reduced reliance on paper ensures that documents can be filed, stored, retrieved and displayed on courtroom monitors, dramatically reducing cost of processing and storing documents. The time taken for preparation of records and paper-books for appellate courts can also be reduced significantly. For this reason, it is important to monitor the transition to paperless courts to ensure that the accuracy and authenticity of documents is retained and that the exercise is completed for all the courts in an expeditious manner. Notably, the MP High Court has even enacted rules for digitisation of records to ensure smooth implementation of the process.<sup>113</sup> As mentioned above the preparation of paper books for appeals contributes to the delay in their disposal in a significant manner. It is important that steps be taken to digitise the case files of the High Courts.

- High Court websites must be made more accessible and open.
- It is imperative that High Courts and the NJDG must systemise and streamline the data being collected and presented on the website and regularise data quality reviews.
- Scanning and digitisation of judicial records should be expedited, and the process must be monitored to ensure accuracy and authenticity of documents.

## **6. Operationalising Sentence Review Boards**

The Orissa High Court in its recent judgment *Shyam Sundar Jena v. State of Orissa* in JCRLA No. 73 of 2006 has expressed its mounting concern regarding the inordinate delay in disposal of the appeals. The bench of Justice SK Mishra and Justice Savitri Ratho hoped that appropriate measures would be taken by the State of Odisha and the High Court of Orissa, "for expeditious disposal of the Criminal Appeals in which the appellants

<sup>112</sup> Prashant Reddy T. and others, 'Open Courts in the Digital Age : A Prescription for an Open Data Policy' (Vidhi Centre for Legal Policy, 2019) <[https://vidhilegalpolicy.in/wp-content/uploads/2019/11/OpenCourts\\_digital16dec.pdf](https://vidhilegalpolicy.in/wp-content/uploads/2019/11/OpenCourts_digital16dec.pdf)> accessed 08 January 2021.

<sup>113</sup> e-Committee, Supreme Court of India, 'Scanning & Digitization in the High Court' <<https://ecommitteesci.gov.in/project/scanning-digitization-in-the-high-court/>> accessed 06 January 2021.

are still in custody.” The bench directed the appellant to make an application for remission of his sentence to the period already undergone, in this case making a reference to the Sentence Review Board (“SRB”).

Section 432(1) of the Cr.PC vests state governments with the power to suspend or remit the whole or any part of the sentence of a convict. In 1999 the National Human Rights Commission recommended the constitution of State Sentence Review Boards to take up the cases of long-serving prisoners who have applied for release.

There is a need to make the conditions in the rules enacted by different state governments more uniform. The rules and guidelines concerning premature release of prisoners should be revised to ensure that the incarcerated convicts have the same rights across states. Conditions of eligibility, constitution of recommendatory Review Boards, processing of papers and procedures for obtaining bonds vary from one state to another and need to be standardised.

The fundamental objective of prematurely releasing prisoners is the reformation of convicts. The conduct, behaviour and performance of the prisoners is imperative in deciding their release. The rehabilitation and integration of the offenders into society, in such a way that society is safeguarded from their criminal activities, is essential to the practice of premature release. There is a need to bring uniformity in the procedure, including laws, rules, regulations and policies regarding the system of premature release all over the country.<sup>114</sup> Proactive SRBs working with underlying principles of rehabilitation and reformation of convicts will ensure that the High Courts are less burdened with prioritising older appeals.

## **7. Improving quality of assistance given to the bench and the defendants**

### ***a. Creating a dedicated pool of advocates to assist the court in older appeals***

As discussed in the earlier sections of the report, the Supreme Court has asked the High Courts with the high volumes of pendency to file their plans of action regarding the feasibility of creating a dedicated pool of *amicus curiae* who would be able to assist the court in deciding old Criminal Appeals. The High Courts have taken the suggestion favourably and have said that they shall be creating a pool of advocates who can provide such assistance. This measure can be regularised to deal with older cases in general. During the consultations too it was revealed that lawyers are reluctant to take up criminal appellate work and therefore creating such a pool of advocates would be immensely helpful.

### ***b. Improving the quality of legal assistance***

Legal aid in India is recognised as a fundamental right under Article 39A and Article 21 of the Indian Constitution. Additionally, there are statutory guarantees in the form of Order 33 of Code of Civil Procedure, 1908, Section 304 of the Cr.PC. In furtherance of the constitutional objectives of ensuring legal aid, Legal Services Authorities Act, 1987 and regulations with regard to the National Legal Services Authority have also been implemented.

However, the Indian engagement with the issue of providing legal assistance has been limited to ensuring that the defendants are provided legal representation. Recent studies have demonstrated that the standard of legal assistance provided needs improvement. It has been argued that while the legal aid system in India tries to establish a legal framework to ensure justice for all, it does not ensure that the legal aid counsels provide effective legal assistance.<sup>115</sup> It can be said that the legal aid framework in India is in textual compliance with the international human rights standards, in practice, the quality of service delivered by the legal aid counsels fails to meet with the standards.<sup>116</sup>

It is therefore important that this be remedied and a strong monitoring system for lawyers be institutionalised. This would require the legal services authorities at the state and district level to set standards and define the

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<sup>114</sup> GS Bajpai, ‘Not Fully Matured Premature Release in India’ (LiveLaw, 4 February 2019) <<https://www.livelaw.in/columns/not-fully-matured-premature-release-in-india-142627>> accessed 03 March 2021.

<sup>115</sup> Farzana Akter, ‘The standard of assistance from legal aid lawyers: an Indian perspective’ (2021) Indian Law Review <<https://doi.org/10.1080/24730580.2021.1911476>> accessed 30 July 2021; See also Jeet Singh Mann, ‘Impact Analysis of the Legal Aid Services Provided By the Empanelled Legal Practitioners on the Legal Aid System in City of Delhi’ (NLU Delhi, March 2017) <<http://nludelhi.ac.in/download/2017/dec-2017/UGC%20Research%20Award%20in%20Law%202014.pdf>> accessed 30 July 2021.

<sup>116</sup> Farzana Akter *ibid*.

scope of effective legal assistance and collect data regarding the volume and quality of assistance provided to defendants in need to improve upon its performance.

**c. Standardising convenience notes**

In a recent case the Supreme Court appreciated the preparation of a convenience note, the bench comprising Justices Vineet Saran and S. Ravindra Bhat, observed: "We must observe that the presentation made by Mr. Sumeer Sodhi in the Note extracted above is an illustration how a case can be presented on behalf of the State. We may suggest that said Note may be taken as the Standard Format by all the learned counsel appearing for various State Governments in this Court."<sup>117</sup> The model format can be standardised for all appeals and the counsels can be asked to adhere to the said format to better assist the bench in reaching for a faster decision.

- The procedure followed in premature releasing of prisoners must be made uniform in terms of laws, rules, regulations and policies regarding the system. Proactive SRBs working with underlying principles of rehabilitation and reformation of convicts will ensure that the High Courts are less burdened with prioritising older appeals.
- Improving the quality of legal assistance provided to defendants by institutionalising standards of effective assistance.
- Improving the quality of assistance given to the Court by creating dedicated pool of *amicus curiae* who would be able to assist the Court. Additionally, the formats for appeals can be standardised to include 'convenience notes'.

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<sup>117</sup> LiveLaw News Network, 'SC Directs All State Standing Counsel To Consider 'Convenience Note' Submitted By Adv Sumeer Sodhi As Standard Format To Present Cases On Behalf of States' (LiveLaw, 10 December 2020) <<https://www.livelaw.in/top-stories/convenience-note-standing-counsel-supreme-court-case-on-behalf-of-states-sumeer-sodhi-167070>> accessed 20 March 2021.

# Part II

# Assessing Recent Developments Made to Address Backlog and Delay in the Criminal Justice System

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## Why have the past attempts at digitisation of courts not meaningfully informed legal reforms?

### Lack of quality review mechanisms

The Indian judiciary has attempted to modernise the working of the justice system including the criminal justice system through the implementation of the e-Courts project in the District Courts of India. While the project has ensured that basic digital infrastructure exists in the District Courts of India a lot remains to be achieved as far as the quality of judicial data is concerned. The quality of judicial data has a significant impact on shaping legislative and administrative reforms that are needed in the system especially with regard to tackling the backlog of cases. In its current form the data-set is incomplete and inaccurate and therefore of limited use to inform meaningful, long-term reforms which will assist in improving the administration of criminal justice in the country.

The data available on the NJDG is fairly limited in nature, for this reason we had decided to collect data from individual High Court websites. However, even on the different High Court websites, the manner of entering data is non-uniform and does not always capture all the useful data. When studying the High Court websites for collecting the statistics on Criminal Appeals, we found that the gaps in recording of data on the websites frustrate attempts at exhaustive empirical analysis.<sup>118</sup> It is imperative that all the relevant data regarding the nature of a case be collected in a streamlined and systematic manner.

For instance, even on the High Court websites often the substantive legislation and section/s under which a case falls is not recorded. Furthermore, some cases do not record any information under the Acts field thereby making it more difficult to identify the nature of the case. Additionally, little information is provided with regard to the time spent at each stage of a case. While data related to the number of witnesses present, parties etc. is collected by the High Courts, this information is not available on the websites or the NJDG.

It is also important to segregate single bench cases from division bench cases at the level of the High Courts for Criminal Appeals and the time taken for disposal should be studied accordingly. The Supreme Court too has suggested that this be implemented by the High Courts.<sup>119</sup>

For reforms to be successful it is imperative that they are based on sound empirical foundations. For instance, we tried to see if the complexity of the subject matter had a bearing on the time taken for disposal but useful data in this regard was absent in a coherent form and had to be meticulously scraped from the High Court websites. The court can be better equipped to deal with the problem of delay in appeals if better granular data is collected.

While such data is often collected by the High Courts, it must be made accessible to the public periodically. Just looking at aggregate pendency and disposal statistics does not give a satisfactory picture of the court's

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<sup>118</sup> See Nitika Khaitan, Shalini Seetharam & Sumathi Chandrasekan, 'Inefficiency & Judicial Delay: New Insights from the Delhi High Courts' (2017) < [https://vidhilegalpolicy.in/wp-content/uploads/2020/06/InefficiencyandJudicialDelay\\_Vidhi-1.pdf](https://vidhilegalpolicy.in/wp-content/uploads/2020/06/InefficiencyandJudicialDelay_Vidhi-1.pdf) > accessed 06 January 2021.

