

REPORT OF THE RESEARCH PROJECT ON
“A study on Court management techniques for improving the efficiency of
subordinate courts”

Under the Scheme of Action Research and Studies on Judicial Reforms

File No. N - 9/4/2016 – NM

Submitted to

Department of Justice

Ministry of Law and Justice

Government of India, New Delhi – 110011

Submitted by



Gujarat National Law University,

Dr Vikas H. Gandhi

Principal Investigator and Associate Professor of Law

2019

Project Team:

1. Dr Vikas H. Gandhi, Principal Investigator & Associate Professor of Law
2. Mr Dipesh Soni, Research fellow
3. Dr Vikaskumar, Data analyst

Table of Contents

- i. Acknowledgment
- ii. List of Tables: 72
- iii. List of Chart: 77

Chapter 1 Introduction

1.1 Background of the research

1.2 Research objectives

1.3 Scope of the research

1.4 Research methodology

1.5 Scheme of the research report

Chapter 2 Prevailing situation of subordinate courts and its management

2.1 Recent legislative development

2.2 Contribution of Law commission of India in improving the court management system

2.3 Role of Judiciary to improve the Court & Case Management System

2.4 Role of the Judiciary and the Government of India (Conjointly academic exercise) in improving the efficiency of court management

2.5 Recent steps taken by the Government of India in improving the efficiency of court management

2.6 Welcoming step of E-Courts in India

2.7 Court management in Higher Judiciary

2.8 Case management in State of Gujarat

2.9 Case-management in each district of State of Gujarat

Chapter 3 Analysis and Interpretation of the collected data

3.1 Background of the field survey conducted

3.2 Role of the lawyers / Independent practitioners in court management

3.3 Data analysis and interpretation of responses collected from the lawyers / Independent practitioners

3.4 Role of Judicial officers in court management

3.5 Data analysis and interpretation of the responses collected from the Court officers (Judicial officers/ Judges / Judicial Magistrate First Class (Junior Division & Senior Division)/ District Judges/ Additional District Judges)

3.6 Role of Court-clerks in court management

3.7 Data analysis and interpretation of the responses collected from the Court clerks/Court managers/Bench clerks

3.8 Role of the Public Prosecutors

3.9 Data analysis and interpretation of the responses collected from the Public Prosecutors

3.10 Role of the Bailiffs

3.11 Data analysis and interpretation of the responses collected from Bailiffs

Chapter 4 Conclusion and Suggestions

4.1 Findings of the research

4.2 Suggestions

Reference

Annexures

- I. Questionnaires for Lawyers / Independent Practitioners
- II. Questionnaires for Judicial officers
- III. Questionnaires for Public Prosecutors
- IV. Questionnaires for court masters/ clerks/bench clerks
- V. Questionnaires for court-Bailiffs

Acknowledgment

The completion of this research project namely, ‘**A Study on Court Management Techniques for Improving the Efficiency of Subordinate Courts**’ required a lot of guidance and assistance from the vice-chancellor of GNLU, Dean-Research of GNLU and member team of research division at GNLU. The research team of the project is extremely privileged to have been recipient of all required support and suggestions from them.

We, the GNLU, wish to place on record our sincere gratitude to the Department of Justice, Ministry of Law & Justice, Government of India, for giving us an opportunity to undertake this project on very contemporary issue.

Our sincere thanks to all Principal District & Sessions Judges, Judicial Magistrate First Class (JMFC), Public-Prosecutors, Court-Clerks, Lawyers, Bailiffs and Registry of each district for given us the necessary permission for interviews and filled up data of our questionnaires, despite their busy schedule. The research team is in receipt of valuable inputs and guidance from all stake-holders.

The team also express its sincere gratitude to all individual who have taken part in the in-depth interviews and filled up our questionnaire.

We also thank to our accounts department and its team member and GNLU administration-wing for given their continuous support.

Vikas H. Gandhi
Gujarat National Law University
Gandhinagar, (Gujarat)

List of Tables

In total 72 tables (cross tabulation) have been created. These tables have been created district-wise and according to the questions asked to each stake-holder.

List of Charts:

In total 77 charts have been created to understand the situation in the district. Chart also showing the zone-wise division to have clear idea of court management.

CHAPTER ONE

Introduction

1.1 Background of research:

Pendency of cases in courts has increased over the years and around 87% of all pending cases are in subordinate courts in India.¹ The Constitution of India has, in its Preamble, defined and declared the common goal for its citizens as, “to secure to all the citizens of India, Justice - social, economic and political.” Article 39A of the Constitution mandates the State to secure the operation of the legal system promotes justice on the basis of equal opportunity and ensure that the same is not denied to any citizen by reason of economic or other disabilities.

It is a fundamental right of every citizen to get speedy justice and speedy trial which is equally the essential for virtuous judicial administration. The Law commission of India in the year 2009, almost one decade ago, had took up *suo motu* and has recommended categorically few suggestions.² Out of few micro-level but very important-suggestions given, three are highlighted below. **First**, amendment of section 80 and Order V of CPC and also the concerned Court’s Rules - In order to shorten delay, it has been suggested that provision parallel to section 80 CPC be introduced for all kinds of civil suits and cases proposed to be filed by a litigant.³ **Second**, Amendment of sections 378, 397 and 401 Cr.PC. (i) In complaint cases also, appeal against an order of acquittal passed by a Magistrate to the Sessions Court be provided, of course, subject to the grant of special leave by it. (ii) Where the District Magistrate or the State does not direct the Public Prosecutor to prefer appeal against an order of acquittal, the aggrieved person or the informant should have the right to

¹ Examining pendency of cases in the Judiciary; Roshni Sinha, August 8, 2019; <https://prsindia.org/theprsblog/examining-pendency-cases-judiciary>, visited on 25th of October, 2019.

² 221 report, April 2009; Law Commission of India

³ *ibid*

prefer appeal, though with the leave of the Appellate Court.⁴ *And third*, there should be only one forum for filing revisions against orders passed by Magistrates, that is, the Sessions Court, instead of two alternative forums as now provided.⁵ The reason mentioned above three recommendation is that, due to procedural transgressions in spirit however not in law. This kind of assertiveness among lawyers and especially in public prosecutors generally leading to pendency of cases. And pendency of the case in a court leads ultimately to backlog of the cases. The above-mentioned micro-level suggestions however have scope of effective implementation.

1.2 Research objectives:

By appreciating the existing efforts undertaken, the objectives of the study are as follows.

1. To study the existing practice & procedure of the court to run the case / trial.
2. To study the role of court-staff in administration and case management.
3. To study the five important stake-holders' routine work to deal with the cases and to understand their views on speedy trial and its disposal. Stakeholders i.e., Judicial officers, Public-Prosecutors, Lawyers/Independent practitioners, Bench / court clerks and Bailiffs.

1.3 Scope of the research:

The researcher has conducted the field survey of subordinate courts in the State of Gujarat. As per the proposal made in the year 2017, in total twenty-one (21) districts have been surveyed out of thirty-three total districts in the State of Gujarat. Zone-wise division has been made to cover each and every part of the State. In total 1044 responses have been received by the researcher. It means sample size is 1044. The stakeholders with whom the researcher has communicated and interacted are; lawyers, judicial officers, public-prosecutors, court-clerks and bailiffs.

⁴ ibid

⁵ ibid

1.4 Research methodology:

The research conducted is an empirical in nature. The questionnaire and interview methods have been adopted by the researcher to collect the data. Approximately, one year and two months' time-period has been taken for collection of data. When it was required, the researcher has adopted the observation method as well. Specially, at the time when researcher could not contact the stake-holder due to their (stakeholder's) busy schedule and at the time when stake-holder hesitate to answer the question asked. It was challenging task for the researcher to collect the data from the judicial officers and public prosecutors specifically. Due to their busy schedule, the researcher could not contact them with luxury of time even frequently and regularly attempted. However, by sitting in a court for a day or half, the observation method was operated on such occasions. The researcher has collected primary data from the field and has been analysed with the help of data analyst. The data analyst has used the 'Statistical Package for the Social Sciences-(SPSS)' software for data-calculation. The 'cross-tabulation Tables & Charts' have been prepared for accuracy, clear understanding and highlighting the area where additional efforts are required to make.

1.5 Scheme of the research report:

The research has been conducted by field-visit in twenty-one districts including the pilot-survey conducted in the district of Gandhinagar. The researcher has divided the State of Gujarat in to four zones. Zones like; west-zone, east-zone, central-zone and north-zone. Different zones have covered metropolitan-cities/districts, developing cities/districts and least developed cities/districts. The districts have been selected also based on variables like strength of advocate-bar, number and frequency of cases registered with court, strength of court, strength judicial officers and public-prosecutors. Scheme of the report basically introduction (mentioned above),

Prevailing situation of subordinate courts and its management, analysis and interpretation of the collected data and conclusion & suggestions.

CHAPTER TWO

Prevailing Situation of Subordinate Courts and Its Management

2.1 Recent development

Recently, in the month of August 7th, 2019 the Parliament passed a Bill, namely, *The Supreme Court (Number of Judges) Amendment Bill, 2019* to increase the number of judges in the Supreme Court from 30 to 33 (excluding the Chief Justice of India). The Bill was introduced in view of increasing pendency of cases in the Supreme Court. The Bill (now Act) sustenance the Preamble of the Constitution of India. Constitution of India reflects the mission, aspiration and objective of the people for justice when its preamble speaks of justice in all its forms: social, economic and political. Equally it attempts to guarantee the Article 14 (equality before the law and the equal protection of the laws). It also guarantees the Article 39A of the Constitution (The State to secure the operation of the legal system promotes justice) which gives equal opportunity and ensure the justice is not denied to any citizen by reason of economic or other disabilities. Equally the Law Commission of India in the year of 2009 by its 222nd report has expressed the “access to justice” and mentioned that it has two basic purposes, namely, ‘The system must be equally accessible to all’ and ‘It must lead to results that are individually and socially just’. With continuous efforts of legislatures and judiciary, in 2012, the Supreme Court approved the Scheme of National Court Management System to provide a framework for case management which leads to court management and improves the efficacy of the courts including subordinate courts.

2.2 Contribution of Law Commission of India (LCI) in improving the efficiency of Court Management System:

- I. In total, 277 reports have submitted by the Law Commission of India (LCI) till the date of 15th of September 2019. The last report was submitted in the month of August, 2018. The first report associated with the improvement in efficiency of ‘court management’ submitted by LCI in the year 1958. It was **14th report** of LCI. The report was entitled with ‘Reform of Judicial Administration’ and was under the chairmanship of Shri M.C. Setalvad (then Attorney General of India). In the report, the commission discussed important issues like; Adequacy of judicial strength, supervision and control of subordinate courts, delay in civil proceedings, costs, court fees etc. The comprehensive draft on improvement of judicial administration was prepared from that report. Several reports have been submitted at later stage in consistent intervals have equally given strength to the arguments on how to improve efficiency of subordinate courts.
Following are the reports submitted by the LCI in regular intervals as and when required. The reports highlighted below having issues related to the ‘court management’.
- II. The **77th report** of the LCI namely, ‘Delay and arrears in trial courts’, was submitted in the year 1979 under the chairmanship of Hon’ble Justice H.R. Khanna. The said report has comprised the issues like; problem of delay and arrears in trial courts, the trial court judge, stages of delay-summons, pleading and issues, court diary and evidence, arguments-judgments-decree, conciliation, recruitment and personality of trial judge, and some general suggestions.
- III. In the same year 1979, the LCI submitted its **report no.79th**, namely ‘Delay and Arrears in High Courts and other Appellate Courts’. The areas have been

covered by the LCI namely; jurisdiction of high courts and city civil courts, strength of high courts in qualitative aspects, Procedure in appeals etc.

- IV. Then, after almost around seven years later in the year of 1986, the LCI submitted its **report 118th**, namely, ‘Methods of appointment to subordinate courts / subordinate judiciary’. The chairman of the said LCI was Shri D.A. Desai. The report has highlighted more on the issues like; recruitment of subordinate judiciary, competency to deal with subordinate courts, recognition of subordinate courts and lastly comments and suggestions.
- V. In the **report no. 120th** of the year 1987, (Man power planning in Judiciary, Blue print), the recommendations were given to increase the strength of subordinate courts’ Judges. The similar recommendations had been given in its 85th Report first time. Also the directions had been given by the Hon’ble Supreme Court vide Judgment dated 21st March, 2002 in Writ Petition (Civil) No. 1022 of 1989.
- VI. By following very same year i.e. 1987, the LCI submitted another **report no. 121st**. The report entitled namely ‘A New Forum for Judicial Appointments’. The issues on court management like; fallout of the system and present position, need and justification for change, look around the world, new model etc. were discussed and have given some suggestions.
- VII. Then, **124th report** namely, ‘The High Court Arrears- a Fresh Look’ was submitted by the LCI in the year 1988. The issues like; principal causes contributing to delay in courts, remedial measures for the principal infirmities, computer technology have been discussed and made suggestions to improve the efficiency of the high courts in India.
- VIII. The **report no. 125th** namely, ‘The Supreme Court a Fresh Look’ was submitted in the same year of 1988. The main issue discussed was the ‘causes for delay and past attempts at remedial measures. Also, the report has given

- some recommendations to the Government of India to increase the efficacy of court management by reducing the delay.
- IX. Then, **127th report**, in the year 1988 namely ‘Resource Allocation for Infra-structural Services in Judicial Administration (A continuum of the Report on Manpower Planning in Judiciary: A Blueprint)’ was submitted by the LCI to the Government of India. The LCI has discussed on the issues like; court facilities-man power and material, tapping additional resources, financial palliative for the courts etc. The LCI has given appropriate suggestions and recommendations.
- X. The LCI submitted its **report no. 128th** namely, ‘Cost of Litigation’ in the year of 1988. The LCI has discussed the issues like; components of cost of litigation, court fees and its renationalisation and lastly anticipations. The report suggested some recommendations to implement and improve the efficiency of the court management.
- XI. Further, in the same year of 1988, the LCI has submitted its **129th report**, namely, ‘Urban Litigation – Mediation as alternative to Adjudication’ to improve the efficiency of the court management. The issues like; nature of litigations in urban areas, litigation other than under rent Act and lastly revision jurisdiction of the high Court. The report has strengthened with recommendations and suggestions.
- XII. In the same year of 1988, by its **131st report** namely, ‘Role of legal profession in Administration of Justice’ submitted to the Government of India. The report was submitted by one point agenda and mentioned in the index with title ‘Debate’ on role of legal profession. This report is supported with questionnaires. The questionnaires were prepared for high courts judges, advocates, bar council, academics, voluntary organizations and bar associations.

- XIII. In the year 2003, the Committee on Reforms of Criminal Justice System were submitted its report. And, one of the key recommendations was “To make specific recommendations on simplifying judicial procedures and practices and making the delivery of justice to the common man closer, faster, uncomplicated and inexpensive”.
- XIV. Then, the **report no. 221st** namely, ‘Need for Speedy Justice – Some Suggestions’, in the year of 2009 was submitted by LCI. This report on court management was submitted after a long period of time, almost around after two decades. The report submitted under the chairmanship of Hon’ble Dr Justice AR. Lakshmanan. The issues like S. 89 of the Civil Procedure Code and Order V, Code of Criminal Procedure 1973 S. 397 and S. 401 and Transfer of Property Act, 1882 were discussed. The report has suggested some recommendations to improve efficiency of case management.
- XV. Then, in the same year of 2009 the LCI submitted its **report no. 222nd**, namely, ‘Need for Justice–dispensation through ADR etcetera’. The chairman of the said LCI was Hon’ble Dr. Justice AR. Lakshmanan. The LCI has discussed the issues like; *first*, elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decision should be just and fair. *Second*, simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice and *third*, improvement of standards of all concerned with the administration of justice.
- XVI. In the same year of 2009, the LCI submitted its **report no. 230th** namely, ‘Reforms in the Judiciary – Some suggestions’. The issues like; selection and appointment of high court judges, increase in number of judges and creation of new benches, number of working days and vacations, work culture, speedy

justice, justice at easy reach, integrity, virtue and ethics, anti-corruption, access to justice, alternate dispute resolution, three players in judiciary and reforms have been discussed in detail. The report also strengthens with fruitful suggestions and recommendations for Government of India to implement it effectively.

- XVII. After two years interval, in the year of 2011, the LCI submitted its **report no. 238th**. The report entitled, ‘Amendment of Section 89 of the Code of Civil Procedure, 1908 and Allied provisions. The report was submitted under the chairmanship of Justice P. V. Reddi. The issues like; drafting errors in section 89 – Afcons Infrastructure case, Settlement of disputes outside the Court. The LCI deliberated also its previous report submitted (129th report (1988)). The report has made strengthen by giving some suggestions and recommendations.
- XVIII. Then, in the year 2014, **report no. 245th** namely, ‘Arrears and Backlog: Creating Additional Judicial (wo) manpower’ in the year of 2014 was submitted by LCI. The report was submitted under the chairmanship of Hon’ble Justice A.P. Shah. The issues like; defining key concepts: pendency, delay, arrears, and backlog, computing judge strength, methodologies for computing adequate judge strength, the time-based method, the rate of disposal method and need for system wide judicial reforms have been discussed. The report has strengthened with some suggestions and recommendations for Government of India to implement.

2.3 Role of Judiciary to improve the Court & Case Management System:

- I. The Supreme Court in the case of *Bihari Chowdhary v. State of Bihar* ((1984) 2 SCC 627) held that, “the object underlying section 80 CPC (Notice to the Government) is to ensure that before a suit is instituted against the Government or a public officer, the Government or the officer concerned is afforded an opportunity to scrutinise the claim in respect of which the suit is proposed to be filed and if it be found to be a just claim, to take immediate action and thereby avoid unnecessary litigation and save public time and money by settling the claim without driving the person, who has issued the notice, to institute the suit involving considerable expenditure and delay. (Law Commission of India)”
- II. In the case of *Maneka Gandhi* ((1978) 1 SCC 248) principle, as enunciated by the Indian Supreme Court, that “fundamental rights do not constitute separate islands unto themselves but constitute a continent ushered” said by hon’ble Justice Krishna Iyer.
- III. The Supreme Court in the case of *State of Haryana v. Darshana Devi*, (AIR 1979 SC 855) held that “We should expand the jurisprudence of Access to Justice as an integral part of Social Justice and examine the constitutionalism of court-fee levy as a facet of human rights highlighted in our Nation's Constitution. If the State itself should travesty this basic principle, in the teeth of Articles 14 and 39A, where an indigent widow is involved, a second look at its policy is overdue. The Court must give the benefit of doubt against levy of a price to enter the temple of justice until one day the whole issue of the validity of profit-making through sale of civil justice, disguised as court-fee is fully reviewed by this Court.”
- IV. The Supreme Court in the case of *Sheela Barse v. State of Maharashtra* (AIR 1983 SC 378) has emphasized that “legal assistance to a poor or indigent accused arrested and put in jeopardy of his life or personal liberty is a

constitutional imperative mandated not only by article 39A but also by articles 14 and 21 of the Constitution. In the absence of legal assistance, in-justice may result. Every act of injustice corrodes the foundation of democracy and rule of law. Article 39A makes it clear that the social objective of equal justice and free legal aid has to be implemented by suitable legislation or by formulating schemes for free legal aid.”

- V. Dr. A. S. Anand, former Chief Justice of India, had wished that the next century would not be a century of litigation, but a century of negotiation, conciliation and arbitration. (222nd LCI report, P. 14). The Government of India also set up in 1980 a Committee under the chairmanship of Mr. P. N. Bhagwati, former Chief Justice of India, and later the Parliament enacted the Legal Services Authorities Act, 1987 in view of the mandate of article 39A of the Constitution. The Legal Services Authorities Act, 1987 implemented in its true spirit has created popularity for and utility of Lok Adalats for speedy resolution of disputes. (222nd Law Commission of India report, P. 13)
- VI. In *Rajasthan State Road Transport Corporation v. Krishna Kant* (1995 (5) SCC 75), the Supreme Court observed that “the policy of law emerging from Industrial Disputes Act and its sister enactments is to provide an alternative dispute-resolution mechanism to the workmen, a mechanism which is speedy, inexpensive, informal and unencumbered by the plethora of procedural laws and appeals upon appeals and revisions applicable to civil courts. Indeed, the powers of the courts and tribunals under the Industrial Disputes Act are far more extensive in the sense that they can grant such relief as they think appropriate in the circumstances for putting an end to an industrial dispute.”
- VII. In the case of *Sitanna v. Marivada Viranna* (AIR 1934 PC 105), the Privy Council affirmed the decision of the *Panchayat* in a family dispute. Sir John Wallis, J. stated the law in the following words: “Reference to a village

Panchayat is the time-honoured method of deciding disputes of this kind, and has these advantages, that it is comparatively easy for the *panchayatdars* to ascertain the true facts, and that, as in this case, it avoids protracted litigation which, as observed by one of the witnesses, might have proved ruinous to the estate. Looking at the evidence as a whole their Lordships see no reason for doubting that the award was a fair and honest settlement of a doubtful claim based both on legal and moral grounds, and are therefore of opinion that there is no grounds for interfering with it.”

- VIII. In the case of *Food Corporation of India v. Joginderpal Mohinderpal* ((1989) 2 SCC 347), the Supreme Court observed that “We should make the law of arbitration simple, less technical and more responsible to the actual realities of the situations, but must be responsive to the canons of justice and fair play and make the arbitrator adhere to such process and norms which will create confidence, not only by doing justice between the parties, but by creating sense that justice appears to have been done.”
- IX. In *Salem Advocate Bar Association v. Union of India* (AIR 2003 SC 189 and (2005) 6 SCC 344), the Supreme Court rejected the challenge to the constitutional validity of the amendment made in CPC and took note of the Reports of the Committee headed by M. Jagannadha Rao, J., a former Supreme Court Judge and Chairman of the Law Commission of India, including the one dealing with Model Alternative Dispute Resolution and Mediation Rules. (222nd LCI report, P. 32)
- X. In the case of *Vasudevan V. A. v. State of Kerala*, (AIR 2004 Kerala) Where a matter referred to a Lok Adalat in terms of section 89(2) CPC read with section 20(1) of the Legal Services Authorities Act is settled, the refund of the court-fee is governed by section 16 of the Court-fees Act read with section 21

of the Legal Services Authorities Act and the plaintiff is entitled to the refund of the whole of the court-fee paid on the plaint.