<sup>119</sup> Khursheed Ahmad (n 7)

performance on deciding Criminal Appeals. The classification of cases under the same category of Criminal Appeals also varies across High Courts, some treat interim applications and bail applications filed in a case as separate cases while others do not. This heterogeneity makes it difficult to compare averages across High Courts.

## Quality of e-Courts data

The e-Courts data has been examined by researchers working on judicial data. Recent studies tested the data for its quality and made it possible to quantify the scale of errors in the way the data is currently being maintained and published.<sup>120</sup> An analysis conducted on contract disputes data set and commercial suit data set from two districts in every state showed that data available on the platform is highly inconsistent on a diverse set of parameters which are discussed in the next section.<sup>121</sup>

## Inconsistent data availability

Given that the e-Courts project was implemented in two phases between 2008 to 2014 and courts were added gradually onto the platform, the data does not consistently reflect the total volume of cases. Data is inconsistent across years and across different states depending on the year of their addition to the e-Courts platform. The research points out that data from 2014 onwards is more consistent.

The study found that there is significant inconsistency in the way the names of the statutes are tagged on the platform. It informs that cases under the Negotiable Instruments Act are filed under 21 unique names and the raw data records a total of 844 unique case types when NJDG recognises 31 case types. It also argues that the considerable variation found in the data stems from a state's definition of a case. It found that most cases were tagged only under CPC sections and out of a total sample for 1368 cases, 126 cases were missing the name of the statute.<sup>122</sup>

Example from the research paper,

"During the course of litigation, parties file Interlocutory and Interim Applications, Injunction Petitions, Execution Petitions, and other motions and applications under the CPC. These can be considered the components of the process of litigating a contract dispute. Some states treat these as cases in themselves. Some record what is known as the main matter and file it under the substantive law, and the procedural matters as linked matters, tagged under the CPC. Some states tag the procedural matters under both the substantive and procedural law. Moreover, some, like Tamil Nadu and Karnataka, do not tag certain cases with the substantive law at all."<sup>123</sup>

The recording of the statute name is also riddled with many inconsistencies in addition to the reporting of section numbers in the NJDG data set. These errors included mentioning of case type in the section field, section names under the Act fields and lack of delimitation of section names.

To aggravate the issues of data recording there are also fields for which data is missing completely. While the platform reports four significant dates for each case such as a) the date of filing, b) the date of first hearing c) date of last hearing and d) the date of decision; a significant number of cases had not recorded the date for these fields on the platform. While on the aggregate 13.26% of cases were missing values, 56% of cases in Assam were missing the value for date of filing followed by 23% in Gujarat and 13% in Goa.<sup>124</sup> This non-uniformity continues in the description of stages of a case as well where stages in civil and criminal cases are mixed up.

Owing to the inconsistency in the way data is recorded by the High Courts and the District Courts it is difficult to draw correlations between different variables. Due to this inconsistency the substantive and procedural amendments needed in laws are difficult to identify. Inter-state legislative impact assessment also becomes an impossibility due to non-uniform data present on NJDG.

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<sup>120</sup> DAKSH, 'Deciphering Judicial Data: Daksh's database' (August 2020) <<https://dakshindia.org/wp-content/uploads/2020/08/Case-categorization-paper-FINAL.pdf>> accessed 30 July 2021

<sup>121</sup> Devendra Damle (n 20)

<sup>122</sup> *ibid.*

<sup>123</sup> *ibid.* 12.

<sup>124</sup> *ibid.*

This non-uniformity and variance across states becomes a cause for concern as the data is rendered unreliable. The most time intensive portion of our research was the collection of empirical data regarding the statistics of pending Criminal Appeals across various High Courts.

Informed by these analyses we echo the recommendations made in the study of improving the data quality by regularising data quality reviews for existing data and the data that shall be collected in the future. It is pertinent to note that while some data quality control issues can be corrected by greater assistance from technology, it is equally important to ensure that human oversight at periodic intervals is monitoring the entry and publication of judicial data on NJDG.

## Why has plea bargaining failed to achieve its desired goals of reducing backlog and the prison population?

### Objective of introducing plea bargaining

Pendency and delay have been the target of criminal justice reform in India.<sup>125</sup> The practice of plea bargaining was made into law in 2005 when the criminal laws were amended to formalise it.<sup>126</sup> While the Supreme Court was not in favour of the practice, trial courts had been encouraging its adoption by facilitating quick guilty pleas and awarding sentences below the statutory requirements.

As per the section, plea bargaining is allowed for all offences carrying a maximum sentence of up to seven years.<sup>127</sup> Socio-economic offences and crimes against women and children are not covered under the provision.<sup>128</sup> Additionally, the mechanism is not akin to a mandatory settlement procedure; rather the defendant is supposed to apply for plea bargaining and the court is tasked with ensuring that such an application is voluntarily made.<sup>129</sup> If the court is satisfied that the application has been filed by the accused voluntarily, the victim, the accused, the public prosecutor and investigating officer, if the case is one instituted on a police report, are given time to work out a mutually satisfactory disposition of the case. This mutually satisfactory disposition may include the accused giving compensation to the victim and other expenses incurred during the case.<sup>130</sup>

It was believed that plea bargaining ensures speedy trial, and largely reduces the time spent in court, it was seen as a panacea for reducing pendency and controlling the prison population. Many thought that the primary advantage of a mechanism like this in the Indian context would be that it would help clear the huge backlog of cases and in future allow prosecutors to take more cases.<sup>131</sup>

However, there are serious concerns regarding the practice of plea bargaining.<sup>132</sup> Chief amongst the arguments against plea bargaining is the one based on procedural fairness and constitutional guarantee against self-incrimination provided under Article 20(3).<sup>133</sup> The second argument calls into question the 'prioritisation of administrative expediency over societal interest in rational and appropriately stringent criminal sentences'.<sup>134</sup>

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<sup>125</sup> Abhinav Sekhri, 'The Criminal Law Reform Committee – A New Old Thing' (India Law Forum, 06 November 2020) <<https://www.theindiaforum.in/article/criminal-law-reform-committee>> accessed 30 July 2021

<sup>126</sup> The Criminal Law (Amendment) Act 2005.

<sup>127</sup> Code of Criminal Procedure 1973, s 265A (1).

<sup>128</sup> Code of Criminal Procedure 1973, s 265A (1) (b).

<sup>129</sup> Code of Criminal Procedure 1973, s 265B.

<sup>130</sup> Code of Criminal Procedure 1973, s 265C.

<sup>131</sup> Sonam Kathuria, 'The Bargain has been Struck: A Case for Plea Bargaining in India' (2007) 19(2) Student B Rev 55 <<https://nlsir.com/wp-content/uploads/2020/07/Sonam-Kathuria.pdf>> accessed 30 July 2021

<sup>132</sup> Arthad Kurekar and Sanika Gokhale, 'The Unconstitutionality of Plea Bargaining in the Indian Framework: The Vitiating of Voluntariness Assumption' 7 India L Jour <<https://www.indialawjournal.org/archives/volume7/issue-2/article8.html>> accessed 30 July 2021

<sup>133</sup> Kathuria (n 131)

<sup>134</sup> Kathuria (n 131)

The third concern is that the 'plea negotiation system, by its very nature, is likely to produce unfair or distorted results.'<sup>135</sup>

## Impact of the amendment

While this reform was welcomed by all the actors of the criminal justice process, the data released by NCRB demonstrates low adoption for plea bargaining. The NCRB has been maintaining data on plea bargaining since 2015 and it is fairly evident that it has failed to achieve the touted objectives of the reform- reducing pendency and the undertrial prison population.<sup>136</sup>

Factors for this low adoption have been discussed by scholars of criminal justice administration.<sup>137</sup> Given that conviction rates in India are already low, trials take very long to complete, and that the charge bargaining is not permitted under the law, the provision makes little sense for defendants. Additionally, as per the provisions, discounts in sentencing years are calculated based on the maximum sentence under the provision. Therefore, a majority of cases for which defendants are eligible for plea bargaining fall under theft. Considering the length of these trials the victims in such crimes often lose interest during the trials. To further add to this complication, poor defendants are often unable to compensate their victims' losses. All these reasons make it difficult for plea bargaining to find applicants in the CJS.<sup>138</sup> Other reasons for its low adoption include lack of awareness amongst defendants and the legal aid appointed counsels. Judges too are often reluctant to engage in plea bargaining, for defendants can claim they were coerced into the plea before a superior court.<sup>139</sup>

These design flaws in the criminal justice architecture have to be remedied before the process becomes more lucrative for the defendant.

## How have the recent attempts to digitise the adjudication of cases in the Negotiable Instruments Act fared?

In 1988, the parliament enacted the Negotiable Instrument (Amendment) Act, 1988 to introduce criminal liability on dishonour of cheque.<sup>140</sup> The amendment was introduced to protect the diminishing value of cheques among business communities and enhance the acceptability of cheques in settlement of monetary liabilities.<sup>141</sup> Though the amendment was successful in achieving its objective, this success came at the cost of an extensive caseload on the judiciary. Over the years, the burgeoning pendency of cases under the Negotiable Instrument Act, 1881 ("NI Act") had diminished the deterrence that the criminalisation of the act intends to create, thereby harming the value and acceptability of the cheques.

In 2002, an attempt was made to expedite the disposal of these cases through the Negotiable Instruments (Amendment and Miscellaneous Provisions) Act 2002. The amendment empowered the courts to try complaints under the NI Act as summary trials and endeavour to dispose of cases within 6 months. However, the amendment fell short of improving the conditions as the courts continue to struggle with huge pendency of cases related to the NI Act.

As on 31 December 2019, a total of 35.16 lakh criminal cases under the NI Act were pending before the courts.<sup>142</sup> Some disputes under the Act are pending before the courts for as long as 16 years.<sup>143</sup> The combination

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<sup>135</sup> *ibid.*

<sup>136</sup> Abhinav Sekhri, 'Plea Bargaining's Resounding Defeat? The Indian Experiment with Plea Bargaining' (2017) <<https://ssrn.com/abstract=3085659>> accessed 30 July 2021; Abhinav Sekhri, 'Pendency in the Indian Criminal Process: A Creature of Crisis or Flawed Design?' (2019) 15 *Socio-Legal Rev.* 15 20.

<sup>137</sup> *ibid.*

<sup>138</sup> *ibid.*

<sup>139</sup> *ibid.*

<sup>140</sup> Negotiable Instrument Act 1881, s 138.

<sup>141</sup> Law Commission of India, 'Fast Track Magisterial Courts for Dishonoured Cheque Cases' (Law Com No 213, 2008)

<sup>142</sup> *In Re: Expeditious trial of cases under Section 138 of N.I. Act 1881* 2021 SCC OnLine SC 325

<sup>143</sup> *ibid.*

of these two factors adds to the judicial backlog in a significant manner. As mentioned in the earlier chapter, the Criminal Appeals filed under the NI Act take a significant amount of judicial time. The average amount of time taken to dispose of cases filed under the Act in the Supreme Court, Madhya Pradesh High Court and Bombay High Court is given below.<sup>144</sup>

**Table 38: Average duration for disposal of Criminal Appeals under the Negotiable Instrument Act, 1881**

	<b>Court</b>	<b>No. of cases</b>	<b>Average duration for disposal (in days)</b>
1.	Supreme Court of India	56	1289.84
2.	High Court of Madhya Pradesh	76	387.09
3.	High Court of Bombay	894	1923.85

## Digital NI Act Courts by Delhi High Court

In November 2020, the State Court Management Systems Committee of Delhi High Court established 34 Digital Courts in Delhi to address complaints arising out of the NI Act. In recent years, Delhi, a prominent commercial centre in the country, has witnessed a large number of cases related to the dishonour of cheques. In 2019, 1,92,622 complaints were filed under section 138 of the Act in Delhi itself.<sup>145</sup>

To remedy this situation, the Delhi High Court has initiated this project and has employed technologies within the existing legal framework to expedite the disposal of these cases.<sup>146</sup> The project aims to offer a hassle-free environment to the complainants for the trial of cases under the NI Act.<sup>147</sup> The implementation guidelines for the Digital Courts prescribe for electronic filing of complaints and affidavits, and electronic payment of court fees. It also asks the court to hear the complaints, record statements and declare judgments through video conferencing.<sup>148</sup>

While the innovative technologies can efficiently supplement the functioning of the court, at times it may lead to duplication of processes, resulting in additional delays. For example, the implementation guidelines of the Digital NI Act Courts mandates that, in addition to the electronic filing, the complainant should submit all the original documents, including dishonoured cheque/s, Legal Demand Notice, dispatch receipt, service proof and a physical signed copy of the original complaint with the *Ahlmad* of the concerned Digital Court.<sup>149</sup> Such duplication of the filing process increases the burden on the complainant and the complexity of the processes. It also adds to the workload of the registry, thereby resulting in delays.

Moreover, mirroring the same judicial procedure in a virtual world often recreates the similar bottlenecks and complexities in the judicial process. As an effect, such an approach has a limited impact on improving the efficiency of the court. On the other hand, a problem-solving approach with comprehensive process-reengineering of the judicial processes can eliminate the existing bottlenecks and legacy issues.

Service of summons is one such process that can be expedited through process re-engineering and the integration of technology.<sup>150</sup> Despite the integration of technology at every level of the judicial proceedings, the Digital NI Act Court still identifies service of summons through *Nazarat/Police* as the primary mode of service of summons. The implementation guidelines also mention courier and speed post as additional modes for service

<sup>144</sup> This analysis could not be conducted for the High Courts at Allahabad and Rajasthan due to non-availability of data in the relevant fields.

<sup>145</sup> SCMSC, 'Digital NI Act Courts in Delhi Project Implementation Guidelines' (Delhi High Court, 2020) p 1 <<https://delhidistrictcourts.nic.in/DigitalNIActCourtsProjectImplementationGuidelines.pdf>> accessed 27 July 2021

<sup>146</sup> *ibid* 2.

<sup>147</sup> *ibid* 1.

<sup>148</sup> *ibid* 15.

<sup>149</sup> *ibid* 24.

<sup>150</sup> Vaidehi Mishra and others, 'Summons in the Digital Age' (Vidhi Centre for Legal Policy, 2020) <[https://vidhilegalpolicy.in/wp-content/uploads/2020/11/201102\\_Summons-in-the-Digital-Age.pdf](https://vidhilegalpolicy.in/wp-content/uploads/2020/11/201102_Summons-in-the-Digital-Age.pdf)> accessed 27 July 2021

of summons.<sup>151</sup> This process of serving summons involves several bottlenecks and often results in delay.<sup>152</sup> Re-engineering the process of serving summons through the utilisation of new modes of communication such as email, messaging applications and websites can expedite the judicial process and result in faster disposal.

## Use of AI to expedite disposal

One of the salient features of the implementation guidelines is the mandatory requirement for the complainant to file an online 'META data form' and submit the details regarding the complaint. As per the guidelines, this online form would then be used to create a database for an Artificial Intelligence ("AI") application which will help in identifying, clubbing and bunching similar cases and also provide legal research for its disposal.<sup>153</sup> This mandatory 'META data form' includes the personal information of the complainant, accused, the financial liability, particulars of the cheque, and details of the criminal complaint.<sup>154</sup>

The integration of contemporary and upcoming technology such as Artificial Intelligence and Machine Learning can help in making the judicial processes efficient. However, integration of these technologies should be based on strict data and technological safeguards.<sup>155</sup> The information collected as meta data for this purpose should be minimal and anonymised. Further, the duration for the storage of such data and the purpose for the use of the data should be specified in strict terms to prevent any possibility of 'function creep' (expanding use of this data).<sup>156</sup>

## Transforming Judicial Processes

In 2020, the Supreme Court of India took *suo moto* cognisance of the delays in the trial of cases under NI Act. During the proceedings, the court has identified several judicial processes that contributes to the delay, such as the mechanical conversion of cases under Section 138, NI Act from summary trial to summons trial, the recording of evidence on oath, and others. After analysing these reasons, the court issued a judgment to remedy the delay and expedite the judicial process.<sup>157</sup>

In the judgment, among other directions, the court requested the High Courts to issue practice directions to the Magistrates to record reasons before converting trial under the NI Act from summary trial to summons trial.<sup>158</sup> The court also permitted the recording of evidence on behalf of the complainant through affidavit and recommended suitable amendments to allow one trial against a person for multiple offences under Section 138, NI Act.<sup>159</sup>

Further, the court also established a committee under the chairpersonship of Justice R.C. Chavan to consider suggestions to expedite the disposal of cases under the NI Act, including recommendations relating to the attachment of bank accounts to the extent of the cheque amounts, pre-summons mediation and others.<sup>160</sup>

These initiatives are crucial to analyse the judicial process and introduce required amendments to expedite the disposal of cases under the NI Act. The recommendations made by the Supreme Court in their judgment should be implemented promptly across the country to eliminate bottlenecks in the trials. Further, the recommendations that will be provided by the committee under the chairpersonship of Justice R.C. Chavan should be analysed and implemented to streamline the disposal of cases.

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<sup>151</sup> SCMSC (n 145) 17

<sup>152</sup> Vaidehi Mishra and others, 'Summons in the Digital Age' (Vidhi Centre for Legal Policy, 2020) <[https://vidhilegalpolicy.in/wp-content/uploads/2020/11/201102\\_Summons-in-the-Digital-Age.pdf](https://vidhilegalpolicy.in/wp-content/uploads/2020/11/201102_Summons-in-the-Digital-Age.pdf)> accessed 27 July 2021

<sup>153</sup> SCMSC (n 145) 7

<sup>154</sup> *ibid* 51.

<sup>155</sup> Deepika Kinhal and others, 'Virtual Courts in India: A Strategy Paper' (Vidhi Centre for Legal Policy, 2020) <<https://vidhilegalpolicy.in/research/virtual-courts-in-india-a-strategy-paper/>> accessed 28 July 2021

<sup>156</sup> Bret-Japp Koops, 'The Concept of Function Creep' (2021) 13 Law, Innovation and Technology 29 <<https://www.tandfonline.com/doi/full/10.1080/17579961.2021.1898299>> accessed 27 July 2021

<sup>157</sup> *In Re: Expeditious trial of cases under Section 138 of N.I. Act 1881* 2021 SCC OnLine SC 325

<sup>158</sup> *ibid*.

<sup>159</sup> *ibid*.

<sup>160</sup> *ibid*.

# Annexures

## Annexure A

### Annexure A1: MP Data across Benches

<b>Jabalpur</b>	Disposed	9573	24.07%
	Pending	30195	75.93%
	Total	<b>39768</b>	
<b>Indore</b>	Disposed	4180	22.14%
	Pending	14696	77.86%
	Total	<b>18876</b>	
<b>Gwalior</b>	Disposed	4243	31.04%
	Pending	9425	68.96%
	Total	<b>13668</b>	

### Annexure A2: Bombay Data across Benches

<b>Bombay</b>	Disposed	4118	31.90%
	Pending	8792	68.10%
	Total	<b>12910</b>	
<b>Aurangabad</b>	Disposed	2088	30.43%
	Pending	4773	69.57%
	Total	<b>6861</b>	
<b>Nagpur</b>	Disposed	2886	50.64%
	Pending	2813	49.36%
	Total	<b>5699</b>	

### Annexure A3: Rajasthan Data across Benches

<b>Jaipur</b>	Disposed	5650	32.80%
	Pending	11574	67.20%
	Total	<b>17224</b>	
<b>Jodhpur</b>	Disposed	3433	25.38%
	Pending	10094	74.62%
	Total	<b>13527</b>	

## Annexure B

### Annexure B1: Bombay High Court Stages classified as Others

Stage	No. of cases
{Rule R'ble And Fixed Dated Matters}	13
Accused in Jail	72
After Notice	2
Against Acquittal [Criminal Side Matters]	6