- XI. In the case of *P. T. Thomas v. Thomas Job*, ((2005) 6 SCC 478), A Lok Adalat award passed with a decree on compromise, final, un-appealable, binding and equivalent to an executable decree, and ends the litigation between the parties.
- XII. Dr A. P. J. Abdul Kalam, former President of India, has been supportive of mediation and conciliation as ADR mechanisms and emphasized the need for their training in order that they are persons of impeccable integrity and ability to persuade and create conviction among parties. (222nd Law Commission of India report, p. 34)
- XIII. In the case of *Hitendra Vishnu Thakur v. State of Maharashtra* (AIR 1994 SC 2623), the Supreme Court observed that “a public prosecutor is an important officer of the State Government and is appointed by the State under the Code of Criminal Procedure. He is not a part of the investigating agency. He is an independent statutory authority. The success of a trial depends mainly on effective prosecution, which is possible only through well-qualified, trained, fair and dedicated prosecutors. It goes without saying that integrity and impartiality of the public prosecutor is essential in the administration of justice. It is essential that efforts are made to improve the quality of the management of prosecution in order to secure fair, just and expeditious conclusion of trials.”
- XIV. In 2002, the Supreme Court had directed the Union Government that “the judge-population ratio be raised to 50 per million in a phased manner.” (222nd Law Commission of India report, p. 38)
- XV. The suggestions made by the Hon’ble Shri Justice Asok Kumar Ganguly, a Judge of the Supreme Court that, (230th LCI report, P. 6-7) “There must be full utilization of the court working hours. The judges must be punctual and

lawyers must not be asking for adjournments, unless it is absolutely necessary. Grant of adjournment must be guided strictly by the provisions of Order 17 of the Civil Procedure Code. Further suggested that, many cases are filed on similar points and one judgment can decide a large number of cases. Such cases should be clubbed with the help of technology and used to dispose other such cases on a priority basis; this will substantially reduce the arrears. Similarly, old cases, many of which have become infructuous, can be separated and listed for hearing and their disposal normally will not take much time. Same is true for many interlocutory applications filed even after the main cases are disposed of. Such cases can be traced with the help of technology and disposed of very quickly. His lordships also commented that, Judges must deliver judgments within a reasonable time and in that matter, the guidelines given by the apex court in the case of *Anil Rai v. State of Bihar*, (2001) 7 SCC 318 must be scrupulously observed, both in civil and criminal cases. Further, suggested that considering the staggering arrears, vacations in the higher judiciary must be curtailed by at least 10 to 15 days and the court working hours should be extended by at least half-an hour. Lawyers must curtail prolix and repetitive arguments and should supplement it by written notes. The length of the oral argument in any case should not exceed one hour and thirty minutes, unless the case involves complicated questions of law or interpretation of Constitution. Judgments must be clear and decisive and free from ambiguity, and should not generate further litigation. Lawyers must not resort to strike under any circumstances and must follow the decision of the Constitution Bench of the Supreme Court in the case of *Harish Uppal (Ex-Capt.) v. Union of India* reported in (2003) 2 SCC 45.”

- XVI. The apex court in the case of *Anil Rai v. State of Bihar*, (2001) 7 SCC 318 held that “Judges must deliver judgments within a reasonable time.”

- XVII. In the case of *Brij Mohan Lal Vs Union of India (2002) 5 SCC 1*; the court held that “to ensure an increase in the cadre strength of the district judiciary commensurate with the needs of their states.”
- XVIII. The Supreme Court in the case of *Afcons Infrastructure Ltd. Vs. Cherian Varkey Consturction Co. (P) Ltd ((2010) 8 SCC 24)*, held that “if there is no pre-existing arbitration agreement, the parties to suit can agree for arbitration by filing a joint memo or application and the court can then refer the matter to arbitration and such arbitration will be governed by the provisions of the AC Act.’
- XIX. The Supreme Court in *Salem Advocates Bar Association vs. UOI ((2005) 6 SCC) 344* had equated the words “terms of settlement” to “summary of disputes” in an apparent attempt to resolve the anomaly.
- XX. In the Case of, *Malik Mazar Sultan & Anr. V. Uttar Pradesh Public Service Commission and Ors*, in the year of 2006, the Supreme Court had made recommendation to fill-up the vacancy of Subordinate courts.
- XXI. In the Case of *Imtiyaz Ahmad v. State of Uttar Pradesh and Ors.*,(AIR SC 2012 642) the Hon’ble Supreme Court directed the Commission to undertake an inquiry and submit its recommendations in relation to “Keeping in view that timely justice is an important facet to access to justice, the immediate measures that need to be taken by way of creation of additional Courts and other allied matters (including a rational and scientific definition of ‘arrears’ and delay, of which continued notice needs to be taken), to help in elimination of delays, speedy clearance of arrears and reduction in costs. It is trite to add that the qualitative component of justice must not be lowered or compromised. Specific recommendations whenever considered necessary on the above aspects in relation to each State be made as a product of consultative processes

involving the high courts and other stake holders, including the Bar.” (245th LCI report, P. 1)

- XXII. In the case of *Ramrameshwari Devi v. Nirmala Devi* ((2011) 8 SCC 249), it has been held that “At the time of filing of the plaint, the trial court should prepare complete schedule and fix dates for all the stages of the suit, right from filing of the written statement till pronouncement of judgment and the Courts should strictly adhere to the said dates and the said time table as far as possible. If any interlocutory application is filed then the same [can] be disposed of in between the said dates of hearings fixed in the said suit itself so that the date fixed for the main suit may not be disturbed.” (245th LCI report, P. 8).
- XXIII. In the case of *All India Judges’ Association v. Union of India*, (2002) 4 SCC 247 held that One method commonly advocated for determining how many judges are required in the judicial system is the judge to population ratio, i.e., the number of judges per million persons in the population.

2.4 Role of the Judiciary and the Government of India (Conjointly academic exercise) in improving the Court Management:

- I. The conference was held on March 9-10, 2006 of Hon’ble Chief Justices of different high court of the States. The conference had agenda of how to improve the efficiency of courts in India. The said conference has given some recommendations like to increase the strength of subordinate judges, examinations and interviews to be conducted to fill-up the vacancies of judicial officials at all levels at least once in a year, high courts may take serious attempt for disposal of old cases and possible efforts to reduce arrears of cases. It had also focused to use techniques like case flow management, grouping & bunching, use of IT tools etc.

- II. The Chief Justices Conference was held on 6th and 7th April, 2007 to resolved the issues like; the approval of National Judicial Infrastructure Plan (NJIP), if there are more than 2000 cases in a subordinate court - additional court(s) be set-up to deal with the excess cases, and courts of civil judges (Junior Division) and judicial magistrate be set-up at *Taluka level* as also for a block of 3-4 villages, provided that enough litigation is generated at that level, evening/morning courts to be presided over either by serving or retired judicial officers, assisted either by serving or retired court staff, be set-up, wherever found feasible, the process of modernization and computerization of justice delivery system at all levels of Indian Judiciary and establishment of E-courts as well as provision of video conferencing facilities be expedited and steps be taken to examine the existing infrastructure facilities relating thereto so as to obtain the maximum and optimum levels, be consistent with the rules framed by the high court, and with such modifications as may be deemed appropriate by it, national plan for Mediation, National Judicial Education Strategy, Strengthen of *Lok-Adalat* System and various earmarked cases including those involving petty offences also be transferred to such courts and the vigilance cells constituted in every high court should be headed by a senior District Judge.
- III. The Joint Conference of Chief Ministers of States and Chief Justices of the High Court's held on 8th April, 2007 resolved with the point that consistent with the resources available to them, the States will provide adequate funds for augmenting the infrastructure of subordinate courts and evening/morning courts to be set-up.
- IV. The same subject was again discussed in the Chief Justices Conference held on 17-18, April, 2008. The recommendations made in this conference like; to set-up at least one family court in each district besides additional family courts

wherever required, to set-up additional courts of special judges, exclusively for trial of corruption cases investigated by Central Bureau of Investigation under Prevention of Corruption Act, to set-up courts of special metropolitan magistrates/special judicial magistrates presided by retired government servants and court servants, possessing a professional degree in law, for trial of petty offences, including traffic cases and cases under local municipal Acts and setting-up of additional courts of subordinate judges so as to expedite disposal and reduce arrears of cases.

- V. The Joint Conference was also conducted of Chief Ministers of States and Chief Justices of high courts held on April 19, 2008. The joint conference discussed and resolved the issues like; to take all possible steps to reduce arrears of cases and ensure speedy trial within a reasonable time period, to establish one family court in each district in coordination between State and Centre Government, and additional courts of special judges will be set-up by the States, exclusively for trial of corruption cases investigated by State machinery. It was also decided that, there must be “judicial impact assessment” as done in United States, whenever any legislation is introduced either in Parliament or in the State Legislatures.
- VI. This subject was again discussed in the Chief Justices Conference held on 17-18, April, 2008. The agenda resolved was that, evening/morning courts be set-up, wherever found feasible, and cases involving petty offences may be transferred to such Courts.
- VII. Very important resolutions were adopted in the Chief Justices’ Conference, held on 3rd and 4th of April, 2015. The resolutions on the subject-matter like; review by high court about working of evening/morning courts, establishment of ‘arrears committee’ at the high court level, uniformity in giving the pendency figures, to do away with giving separate and independent number

for various interlocutory applications filed in a particular case, To strengthen the computerization of the courts by taking over management and maintenance of hardware and computer peripherals, promoting e-filing and video conferencing and innovative use of computer system existing in the courts, implementation of national court management system (NCMS), strengthening of judicial academies and introducing innovative methods for imparting training to judicial officers regarding their court functioning and judgment writing and training to lawyers and capacity building and identification of potential, fast tracking of matters relating to offences against women, children, differently-abled persons, senior citizens, marginalised sections of society and prevention of corruption act cases, strengthening and alternative dispute system, *lok adalat* and conciliation, national vision and mission - justice for all: 2015-2020, the post of law secretary, legal remembrancer and secretary, legal services authority to be manned by principal district judges or district judges instead of law officers throughout the country, deficiencies and anomalies in the functioning of the subordinate judiciary in the state/union territories, rules and directions/guidelines for electronic evidence to be followed by all the courts.

- VIII. The resolutions, related to court management, adopted in the Chief justices' conference, 2016 held on 22nd & 23rd April, 2016 are like; differently-abled friendly complexes, mechanism for review of infrastructure development, creation of new posts/revision of cadre strength at all levels along with supporting staff and requisite infrastructure, vesting of power to the high courts for selection and appointment of judicial magistrates in the State, performance of morning/evening courts review, monitoring mechanism for tracking the progress of cases of under-trial prisoners, scanning & digitization, delay and arrears committee and its working style, reduction of arrears and

- ensuring speedy trial, making ‘five plus zero’ a reality, effective integration of national court management systems and state court management systems.
- IX. Vision Plan document developed in 2009, which was submitted by the Ministry of Law and Justice, Government of India for strengthening the judiciary towards reducing the pendency and delays. In the document, the action plan for implementation was like; National Arrears Grid to identify the arrears, identification of bottlenecks in crisis areas, adoption of innovative measures for expeditious case disposal, procedural changes etc.
- X. Recent amendments (also highlighted by the department of justice, Government of India that), in the procedural law which are helping to improve the court managements are Section 309, Criminal Procedure Code to discourage unnecessary adjournments (*no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party*), amendment of Section 320 of Criminal Procedure Code, to rationalise the list of compoundable offences, insertion of a new Chapter XXIA on plea bargaining (S. 265A to S. 265L), insertion of Section 436A for release of under trial prisoners who have undergone half of the maximum imprisonment, and amendments to Sections 161(3) (Examination of witnesses by police), 164 (Recording of confessions and statements) and 275 (**Record in warrant-cases**) of Criminal Procedure Code to allow use of audio / video technology in criminal cases. In case of civil, relevant amendments to the Civil Procedure Code include provisions to impose limit on the number of adjournments (O. 17 Adjournments) that may be granted to each party to three times and imposition of costs for adjournments; allowing service of summons (O. V Issue and Service of Summons) using email, fax, speed post, courier services or directly through the plaintiff; providing for dismissal of suit where

summons are not served in consequence of plaintiffs' failure to pay costs; and limiting the time limit for filing of written statement by the defendant.

2.5 Recent Steps Taken by the Government of India in Improving the Efficiency of Court Management:

- I. The Government of India published a report namely, Annual Policy Review 2014-15. The said report has highlighted the subject of 'information technology' in which the Cabinet approved the *e-Kranti* or National *e-Governance Plan (NeGP) 2.0* in March 2015. E-Kranti is one of the components of the 'digital India programme'. The aim of the programme is to deliver all government services electronically to citizens, at affordable costs, while ensuring efficiency and transparency said in the report.

2.6 Welcoming step of E-Courts in India

- I. The Ministry of Electronics and Information Technology of India said that, "The Indian judiciary comprises of nearly 15,000 courts situated in approximately 2,500 court complexes throughout the country". The object of e-Court is to implement ICT in Indian judiciary. The main aim is to implement automated decision-making and decision-support systems in districts and subordinate courts across the Nation. The main objectives are to help judicial administration in streamlining their day-to-day activities, to assist judicial administration in reducing the pendency of cases, to provide transparency of information to the litigants, to provide judges with easy access to legal and judicial databases.
- II. The Ministry of Law and Justice has mentioned in its document namely, 'initiatives taken by the ministry of law & justice during the two years of the present government', about the enactment of the 'commercial courts', *Commercial Division and Commercial Appellate Division of High Courts Act 2015* to ensure speedy and fair disposal of 'commercial disputes'. Further it

enshrined about initiatives towards better management of litigation. It has mentioned about taking preventive measures for reducing the new filing of cases, restricting appeals to minimum by careful scrutiny of the implications of the judgment, effective presentation of the Government through assigning legal functions on legally trained persons and effective handling of PILs, conducting training programmes and augmentation of internal capacity building measures. It further mentioned about set up a web portal for 'legal information and management-based system (LIMBS)'. The aim of the LIMBS is to monitor of court cases of the entire Government of India. It further emphasised on an appointment of law officers and panel counsels (including AG/SG).

- III. The document said that, E-Courts mission mode project has been taken up for universal computerization of district and subordinate courts with an objective of providing designated services to litigants, lawyers and the judiciary and confirms that Phase –I of the projects is completed. Further, e-Courts Phase-II projects has been initiated with the aims of automation of workflow management, enabling the courts to exercise greater control in management of cases. This includes the installation of touch screen-based kiosks, use of e-filing, e-payment and mobile applications as well. Further, it highlights on implementation of a centrally sponsored scheme for development of infrastructure facilities for judiciary.

2.7 Court management in higher judiciary:

Recently, published in August, 04 2019, in one of the leading newspapers namely, 'The Hindu' that Chief Justice of India said "In India, we have a little over one thousand cases of 50-years-old cases and above two lakh 25-year-old cases." The hon'ble Chief Justice of India (CJI) has also said, out of about 90 lakh pending civil

cases, more than 20 lakhs are at a stage where summons have not been served yet. The news highlighted in the Times of India, dated October 12, 2018 that, hon'ble CJI directed to hon'ble chief justices of high courts to withdraw judicial work from errant members of the court. Further insists that no high court judge or sub-ordinate judicial officer would be permitted to take leave for working days except for emergency. The hon'ble CJI also barred the judges from taking LTC during court working days.

2.8 Case management in State of Gujarat:

- I. News highlighted on Mar 6, 2018 in the Times of India that, the high court of Gujarat has devised an automated alerts system for judges of the lower judiciary to reduce its massive backlog and to make judicial officers more accountable. If judicial officers adjourn a case which has been pending for five years or more, for longer than seven days, they get an SMS from the high court reminding them to take care of old cases as soon as possible. All judges of the lower judiciary have been instructed to not adjourn old cases those pending for more than five years for longer than a week. Each judge will also get a list of such adjourned cases.
- II. As per the National Judicial Data Grid (NJDG), at the time of writing this report, in the Gujarat's lower courts, there are still 15, 77,500 cases pending in total including civil and criminal cases both. As of today i.e. on 30th September, 2019 highest number of cases pending in the State of Gujarat is of 0 to 1 years duration, i.e. 7, 65,000 which represents 48.51% out of total cases pending. Then cases from 1 to 3 years duration, 3, 10,782 which represents 19.7%, from 3 to 5 years 1, 41,413 which represents 8.96%, from 5 to 10 years 1, 80,946 which represents 11.47%, from 10 to 12 years 1, 32,013 which represent 8.37%, from 20 to 30 years 42,935 which represents 2.72% and last above 30 years duration 4,209 cases which represents 0.27%.

- III. Further if we bifurcate stage wise pendency of the cases, the cases are pending maximum on the stage of appearance/service. In total 9, 34,700 cases are pending at this level. It means out of total cases pending, around 59.25% of cases are pending alone on this stage. This figure compelling the researcher to emphasis more for giving suggestion. Second stage is Evidence/Argument/Judgment stage. In total 5, 20,809 cases are pending, it means around 33.01% cases are pending at this stage alone. It also compelling the researcher to provide some suggestions. At the stage of pleadings/issues/charge the total number of cases are pending is 61,454 it means around 3.89% are pending at this stage.
- IV. The ‘original jurisdiction’ cases are more pending compare to appeal, application and execution. In total, cases pending of original jurisdiction has been 13, 75,759 in the state of Gujarat.
- V. The system is so efficient that by writing and analyzing the figures, seven cases from the list of original jurisdiction are reduced. That’s amazing experience and the researcher do admit the efficiency of the court management.
- VI. If we observe the cases instituted and disposed of last month, i.e. September, 2019 the difference is 23,533 cases. It means, the researcher has to focus on how to reduce the institution of suit and to give suggestions on the same in this report.
- VII. In majority, pendency of civil-cases is at the stage of ‘stayed by the high court’ in the case, while in criminal-cases, the ‘accused is absconding.’ This situation has compelling to think on how to solve it. Other reasons given in the NJDG is that parties taking more time in taking evidence, miscellaneous applications, IMP witnesses’ presence; etcetera.

2.9 Case-management in each district of State of Gujarat:

- I. The following data have been collected from National Judicial Data Grid as on October, 2019. The object is to make comparative analysis with the data collected by the researcher.
- II. Following data on cases pending in each district is as per the NJDG. Gandhinagar- 40,909; Ahmedabad - 4, 37,353; Amreli-23,118; 39,318; Aravalli-15,559; Anand – 39,318; Bharuch-39,537; Bhavnagar-56,154; Dahod-22,477; Jamnagar-38,351; Junagadh-22,246; Kutch-Bhuj-53,950; Mahasana-55, 242; Narmada-6,650; Navsari-24,260; Patan-18,502; Porbandar-10,363; Rajkot-93,453; Surat-1,38,493; Surendranagar-20,767; Vadodara-1,35,639 and Valsad-36,768.
- III. The highest cases pending is in the district of *Surat* and lowest is in the district of *Narmada*. This report will analyze the data collected by the researcher and will provide explanation, justification and validation.

CHAPTER THREE

Analysis and Interpretation of the Collected Data

3.1 Background of the field survey conducted:

The researcher overall visited total twenty-one (21) districts including the district of Gandhinagar, where pilot survey was conducted. Five different ‘form of questionnaires’ for five different respondents were drafted for the field survey. Different categories of respondents are mentioned below. The method adopted by the researcher to collect data has been empirical. The interviews have been conducted and questionnaires were being filled by the respondents. Observation method also has been a part of data collection.

The definite categories of the respondents are; *first*, Lawyers/Advocates/Independent Practitioners; *second*, Judicial officers (Judicial officers / Judicial Magistrate First Class (JMFC) / District Judge /Additional District Judge / (JMFC-SD); *third*, Public Prosecutors; *fourth*, Court Managers (bench clerk/court clerk) and *fifth*, Bailiffs.

In total, responses or samples have been collected by the researcher from the field survey *is 1044*. Out of total samples collected, the researcher has collected **914 responses from Lawyers, 41 responses from judicial officers** (Magistrates/ District Judges/JMFCs), **32 responses from Public Prosecutors, 35 responses from court-managers** and **22 responses from bailiffs**.

These responses have been collected by the researcher by filling up questionnaires and by taking interviews as mentioned above. Frequently, the researcher has also used the observation method to collect the data.

Each ‘questionnaire form’ has consisted of around fifteen (15) questions. Following is an exact number of questions drafted for each respondent. The researcher has drafted twenty-one (21) questions for the independent practitioners (Lawyers); for

the judicial officers (Judges) including Principal Judge, twenty-one (21) questions have drafted; for the Public-prosecutors eighteen (18) questions have drafted; for the Court master twelve (12) questions have drafted and for the bailiff twelve (12) questions have drafted.

As mentioned above, the researcher has surveyed overall twenty-one (21) districts out of thirty-three (33) districts in total districts in the State of Gujarat. Name of the districts which have been surveyed and collected the data by the researcher are as follows:

Gandhinagar (for pilot-survey), Ahmedabad, Amreli, Aravalli, Palanpur, Bharuch, Bhavnagar, Dang, Jamnagar, Junagadh, Bhuj, Mahasana, Narmada, Navsari, Patan, Porbandar, Rajkot, Surat, Surendrnagar, Vadodara and Valsad.

The above-mentioned districts have been selected based on zone in the State of Gujarat. There are two reasons for making five zones of State of Gujarat. *Frist* is to cover geographically all parts of Gujarat and *second* is to cover the districts according to population of the district and strength of the Court in district.

3.2 Role of the lawyers / Independent practitioners:

The researcher approached to well-experienced Independent practitioners / lawyers who have an average of 20 years of experiences. And at the same time, the junior lawyers, mid-experienced lawyers and senior lawyers also have been interviewed to collect balanced views. Following table, chart and explanations are as per each question asked to the lawyers.

3.3 Data analysis and interpretation of responses collected from the lawyers / Independent practitioners:

The researcher approached senior lawyers, mid-experienced lawyers as well as the lawyers who have recently enrolled in the advocate-bar. Following data (*table 1*) represents the district-wise experienced lawyers that researcher has approached to collect the data.