Against Conviction [Bail] [Criminal Side Matters]	98
As a Last Chance	4
At 3.00 PM	11
At 3.00 PM {For Admission / Hearing}	8
Circulation for Final Hearing [Criminal Side Matter]	4
Cri. Application for Suspension / Bail	67
Criminal Revision Application [ Admission ]	2
Criminal Revision for Admission [ After Notice ]	2
End of Board	6
First on Board	8
First on Board [Criminal Side Matters]	20
Fixed Dated Matters	2
For Ad-Interim Relief [Criminal Side Matters]	55
For Final Disposal	2
For Non-Removal of Office Objection	2
For Urgent Admission	2
For Withdrawal [Criminal Side Matters]	4
Objections Not Removed	38
High on Board	8
In Chamber	15
Passing Orders	4
Production [ Fresh ]	2
Rule Returnable and Fixed Dated Matters (Criminal Side Matters)	3
Through Jail	2
Notification	39
Part Heard	52
For Speaking to the Minutes	78
For Dismissal	6
For Dismissal [Criminal Side Matters]	10
<b>Total</b>	<b>647</b>

### **Annexure B2: Rajasthan High Court Stages classified as Others**

<b>Stage</b>	<b>No. of cases</b>
Default Cases	7
Defect Cases	25
Deputy Registrar Judicial	179
Orders/Application	221
Pronouncement of Order/Judgment	3
Registrar Administration	35
Others	7
<b>Total</b>	<b>477</b>

### **Annexure B3: Allahabad High Court Stages classified as Others**

<b>Stage</b>	<b>No. of cases</b>
Additional List / Unlisted List	1
As a first Case	2

As Fresh	4
Backlog Fresh	13
Division Bench	4
For Further Hearing	49
For Issues	4
For Opinion	3
Re-Hearing	1
Single Bench	52
Supplementary Fresh	4
Under Chapter 11 Rule 8	1
Under Order 41 Rule 11 CPC	1
<b>Total</b>	<b>139</b>

### **Annexure C**

#### **Annexure C1: Supreme Court cases classified as Others filed under Special Legislations**

<b>Special Legislation</b>	<b>No. of Cases Disposed</b>	<b>Average Duration</b>
Bombay Police Act	8	3260.5
Explosive Substances Act	6	2070.17
Kerala Abkari Act	6	1498.33
Protection of Women from Domestic Violence Act	6	550.17
Constitution of India	4	482.25
Prevention of Food Adulteration Act	4	1232.5
Food Adulteration Act	3	1496.67
Contempt of Courts Act	2	1559
Kerala Forest Act	2	288
Prevention of Money Laundering Act, 2002	2	212.5
Terrorist & Disruptive Activities (Prevention) Act	2	3449
Central Excise Rules	1	3599
Customs Act	1	1225
Drugs and Cosmetics Act	1	3172
Electricity Act	1	3568
Essential Commodities Act	1	528
Foreigners Act	1	469

Immoral Traffic (Prevention) Act	1	1708
Maharashtra Medical Practitioners Act	1	3627
MCOA Act	1	2827
Press and Registration of Books Act	1	1972
Prevention of Cruelty to Animals Act	1	2445
Protection of Children from Sexual Offences Act	1	810
Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act	1	1564
Unlawful Activities (Prevention) Act	1	111
Wildlife (Protection) Act	1	98
	<b>60</b>	<b>1685.47</b>

**Annexure C2: MP High Court cases classified as Others filed under Special Legislations**

<b>Special Legislation</b>	<b>No. of Cases Disposed</b>	<b>Average Duration</b>
MP Special Court Act	10	61.2
All-India Institute of Medical Sciences Act	10	55.1
Juvenile Justice	10	101.8
Explosive Substances Act	9	126.67
Family Courts Act	6	127.33
The Child Marriage Restraint Act	6	43.33
Prevention of Damage to Public Property Act	5	56
Recognised Examinations Act	4	813.5
Code of Civil Procedure	4	213.75
Food Safety and Standards Act	4	381.75
Child Labour	3	55
Public Gambling Act	3	17.67
Essential Commodities Act	2	232
Prevention of Cruelty to Animals Act	2	232
Excise Act	2	463.5
Mines and Minerals	2	67.5

Amending Act -1901	2	46.5
Ayurvigyan Parishad Adhinyam	2	343
Employees' Provident Funds and Miscellaneous Provisions Act	2	29.5
M.P. Riniyon Ka Sanrakshan Adhinyam,1937	2	98
National Security Act	1	12
(Rajya) Suraksha Adhinyam	1	32
Hindu Adoptions and Maintenance Act	1	2064
M.P. Govansh Vadh Pratishedh Adhinyam and Rules	1	14
Dhan Parichalan Skeem	1	812
Trademarks Act	1	87
Protection of Women from Domestic Violence Act	1	466
Hindu Marriage Act	1	7
Reserve Bank of India Act	1	32
Forward Contracts	1	41
Acquired Territories	1	36
Drugs and Cosmetics Act	1	163
Chikitsa avam Chikitsan ka Sanrakshan Adhinyam	1	44
Indian Evidence Act	1	84
Building and Other Construction Workers	1	16
Indian Medical Council Act	1	6
	<b>106</b>	<b>207.81</b>

***Annexure C3: Bombay High Court cases classified as Others filed under Special Legislations***

<b>Special Legislation</b>	<b>No. of Cases Disposed</b>	<b>Average Duration</b>
Bombay Police Act	85	3070.24
Electricity Supplies Act	77	3218.75
Narcotics Drugs & Psychotropic Substances Act	76	3029.33

Mah. Control of Organised Crime Act	38	3002.19
Motor Vehicles Act	31	2889.53
Motor Vehicles Act	28	2969.93
Food Adulteration Act	21	3227.57
Protection of Civil Right Act	19	3153.83
Prevention of Terrorism Act	18	2376.47
Constitution of India	16	3382.63
Prevention of Money Laundering Act	16	2466.67
Prevention of Illicit Traffic Act	10	3343.22
Mah. Protection of Interests of Depositors	9	2532.56
Customs Act	8	2895.43
Indian Forest Act	8	2022.57
Customs Act	7	2888.43
Suppression of Immoral Traffic in Women & Girls Act	7	3166.33
Drugs & Cosmetics Act	6	3225.5
Information & Technology Act	6	2383.6
Arms Act	5	1122.25
Information Technology Act	5	2640.5
The Unlawful Activities (Prevention) Act	4	2274.33
Bombay Money Lenders Act	3	3988.5
Bombay Provincial Municipal Corporations Act	3	2790.33
Indian Post Office Act	3	2425.33
Juvenile Justice (Care & Protection of Children) Act	3	2049.33
The Maharashtra Police Act	3	1182.5
Medical Termination of Pregnancy Act	3	3927.5
Prevention of Damage to Public Property Act	3	3002.5
Pre-Natal Diagnostics (Reg. & Prevention of Misuse)	3	2403.33
Pre-Natal Diagnostics	3	2403.33
Wildlife (Protection) Act	3	2281
Aghori Act	2	746

Bombay Agri. Pests & Diseases Act	2	3833
Bombay Municipal Corporation Act	2	3510
Bombay Tenancy & Agricultural Lands Act	2	3281
Child Marriage Act	2	814
The Dowry Prohibition Act	2	705
Electricity Act	2	825
Explosive Substances Act	2	3305
Forest Act	2	850
Foreigners Act	2	3594
Gold (Control) Act	2	3430.5
Mines & Minerals (Regulation & Development) Act	2	3430
Mah. Medical Practitioners Act	2	2840.5
Mah. Ownership Flats Act	2	2812.5
Aghori Act	2	746
Prevention of Corruption Act	2	3544
Reserve Bank of India Act	2	2872
Railway Property (Unlawful Possession) Act	2	942
Wildlife (Protection) Act	2	730
Water Prevention Control Act	2	3471
Yeshwantrao Chavan Mah. Open University Act	2	2522
Bombay Children Act	1	0
The Bombay Lotteries (Control and Tax) and Prize Competitions (Tax) Act	1	0
Bombay Non-Agricultural Loans Act	1	0
Bombay Prevention of Gambling Act	1	3153
Bombay Stamps Act	1	2956
Border Security Force Act	1	2391
Companies Act & Rules	1	3544
Dock Workers (Regulation of Employment) Act 1948	1	3894
Import & Export Control Act	1	3430
Indian Evidence Act	1	2888

The Indecent Representation of Women (Prohibition) Act	1	0
Land Acquisition Act	1	3109
Mah. Nurses Act	1	2301
The Maharashtra Project Affected Persons Rehabilitation Act	1	0
Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act	1	0
The Maharashtra (Urban Areas) Preservation of Trees Act	1	0
Mah. Slum Areas Act	1	3064
Motor Transport Workers Act	1	3334
National Commissioner for Minorities Act	1	0
National Investigation Agency Act	1	0
Prevention of Cruelty to Animals Act	1	0
Prohibition of Child Marriage Act	1	0
The Prize Chits and Money Circulation Schemes (Banning) Act	1	0
Prevention of Insult of National Honour Act	1	0
Public Provident Fund Act	1	0
Probation of Offender Act	1	0
The Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act	1	1
Protection of Women from Domestic Violence Act	1	0
Railways Act	1	0
Road Transport Corporation Act	1	0
Securities Contract (Regulation) Act	1	0
Securities & Exchange Board of India Act	1	0
Vegetable Oils Cess Act	1	0
Working Journalists (Fixation of Rates of Wages) Act	1	0
	<b>607</b>	<b>1986.83</b>