Experience of court practice						
		Since how long you are practicing				Total
		0-5 years	5-10 years	10-20 years	20 years or more	
Distri ct	Gandhinagar	2	10	10	8	30
	Valsad	1	4	4	5	14
	Navsari	10	4	11	13	38
	Bharuch	30	15	13	14	72
	Jamnagar	30	9	15	13	67
	Surendernag ar	17	3	26	25	71
	Ahemdabad	20	8	21	21	70
	Anand	5	5	4	1	15
	Surat	23	12	6	5	46
	Rajkot	17	13	16	17	63
	Arravalli	7	11	5	4	27
	Dang	2	2	2	0	6
	Narmada	2	7	13	10	32
	Mehsana	2	7	16	42	67
	Junagardh	9	4	10	10	33
	Patan	1	2	5	7	15
	Vadodara	9	3	3	11	26
Bhavanagar	2	12	20	34	68	
Bhuj	4	20	5	30	59	
Amrili	16	5	19	4	44	

	Porbandar	4	8	20	19	51
Total		213	164	244	293	914

Table 1

Lawyers are one of the important and main stake holders in the administration of the Court. A huge impact on case management can make in terms of reduce the backlog of the cases. And this was the reason that researcher approached both senior and junior lawyers.

The researcher has received the response from every district which have been proposed. The maximum data have been received from the districts like Bharuch, Surendranagar and Ahmedabad. If it counts with the experience of lawyers, i.e., 293 lawyers to whom the researcher approached have more than twenty years of experience. 244 lawyers have an experience between ten years and twenty years. 213 lawyers have experience up to 5 years. While 164 lawyers have experience between five to ten years. It leads to the strong presumption that the data collected from the lawyers can rely upon. The strength of lawyers is sufficient in terms of human resources which may support to the case & court management very much effectively. When the question was asked of ‘Specialization-practice’ or ‘General-practice’, following responses have been received.

Specialized practice or General practice?				
		Do you have specific practice?		Total
		Yes	No	
Distri ct	Gandhinaga r	23	7	30
	Valsad	10	4	14
	Navsari	28	10	38
	Bharuch	69	3	72
	Jamnagar	41	26	67
	Surendernag ar	61	10	71
	Ahemdabad	50	20	70
	Anand	12	3	15
	Surat	37	9	46
	Rajkot	40	23	63
	Arravalli	7	20	27
	Dang	1	5	6
	Narmada	5	27	32
	Mehsana	6	61	67
	Junagardh	29	4	33
	Patan	5	10	15
	Vadodara	13	13	26
	Bhavanagar	58	10	68
	Bhuj	59	0	59
Amrili	44	0	44	

	Porbandar	49	2	51
Total		647	267	914

Table 2

The table 2 above, viewing majority of lawyers are practicing in ‘specialization’. It means lawyers accepts the cases of specific branch of law. Majority of lawyers have practice in specialization area of law. Now, according to the researcher, this kind of practice has a huge impact on reducing the backlog of the case and speedy justice both. If in a district having more lawyers doing practice in specific branch of law against the limited number of cases registered in that branch of law, human resources of lawyers may not utilize at its maximum. It means, the lawyers’ strength in a specific branch of law having high volume against the limited number of cases. And on other side, since lawyers do not practice in all branches may lead to crunch of work. A lawyer doing general practice and acquiescent all kind of cases may over burdened with cases to handle. Ideal situation may, once the lawyer having practice in all branches of law and attainment of sufficient experience, then practice in specialization may help to parties first and ultimately to the case/court management. Following is a chart display experience of lawyers in ‘general practice’ and ‘specialization-practice’ according to the district.

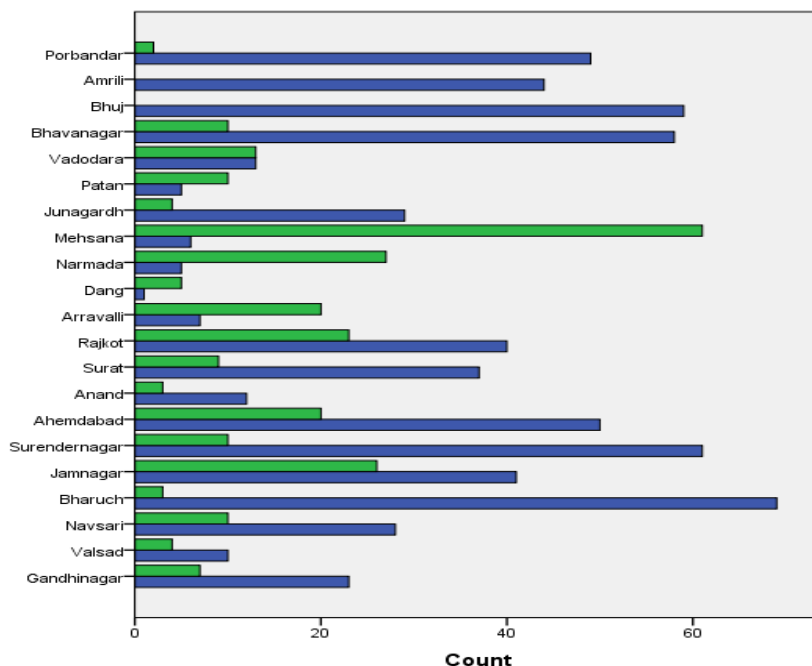


Chart 1 (Practice in specialization area)

In the districts like; Bharuch and Surendranagar, where lawyers undertake practice in ‘specialization area’. But not in the districts like; Mahesana and Vadodara. Such practice is differed from district to district. It means, glitches in each district is different. However, such issue can address by the ‘judicial-academic wing’ or ‘advocate-bar academic wing’ in each district in the interest of justice administration.

In one of the questions asked by the researcher about the time-duration between two adjournments given in a case generally. i.e., duration and frequency both. The responses received by the researcher that, generally frequency of rotation in a case has been ‘once in a month’ and maximum duration between two adjournments is of maximum ‘six months’. It seems that individual court is burdened with number of the cases. And it is difficult for an individual court to place a case on board regularly. This frequency is a challenge for the court. Here, basis on the stage of the case, the adjournment can be given. Independent lawyers may be asked to confirm the date in presence of parties with sense of accountability.

Following is table 3 showing the rotation of the case in each district.

How many times a matter gets rotated?							
		Once in a week	Once in a fortnight	Once in a month	Not once in a month but within 6 months	No Comments	Total
District	Gandhinagar	3	11	9	4	3	30
	Valsad	0	0	13	1	0	14
	Navsari	5	0	26	6	1	38
	Bharuch	45	5	21	0	1	72
	Jamnagar	36	7	18	3	3	67
	Surendernagar	10	24	35	2	0	71
	Ahemdabad	1	15	44	1	9	70
	Anand	1	0	13	1	0	15
	Surat	3	2	37	1	3	46
	Rajkot	8	7	47	1	0	63
	Arravalli	1	0	23	0	3	27
	Dang	0	2	3	0	1	6
	Narmada	3	1	28	0	0	32
	Mehsana	0	1	65	0	1	67
	Junagardh	7	0	24	2	0	33
Patan	1	4	10	0	0	15	

	Vadodara	4	10	12	0	0	26
	Bhavanagar	1	0	67	0	0	68
	Bhuj	0	0	59	0	0	59
	Amrili	0	0	44	0	0	44
	Porbandar	3	0	48	0	0	51
Total		132	89	646	22	25	914

Table 3

The districts like; Bhavnagar, Mahesana and Rajkot where more number of responses have been received which states that rotation of the case is possible only 'once in a month'. In the district of Valsad out of total fourteen responses received, thirteen responses have been received which says 'once in a month'. It means, districts like Bhavnagar, Valsad, Navsari, Anand, Rajkot, Narmada, Porbandar have high volume of cases in an individual court.

The similar demonstration (district wise) in the chart as follows:

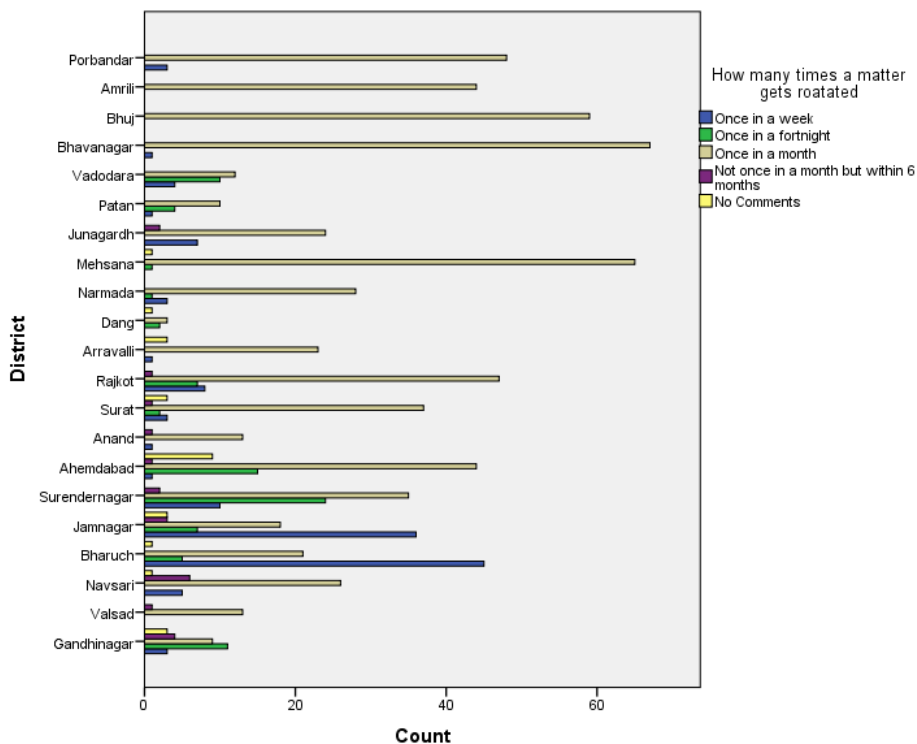


Chart 2 (duration of matter rotated in each district)

The districts like; Bhavnagar, Mehesana, and Rajkot where most of the cases are rotated 'once in a month'. While districts like; Bharuch and Jamnagar where cases are rotated 'once in a week'. The data specifies the heavy burden of cases in maximum districts and in individual court.

While observing the burden of the individual court in a district specifically, the question was asked about the number of cases withdrawn. The responses directs that in a year generally 0-5% cases are being withdrawn. It means, those cases are filed with no stern thought and empathetic. This has definitely increased the burden of the court. At the time of registration of the case, if the registry could had asked for counselling to the parties before the registration of the case, such situation could have avoided very well.

Following is a table 4 which display the statistics of the 'cases withdrawn' from each district.

Approximately how many cases are withdraw?								
		0-5 percen t	5-10 percen t	10-20 percen t	20-50 percen t	more than 50 percen t	no comment s	Tota l
Distric t	Gandhinagar	15	10	4	0	1	0	30
	Valsad	4	1	2	0	1	6	14
	Navsari	5	2	2	3	0	26	38
	Bharuch	53	9	3	4	2	1	72
	Jamnagar	48	3	4	4	8	0	67
	Surendernaga r	59	3	1	1	7	0	71

Ahmedabad	8	4	2	7	0	49	70
Anand	6	2	0	0	7	0	15
Surat	14	14	4	0	14	0	46
Rajkot	29	17	4	9	4	0	63
Arravalli	18	4	2	0	2	1	27
Dang	2	1	2	1	0	0	6
Narmada	5	16	6	4	0	1	32
Mehsana	18	12	2	1	0	34	67
Junagardh	18	9	1	2	1	2	33
Patan	5	5	4	1	0	0	15
Vadodara	11	7	3	4	0	1	26
Bhavanagar	41	24	2	1	0	0	68
Bhuj	40	14	5	0	0	0	59
Amrili	29	10	0	2	0	3	44
Porbandar	23	28	0	0	0	0	51
Total	451	195	53	44	47	124	914

Table 4

Maximum 451 respondents specify up to 5% cases are being withdrawn. While 10% of the cases are being withdrawn understood by 195 respondents. At this stage, maximum care has to be taken to reduce the time consumption of the court. If the number to institute the suit is reduced, that much attribute to reduce the backlog of the cases. Equation is very clear.

To check how much burden of the case in trivial (petty) matters, the researcher has asked the question that ‘whether compounding an offence of trivial issue is an appropriate method?’ The researcher has endorsed that trivial issues may merge and

can be given further importance to decrease the burden of the court from cases. This may affect to abbreviate the existing case-load of the court.

Following table 5 demonstrate whether lawyers are believed to seam the trivial issues amicably.

Do you consider to compounding an offence of trivial issues as an appropriate method?					
		Yes	No	No comments	Total
District	Gandhinagar	28	1	1	30
	Valsad	13	0	1	14
	Navsari	35	3	0	38
	Bharuch	58	12	2	72
	Jamnagar	58	9	0	67
	Surendernagar	64	7	0	71
	Ahemdabad	3	62	5	70
	Anand	15	0	0	15
	Surat	45	0	1	46
	Rajkot	50	4	9	63
	Arravalli	27	0	0	27
	Dang	4	0	2	6
	Narmada	32	0	0	32
	Mehsana	64	0	3	67
	Junagardh	32	1	0	33
Patan	8	7	0	15	

	Vadodara	6	20	0	26
	Bhavanagar	68	0	0	68
	Bhuj	59	0	0	59
	Amrili	42	2	0	44
	Porbandar	51	0	0	51
Total		762	128	24	914

Table 5 (Trivial case can be compoundable)

From the question above mentioned, in total 762 responses have been received. It specifies that petty offences and issues can be joined which may benefit to reduce the work-load of an individual court. This may have direct impact on the administration of the court. Frequency to place a case on board may automatically become more frequent. Only 128 responses received which are not in the opinion of to merge the trivial cases. While 24 respondents have preferred not to give any response.

District / Zone wise chart 3 given below which specify that west-zone court lawyers are more of opined to join the petty cases & issues. It can definitely reduce the burden of the court.

Following is a chart 3 representation on ‘whether trivial case can be compoundable?’

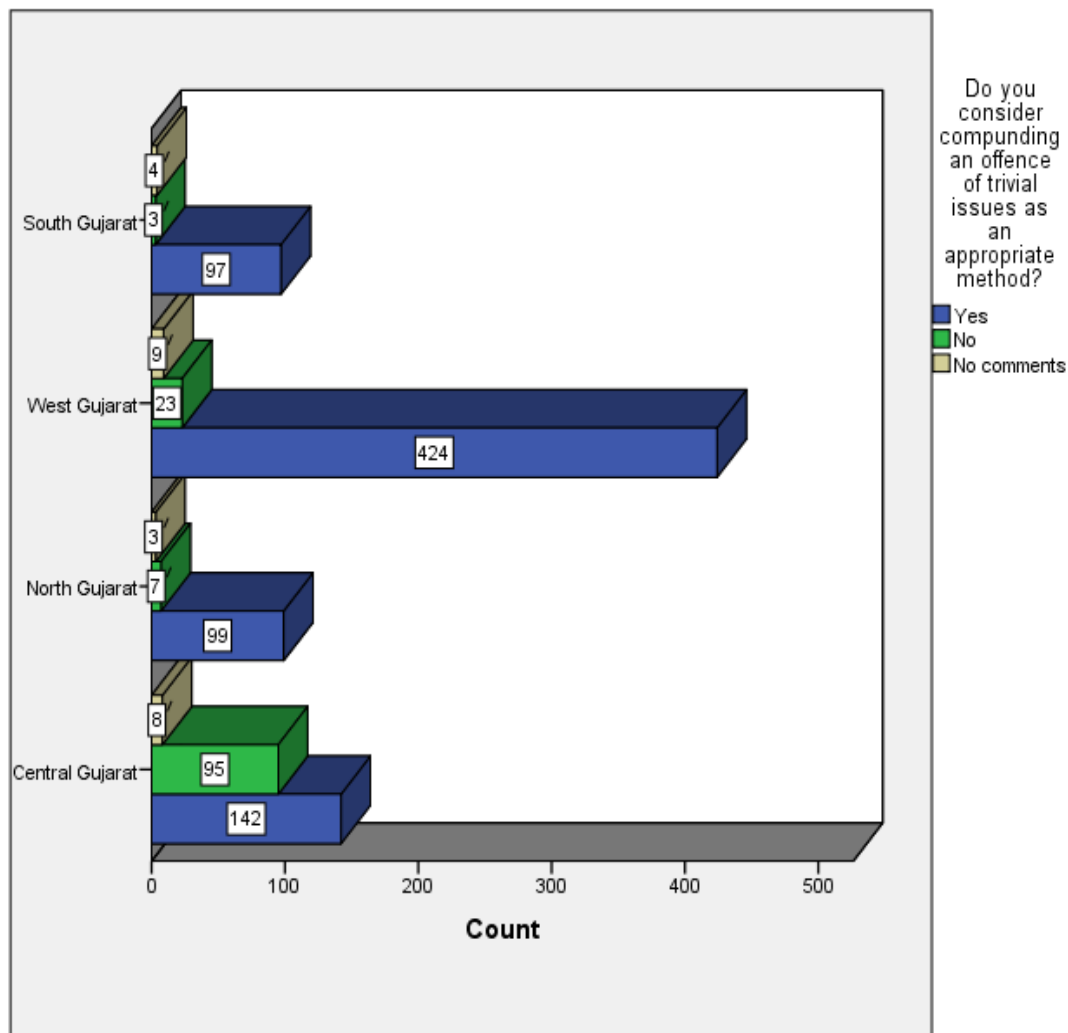


Chart- 3 Trivial issue can compoundable

In south-zone 97 responses have been received who courtesies to cartel the cases and diminish the burden of the court. In west-zone 424 responses have said that petty cases can be merged. While in central zone responses are 142, while in North zone 99 responses have been in the same opinion. This method has several benefits. It may be easy for a lawyer to inter-connect the cases, its effect on value of arguments and improve the frequency in rotation etc.

The question was asked by the researcher about the role of the witnesses and its' inter-connection with the administration of speedy disposal. In response, the researcher has received that an around 20-50 percent of cases where the witnesses

have been hostile. The volume is definitely high. It means, the time spent prior to the stage of witness's statement has nullified in effect. At this stage the attitude of witnesses has direct effect on the efficiency of the court. It means, to collect evidence from the witnesses is more challengeable for the court. Even after spending more time in disposal of the case, no justice may get by the conflicting parties. Not only that, this arrogance influenced on all stages passed by the court till witnesses' stage. Following is a table-6, stating the status of hostile witnesses in each district.

In how many cases does the witness turns hostile?								
		0-5 percent	5-10 percent	10-20 percent	20-50 percent	More than 50 percent	Not comment	Total
District	Gandhinagar	6	2	1	12	9	0	30
	Valsad	2	0	5	4	3	0	14
	Navsari	2	0	3	18	12	3	38
	Bharuch	18	4	16	28	4	2	72
	Jamnagar	10	2	2	46	7	0	67
	Surendernagar	6	2	5	55	3	0	71
	Ahemdabad	0	0	0	25	17	28	70
	Anand	0	1	8	2	3	1	15
	Surat	1	4	20	17	4	0	46
	Rajkot	23	5	4	24	7	0	63
	Arravalli	8	1	1	14	3	0	27
	Dang	2	0	2	1	1	0	6
	Narmada	0	0	1	1	30	0	32
	Mehsana	0	0	0	1	63	3	67
Junagardh	1	1	4	11	16	0	33	

Patan	2	2	7	4	0	0	15
Vadodara	4	3	5	7	0	7	26
Bhavanagar	2	8	42	13	3	0	68
Bhuj	0	0	15	39	5	0	59
Amrili	6	4	19	15	0	0	44
Porbandar	9	26	16	0	0	0	51
Total	102	65	176	337	190	44	914

Table 6 (Status of witnesses' hostile)

Above table directs that responses received from 337 respondents which is highest in percentage of witnesses have becoming hostile. This sum is 20-50 percentage of witnesses are being hostile. While 190 respondents, second highest figures, have declared more than 50 percent witnesses are being become hostile. It means, this stage need to address either making responsibility on witnesses, independent lawyers or clients on witness not to become hostile. Necessary rules also can be interpreted in an appropriate manner by the court.

Following is a chart 4 represents the zone-wise indication of hostile of witnesses.

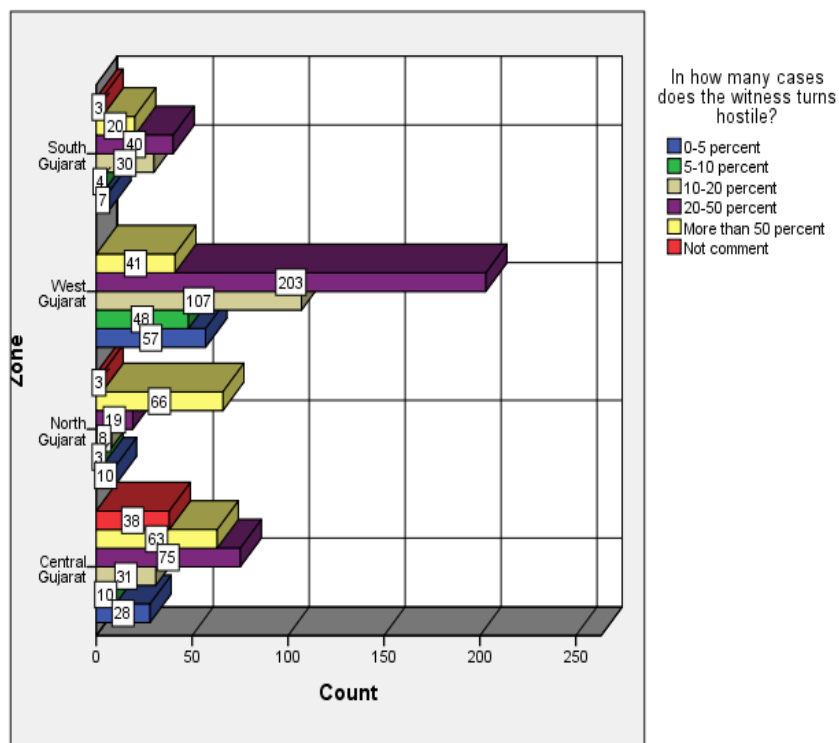


Chart- 4 Witnesses hostile in each district

The chart4 specifies that in Wes-zone 203 responses have been received and maximum 50 percent of witnesses are being hostile. In central-Zone, 75 respondents states that 20-50 Percent witnesses become hostile. According to the district, the court management system can be changed and responsibility can be given to either clients or to counsels and on public-prosecutors.

The question was asked by the researcher about the ‘electronic records’ and its effect on case management. Overall responses have been received by the researcher is in affirmative and has been appreciated as well. From the responses received by the researcher one object is clear that advocates and counsels are aware about how to maintain of e-records and its benefits. It also seems that to maintain record of e-communication and e-records is a regular practice. In fact, this is a decent indication. Prevailing new e-court system and its implementation is highly recognised and appreciated. However, how much this e-court policy results in reducing delay and to make speedy disposal, that future will decide. However, to maintain e-records and

e-communication confidential is still a challenge. E-court and e-records definitely help in reducing the time consumption and support to speedy communication. It also reduces the human error. The researcher presume that the e-court will improve the efficiency of speedy disposal.

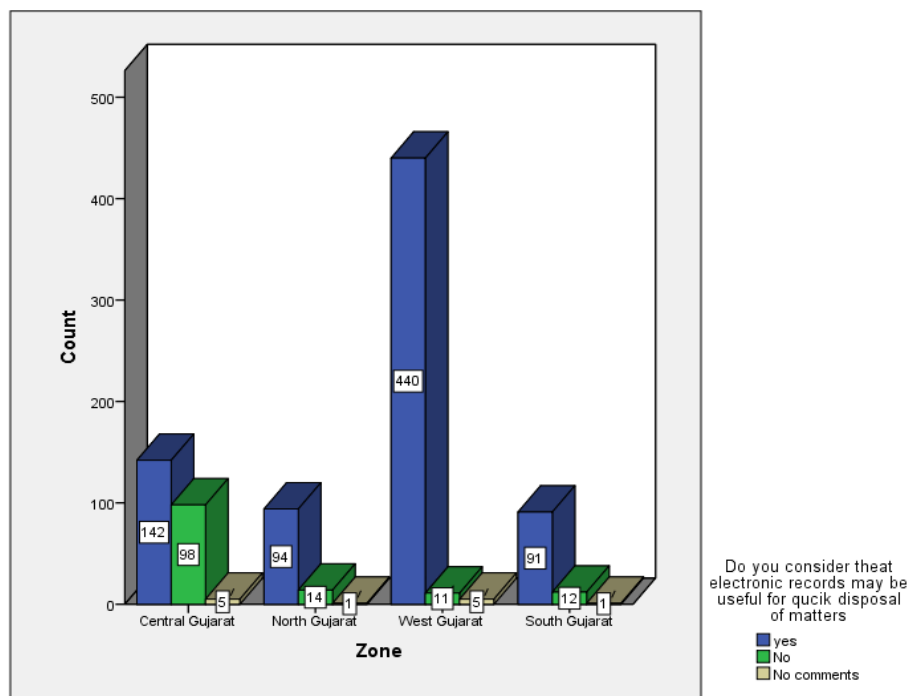
Following table-7 indicates the district-wise responses where e-court has taken new shape in the court management.

Do you consider that electronic records may be useful for quick disposal of case?					
		yes	No	No comments	Total
District	Gandhinagar	27	3	0	30
	Valsad	13	1	0	14
	Navsari	33	5	0	38
	Bharuch	68	4	0	72
	Jamnagar	61	6	0	67
	Surendernagar	69	2	0	71
	Ahemdabad	0	65	5	70
	Anand	15	0	0	15
	Surat	41	4	1	46
	Rajkot	57	3	3	63
	Arravalli	27	0	0	27
	Dang	4	2	0	6
	Narmada	32	0	0	32
	Mehsana	67	0	0	67

	Junagardh	33	0	0	33
	Patan	0	14	1	15
	Vadodara	0	26	0	26
	Bhavanagar	68	0	0	68
	Bhuj	59	0	0	59
	Amrili	42	0	2	44
	Porbandar	51	0	0	51
Total		767	135	12	914

Table 7

The responses have been received has been in affirmative. In total, 767 responses against the negative responses of 135 have been received by the researcher. It means majority of the lawyers' practices of e-records (including e-court). By observation, however the researcher feels that still there is a scope to inform and make understand to all lawyers about the e-court and e-records. Absolutely; e-court, e-records and e-communication will help to court for managing the case and make speedy disposal. Following is chart 5, representation of zone-wise electronic records.



Char-5 (Electronic record)

The above chart-5 directs that in West-zone in total 440 respondents have given their responses. These responses are affirmative. Affirmative responses 440 are highest. Central-zone lawyers have given 142 responses. Again these 142 responses are affirmative. This indicates zone-wise literacy about e-court and e-records. However, it has to understand that zone-wise these responses are very. But certainly e-court and e-records will benefit to speedy disposal of cases. The practice to maintain e-records implementation and support e-court system is differ from district to district. During the field survey one of the questions was asked by the researcher about ‘whether registration of case is required to register directly to the respective jurisdiction?’ The researcher presumed that register the case or complaint directly to the respective jurisdiction may result in to reduction in time consumption. It is advisable that in criminal matters, case should be filed directly to the respective jurisdiction only. Registration with the other jurisdiction may take longer time to run the case formally. It means, existing practice is required to be improved. Following

is a table 8 viewing ‘whether registering complaint directly to the concerned jurisdiction will benefit?’ Following data indicates district-wise.

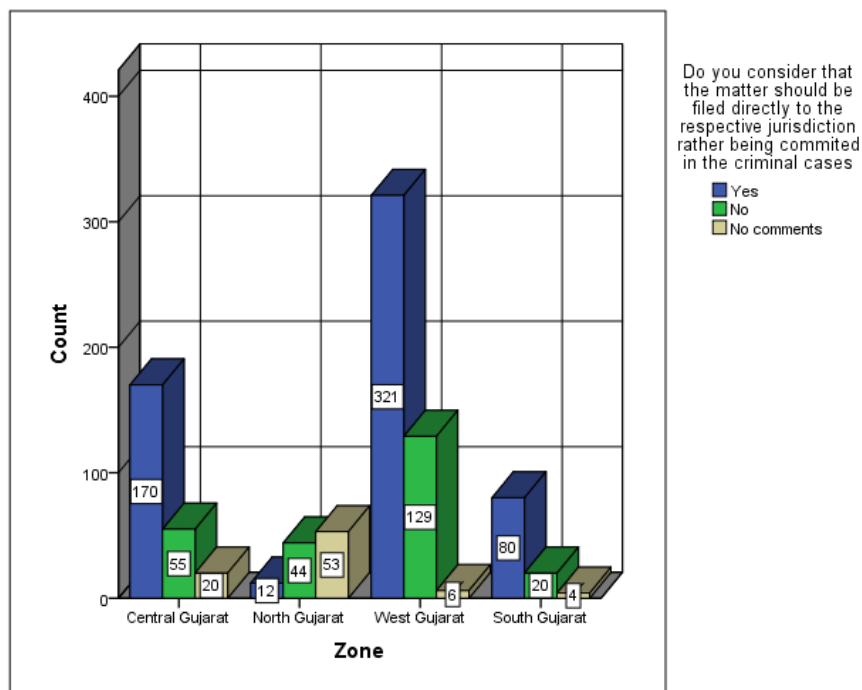
Do you consider that the matter should be filed directly to the respective jurisdiction?					
		Yes	No	No comments	Total
Dist rict	Gandhinagar	15	15	0	30
	Valsad	11	3	0	14
	Navsari	28	10	0	38
	Bharuch	60	12	0	72
	Jamnagar	44	23	0	67
	Surendernagar	64	7	0	71
	Ahmedabad	49	12	9	70
	Anand	12	3	0	15
	Surat	38	7	1	46
	Rajkot	29	28	6	63
	Arravalli	4	1	22	27
	Dang	3	0	3	6
	Narmada	14	8	10	32
	Mehsana	3	33	31	67
	Junagardh	25	8	0	33
	Patan	5	10	0	15
	Vadodara	20	5	1	26
Bhavanagar	65	3	0	68	
Bhuj	49	10	0	59	

	Amrili	17	27	0	44
	Porbandar	28	23	0	51
Total		583	248	83	914

Table 8

Districts like; Bharuch, Ahmedabad, Bhavnagar and Bhuj giving responses in affirmative compare to other districts. It means, maximum responses are in favour to register the case in concerned jurisdiction only which certainly result in to speedy disposal. Existing practice need to be revised. Certainly, this may have direct impact to make procedure expedite.

Following is a chart 6 showing the district-wise responses received



Char 6 (File the case in a court having jurisdiction)

From the above chart 6 it is clear that maximum responses received from west-Zone which is 321 and is in affirmative. It has been suggested that registration of the case needed to be filed in the court/police-station having jurisdiction only. In central-

zone, 170 responses have been received in affirmative. While in south-zone and north-zone 80 responses and 44 responses received respectively.

In context to check the punctuality of the court, the question was asked ‘whether court attend all the witnesses called on the day?’ In majority of the cases, the responses received in affirmative. It means, the court attend the witnesses on a same day without any hassle to the witness. Stage-bifurcation and case management by the court is apposite and highly appreciated.

Following is table-9 showing the district-wise responses received by the researcher in the above mentioned question.

Does the court entertain the witness on the date on which he is called?					
		Yes	No	No comments	Total
District	Gandhinagar	26	4	0	30
	Valsad	14	0	0	14
	Navsari	34	4	0	38
	Bharuch	65	7	0	72
	Jamnagar	61	6	0	67
	Surendernagar	67	4	0	71
	Ahmedabad	61	4	5	70
	Anand	15	0	0	15
	Surat	36	8	2	46
	Rajkot	51	10	2	63
Arravalli	25	0	2	27	

Dang	4	2	0	6
Narmada	32	0	0	32
Mehsana	66	0	1	67
Junagardh	33	0	0	33
Patan	13	2	0	15
Vadodara	23	3	0	26
Bhavanagar	68	0	0	68
Bhuj	59	0	0	59
Amrili	44	0	0	44
Porbandar	51	0	0	51
Total	848	54	12	914

Table-9

Districts like; Bharuch, Surendranagar, Rajkot and Rajkot responses' volume is high and affirmative in nature. In total 848 responses received in affirmative against 54 negative responses. Message is very clear that court attend the witnesses with utmost sincerity and responsibility. Case-Management is highly appreciated. The cases may be disposed of speedy and efficiently if this practice is in continuous.

To maintain the balance between the court and witnesses, the question was asked to the lawyers that 'whether witness also supportive to the court and court-management system?' The responses have been received is affirmative. It means, witnesses are also supportive to follow their duty towards the court as a witness. However, to become hostile is still a scorching problem. The cases in which witness plays its role properly, automatically it increases the volume of disposal and benefits to the court to make effective case-management.

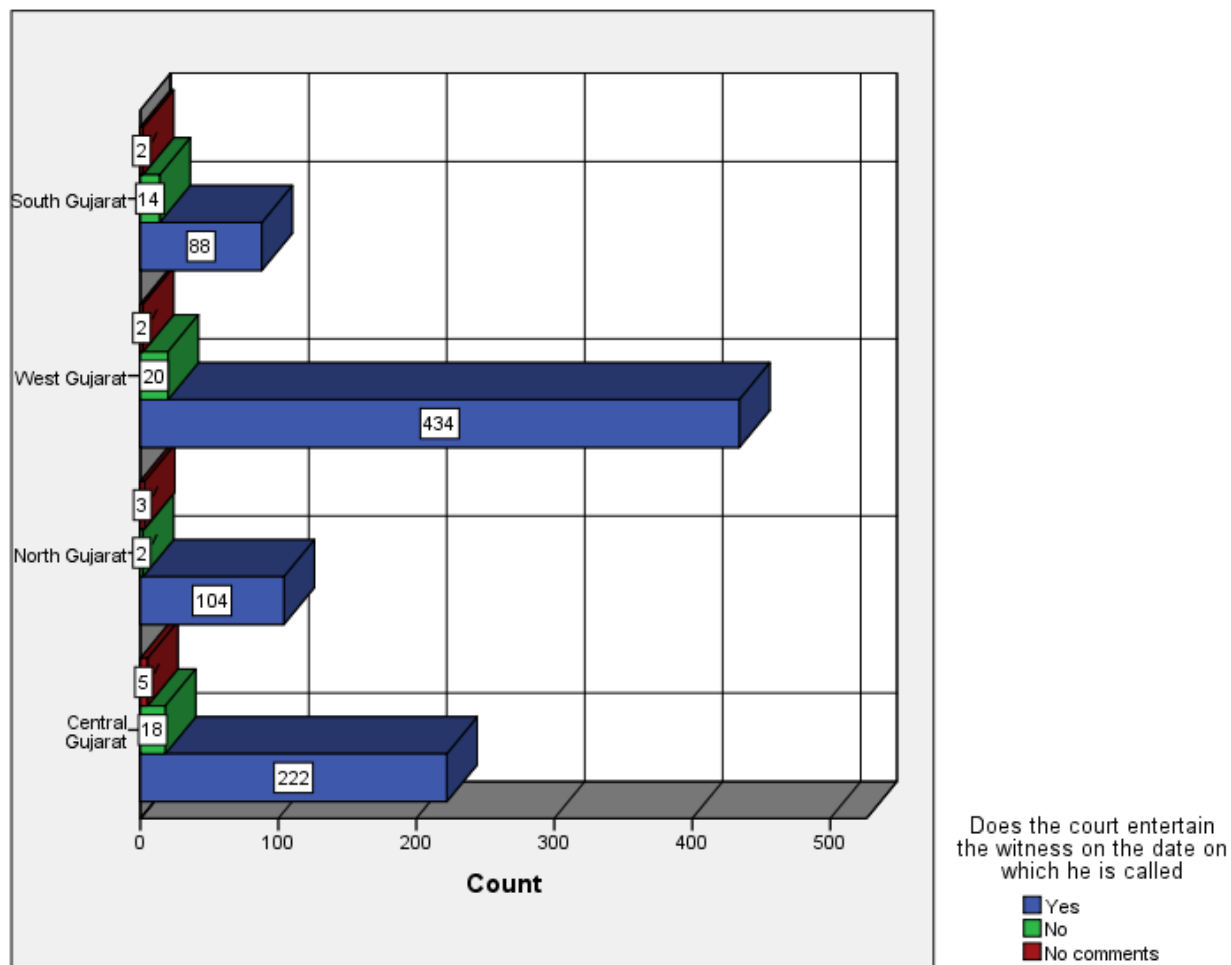


Chart 7 (court attend witnesses on the same day)

Above chart 7 indicates the Zone-wise responses. In West-zone and Central-zone responses have received in high volume i.e 434 & 222. Difference between affirmative and negative responses is also in high volume. It means, witnesses also very supportive to the court system. No more trouble have been faced by the witnesses till now. This leads to the presumption that this system and trend helps in speedy disposal of the case.

When the question was asked to check the equilibrium that 'does witnesses positively & equally support to the proceedings at first instance?

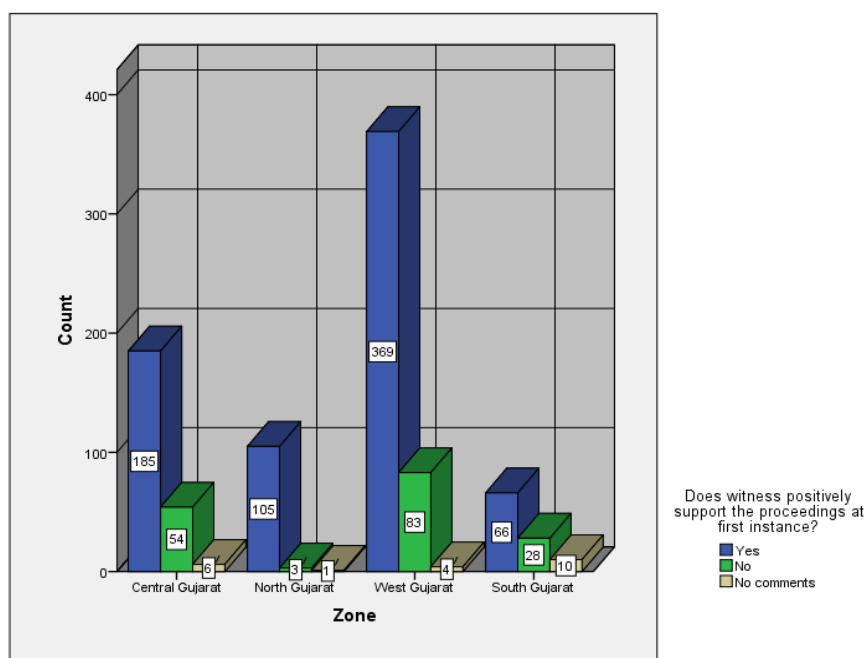
Following is a table 10 presenting witnesses' supportive role in the case administration.

Does witness positively support the proceedings at first instance?					
		Yes	No	No comments	Total
Distri ct	Gandhinagar	28	2	0	30
	Valsad	12	2	0	14
	Navsari	28	10	0	38
	Bharuch	61	11	0	72
	Jamnagar	55	12	0	67
	Surendernaga r	66	5	0	71
	Ahemdabad	35	29	6	70
	Anand	6	9	0	15
	Surat	20	16	10	46
	Rajkot	56	5	2	63
	Arravalli	27	0	0	27
	Dang	6	0	0	6
	Narmada	32	0	0	32
	Mehsana	66	1	0	67
	Junagardh	16	17	0	33
	Patan	12	2	1	15
	Vadodara	23	3	0	26
	Bhavanagar	53	15	0	68
	Bhuj	45	14	0	59
Amrili	32	10	2	44	
Porbandar	46	5	0	51	
Total		725	168	21	914

Table 10

In the districts like; Bharuch, Surendranagar, Maheshna responses have received in high volume compare to other districts. The difference between affirmative and negative is in high-volume. i.e., 725 responses vs. 168 responses. In total 725 responses received are affirmative against the 168 responses negative responses. It means witnesses are supportive to the court.

Following is zone-wise chart 8 indicating the role of witnesses in case management.

**Chart 8 (witnesses positively support)**

In West-zone the researcher has received 369 responses which are affirmative while only 83 responses are negative which is insignificant. In central zone 185 responses received in affirmative against 54 negative responses which is also insignificant. In general, all zones give affirmative responses more. This approach of the witnesses has made speedy disposal. It has been found from the collected data that existing system is highly appreciated.

When the question was asked about third pillar of the administration of the court i.e., police that, ‘whether some administrative powers are required to delegate to police officer for making court management effective?’ The responses have been received is in negative. It means, no power further is required to delegate to the police-officers in context to reduce the burden of the court. It means, existing system of sharing burden to the police officers according to the procedural law is appreciated and no more delegation of power is required at this stage.

Following is a table 11 showing district-wise responses received by the researcher on if yes, which power can be delegated to the police officers.

According to you, which power can be delegated to police?						
		No comments	None of the power	Bail Power	Remand & Investigati on	Total
Distri ct	Gandhinag ar	8	21	1	0	30
	Valsad	0	14	0	0	14
	Navsari	4	34	0	0	38
	Bharuch	13	59	0	0	72
	Jamnagar	5	62	0	0	67
	Surenderna gar	0	71	0	0	71
	Ahemdaba d	70	0	0	0	70
	Anand	0	15	0	0	15
	Surat	3	43	0	0	46

Rajkot	5	53	4	1	63
Arravalli	0	13	4	10	27
Dang	3	2	1	0	6
Narmada	1	29	1	1	32
Mehsana	4	62	1	0	67
Junagardh	0	33	0	0	33
Patan	0	15	0	0	15
Vadodara	0	26	0	0	26
Bhavanagar	0	68	0	0	68
Bhuj	0	59	0	0	59
Amrili	2	42	0	0	44
Porbandar	0	51	0	0	51
Total	118	772	12	12	914

Table 11

It means, at present the powers which the police officers have, like; to remand and investigation that can be continued but after having appropriate court order. The researcher presume here that this is an existing practice. However, in bailable offence the provision needs to relook.

Following is chart 9 demonstrations the affirmative responses and types of powers that can delegate to the police officers.

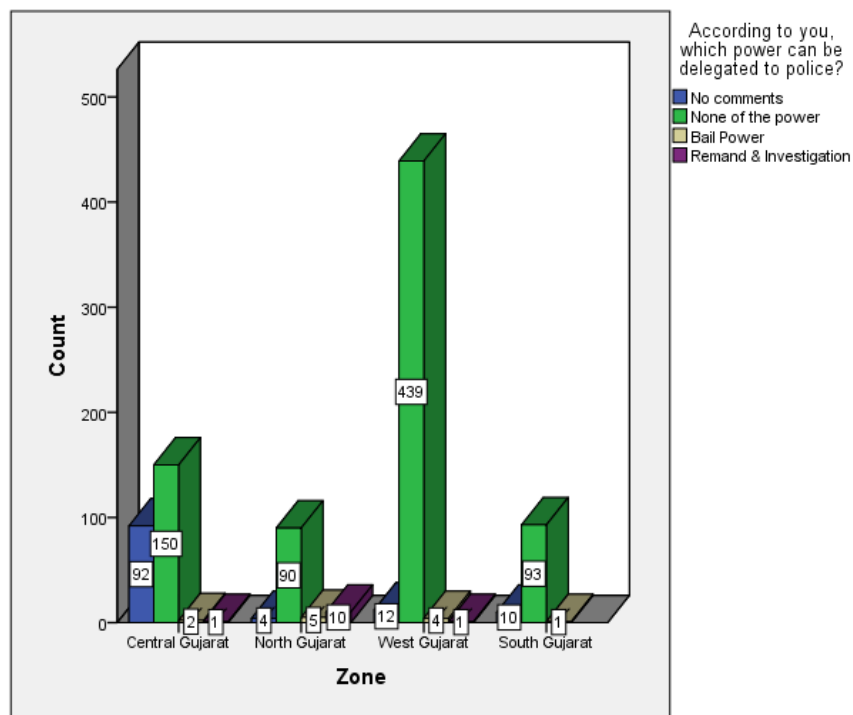


Chart 9 (types of power can delegate to police officers)

Above chart 9 indicates zone-wise responses. Highest responses have been received in west-zone. In total, 439 responses have been received affirmative against 4 responses received negative. This is insignificant in value. In central-zone, 150 responses have been received in affirmative against 92 responses in negative. Overall, very inconsequential responses have been said that powers like ‘investigation’ and ‘remand’ can be given to the police officer. But overall response says that no power required to delegate for speedy disposal of the case.