**Annexure D: IPC Sections Classified based on Nature of Offence & Nature of Punishment**

**Key:**

**Red:** Offences against Body

**Yellow:** Offences against Property

**Blue:** Offences against the State

Death or Imprisonment	Life Imprisonment	Imprisonment of 7 years and above	Imprisonment of 4-7 years	Imprisonment of 1-3 years
section 121		section 115	section 118	section 117
section 121-A		section 119	section 124	section 124-A
section 122		section 123	section 126	section 129
section 124-A		section 128	section 127	section 133
section 125		section 130	section 134	section 135
section 128		section 131	section 153-A	section 136
section 130		section 132	section 153-B	section 144
section 131		section 194	section 174-A	section 145
section 132		section 195	section 193	section 147
section 194		section 221	section 195-A	section 148
section 195		section 222	section 201	section 152
section 222		section 235	section 211	section 166
section 232		section 240	section 212	section 166-A
section 255		section 251	section 213	section 166-B
section 302		section 304	section 214	section 167
section 303		section 304-B	section 216	section 168
section 304		section 305	section 216-A	section 169
section 304-B		section 306	section 219	section 170
section 305		section 315	section 220	section 181
section 307		section 316	section 222	section 189
section 311		section 328	section 225	section 201
section 313		section 331	section 231	section 203
section 314		section 333	section 234	section 204
section 326		section 366	section 239	section 205
section 326-A		section 366-A	section 243	section 206
section 327		section 366-B	section 244	section 207
section 329		section 367	section 245	section 208
section 363-A		section 370	section 247	section 209
section 364		section 372	section 249	section 210

section 364-A	section 373	section 250	section 212
section 370	section 376	section 253	section 213
section 371	section 376-A	section 256	section 214
section 376	section 376-C	section 257	section 215
section 376-AB	section 376-D	section 258	section 217
section 376-D	section 382	section 259	section 218
section 376-DA	section 386	section 260	section 223
section 376-DB	section 388	section 281	section 224
section 376-E	section 389	section 292	section 225-A
section 377	section 392	section 293	section 228-A
section 396	section 396	section 308	section 229
section 394	section 399	section 312	section 233
section 395	section 437	section 317	section 237
section 400	section 439	section 325	section 241
section 409	section 450	section 326-B	section 246
section 412	section 454	section 330	section 248
section 413	section 455	section 335	section 252
section 436	section 457	section 354	section 254
section 438	section 458	section 354-B	section 261
section 449	section 493	section 354-C	section 262
section 459	section 495	section 354-D	section 263
section 460		section 363	section 270
section 467		section 365	section 295
section 472		section 369	section 295-A
section 474		section 370-A	section 304-A
section 475		section 376-B	section 318
section 477		section 380	section 324
section 489-A		section 381	section 332
section 489-B		section 387	section 338
section 489-D		section 393	section 343
		section 397	section 344
		section 398	section 345
		section 401	section 346
		section 402	section 347
		section 404	section 348
		section 407	section 353
		section 408	section 355
		section 420	section 356

		section 429	section 379
		section 430	section 384
		section 431	section 385
		section 432	section 403
		section 433	section 406
		section 435	section 411
		section 440	section 414
		section 451	section 418
		section 452	section 419
		section 466	section 421
		section 468	section 422
		section 473	section 423
		section 476	section 424
		section 477-A	section 427
		section 489-C	section 428
		section 494	section 453
		section 496	section 456
		section 497	section 461
		section 505	section 462
		section 506	section 465
			section 469
			section 483
			section 484
			section 485
			section 487
			section 498
			section 498-A
			section 500
			section 501
			section 502
			section 504
			section 507
			section 509

## **Annexure E**

### **Annexure E1: Offences classified based on nature of offence before Supreme Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
	Offences against the State		Offences against Body		Offences against Property	
<b>Disposed</b>						
2010	0	na	1	3250	0	na
2011	0	na	0	na	0	na
2012	0	na	1	2619	0	na
2013	0	na	0	na	0	na
2014	0	na	0	na	0	na
2015	0	na	0	na	0	na
2016	0	na	2	1040	0	na
2017	0	na	15	391.267	2	169
2018	0	na	11	140.45	6	108.33
2019	0	na	2	143	2	105.5
<b>Pending</b>						
2010	0	na	4	3852	0	na
2011	0	na	2	3403	0	na
2012	0	na	4	3046.5	0	na
2013	0	na	8	2698.38	0	na
2014	0	na	3	2442.33	0	na
2015	0	na	4	2104	0	na
2016	0	na	0	Na	0	na
2017	0	na	27	1283.48	3	1314
2018	0	na	12	972.83	3	824
2019	0	na	5	569	0	na

**Annexure E2: Offences classified based on nature of offence before MP High Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
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	Offences against the State		Offences against Body		Offences against Property	
<b>2010</b>	1	269	552	1609.95	175	1319.73
<b>2011</b>	1	1048	650	1083.48	219	1001.70
<b>2012</b>	0	na	523	862.08	170	793.99
<b>2013</b>	0	na	541	768.40	171	872.62
<b>2014</b>	0	na	381	693.27	135	672.35
<b>2015</b>	0	na	351	417.39	134	682.47
<b>2016</b>	0	na	850	149.46	243	178.70
<b>2017</b>	1	5	1931	75.68	818	67.35
<b>2018</b>	1	14	2479	52.73	590	68.70
<b>2019</b>	0	na	2517	44.39	548	42.23
<b>Pending</b>						
<b>2010</b>	0	na	1704	3676.03	414	3679.87
<b>2011</b>	0	na	2488	3344.35	679	3340.77
<b>2012</b>	1	3136	2428	2983.86	806	2987.49
<b>2013</b>	0	na	3407	2608.84	929	2612.90
<b>2014</b>	3	2252.33	3613	2250.67	1066	2254.41
<b>2015</b>	3	1863.33	3157	1888.00	1042	1886.44
<b>2016</b>	0	na	2838	1529.67	986	1528.20
<b>2017</b>	11	1211	2486	1164.62	922	1161.97
<b>2018</b>	0	na	2859	783.58	1138	778.63
<b>2019</b>	0	na	3552	413.37	1340	409.06

**Annexure E3: Offences classified based on nature of offence before Bombay High Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
	Offences against the State		Offences against Body		Offences against Property	

2010	0	na	0	na	0	na
2011	0	na	6	2544.5	0	na
2012	0	na	0	na	0	na
2013	0	na	4	1395.75	0	na
2014	0	na	0	na	0	na
2015	0	na	0	na	0	na
2016	0	na	0	na	0	na
2017	0	na	2	315	2	11
2018	0	na	0	na	0	na
2019	0	na	0	na	0	na
<b>Pending</b>						
2010	0	na	731	3889.466	185	3912.151
2011	0	na	675	3519.978	189	3500
2012	0	na	978	3158.489	297	3145.404
2013	0	na	853	2788.256	258	2799.795
2014	0	na	1235	2420.795	327	2434.823
2015	4	2015.5	1278	2073.397	218	2053.179
2016	5	1657.4	1251	1674.994	229	1687.131
2017	3	1385.667	1938	1322.687	416	1315.428
2018	0	na	1355	968.4111	472	975.5021
2019	3	756.6667	3398	607.9559	777	589.3745

**Annexure E4: Offences classified based on nature of offence before Allahabad High Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
	Offences against the State		Offences against Body		Offences against Property	

Pending	OAS	OAS	OAB	OAB	OAP	OAP
2010	0	na	2805	3853.748	1807	3852.843
2011	0	na	2662	3492.749	1675	3496.832
2012	0	na	1663	3118.918	992	3122.577
2013	0	na	2337	2749.543	1342	2749.604
2014	0	na	2095	2387.721	1229	2387.807
2015	0	na	2504	2009.494	1479	2007.181
2016	0	na	2645	1652.321	1539	1649.148
2017	0	na	2907	1287.863	1644	1289.742
2018	0	na	2995	925.7102	1707	928.6766
2019	0	na	3104	571.3921	1594	568.7434

## **Annexure F**

### **Annexure F1: Offences classified based on nature of punishment before Supreme Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
	Death or Life Imprisonment		Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
<b>Disposed</b>								
<b>2010</b>	1	3250	0	na	0	na	0	na
<b>2011</b>	0	na	0	na	0	na	0	na
<b>2012</b>	1	2619	0	na	0	na	0	na
<b>2013</b>	0	na	0	na	0	na	0	na
<b>2014</b>	0	na	0	na	0	na	0	na
<b>2015</b>	0	na	0	na	0	na	0	na
<b>2016</b>	2	1040	0	na	0	na	0	na
<b>2017</b>	14	368.21	2	433	4	252.5	9	253.44

<b>2018</b>	12	135.83	0	na	9	93.22	10	97.6
<b>2019</b>	1	136	1	150	3	148.67	2	105.5
<b>Pending</b>								
<b>2010</b>	4	3852	0	na	0	na	0	na
<b>2011</b>	2	3403	0	na	0	na	0	na
<b>2012</b>	4	3046.5	0	na	0	na	0	na
<b>2013</b>	8	2698.38	0	na	0	na	0	na
<b>2014</b>	3	2442.33	0	na	1	2513	0	na
<b>2015</b>	4	2104	0	na	0	na	1	2200
<b>2016</b>	0	na	0	na	0	na	0	na
<b>2017</b>	27	1283.48	3	1370.67	3	1249.67	12	1328.92
<b>2018</b>	12	972.83	0	na	4	1033.75	3	824
<b>2019</b>	4	602.75	0	na	1	434	2	562

**Annexure F2: Offences classified based on nature of punishment before MP High Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
	Death or Life Imprisonment		Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
<b>Disposed</b>								
<b>2010</b>	484	1780.76	103	1403.27	202	1331.77	115	983.88
<b>2011</b>	511	1173.07	152	1308.90	299	992.71	182	833.39
<b>2012</b>	424	923.30	129	818.38	250	776.64	168	715.79
<b>2013</b>	458	817.28	168	742.63	269	723.8625	165	627.25
<b>2014</b>	316	711.06	101	759.39	216	645.16	133	629.08
<b>2015</b>	276	389.31	138	678.70	222	569.16	145	190.95
<b>2016</b>	563	163.97	278	157.09	723	121.86	272	121.24

<b>2017</b>	1440	76.915	875	64.15	1699	69.20	597	70.66
<b>2018</b>	1779	57.03	948	54.76	2257	49.83	763	50.68
<b>2019</b>	1736	45.01	969	42.92	2089	42.42	731	44.06
<b>Pending</b>								
<b>2010</b>	1427	3676.37	306	3680.22	582	3671.38	427	3677.23
<b>2011</b>	2103	3347.65	496	3343.91	913	3334.97	704	3333.21
<b>2012</b>	2095	2985.39	495	2988.396	997	2989.595	743	2984.49
<b>2013</b>	2737	2611.92	921	2611.55	1535	2604.77	941	2603.04
<b>2014</b>	2696	2255.15	896	2251.91	1893	2252.58	1105	2256.43
<b>2015</b>	2346	1891.69	898	1878.16	1747	1886.22	1044	1881.07
<b>2016</b>	1968	1532.45	763	1531.93	1649	1528.75	946	1529.60
<b>2017</b>	1704	1161.26	705	1171.28	1519	1162.78	772	1165.37
<b>2018</b>	2002	784.82	895	785.63	1808	778.53	854	781.56
<b>2019</b>	2442	411.17	1125	419.40	2293	414.70	1199	413.26

**Annexure F3: Offences classified based on nature of punishment before Bombay High Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
	Death or Imprisonment	Life	Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
<b>Disposed</b>								
<b>2010</b>	0	na	0	na	0	na	0	na
<b>2011</b>	6	2544.5	6	2544.5	3	2587	3	2502
<b>2012</b>	0	na	0	na	0	na	0	na
<b>2013</b>	3	1861	1	0	0	na	3	1232
<b>2014</b>	0	na	0	na	0	na	0	na
<b>2015</b>	0	na	0	na	0	na	0	na

<b>2016</b>	0	na	0	na	0	na	0	na
<b>2017</b>	2	315	2	315	4	163	0	na
<b>2018</b>	0	na	0	na	0	na	0	na
<b>2019</b>	2	3	0	na	2	3	2	3
<b>Pending</b>								
<b>2010</b>	577	3886.40	205	3898.09	303	3909.35	333	3894.24
<b>2011</b>	469	3524.24	184	3508.69	305	3504.51	327	3515.41
<b>2012</b>	737	3160.54	212	3127.19	478	3159.61	470	3168.6
<b>2013</b>	691	2793.20	209	2768.76	397	2793.60	411	2797.72
<b>2014</b>	1040	2424.73	307	2418.92	564	2431.58	478	2411.23
<b>2015</b>	861	2071.51	338	2074.70	469	2071.67	480	2083.33
<b>2016</b>	888	1667.91	300	1670.94	489	1689.43	406	1684.48
<b>2017</b>	1316	1323.38	595	1305.80	841	1322.59	581	1334.15
<b>2018</b>	1019	956.84	235	996.70	976	963.18	496	984.92
<b>2019</b>	2326	606.04	1238	603.93	1865	600.37	1349	608.43

**Annexure F4: Offences classified based on nature of punishment before Allahabad High Court**

	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration	No. of Cases	Duration
	Death or Imprisonment	Life	Imprisonment for 7 years & above		Imprisonment for 4 to 7 years		Imprisonment for 1 to 3 years	
<b>Pending</b>								
<b>2010</b>	2805	3853.75	0	na	0	na	0	na
<b>2011</b>	2662	3492.75	0	na	0	na	0	na
<b>2012</b>	1663	3118.92	0	na	0	na	0	na
<b>2013</b>	2337	2749.54	0	na	0	na	0	na
<b>2014</b>	2095	2387.72	0	na	0	na	0	na

2015	2504	2009.49	0	na	0	na	0	na
2016	2645	1652.32	0	na	0	na	0	na
2017	2907	1287.86	0	na	0	na	0	na
2018	2995	925.71	0	na	50	887.38	0	na
2019	3104	571.39	0	na	250	546.55	0	na

## Annexure G

### Annexure G1: Stages before District Court of Indore classified as Others

Stage	No. of cases
Appearance Of Defendant And W.S.	804
Appearance Of Respondent/Non-Applicant	624
Awaited For Lokadalat Report	430
Report On Recovery Warrant	254
Appearance For Pre-Sitting	225
Appearance	198
Compliance Of Court Direction	131
Issue	104
Examination Of Accused	79
Kurki (Attachment) Warrant / Possession Report	66
Appearance Of Accused	59
For Objection And Hearing	55
Payment Of Maintenance Amount	53
Compromise	52
Appearance Of Party	51
Others	37
Matter Relating To Hearing Of Interim Application	32
Hearing On Admission (Motion)	29
Trial Programme	28
Judgement	27
Notified To	27
Action For Consequential Amendment	26
Notice_Unready	21
List / Special List	17
Proceedings Stayed	17
Mediation Report	15
Questioning	13
Enquiry In Complaint Matter	11
Police Report In Enquiry	11
For Enquiry	10
Award	9
Objection On Commissioners Report	9
Filing Of Ws	8
Matter Relaing To Accused Statment	8

Special Drive	7
Notice For Auction Sale	6
Payment Of Deficit Court Fees	6
Reader Report And Action Thereon	6
Call For C.D	5
Notice To Sureties	5
Amended Plaint	4
Awaiting	4
Awated For Final Form / Chargesheet	4
Filing Counter	4
S.R And P.A	4
Auction Notice Publication Report	3
Dc Fees	3
Enquiry Witness	3
N.B.W_ Unready	3
Notice (Ready	3
Payment Of Fees In Execution	3
Preparation Of Paper Book	3
Requisite	3
Appearance Of Defendent/ Non Applicant/ Madyun	2
Await Distress Warrent	2
Awaiting For Case Diary	2
Awaiting S.R. And P.A.	2
Awaiting Service Report	2
Bail	2
Case Diary Enquiry	2
Counter	2
Death Report	2
Evidence	2
F. H.	2
First Hearing	2
For Framing Charge	2
Lok-Nyalaya	2
Mediation	2
Notice Ready	2
Objection And Disposal	2
Publication	2
Appearance/Reply	1
Appearances	1
Appointment For Advocate/Legal Aid	1
Arrest Notice	1
Await Lcr	1
Await Reports	1
Case Diary	1
Commissioners Report	1
Disposal Of Other Appl.	1
Er	1
Examination Of Parties U/O 10 Cpc	1
For Filing Written Statement	1

For Settlement	1
Hearings	1
Hering	1
N/M Disposed Off	1
Notice To Opponents	1
Office Report	1
Payment Of Balance Court Fee.	1
Public Notice	1
Reply (Unready)	1
Restricted Remand Of Appeal	1
S.A. Solemn Affirmation	1
Service Pending_Non-Bailable Warrant	1
Settlement Of Proclamation	1
Settling Date	1

**Annexure G2: Stages before District Court of Pune classified as Others**

<b>Stage</b>	<b>No. of cases</b>
Report	887
B.W._Unready	774
Plea / Particulars	687
Verification	662
Awaiting Warrant	501
Awaiting Notice	396
Steps_Unready	391
Production Of Accused	343
Admission And Denial	331
Appearance	301
Compliance	292
Dormant File	279
Steps	273
Depositing Amount	239
Proclomation	217
Reply/Say	199
Service Pending	176
Hearing Before Charge	170
Filing Of Say On Exh___Unready	154
Final Form	132
Stayed By Honble High Court	101
Rebutal	90
Await Records	86
Awaiting R And P Lower Court	85
Awaiting R And P	84
Examination	79
Paper Book	76
Police Paper	74
Judgement	54
Formal Hearing	51

Copying	45
Report And Hearing	43
Unready Board (11:00 Am )	41
Preparation Of Paper Book	38
Ia / Ea Pending / Cmp Pending / Crp Pending / Cma Pending	36
For Disposal	35
Hearing (11:00 Am )	32
Issue	32
Awaiting Adr Reports	30
Awaiting Muddemal	30
Say / Hearing On Exh____Ready	30
Payment Of Paper Book Charges	29
B.W._Ready	27
Publication	25
Reply Unready	25
Stayed By District Court	24
High Court Stayed	23
Awaiting For Case Diary	22
Awating File	19
Filing Of Surety	18
Null	18
Compromise	16
Filing Of Say On Exh____Ready	16
Kept For Special Drive	15
Notice Of Motion	15
R And P Ready	15
Awaiting Final Form	14
Awating For Final Form / Chargesheet	14
Ex_Party Hearing	14
List Of Witness	14
Batta	13
Supply Of Copies	13
Hear Before Charge - Hbc	12
Objections	12
To Hear Further	10
Cross Examination Dw	9
Notice Ready	9
Public Notice/Proclamation	9
Repeat Nbw	9
Saristedar Report	9
Service Return	9
Copy Submission	8
Recovery Warrant	8
Reply	8
Sr/Ad	8
Statement In 1St Session	8
Ex-Party Hearing	7
Hearing Without W.S.	7

Instituted & Disposed	7
Lok Nyalaya	7
Nbw To Accused	7
Citation	6
Documents	6
For Preliminary Hearing Of Charge	6
Heard On Ia	6
Stay	6
W.S.	6
Awaiting Report Of Receiver	5
Evidence Of Plaintiff / Petitioner	5
Filing Of Affidavit	5
For Draft Charge	5
Process	5
Pws	5
Replication	5
Reply And Consideration	5
Requisite	5
Say To Exhibit	5
Statement Defence	5
Statement Of Defence	5
Awaiting Report Of Commissioner	4
Cognizance / Issuance Of Process/ Service	4
Commission Report	4
Consideration Of Charge	4
Final Argu.	4
For Counter In Ia	4
For Notice Serve To Opponent	4
Framing Of Charge Or Plea	4
Further Acction	4
Objection Disposal	4
Objection To I A	4
S/R Of A/D	4
Statement Defence ( S D)	4
Statement Of Accused	4
W.S. And Say	4
W/O	4
W/O & Hearing	4
Admission	3
Bcf And Steps	3
Compromice	3
D.I.D.	3
Enquiry And Witness	3
For Lokadalath	3
For Objection	3
For Orignal Record	3
For Report Police Inquiry	3
For Want Of Time	3
Further Cheif Of Pws	3

Further Chief	3
Institution Of Case	3
Lower Court Record	3
Notice Unready	3
Plaintiff Witness	3
Recall Production	3
S/Cause By Plaintiff	3
S/R	3
Showcause	3
Stayed	3
Stayed By Supreme Court.	3
To Hear On I A	3
Amended Plaint	2
Await Lcr	2
Awaiting For L.C.R	2
Bw	2
Call With Connected Case	2
Call With Ia	2
Case Diary	2
Case Diary And Hearing	2
Charge (11:00 Am )	2
Charge.	2
Conciliation	2
Consideration	2
Consideration Of Charge(C.C)	2
Cross Examination Of Plaintiff/Claimant Witness	2
Discussion	2
Fine	2
Fixing Date Of Hearing	2
For Reply Of Opponent	2
For Report	2
For Supply Of Police Papers	2
Framing Of Charge/ Plea	2
Hear	2
Hear In G	2
Hearings	2
Institution Of Case.	2
Lok Nyayalaya	2
Nbw And Notice To Suerities	2
Notice Of Motion For Reply Rejoinder	2
O/C Report	2
Objection	2
Others.	2
Peremptory Hearing	2
Preliminary Evidance	2
Reply/Written Statement	2
Requirement Of Accused	2
S/C By Complt	2
S/R Notice	2