When the question was asked about ‘whether court is abiding and follows the proper time-frame?’ The responses received overall is very affirmative. It means, the courts are mostly abiding with the decided time-frame. No further amendment or changes in any provision of the criminal procedure code / civil procedure code is required at this stage.

Following table 12 displays the responses received by the researcher against the question mentioned above.

Does the court strictly abide by the time frame?					
		Yes	No	No comments	Total
District	Gandhinagar	21	9	0	30
	Valsad	14	0	0	14
	Navsari	37	1	0	38
	Bharuch	57	15	0	72
	Jamnagar	58	9	0	67
	Surendernagar	66	5	0	71
	Ahmedabad	53	13	4	70
	Anand	15	0	0	15
	Surat	45	1	0	46
	Rajkot	46	15	2	63
	Arravalli	26	0	1	27
	Dang	4	1	1	6
	Narmada	32	0	0	32
	Mehsana	64	3	0	67
	Junagardh	33	0	0	33
	Patan	8	6	1	15
	Vadodara	12	14	0	26
	Bhavanagar	67	1	0	68
	Bhuj	59	0	0	59
Amrili	42	0	2	44	
Porbandar	49	2	0	51	

Total	808	95	11	914
-------	-----	----	----	-----

Table 12

Table 12 showing that, in total 808 responses have been received affirmative against 95 negative responses. The districts like; Surendrnagar, Bhavnagar Mehsana where responses are received in high volume compare the other districts listed in the table. At the same time the difference between affirmative and negative responses is inconsequential. Court strictly follows its time-frame. It means, in order to attempt of court is concerned, there is no further enhancement is required at this stage. This may definitely help to the court management effectively.

Following is a chart 10 showing zone-wise efficiency and performance of the court to follow time-frame.

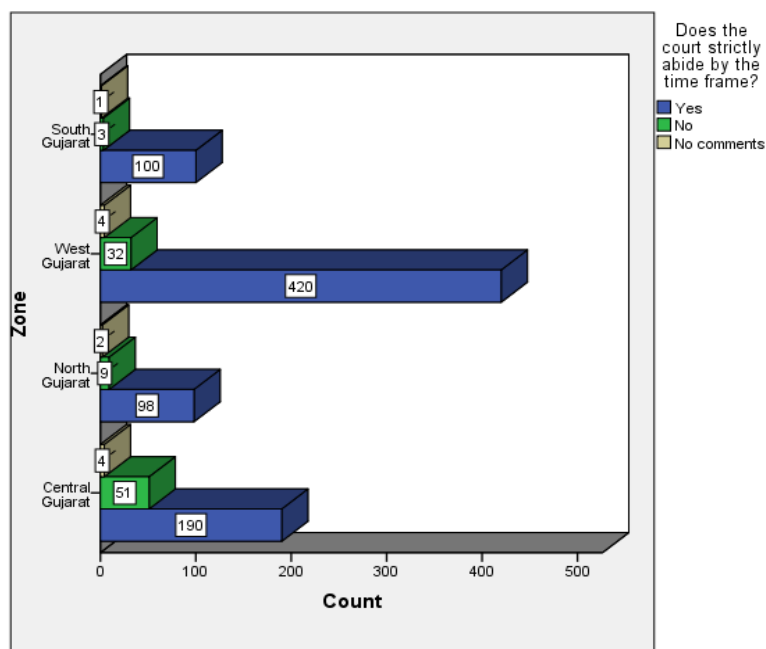
**Chart 10 (following time-frame by the court)**

Chart 10 shows that, in west-zone, responses have been received affirmative and in high-volume. i.e., 420 responses against negative responses received 32. The difference between affirmative and negative responses is mammoth. It clues with the

fact that courts mostly abide with the time frame. This in fact help to case-management and speedy disposal of the cases.

When the question was asked that ‘whether settlement is an appropriate method for speedy disposal of the case?’ The responses have been received is in affirmative. It means settlement in the civil cases is highly appreciated and it is in practice. Role of court following S. 89 of the Civil Procedure Code and role of mediation centre attached with ‘Principal district and sessions court’ is appreciated. Conventional advocates have started suggesting alternative mode of dispute resolution now-a-days. It means, dissemination system of the alternative mode to resolve the dispute is quite prevalent among counsels.

Following is table 13 of responses received by the researcher on ‘whether settlement is an appropriate method of dispute resolution?’

Do you consider that settlement is an appropriate method to reduce the backlog of cases?					
		Yes	No	No Comments	Total
Distri ct	Gandhinaga	30	0	0	30
	Valsad	14	0	0	14
	Navsari	35	3	0	38
	Bharuch	59	12	1	72
	Jamnagar	62	5	0	67
	Surendernag ar	70	1	0	71
	Ahmedabad	60	3	7	70
	Anand	15	0	0	15

Surat	46	0	0	46
Rajkot	48	11	4	63
Arravalli	27	0	0	27
Dang	4	2	0	6
Narmada	31	0	1	32
Mehsana	67	0	0	67
Junagardh	33	0	0	33
Patan	14	1	0	15
Vadodara	21	5	0	26
Bhavanagar	68	0	0	68
Bhuj	59	0	0	59
Amrili	42	0	2	44
Porbandar	51	0	0	51
Total	856	43	15	914

Table 13

From the above cited data, 856 responses have received is in affirmative against 43 responses negative in nature. However, this difference is inconsequential. The responses from the districts like; Surendranagar, Jamnagar, Bhavnagar and Maheshana is quite appreciative compare to other districts. Settlement is valued by the lawyers. It means, dissemination of the ADR is in full swing.

Following is a chart 11 viewing zone-wise responses received towards the alternative dispute settlement and its implementation.

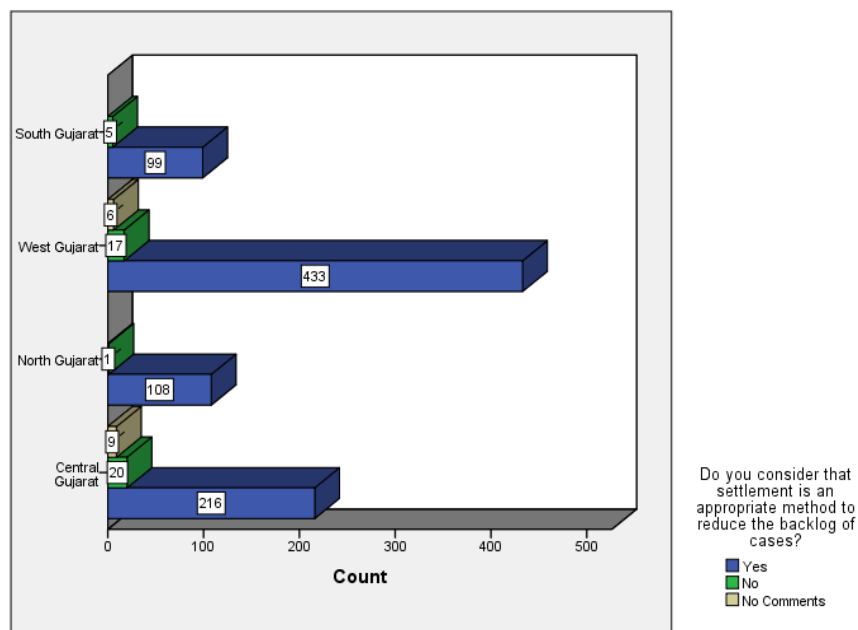


Chart 11 (ADR is an appropriate method)

In west-zone, responses received is 433 affirmatives against 17 negative responses. It means, alternative dispute settlement is in practice. In central-zone the researcher has received 216 affirmative responses against 20 negative responses. Common responses have been received from; who appreciate the alternative dispute-settlement. This method is an appropriate method to reduce the backlog of the cases. However, observation of the researcher is that though ADR generally prefers by the lawyers, but it does not implement it with the same spirit.

When the question was asked to the lawyers that ‘do they suggest the alternative dispute resolution to their client?’ The responses received in according to the following table 14.

Do you suggest for the alternative dispute resolution to your client?					
		yes	no	No comments	Total
Distri ct	Gandhinaga r	30	0	0	30
	Valsad	12	2	0	14
	Navsari	30	8	0	38
	Bharuch	59	11	2	72
	Jamnagar	64	3	0	67
	Surendernag ar	68	3	0	71
	Ahmedabad	58	1	11	70
	Anand	15	0	0	15
	Surat	43	3	0	46
	Rajkot	59	0	4	63
	Arravalli	27	0	0	27
	Dang	2	3	1	6
	Narmada	25	1	6	32
	Mehsana	67	0	0	67
	Junagardh	25	6	2	33
	Patan	14	1	0	15
	Vadodara	19	7	0	26
	Bhavanagar	66	2	0	68
	Bhuj	59	0	0	59
Amrili	38	4	2	44	

	Porbandar	51	0	0	51
Total		831	55	28	914

Table 14

In total 831 responses have received affirmative against 55 responses in negative. It means, majority of lawyers suggests to their client to choose alternative dispute resolution over litigation. This is a decent sign. This may have high impact in future to reduce the backlog of the cases. The districts like Bhavnagar, Mahesana, Surendranagar, and Jamnagar where volume of responses is high compare to other districts. But overall observation from the collected data is very positive.

Following is zone-wise chart 12 of the responses against the question ‘whether lawyer suggests to their client for settlement of dispute amicably?’

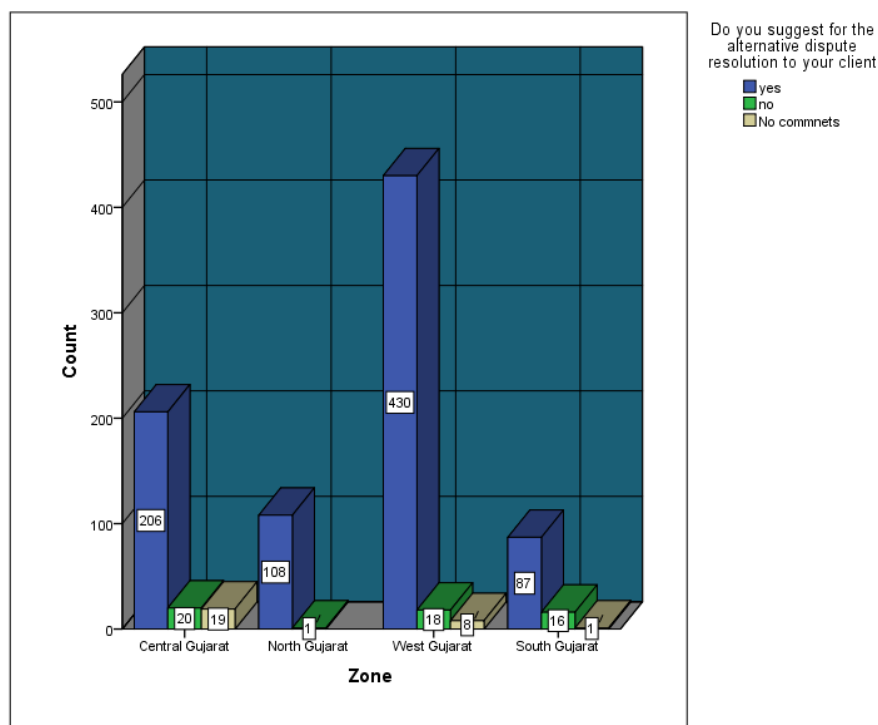


Chart 12 (Whether lawyer suggests ADR)

From the above chart 12 it shows that in central-zone in total 206 responses have been received in affirmative against negative 20 responses. In west-zone 430 affirmative responses against 18 negative responses. It means, the lawyers have

appreciated the alternative dispute resolution system and they are suggesting to their clients to choose.

Now, when the question was asked that ‘why still clients prefer to choose litigation?’ The responses have been received is astonishing. The responses have been received by highlighting main two reasons; *first* parties have more reliance on court and *second*; to satisfy the ego of the parties. However other reasons are, not having knowledge of alternative dispute resolution to the parties, no other proper mechanism is available etc. These responses clues to think twice.

Following is a table 15, showing the different responses received from the lawyers.

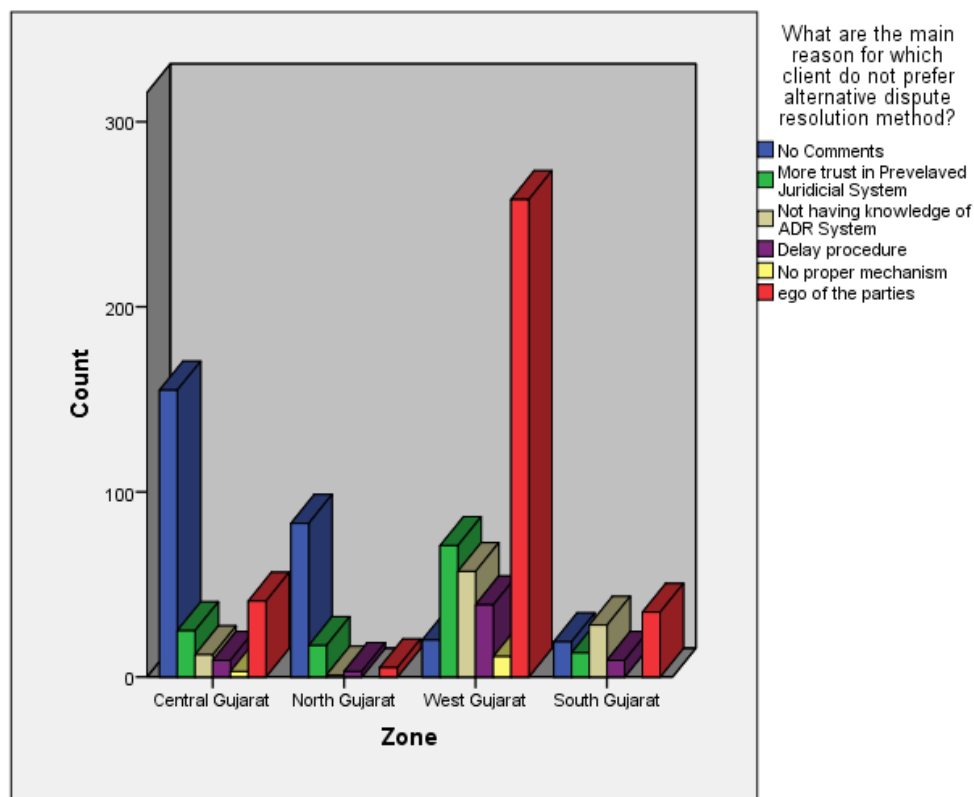
What are the main reasons for which client do not prefer alternative dispute resolution method?								
		No Comments	More trust in Privile ged Juridic al Syste m	Not having knowled ge of ADR System	Delay procedu re	No proper mecha nism	ego of the partie s	Total
Distri ct	Gandhin agar	6	12	6	1	1	4	30
	Valsad	2	0	4	0	0	8	14
	Navsari	6	0	12	7	0	13	38
	Bharuch	27	10	3	1	2	29	72

Jamnagar	7	8	19	8	2	23	67
Surendernagar	6	17	0	6	4	38	71
Ahemdabad	70	0	0	0	0	0	70
Anand	0	0	0	7	0	8	15
Surat	7	11	12	2	0	14	46
Rajkot	5	9	4	3	0	42	63
Arravalli	6	15	0	1	0	5	27
Dang	4	2	0	0	0	0	6
Narmada	28	3	1	0	0	0	32
Mehsana	63	2	0	2	0	0	67
Junagadh	0	4	10	1	0	18	33
Patan	14	0	1	0	0	0	15
Vadodra	24	0	2	0	0	0	26
Bhavanagar	0	11	5	7	0	45	68
Bhuj	0	14	0	10	5	30	59
Amrili	2	0	7	2	0	33	44
Porbandar	0	8	12	2	0	29	51
Total	277	126	98	60	14	339	914

Table 15

According to the table 15, in total 277 responses received with no comments. Surprisingly, this figure is second highest. 126 responses have been received with reason that parties have more reliance and trust on court, 98 responses have been received with the reason that parties are not aware about alternative dispute resolution at all, while responses 60, responses 14 and responses 339 have been received with the reasons that delay in other procedure, no proper mechanisms in place and ego of the parties respectively. It means, in majority to satisfy the ego of the parties, they register and continued the case. Counselling by counsel to their clients and proper explanation on benefits of dispute resolution is required.

Following is a zone-wise chart 13 shows the responses received.

**Chart 13 (Reasons for client do not prefer ADR)**

In the west-zone, the reason is ‘ego of the parties’, in central-zone ‘lawyers preferred not to give comments’, in south-zone responses have received that ‘parties are not aware about the alternative dispute resolution system’. District wise and zone-wise the initiatives are required to be taken.

When the question was asked that ‘whether the strength of the court is sufficient?’ The responses received in majority is negative. It means, strength of the court is not sufficient in majority of the districts in the State of Gujarat. And this is a reason of backlog of the cases in the court. Following is a table 16 shows the responses have received from each district.

Strength of court is not sufficient?				
		Agree	Disagree	Total
Distri ct	Gandhinaga r	27	3	30
	Valsad	14	0	14
	Navsari	30	8	38
	Bharuch	40	32	72
	Jamnagar	52	15	67
	Surendernag ar	45	26	71
	Ahmedabad	0	70	70
	Anand	15	0	15
	Surat	34	12	46
	Rajkot	38	25	63
	Arravalli	2	25	27
	Dang	1	5	6
Narmada	26	6	32	

Mehsana	35	32	67
Junagardh	30	3	33
Patan	1	14	15
Vadodara	13	13	26
Bhavanagar	65	3	68
Bhuj	59	0	59
Amrili	32	12	44
Porbandar	44	7	51
Total	603	311	914

Table 16

From total number of the responses received, 311 are affirmative against the negative responses 603. In the districts like; Bhavnagar, Bhuj, Porbandar, Rajkot, Mahesana; where responses have been received in high volume. It means, in those districts, the strength of the court is not sufficient and a greater number of courts are required to establish.

Following is a chart 14 shows the zone-wise bifurcation on requirements of court.

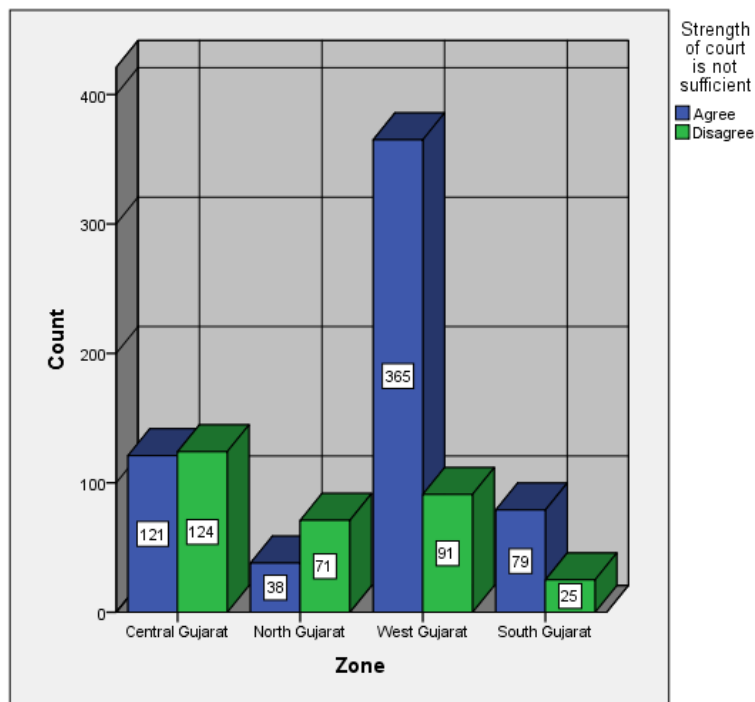


Chart 14 (Zone wise, whether strength of the court is sufficient)

If we see zone-wise; west-zone has given more responses negatively. Responses have been received is 365 from west-zone. Second is central-zone with 124 responses, while third is south-zone with 79 responses and last North-zone with 71 responses. It means the strength of the court required to upsurge and precisely in the west-zone compare to other zones. Over all responses have indicated requirement of strength to reduce the backlog of cases.

When the question was asked about ‘whether proper infrastructure is exists?’ The responses have been received very positive and affirmative. It means, infrastructure is sufficient to deal with existing case-load. The existing infrastructure is appreciated by the lawyers. It means, maximum utilization of the premise is required by increasing the strength of the court. Following is a table 17 showing district-wise responses on the question of proper infrastructure.

Infrastructure is not sufficient?				
		Agree	Disagree	Total
District	Gandhinagar	23	7	30
	Valsad	14	0	14
	Navsari	33	5	38
	Bharuch	12	60	72
	Jamnagar	27	40	67
	Surendernagar	13	58	71
	Ahemdabad	6	64	70
	Anand	15	0	15
	Surat	35	11	46
	Rajkot	19	44	63
	Arravalli	4	23	27
	Dang	4	2	6
	Narmada	1	31	32
	Mehsana	3	64	67
	Junagardh	29	4	33
	Patan	0	15	15
	Vadodara	13	13	26
	Bhavanagar	62	6	68
	Bhuj	54	5	59
Amrili	24	20	44	
Porbandar	24	27	51	
Total		415	499	914

Table 17

From the above mentioned collected data in table 17, in total 499 responses received affirmative against 415 responses negative. It means majority of lawyers have said that existing infrastructure of the court is sufficient. However, the difference between the affirmative and negative responses is not colossal. It means, district-wise requirements are in need to satisfy.

Following is zone-wise chart 15 indicates whether infrastructure is required or not.

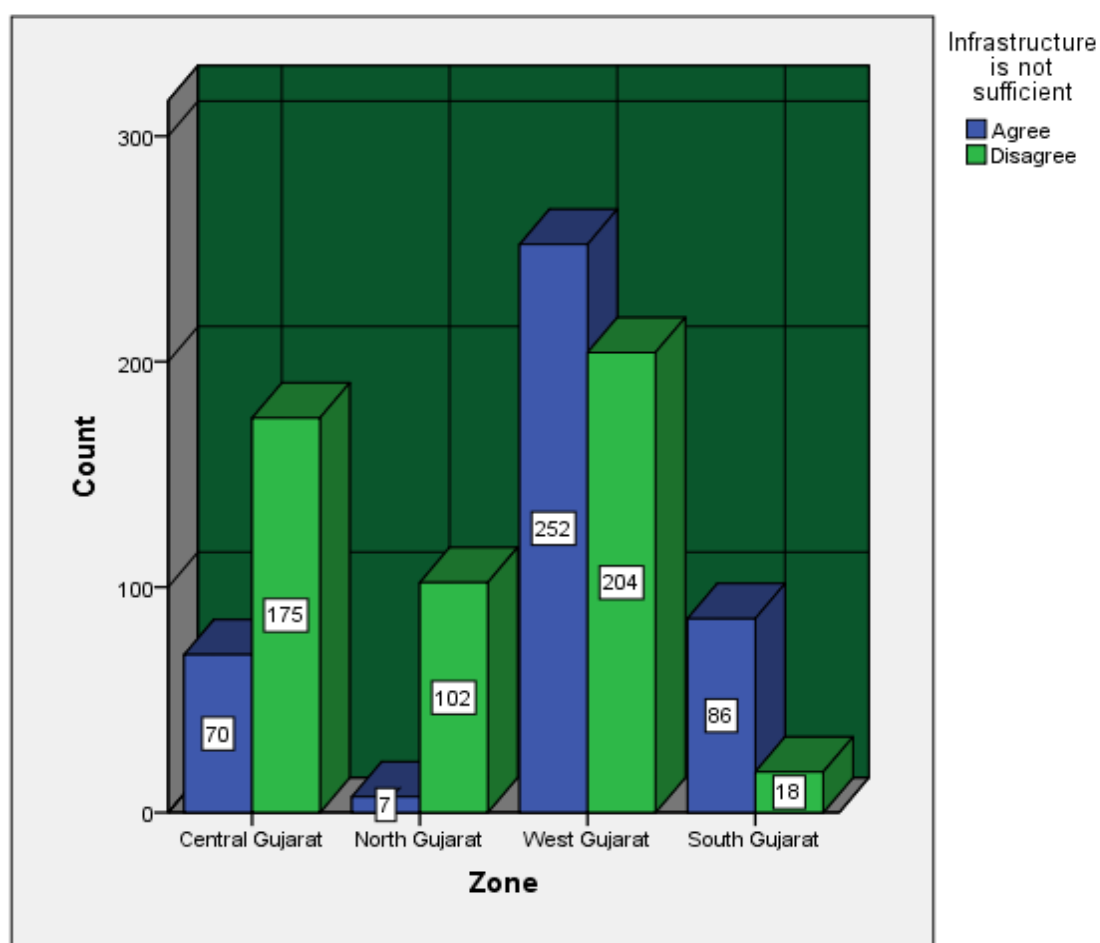


Chart 15 (Whether Court infrastructure is sufficient)

The chart 15 showing that in west-zone in total 252 responses received negative against 204 responses affirmative. In central zone 175 responses are affirmative against 70 responses negative. It means, the infrastructure in central-zone is

sufficient while in north-zone it is not sufficient. In north-zone also 102 responses have been received negative against 7 affirmative responses. It means, in north-zone also infrastructure is sufficient.

When the question was asked on ‘whether any gaps do respondent-lawyers find in existing procedural law?’ The responses have received is very affirmative. It means, there is no fissure in existing procedural laws which may decrease the speed of disposal or make delay in the court proceedings. It means, with existing procedural laws the case management can be strengthen. Following is a table 18 shows the responses have been received.

Laws have fissure (gap)				
		Agree	Disagree	Total
District	Gandhinagar	23	7	30
	Valsad	14	0	14
	Navsari	22	16	38
	Bharuch	9	63	72
	Jamnagar	12	55	67
	Surendernagar	8	63	71
	Ahemdabad	0	70	70
	Anand	15	0	15
	Surat	13	33	46
	Rajkot	8	55	63
	Arravalli	2	25	27
	Dang	1	5	6
	Narmada	4	28	32
Mehsana	52	15	67	

	Junagardh	12	21	33
	Patan	1	14	15
	Vadodara	10	16	26
	Bhavanagar	36	32	68
	Bhuj	44	15	59
	Amrili	10	34	44
	Porbandar	12	39	51
Total		308	606	914

Table 18

From the above table 18; in total 606 responses received affirmative against 308 responses received negative. It means, there is no gap in procedural laws which may cause of delay in the proceedings. However, in the individual districts like; Arravalli, Narmada, Vadodara where more negative responses received. It means, respondents from those districts prefers changes in the existing procedural law to make speedy disposal of the case. But overall responses have said that existing procedural laws are required no amendments. It means, the practice running is meeting its objectives and aims.

Following is a chart 16 showing zone-wise responses in the question whether existing procedural law are required any amendments.

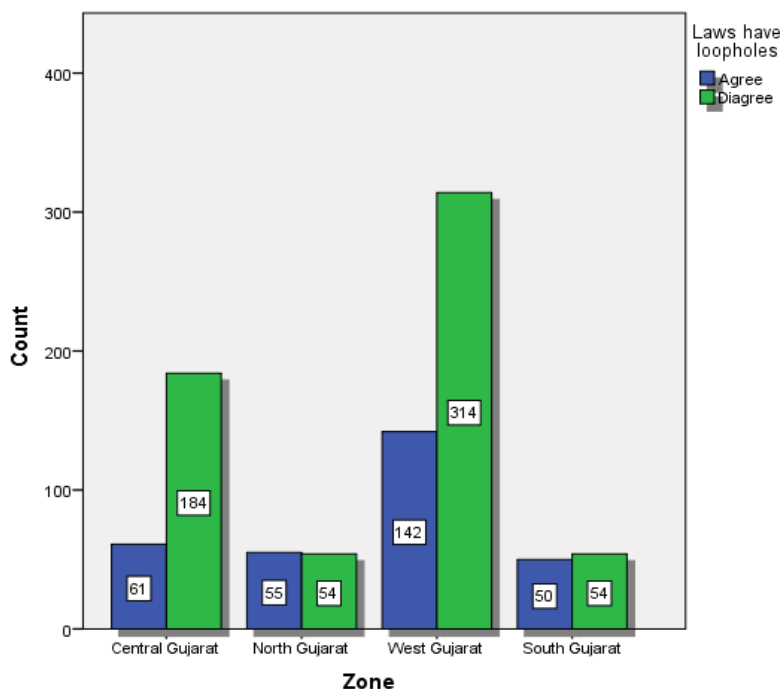


Chart 16 (Whether Laws have gaps)

In total responses received from west-zone i.e., 314 disagreed against 142 agreed. It means no requirements to amend the procedural laws at this stage. While in south-zone, central-zone and north-zone responses have received affirmative with 184 responses, 54 responses and 54 responses respectively. It means, in south and north zones suggests that amendment is required in the procedural laws. However overall responses have opined that no further amendments are required at this stage. Laws have no gaps so far.

When the question was asked ‘whether a reason of backlog is more cases registered of the trivial in nature?’ The responses are received is in negative. It means, the reason of backlog is not more trivial cases registered in the court.

When the question was asked that ‘whether disputes over trivial matters is reason of backlog of the cases? Following table 19 discloses the responses received by the researcher.

Main reason of backlog is Disputes over trivial matters?				
		Agree	Disagree	Total
District	Gandhinagar	17	13	30
	Valsad	14	0	14
	Navsari	17	21	38
	Bharuch	1	71	72
	Jamnagar	10	57	67
	Surendernagar	1	70	71
	Ahemdabad	0	70	70
	Anand	15	0	15
	Surat	13	33	46
	Rajkot	3	60	63
	Arravalli	1	26	27
	Dang	0	6	6
	Narmada	0	32	32
	Mehsana	0	67	67
	Junagardh	8	25	33
	Patan	0	15	15
	Vadodara	6	20	26
	Bhavanagar	10	58	68
	Bhuj	15	44	59
	Amrili	9	35	44
Porbandar	7	44	51	
Total		147	767	914

Table 19

Table shows that in total 767 responses have been received affirmative while 147 responses have been received negative. It means, main reason of backlog of the cases is not trivial cases registered and pending before the court. However, this may be one of the reasons.

The districts like; Navsari and Vadodara have mixed view on the question. But the other districts like; Valsad, Anand have affirmative responses i.e zero responses affirmative against negative of 14 responses and 15 responses respectively. Following is a chart 17 showing zone-wise responses received by the respondents.

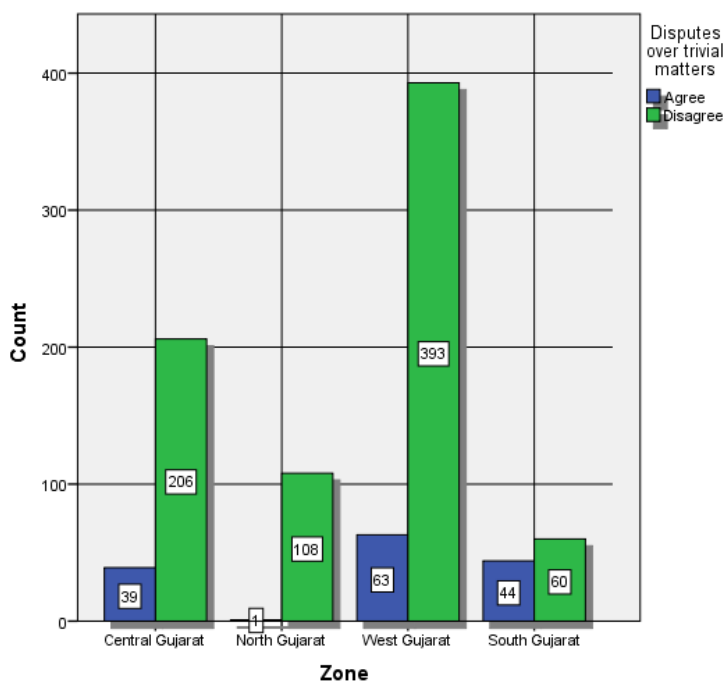


Chart 17 (Dispute over trivial issues is not a reason of backlog of cases)

In west-zone, total responses received is 393 affirmatives against 63 responses in negative. In central zone 206 responses agreed against 39 responses not-agreed and south zone 60 affirmative responses against 44 responses negative responses. The south-zone has varied views.

When the question was asked that ‘whether the delay take place due to either of the parties?’ The responses have been received by the researcher is in negative. It means

delay has not being take place due to either of the parties. Parties are not responsible for delay in the disposal of the case. Following is a table 20 showing the responses received from the lawyers.

Either party is responsible for delaying the matter?				
		Agree	Disagree	Total
District	Gandhinagar	17	13	30
	Valsad	14	0	14
	Navsari	21	17	38
	Bharuch	22	50	72
	Jamnagar	9	58	67
	Surendernagar	21	50	71
	Ahemdabad	5	65	70
	Anand	15	0	15
	Surat	13	33	46
	Rajkot	12	51	63
	Arravalli	1	26	27
	Dang	0	6	6
	Narmada	0	32	32
	Mehsana	22	45	67
	Junagardh	8	25	33
	Patan	7	8	15
	Vadodara	11	15	26
	Bhavanagar	10	58	68
	Bhuj	44	15	59
	Amrili	14	30	44

	Porbandar	18	33	51
Total		284	630	914

Table 20

From the data collected, in total 630 respondents have said that delay is not due to either of the parties. While 284 respondents have said either of the parties have been responsible for delay in court proceedings. In the districts like; Gandhinagar, Anand, Valsad, Bhuj where respondents have said that either of the party is responsible for delay while in other districts, they have said no, parties are not responsible for delay in the court proceedings.

Following is zone-wise chart 18 showing the responses from lawyers.

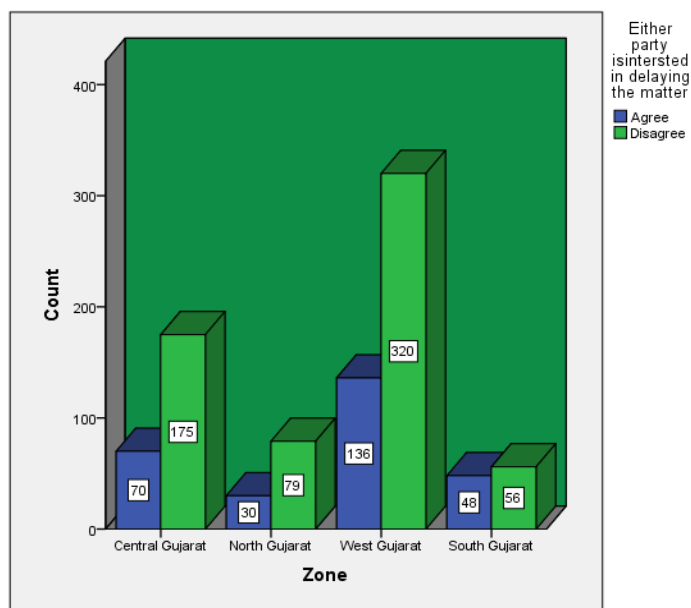


Chart 18 (either party is responsible for delay)

From the above chart 18 it shows that neither of the zone agree that parties are responsible for the delay in the proceedings. However, district wise data clarifies that in some districts the responses are negative and have said that parties are responsible for the delay in the proceedings. Certainly, this issue may need to emphasis more for long term solution.

When the specific question was asked to the lawyers on suggestions on any alternatives to reduce the burden of the court. The researcher has received certain specific suggestions. Like; increase the strength of Judges. It means, caseload- Judge Ratio has to be calculated properly.

Following table 21 shows the responses received on strength of judicial officers.

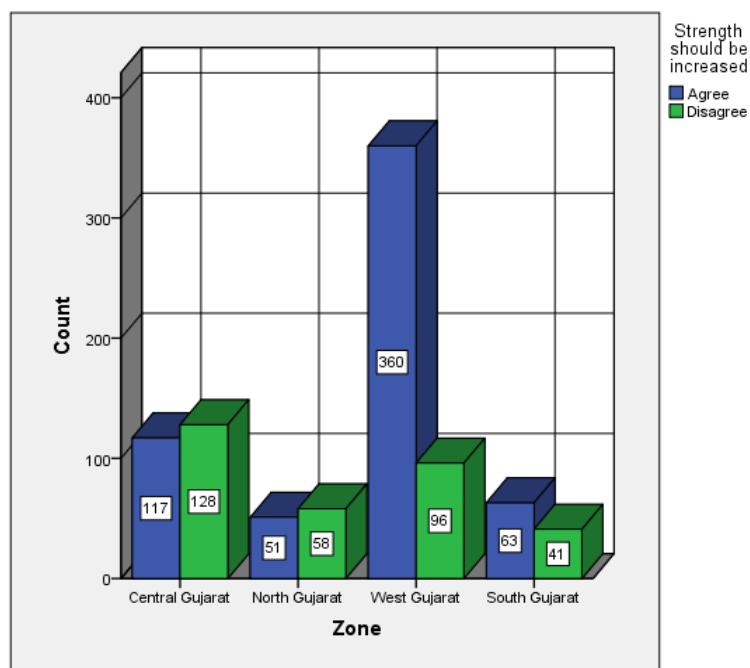
Strength of judicial officers should be increased?				
		Agree	Disagree	Total
District	Gandhinagar	28	2	30
	Valsad	11	3	14
	Navsari	14	24	38
	Bharuch	35	37	72
	Jamnagar	53	14	67
	Surendernagar	38	33	71
	Ahemdabad	0	70	70
	Anand	15	0	15
	Surat	35	11	46
	Rajkot	36	27	63
	Arravalli	3	24	27
	Dang	3	3	6
	Narmada	27	5	32
	Mehsana	48	19	67
	Junagardh	30	3	33
	Patan	0	15	15
	Vadodara	12	14	26
Bhavanagar	65	3	68	
Bhuj	59	0	59	

	Amrili	34	10	44
	Porbandar	45	6	51
Total		591	323	914

Table 21

The data collected shows that 591 respondent-lawyers have said that strength of judges are required to increase while 323 respondent-lawyers are not in the opinion to increase the strength of the judges. In the districts like; Ahmedabad, Patan, Bharuch where lawyers have said that no strength is required to increase while other districts have opined that strength of the judges are required to increase.

Following chart 19 indicates zone-wise clarity on the strength of judges whether required to increase or not.

**Chart 19 (Strength of the judicial officers should be increased)**

West-zone lawyers have said that strength of the judges is required to increase. 360 respondents have given affirmative responses while 96 respondents have given negative. In central zone almost 128 responses against 117 responses received. No much distinction has been found between affirmative and negative responses which

has to note. It means, no strength of judges are required to increase while in north-zone and south-zone, it seems strength is required to increase.

When the question was asked to the respondent-lawyers that ‘whether infrastructure need to be changed?’ The responses have been received by the researcher has been negative. It means, infrastructure need not to be changed.

Following is a table 22 showing the responses received from lawyers on requirement of changing in infrastructure.

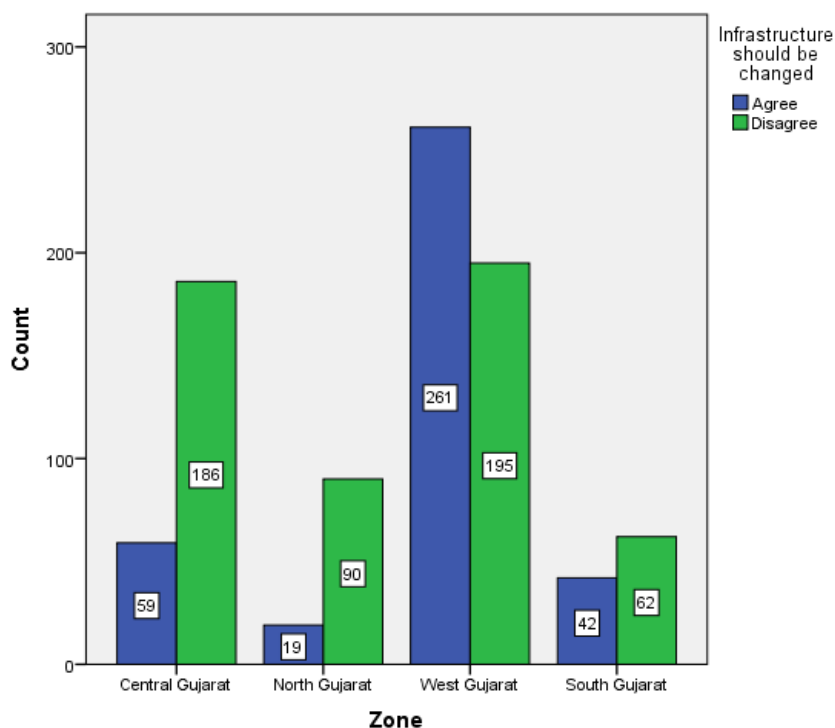
Infrastructure is required to be changed?				
		Agree	Disagree	Total
District	Gandhinagar	24	6	30
	Valsad	11	3	14
	Navsari	14	24	38
	Bharuch	7	65	72
	Jamnagar	23	44	67
	Surendernagar	7	64	71
	Ahemdabad	0	70	70
	Anand	15	0	15
	Surat	14	32	46
	Rajkot	19	44	63
	Arravalli	2	25	27
	Dang	3	3	6
	Narmada	1	31	32
	Mehsana	16	51	67
	Junagardh	31	2	33
Patan	1	14	15	

	Vadodara	12	14	26
	Bhavanagar	65	3	68
	Bhuj	59	0	59
	Amrili	28	16	44
	Porbandar	29	22	51
Total		381	533	914

Table 22

The responses received from lawyers who have said that infrastructure need not to be changed. It is 533 responses against the 381 responses who have opined that infrastructure need to be changed. Common opinion of lawyers that, no infrastructure is need to be changed.

Following chart 20 shows the zone-wise responses received from lawyers in the question of ‘whether infrastructure is required to be changed?’

**Chart 20 (Whether infrastructure of the court need to change)**

From the above chart 20 central-zone does not required any change in the infrastructure while west-zone has been of the opinion that there is a requirement in the change of infrastructure. South-zone and north-zone are also not in favour of to change the existing infrastructure.

Remarks from Researcher: Role of independent practitioner in a court management system is very vital. Responses given by the practitioners has its own value. Existing human resources, structure and application of procedural law in each district is highly appreciated except in few districts. The issues can be focused district-wise then make it common for all. Problems and solutions are vary from district to district and hence, the treatment may be given individually. Every district has its own strength and weaknesses and accordingly the existing style of work need to be changed.

3.4 Role of Judicial officers in court management:

A society is overwhelming towards court. It means, still our court has not lose its independent character. How do we prepare for change in our courts? How do we develop a long-range plan? These are questioning that courts and judges need to answer in order to avoid being overwhelmed by our changing society.⁶ The experts recommended the following courses of action, which the surveyors did not list in any order of priority⁷: 1. improve the access to the judicial system⁸; 2. divert classes of disputes to reduce docket pressures⁹; 3. emphasize judicial management of dispute

⁶ The Justice System Journal, Vol. 15, No. 2, [Papers Submitted for the Second National Conference on Court Management] (1991), pp. 710-721

⁷ The Justice System Journal, Vol. 15, No. 2, [Papers Submitted for the Second National Conference on Court Management] (1991), pp. 711

⁸ ibid

⁹ ibid

resolution;¹⁰ 4. re-emphasize the courts' service ethos¹¹; 5. provide new impetus for judicial education¹²; 6. expand the legal profession's ability to help clients¹³; 7. exemplify equal opportunity in the process of achieving equal justice¹⁴; 8. reorganize to handle scientifically-intensive, technically-complex cases;¹⁵ 9. provide greater authority for courts to innovate; 10. Generate public policy promoting dispute resolution¹⁶; 11. Create new judicial and legislative partnerships¹⁷; and 12. Modernize the courts¹⁸. From the above-mentioned recommendations India follows in majority of them but not all. For instance, India is focusing on modernize the courts, public-policy promoting dispute resolution, emphasizing judicial management of dispute resolution, improving to access the judicial system etc.

3.5 Data analysis and interpretation of the responses collected from the Court officers (Judicial officers/ Judges / Judicial Magistrate First Class (Junior Division & Senior Division)/ District Judges/ Additional District Judges):

Total strength of responses received from the judicial officers is 41 and the researcher could have collected those responses from ten (10) districts. In the remaining districts the researcher had requested in written to the registry of the district court but could not get the permission from the Principal District and Session Judge to take an interview. Indeed, due to their very busy schedule. In total, sixteen (16) questions have been asked to the respondent-judicial officers.

¹⁰ ibid

¹¹ ibid

¹² ibid

¹³ ibid

¹⁴ ibid

¹⁵ ibid

¹⁶ ibid

¹⁷ ibid

¹⁸ ibid

The researcher has interviewed the judicial officers who have had experience as lawyers previously and now as judicial officer. Following chart 21 is a zone-wise bifurcation showing the experience of the respondent-judicial officers.