S/R,S/D And W/S	2
Service	2
Statement Accused	2
Statement Of Claim	2
Statement Of Oath	2
Steps (Parvi)	2
Steps For Execution	2
To Hear On	2
To Hear On (11.00 Am )	2
Unready Board (10:00 Am )	2
Unready Board (2.30 Pm )	2
Unready Board (3.30 Pm )	2
Unready Board (3.30Pm )	2
W/O And Consideration	2
Wait For Notice	2
A. D. R.	1
Additional Written Statemnt	1
Awaited	1
Awaiting Objection	1
Awaiting Police Report	1
Awaiting Presence	1
Awaiting Records	1
Awaiting Report Of T.C	1
Awaiting S.R. And P.A.	1
Awating S.R	1
B.W.(Unready)	1
Call For The Attached Amount	1
Call On	1
Call With las	1
Cases Kept At 2.45 P.M.	1
Cause Notice	1
Checking	1
Claim Petition	1
Claim Statement	1
Commital	1
Consideration.	1
Considration	1
Copy1	1
Counselling	1
Counter	1
Cross Of Dw	1
Death Certificate__	1
Death Report	1
Delivery Of Property	1
Disposal Of 6C	1
Evidance	1
Exparte Hearing	1
Exparty Hearing On Shift Court	1
Extension Of Remand	1

Filing Of Requisites And App. Of Defendent.	1
Filing Of V.P.	1
Filing Of Vakilpatra	1
Filing Of Vakilpatra_Unready	1
Final Form Accepted	1
For 200 C.R.P.C	1
For Admission	1
For Amendment	1
For Appearance Of Accused	1
For Arguement Of Applicant	1
For Attachment/ Arrest /Garnishee Proceedings / Deposit / Payment / Claim	1
For Cross Examination.	1
For Discovery / Inspection / Production	1
For Dormant File Cases	1
For Engaging Advocate	1
For Notice Report	1
For Objecting And Hearing Cmp	1
For Presence Of Non-Applicant	1
For Presence Of Plaintiff	1
For_____	1
Fresh Application	1
Further Statement	1
Hbc	1
Hearing (10:00 Am )	1
Hearing Before Chargebefore Charge	1
Hearing Of Case	1
Hearing Of Petion	1
Hearing On Application For Counting Of Ballots	1
Hearing/Talbi	1
Hering	1
Information	1
Initial Deposition	1
Institution Of Cases	1
lo	1
Jawab Application	1
Listed To	1
Listing For Disposal	1
Mediation Report	1
Memo To Sho	1
N B W To Accused	1
N. C. Cases	1
N.B.W.(Unready)	1
Nbw / Ns	1
Nfl Hearing	1
No Sitting Notified	1
Non Bailable Warrant	1
Not Heard Cases At 11.00 Am	1
Notice	1

Notice To Complainant	1
Notice To Opponents	1
Notice Unserved	1
Notice/Summan/Warrent	1
Notification - Publication	1
Null Criminal	1
Objection Hearing	1
Office Check	1
Office Check And Note	1
Office Note	1
Opening Up Of Case By Prosecution	1
Paper Publication	1
Payment Id Wa	1
Peremptory Hearing Of The Suit	1
Petition Hearing	1
Petitioner Prays	1
Plaint Returned	1
Plea/Particulars	1
Pleaded Guilty	1
Premtory Hearing	1
Presence	1
Process To Opponent	1
Prosecution Witness	1
Protest Petition	1
Recipt Of Lcr	1
Register As Cc	1
Remand	1
Reply Of Application/ Steps By Parties ( )	1
Reply Say	1
Report (01.00 Pm )	1
Sayhearing On Exh.Ready	1
Sr/Ad/Appearence	1
Ss To Cw	1
State Defence - Sd	1
Statement Of Defence..	1
Statement Of Defense	1
Statement Of Dw	1
Statements	1
Stay By High Court	1
Stayed By Higher Court	1
Stayed By Honble Supreme Court	1
Stayed By Trial Court	1
Stayed Cases	1
Stayed U./S. 10 Of Cpc	1
Stayed. Call On	1
Steps If Any	1
Steps_Unready (12.30 Pm )	1
To Hear By (2.45 Clk )	1
To Hear On Application	1

To Hear On I.A. -1	1
To Hear On Ia	1
Trial In The List	1
Trial Period	1
Unready Board (1.00 Pm )	1
Unready Board (2.45Pm )	1
W.S	1
W.S/Show Cause	1
W/O Amp Hearing	1
W/O And Hearing	1
W/S	1
Wait For Warrant Report	1
Written Objection	1
Written Objection / Hearing	1

### **Annexure G3: Stages before District Court of Jaipur classified as Others**

<b>Stage</b>	<b>No. of Cases</b>
Framing Of Charge/ Plea	742
Awaiting Adr Reports	504
Hearing On Admission	330
Hearing On Sentence	267
Awaiting Records	237
Reply Of Application/ Steps By Parties	213
Awaiting Warrant	200
Committal	84
Call On	80
Appearance Of Parties/ Advocates	55
Hearing	49
Proclamation Under Section 82-83 Cr.PC.	41
Say / Hearing On Exh___Ready	22
Judgement	18
Process	16
Reply/Say	16
For Framing Of Charge	14
Charge	13
Issue	13
Filing Of Say On Exh___Unready	8
Notice Ready	8
Stayed By Higher Court	8
W.S	8
E.R. Of W.A.	7
Formal Hearing	7
Further Proceedings	6
Report On Mediation	6
For Notice Serve To Opponent	5
Written Statement Filing	5
Attachment/ Arrest/Garnishee Proceedings	4

Appearance	3
E/R Of Warrent	3
Hearing.	3
Supply Of Charge-Sheet And Copies	3
Await Lcr	2
Awaiting Notice	2
Balance Of Payment	2
Charge / Plea Hearing/Appearence	2
Commital	2
Ia / Ea Pending / Cmp Pending / Crp Pending / Cma Pending	2
Notice (Unready)	2
Notice Unready	2
Protest	2
Recovery Warrant	2
Removal Of Defect	2
Settling Date	2
Admission/Denials	1
Appearance And Committment	1
Appearance And Reply	1
Appearance Of Accused/ Surety	1
Appeareance	1
Arrest Warrant	1
B.W.(Unready)	1
Bayan Muljim	1
Call Record	1
Chart Of Allotment	1
Condonation Of Delay And Extention Of Time	1
Copy	1
Er Of Dw	1
For Origional Record	1
Further Proceeding	1
Production Of Accused	1
Replica	1
Stayed By Trial Court	1
Steps At 11 Am	1
Transfer	1

***Annexure H4: Stages before District Court of Ghaziabad classified as Others***

<b>Stage</b>	<b>No. of Cases</b>
Argument	745
Framing Of Charge/Plea	660
Charge	651
Stayed By Higher Court	270
F. O.	264
Disposal	226
For Filing Compromise	210
Steps	207

Part Heard Trial	184
Office Note	166
Stay	149
Admission	107
For Committal	84
Misc	83
Referred To Lokadalat	81
Cross Examination Pw	72
Issue	67
Judgement	65
Stayed	65
Statement	63
W.S	62
W.S.	51
Vakalat / Memo Of Appearance	49
For Disposal	44
Documents	36
Amendment Within 7 Days	34
R And P Ready	34
Say	29
Notice Ready	23
Disposal Of Other Appl.	19
Reply	17
Filing Of Affidavit	13
For Compliance	13
Information	13
Nbw And Notice To Suerities	13
Verify And Report	13
Cross-Examination	10
For Attachment/ Arrest /Garnishee Proceedings / Deposit / Payment / Claim	10
Replication	10
Written Statement Filing	10
Final Hearing	9
No Sitting Notified	9
Committal	8
For Section 89 Cpc Counselling	8
Not In The List	8
Repeat Nbw	8
Statement Of Accused	8
Considration	7
Stay From Higher Court	7
For Framing Charge	6
Written Statement	6
Decided	5
Presentation	5
Disposed	4
Witness	4
Appearance Of Accussed	3

Evicence	3
Examination Of Accused	3
F. H.	3
Initial	3
Commitment	2
Compromise	2
Consideration	2
Cross Examination Dw	2
Disposal Of 6C	2
For Report Of Kurki Warrant	2
Recovery Warrant	2
Remand Extended	2
Stayed By Honble High Court	2
Supply Of Charge-Sheet And Copies	2
Warrant Of Arrest	2
B.W._Unready	1
Compliance	1
Enquiry Witness	1
Final Argu.	1
Final Form	1
Hearing (11:00 Am )	1
Notice (Ready	1
Null	1
Objections	1
Process To Delinquent	1
Removal Of Defects	1
Replica	1
Report And Hearing	1
Rest Cross Examination	1
S/Cause By Plaintiff	1
Service Pending	1
Settlement	1
Sucsession	1
Suit Dismissed	1
Verification	1

## **Annexure H**

### **Key:**

**OaS: Office against the State**

**OaB: Office against Body**

**OaP: Office against Property**

### **Annexure H1: Count of Offences classified based on nature of offence before District Courts**

		<b>Ghaziabad</b>	<b>Jaipur</b>	<b>Pune</b>	<b>Indore</b>
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		OaS	OaB	OaP	OaS	OaB	OaP	OaS	OaB	OaP	OaS	OaB	OaP
2010	D	2	213	522	0	130	260	9	2101	1534	5	676	590
	P	0	335	370	1	119	168	2	394	624	0	170	108
2011	D	3	377	1227	0	184	282	6	3285	2065	7	817	557
	P	0	481	419	0	180	172	0	582	738	3	265	174
2012	D	7	745	842	0	192	284	10	3857	2015	34	1130	1007
	P	4	559	529	0	162	221	0	611	879	3	335	206
2013	D	0	609	277	3	338	495	9	4475	1949	19	1128	1502
	P	1	648	494	1	231	258	1	1396	1059	6	531	299
2014	D	38	488	596	13	906	1744	9	5083	2144	26	871	1614
	P	8	773	677	4	433	635	2	1737	1271	1	620	426
2015	D	12	1984	3995	21	2197	5948	3	5128	2308	17	743	934
	P	0	953	783	3	378	620	3	2457	1659	7	892	627
2016	D	20	2748	4786	8	1801	5395	8	4849	2192	33	487	657
	P	8	1831	1192	2	469	824	2	3343	1901	7	803	665
2017	D	46	3214	7192	52	1865	6549	2	4199	2219	6	1791	2053
	P	6	2712	2597	14	1155	1705	2	3593	2324	8	1397	1078
2018	D	9	3628	5359	11	936	4539	2	4249	1954	2	1868	2273
	P	9	3407	3793	11	951	1908	8	3974	2782	12	1962	1234

**Annexure H2: Duration of Offences classified based on nature of offence before District Courts (in Years)**

		Ghaziabad			Jaipur			Pune			Indore		
		OaS	OaB	OaP	OaS	OaB	OaP	OaS	OaB	OaP	OaS	OaB	OaP
2010	D	5.37	5.51	4.00	NA	7.06	7.03	2.09	1.43	2.30	4.43	3.97	3.07
	P	NA	8.54	8.55	8.21	8.47	8.43	8.31	8.41	8.44	NA	8.34	8.47
2011	D	2.56	4.34	2.47	NA	5.63	5.78	3.18	1.18	2.21	4.33	3.25	2.99
	P	NA	7.57	7.53	NA	7.50	7.50	NA	7.46	7.45	7.41	7.41	7.48
2012	D	2.69	3.25	2.67	NA	4.37	4.32	3.24	1.26	1.62	2.19	2.23	1.45
	P	6.89	6.55	6.52	NA	6.46	6.44	NA	6.45	6.47	6.38	6.40	6.43
2013	D	NA	2.72	3.00	0.96	3.70	3.27	2.54	0.93	1.45	1.23	1.59	0.76
	P	5.35	5.49	5.52	5.04	5.40	5.43	5.19	5.52	5.52	5.50	5.41	5.39
2014	D	1.22	2.47	2.29	1.47	2.28	1.77	2.65	0.77	1.05	0.54	1.31	0.65
	P	4.35	4.53	4.51	4.64	4.37	4.39	4.94	4.48	4.47	4.23	4.43	4.39
2015	D	1.25	1.48	1.31	1.73	1.41	1.10	1.58	0.67	0.90	0.66	1.34	0.77
	P	NA	3.43	3.40	3.56	3.45	3.43	3.62	3.50	3.51	3.63	3.39	3.40
2016	D	0.98	0.50	0.39	1.56	1.11	0.76	0.72	0.44	0.63	0.38	0.86	0.53
	P	2.17	2.49	2.50	2.90	2.38	2.44	2.19	2.45	2.47	2.60	2.38	2.42
2017	D	0.25	0.30	0.21	0.65	0.54	0.26	0.48	0.24	0.36	0.47	0.20	0.13
	P	1.50	1.51	1.47	1.44	1.45	1.48	1.57	1.49	1.48	1.62	1.43	1.41
2018	D	0.18	0.15	0.14	0.61	0.33	0.20	0.54	0.10	0.19	0.10	0.07	0.03
	P	0.49	0.48	0.48	0.52	0.46	0.40	0.30	0.49	0.47	0.38	0.35	0.38

**Annexure I**

**Key:**

**DoL: Death or Life Imprisonment**

**7&A: Imprisonment of 7 years or above**

**4-7: Imprisonment of 4-7 years**

**1-3: Imprisonment of 1-3 years**

**Annexure I1: Offences classified based on nature of punishment before District Courts**

		Ghaziabad				Jaipur				Pune				Indore			
		Do L	7& A	4-7	1- 3	Do L	7& A	4-7	1- 3	Do L	7& A	4-7	1-3	DoL	7&A	4-7	1-3
20 10	D	15 5	68	81	98	64	36	11 3	16 4	16 45	74 8	27 5	36 0	497	173	237	352
	P	24 9	14 5	12 5	17 4	79	17	73	76	27 4	80	24 7	21 3	142	6	53	64
20 11	D	30 5	10 6	10 6	74	10 4	37	13 3	27 9	26 56	11 27	37 5	48 7	582	184	229	349
	P	38 9	13 9	13 9	16 8	11 8	21	91	11 5	42 4	12 0	28 7	32 2	224	12	99	78
20 12	D	60 1	17 2	14 3	90	90	41	16 2	26 4	30 65	14 33	40 3	73 9	837	252	357	515
	P	48 9	17 7	18 1	17 2	12 1	27	10 8	84	33 4	19 8	32 8	36 3	263	25	126	96
20 13	D	46 2	14 8	74	97	18 6	87	24 5	23 5	31 92	16 48	58 0	73 7	717	300	456	736
	P	57 0	16 3	16 9	19 4	14 4	46	13 0	94	97 8	30 8	41 5	73 7	397	37	193	247
20 14	D	40 7	16 2	15 3	11 6	47 2	34 0	57 2	42 4	37 05	17 61	70 2	70 3	517	262	449	723
	P	63 2	26 1	28 4	24 3	23 1	14 9	26 6	15 1	11 67	43 8	55 1	97 8	437	54	267	335
20 15	D	19 22	58 2	72 2	62 2	13 86	84 8	13 77	89 7	37 59	16 64	77 8	66 0	485	183	295	795
	P	74 9	28 3	25 6	26 4	22 1	13 5	28 2	95	15 61	51 3	78 3	13 03	639	122	374	496
20 16	D	21 32	96 0	91 8	35 5	11 05	62 5	14 08	84 9	34 43	16 45	68 1	57 5	327	293	197	440
	P	14 37	48 3	48 8	51 7	27 4	20 2	30 5	15 0	19 95	74 2	10 14	13 41	596	121	302	508
20 17	D	27 68	16 42	13 57	30 3	10 46	68 5	15 27	53 8	32 22	11 80	64 3	44 4	130 2	847	519	653
	P	19 78	98 0	87 9	61 8	69 6	30 4	88 4	55 4	20 54	84 9	11 57	14 33	102 8	263	543	899
20 18	D	30 10	18 50	11 84	23 7	57 5	31 6	88 3	31 1	37 07	10 35	50 4	44 6	121 4	803	572	348
	P	24 37	12 60	11 38	69 8	51 2	26 4	74 4	55 2	23 60	83 2	13 41	16 02	133 8	366	686	133 1

**Annexure I2: Duration of offences classified based on nature of punishment before District Courts (in Years)**

		Ghaziabad				Jaipur				Pune				Indore			
		Do L	7& A	4-7	1-3	Do L	7& A	4-7	1-3	Do L	7& A	4-7	1-3	Do L	7& A	4-7	1-3

20 10	D	5. 65	5. 32	4. 97	5. 67	7. 41	7. 25	7. 01	6. 06	1. 15	0. 73	2. 83	3. 35	3. 95	1. 41	3. 80	4. 53
	P	8. 53	8. 51	8. 56	8. 60	8. 47	8. 41	8. 44	8. 46	8. 41	8. 43	8. 44	8. 40	8. 36	8. 58	8. 45	8. 38
20 11	D	4. 35	4. 33	4. 05	3. 76	6. 05	5. 34	5. 39	4. 50	1. 03	0. 59	2. 75	3. 22	3. 34	1. 68	3. 49	3. 71
	P	7. 58	7. 47	7. 57	7. 56	7. 54	7. 44	7. 51	7. 51	7. 47	7. 46	7. 44	7. 42	7. 42	7. 49	7. 44	7. 42
20 12	D	3. 27	3. 05	3. 41	4. 85	4. 72	3. 49	4. 26	3. 42	1. 08	0. 70	2. 58	3. 25	2. 26	1. 54	1. 92	2. 65
	P	6. 55	6. 52	6. 55	6. 54	6. 46	6. 60	6. 42	6. 51	6. 43	6. 43	6. 46	6. 48	6. 39	6. 48	6. 38	6. 45
20 13	D	2. 85	2. 40	3. 22	3. 70	3. 76	3. 35	3. 64	2. 94	0. 80	0. 62	1. 73	2. 54	1. 69	1. 15	1. 25	1. 44
	P	5. 49	5. 50	5. 51	5. 54	5. 42	5. 39	5. 38	5. 38	5. 53	5. 51	5. 51	5. 55	5. 42	5. 43	5. 42	5. 37
20 14	D	2. 39	2. 32	2. 51	2. 60	2. 10	2. 14	2. 17	2. 11	0. 62	0. 61	1. 20	2. 09	1. 45	1. 08	1. 03	1. 05
	P	4. 54	4. 50	4. 49	4. 47	4. 40	4. 38	4. 36	4. 41	4. 50	4. 45	4. 47	4. 47	4. 43	4. 36	4. 42	4. 41
20 15	D	1. 49	1. 47	1. 53	2. 29	1. 37	1. 20	1. 47	1. 72	0. 54	0. 52	1. 07	1. 59	1. 40	1. 14	1. 12	0. 75
	P	3. 43	3. 42	3. 42	3. 39	3. 47	3. 39	3. 46	3. 42	3. 50	3. 49	3. 50	3. 52	3. 42	3. 33	3. 38	3. 39
20 16	D	0. 48	0. 49	0. 55	0. 73	1. 09	0. 93	0. 92	1. 55	0. 33	0. 40	0. 74	1. 06	0. 75	0. 42	0. 80	0. 71
	P	2. 49	2. 48	2. 50	2. 49	2. 38	2. 51	2. 36	2. 40	2. 45	2. 44	2. 47	2. 49	2. 39	2. 44	2. 40	2. 34
20 17	D	0. 29	0. 25	0. 27	0. 51	0. 54	0. 53	0. 47	0. 87	0. 18	0. 25	0. 38	0. 60	0. 16	0. 19	0. 18	0. 26
	P	1. 50	1. 50	1. 49	1. 53	1. 46	1. 44	1. 50	1. 46	1. 50	1. 51	1. 48	1. 48	1. 44	1. 48	1. 39	1. 38
20 18	D	0. 15	0. 10	0. 14	0. 26	0. 34	0. 34	0. 29	0. 65	0. 10	0. 11	0. 15	0. 14	0. 06	0. 07	0. 07	0. 11
	P	0. 48	0. 45	0. 48	0. 51	0. 47	0. 46	0. 45	0. 47	0. 48	0. 47	0. 50	0. 49	0. 37	0. 38	0. 35	0. 35

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Vidhi Centre for Legal Policy  
A-232, Defence Colony  
New Delhi – 110024

011-43102767/43831699

[jaldi@vidhilegalpolicy.in](mailto:jaldi@vidhilegalpolicy.in)