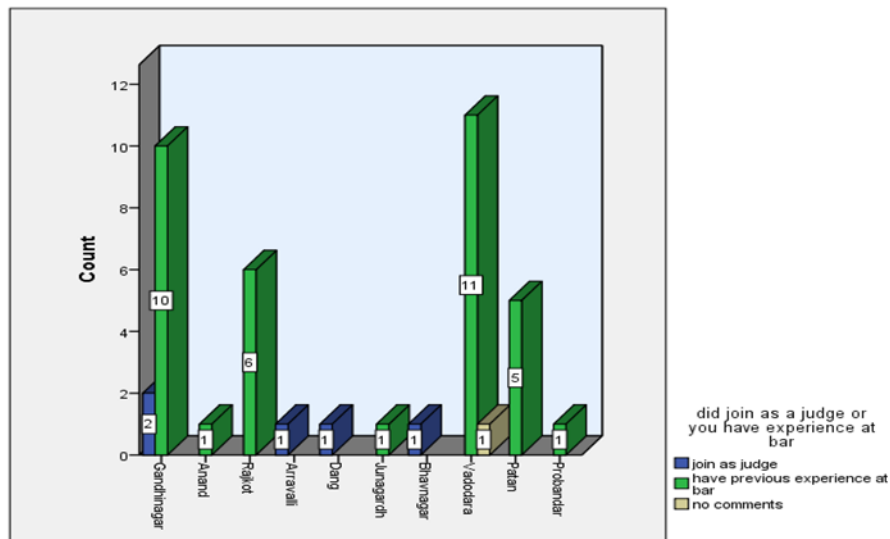


Chart 21 (Experienced Judicial Officers)

The chart 21 indicates the experienced judicial officers, mid-level judicial officers and recently joined judicial officers. In almost all districts like; Gandhinagar, Vadodara, Rajkot where judicial officers have experience of advocacy. Judicial officers having experience as a lawyer certainly having make difference in handling the case. It has direct impact over the speedy disposal as well as reduce the backlog of the cases.

This ratio of experienced and young judicial officers is balanced. This may impact directly on the disposal of the cases. Compare to experienced officers, young officers may have less efficiency since they are on the first stage of their professional life as judicial officer. At the time of transfer of judicial officers, this may be taken in to consideration. An interview taken by the researcher has more than eight years (08) of experience in majority.

When the question was asked to the judicial officers about the online transfer system and its implementation, it has been highly appreciated. However, the respondent-

judicial officers have not much appreciated the time generally consuming to re-settle in the new court after transfer. Following chart 22 indicates the district wise responses.

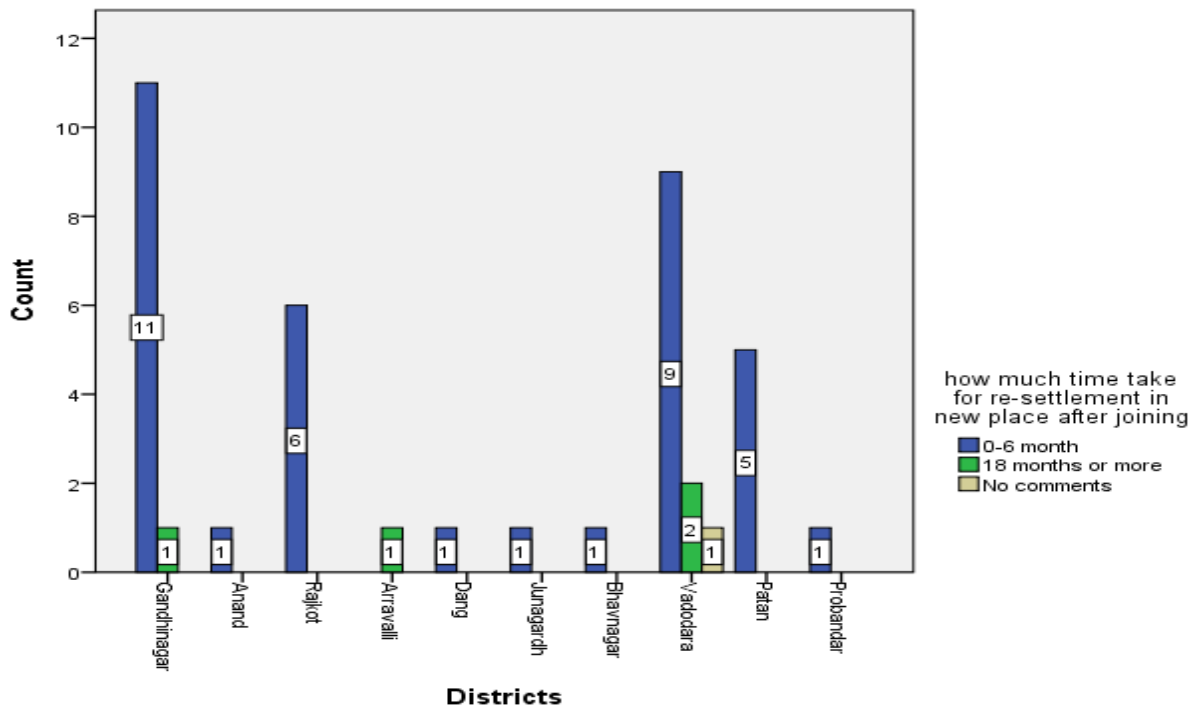


Chart 22 (Time for re-settlement in new place after transfer)

The districts like; Vadodara, Gandhinagar and Rajkot researcher received more responses compare to other districts. The responses received from the above-mentioned districts is 9 responses, 11 responses and 6 responses respectively. It means, judicial officers generally take around six months' time to re-settle in new place after transfer. This has direct impact on speedy disposal of cases. Tough, it is administrative task of higher-judiciary, it needs to re-look on frequency of transfer if possible. Transfer is a part of judicial service but has to articulate in practice with academic and administrative utilities. Transfer has direct impact on court management.

When the question was asked about 'whether an administrative work is allocated to the judicial officers?' The researcher has received exactly 50-50 percent responses.

i.e., half of the respondents have said that administrative work has been allocated while other half have said no administrative work has being allocated. However, in general it may say that every judicial officer has administrative work along with judicial work.

Following is a table 23 showing the administrative work allocated to the judicial officers in each district.

Administrative work allocated?					
		Yes	No	No comments	Total
Districts	Gandhinagar	5	7	0	12
	Anand	1	0	0	1
	Rajkot	2	4	0	6
	Arravalli	1	0	0	1
	Dang	0	1	0	1
	Junagardh	1	0	0	1
	Bhavnagar	0	1	0	1
	Vadodara	7	5	0	12
	Patan	2	2	1	5
	Probandar	1	0	0	1
Total		20	20	1	41

Table 23

From the data collected by the researcher, total 20 respondents have said that administrative work has being allocated while 20 judicial officers have said that no work has being allocated. The above table 23 showing of mixed views. It has been observed that administrative work may influence to case disposal and management.

When the question was asked that if the administrative work is allocated to judicial officers than whether administrative staff are being allocated or not. In response the judicial officers have given affirmative feedback. It means, sufficient staff having been provided in general.

Following chart 23 indicates the responses.

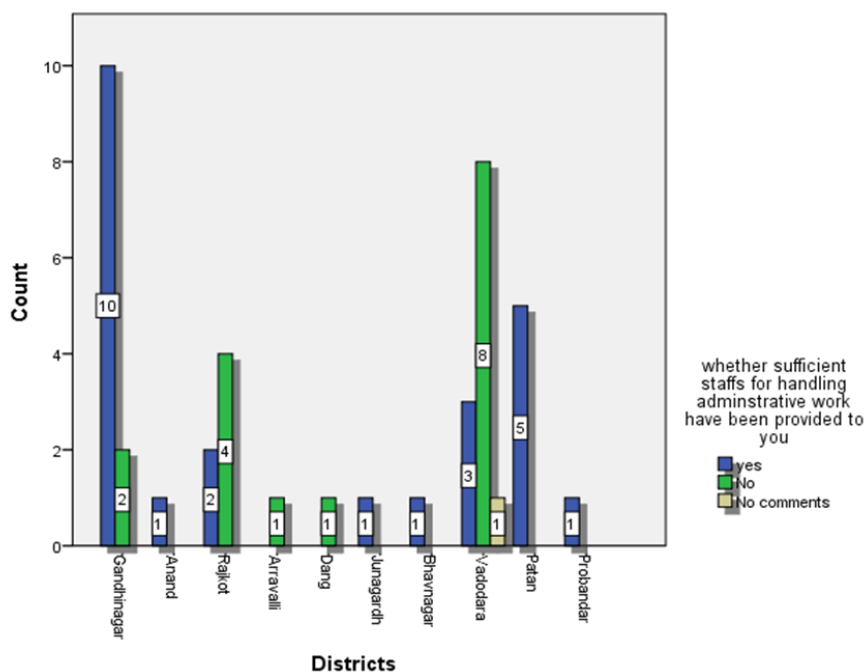


Chart 23 (Sufficient staff provided to the judicial officers)

From the above chart 23 the districts like; Gandhinagar has responded affirmative while the district like; Vadodara, the responses are negative. However, the difference between the affirmative response and negative responses is very narrow. However, overall observance of the researcher is that sufficient staff having been provided. It means, having been given administrative work, there is less probability to affect the case disposal and management. However, observation method indicates the scarcity of administrative staff.

When the question was asked about the nature of work having been given, the responses received that all kind of work being given like; valuable and non-valuable

maintenance of records, Maintenance of service book, taking examination of staff etc.

Following table 24 shows the type of work having been allocated to the judicial officers.

Types of work allocated to the respondents?							
		If yes,					Total
		valuable and non-valuable records	Maintenance of service book	taking examination of staff	All administrative work	No comments	
Districts	Gandhinagar	1	0	1	3	0	5
	Anand	0	0	0	1	0	1
	Rajkot	0	2	0	0	0	2
	Aravalli	0	1	0	0	0	1
	Junagardh	0	0	0	1	0	1
	Vadodara	0	0	0	0	7	7
	Patan	0	0	0	0	3	3
	Probandar	0	0	0	0	1	1
Total		1	3	1	5	11	21

Table 24 (Type of work allocated to the judicial officers)

Generally, the judicial officers have preferred not to make any comment on the question. In total eleven judicial officers did not respond. While only one judicial officer said valuable and non-valuable records to maintain; only three judicial

officers have said that maintains of service book and only five have been responded all kind of work being given.

When the question was asked to the judicial officers that at which stage generally the case become obstructed or stuck?

Following is a chart 24 showing the stage in which generally the case become stuck.

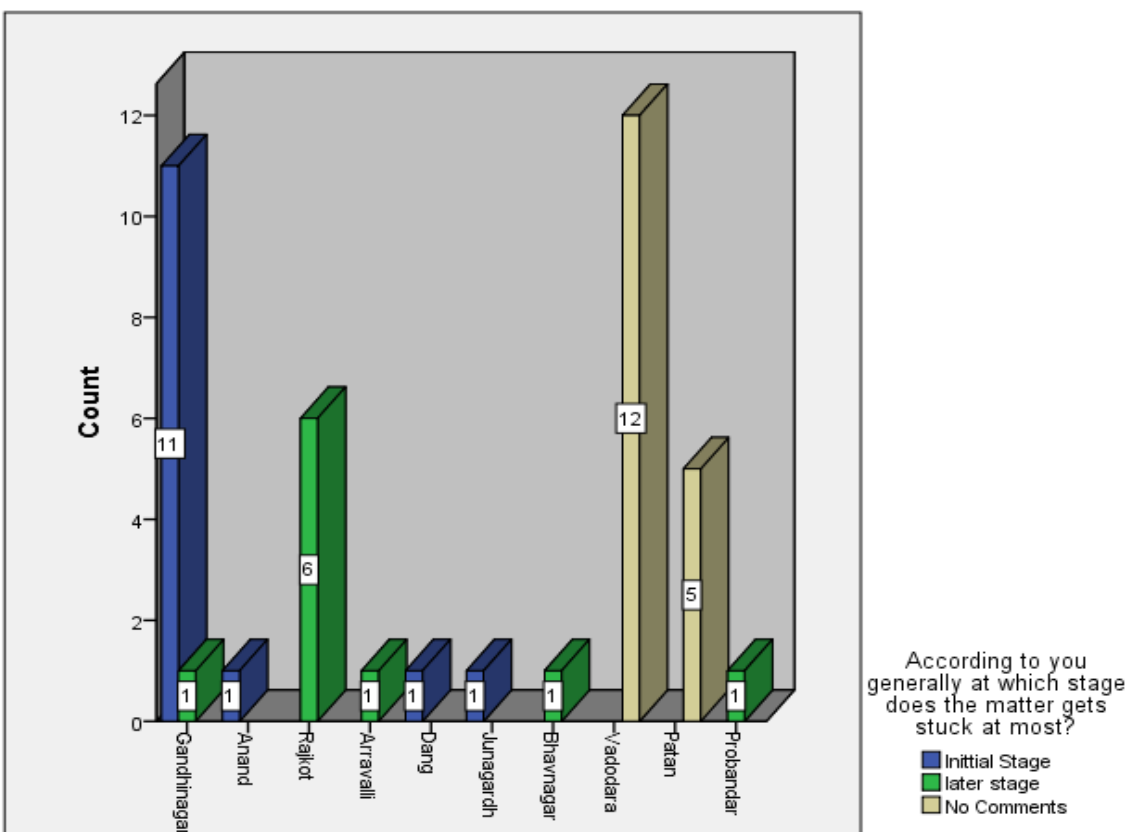


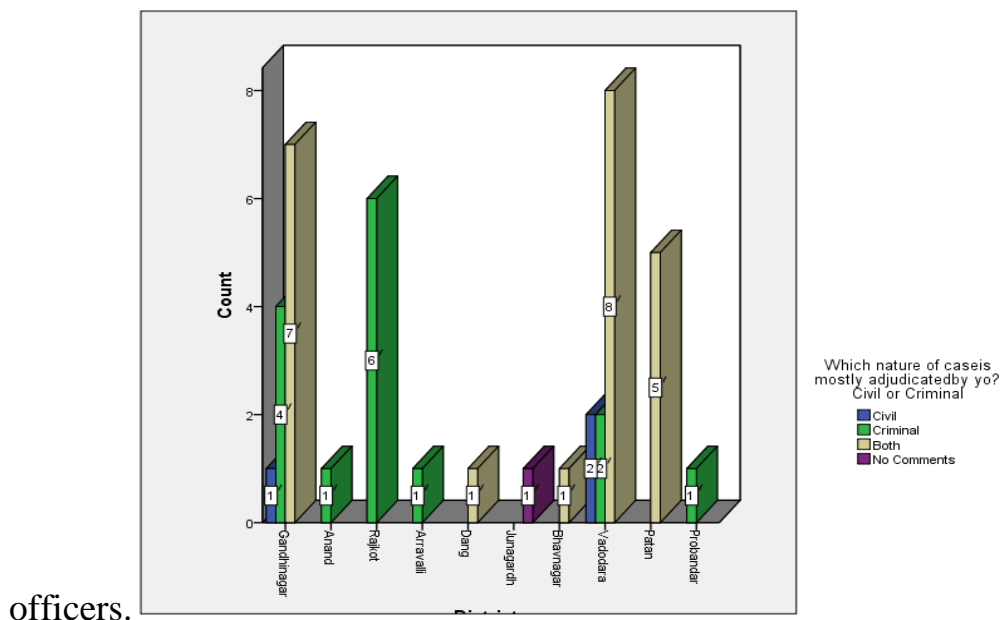
Chart 24 (Matter stuck at the stage)

From the chart 24 above, it indicates that in the district like Gandhinagar, the opinion of the judicial officer has said that at initial stage of case journey generally the matter gets stuck. While in the district like Rajkot it has been said that at later stage in the journey of the case matter get stuck but not at initial stage. While in other districts, judicial officers have not given their responses. District wise judicial officers have

different approach to work on the case. This may be varying according to judicial officer in the district.

When the question was asked that mostly which kind of cases having been dealt with by the judicial officers? The responses received from the judicial officers that mostly, civil and criminal both types of cases are being adjudicated by each judicial officer.

Following is a chart 25 indicates the district-wise responses from the judicial



officers.

Chart 25 (Nature of the cases decided)

The districts like; Gandhinagar, Vadodara and Patan having been decided both types of cases i.e., criminal and civil cases. While the districts like; Rajkot, Anand, Arrivalli judicial officers having been mostly decided criminal cases. The chart shows the requirements of judicial officers in the respective branch of law, which may be taken in to consideration at the time of transfer.

When the question was asked to the judicial officers that ‘whether any further amendment is required in existing criminal and civil law to reduce the backlog of the cases?’ The responses received by the researcher is affirmative. It means, no further amendment is required at this stage in procedural laws. However, the

difference between affirmative and negative opinion is very less. Following is table 25 showing the district wise data on responses received by the researcher.

Any amendment is required in existing procedural law?					
		yes	No	No comments	Total
Districts	Gandhinagar	4	8	0	12
	Anand	1	0	0	1
	Rajkot	6	0	0	6
	Arravalli	1	0	0	1
	Dang	0	1	0	1
	Junagardh	1	0	0	1
	Bhavnagar	1	0	0	1
	Vadodara	0	7	5	12
	Patan	0	2	3	5
	Probandar	1	0	0	1
Total		15	18	8	41

Table 25 (Requirement of amendment in existing procedural law)

Table indicates that, fifteen judicial officers have said yes, amendment in the existing procedural law is required while eighteen judicial officers have opined that no amendment is required in the existing procedural law. Surprisingly, eight judicial officers have preferred not to give any response against this question.

When the question was asked to the judicial officer that ‘whether senior lawyers are remain present in the court frequently?’ Following chart 26 indicates district wise responses.

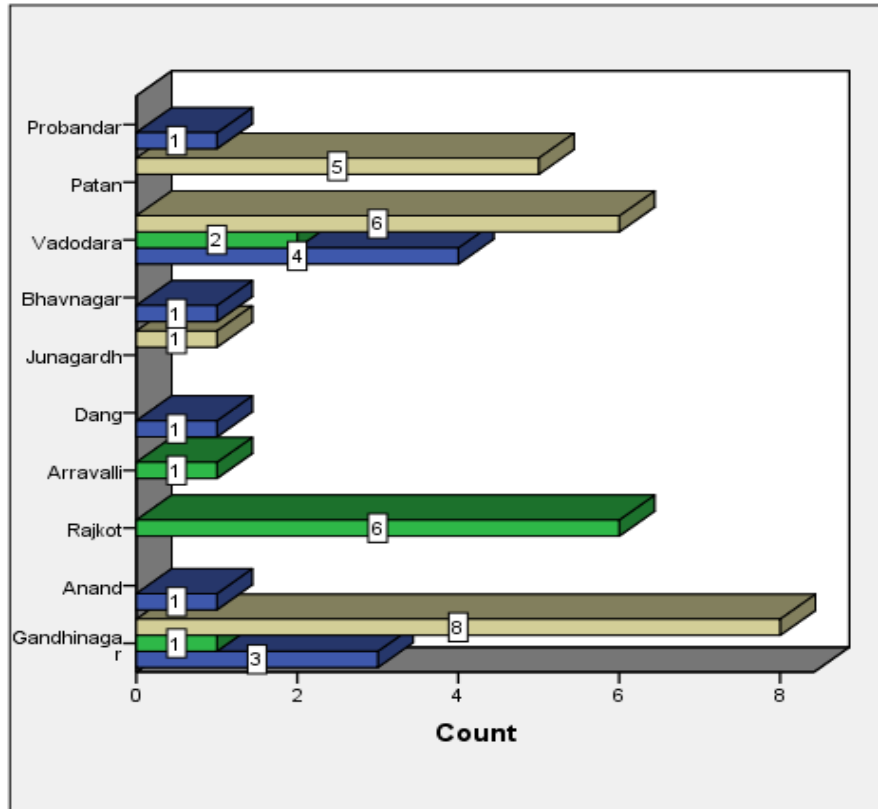


Chart 26 (Presence of senior lawyer in the trial courts)

Above chart 26 indicates that the districts like; Gandhinagar, Baroda and Patan have given no opinion by the judicial officers. While in the district Rajkot opinion has given opinion negative. It means, no senior lawyers remain present frequently before the court. Now, this non-presence of senior lawyer before the trial court has impact on disposal of the case. This may be emphasized appropriately.

When the question was asked about ‘whether cases are being frequently rotated?’ The response from the respondent received that frequency of rotation of the case is ‘once in a month’. This has huge impact on disposal of the cases which are pending

before the lower court. Case-load has been very high which resulted on less frequency of rotation.

Following is a chart 27 indicates the frequency of rotation of case.

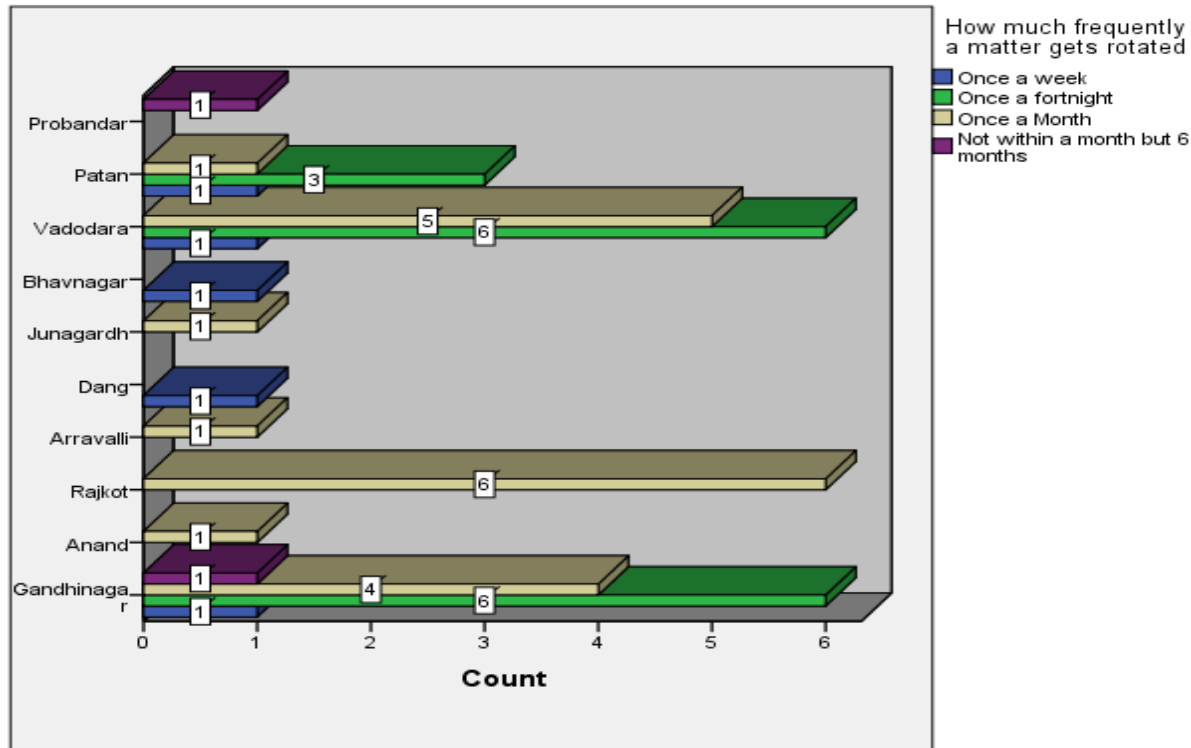


Chart 27 (Rotation of Case)

From the above chart 27 it indicates that districts like; Gandhinagar and Vadodara, matter rotated 'once in fortnight' while the district like Rajkot, 'once in a month'. This may vary from district to district. But this shows that courts having more cases and are burdened. Rotation of the case comes under the judicial as well as administrative function. In routine, the frequency of 'call-out' the case may be increased. This has direct impact on speedy disposal of the case.

When the question was asked that 'whether each matter is called out which is on the board?' In response to that question, the answer is affirmative. It means, a case which is on board for a day be 'called-out' certainly.

Following chart 28 showing the clarity on the point that whether the matter having been called out.

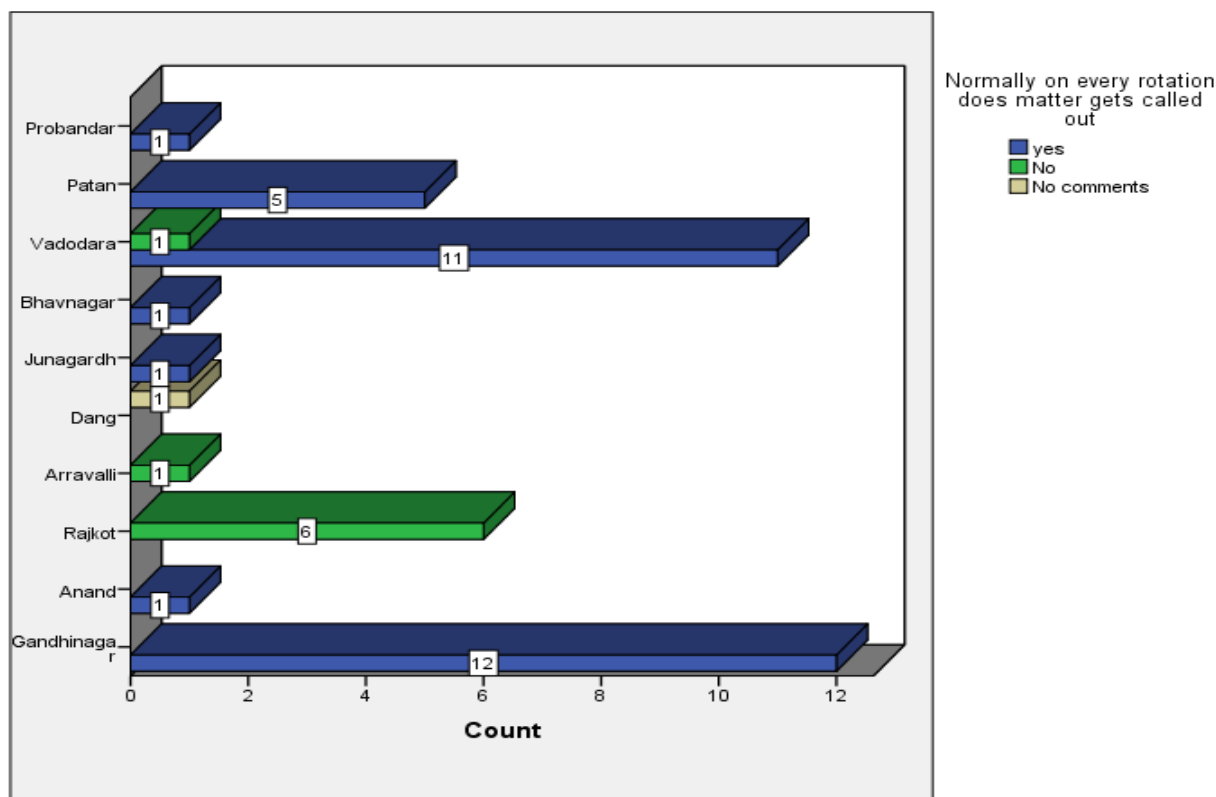


Chart 28 (Whether matter called out on a day)

From the above chart 28 it confirms that the districts like; Gandhinagar, Vadodara, and Patan have affirmative response. It means matter has being called out on day it is on board. While in the district like; Rajkot, the answer is negative. It means all matters may not being called out. However, overall responses have been said that all matters are being called out on a day it is on board.

When the question was asked that ‘whether the court infrastructure is sufficient to maintain records?’ The responses received from respondents is affirmative. It means, court infrastructure is sufficient to maintain records. Existing infrastructure of the court meets the requirements. However, in near future, it may not sufficient. Hence,

the system has to rely on the e-records. Following is a chart 29 showing the responses.

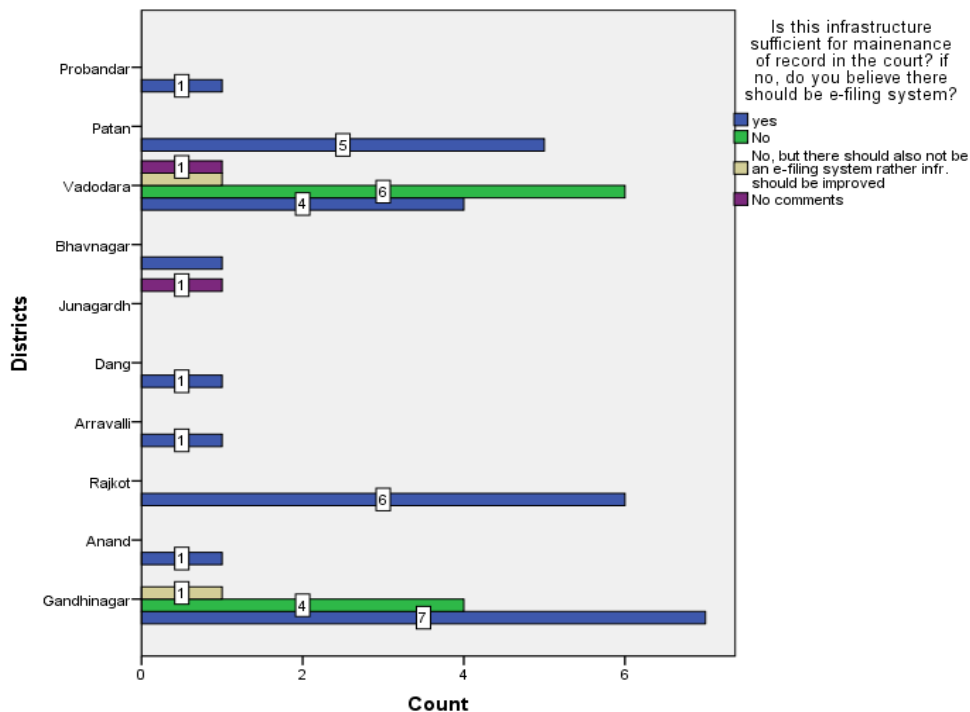


Chart 29 (Whether infrastructure of the court is sufficient)

The districts like; Patan, Rajkot and Gandhinagar judicial officers' opinion that court infrastructure is sufficient. While the district like Vadodara it has been said that court infrastructure is not sufficient.

When the question was asked that 'whether court management is different than case management?' The responses received from the judicial officers is in affirmative. It means case management and court management are different.

Following is chart 30 indicates the responses received district wise.

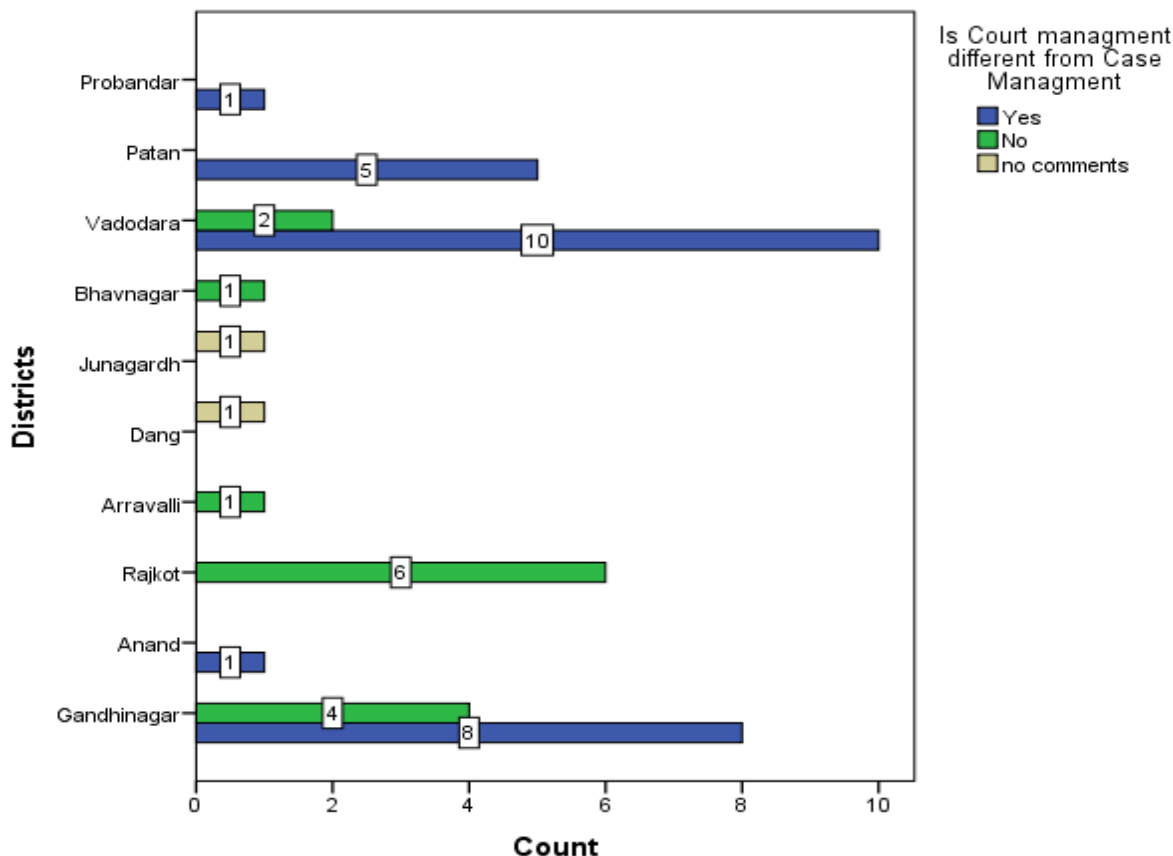


Chart 30 (Court management is different than Case management)

The districts like; Patan, Gandhinagar, Vadodara; judicial officers have opined that both case and court management is different while judicial officer of the Rajkot district has said that no, both case and court management are same. Now, this notion of judicial officers may lead to different direction altogether. The researcher believes that case management is a part of court management and cannot be distinguished. However, in which way it differs, could not confirmed by the researcher.

When the question was asked about the strength of judicial officers, the response received is in negative. However, it is varying from district to district. It means, no strength is required to increase at this stage of judicial officers. Following chart 31 indicates the same.

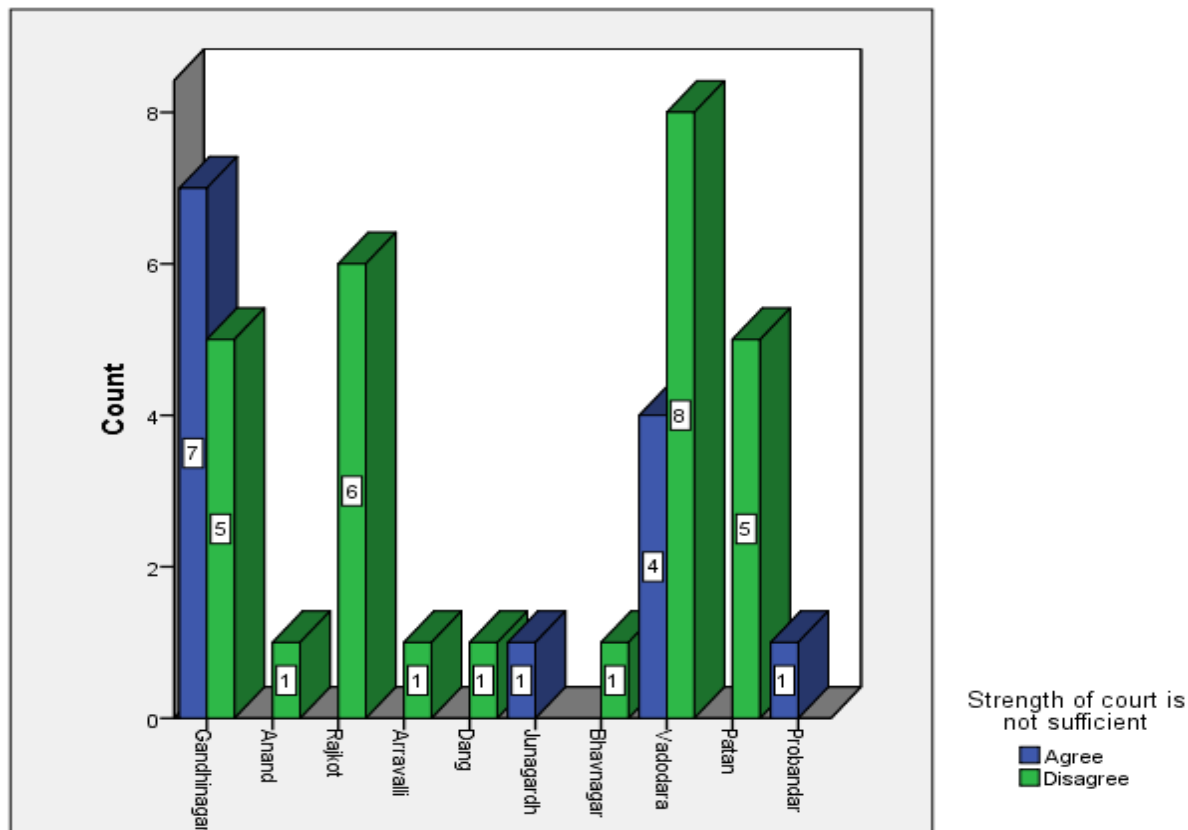


Chart 31 (Strength of the court is sufficient)

In the district like Anand, patan and Vadodara opined that strength of the court is sufficient. No strength is required to increase. While the district like Gandhinagar has said that strength is required to increase.

When the question was asked, ‘whether advocate-bar is supportive to improve the court management and case management?’ The responses received is very affirmative. It means, judicial officers are being supported by the advocates to improve the court efficiency.

Following is a chart 32 showing the responses received by the researcher from districts.

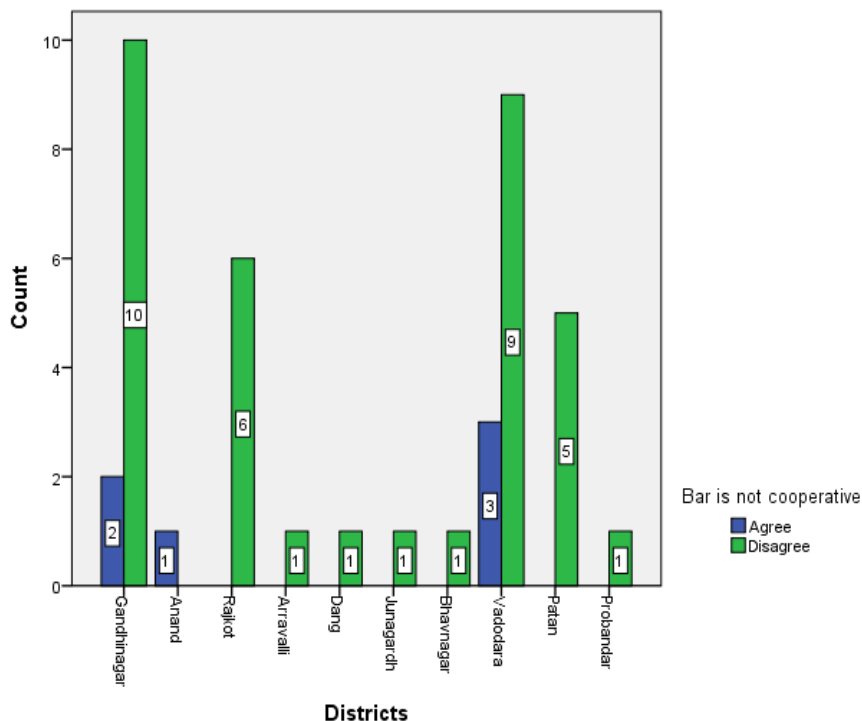


Chart 32 (Advocate-Bar cooperation to the judicial officers)

From the above chart 32, responses have been received affirmative. High-volume is received from Gandhinagar, Rajkot and Vadodara. Responses are ten, nine and six respectively. No district's judicial officers have given response negative. This has long term effect to improve efficiency. Definitely, lawyer's cooperation improves the efficiency of court. It means, the important professional relationship which support the case management is exists.

The very next question was asked by the researcher that 'whether parties are being responsible for delay in proceedings?' The responses received are vary. In two districts like; Vadodara and Gandhinagar it has been said that parties are responsible, while in other districts it has been said that parties are not held responsible for delay the court proceedings.

Following chart 33 showing ‘whether parties are responsible for delay in court-proceedings?’

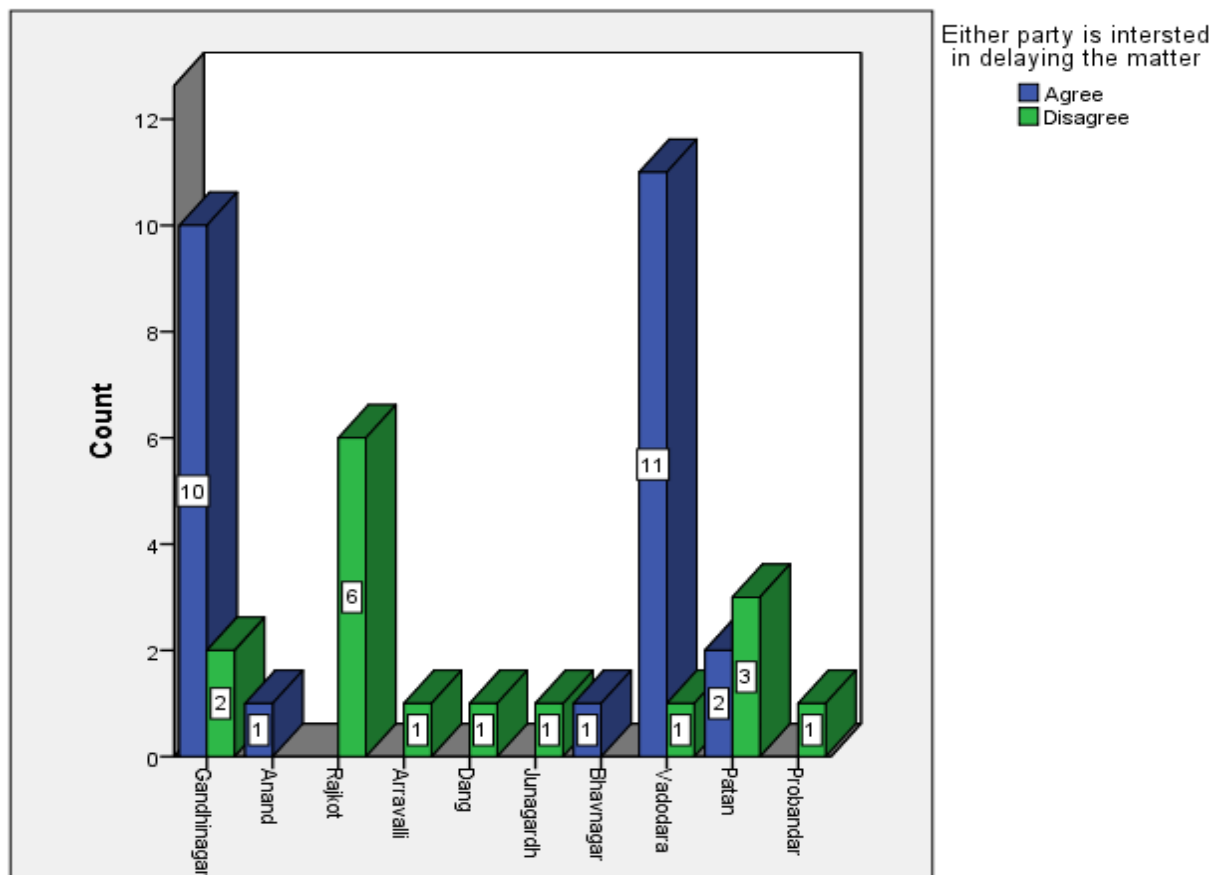


Chart 33 (Can parties make responsible for delay)

Chart 33 shows that eleven respondents in the district of Vadodara have said parties are responsible for delay in the proceedings while in the district of Gandhinagar, ten respondents are of the same opinion. However, the districts like; Patan, Rajkot, Junagadh it has been said that parties are not responsible for delay in court proceedings. However, overall, the parties are responsible for delay in proceedings. When the question was asked that ‘whether trivial cases increasing the burden of the court?’ The responses are received in negative. It means, trivial cases are not increasing the burden of the court. Following is chart 34 showing the responses received in each district from the judicial officers.

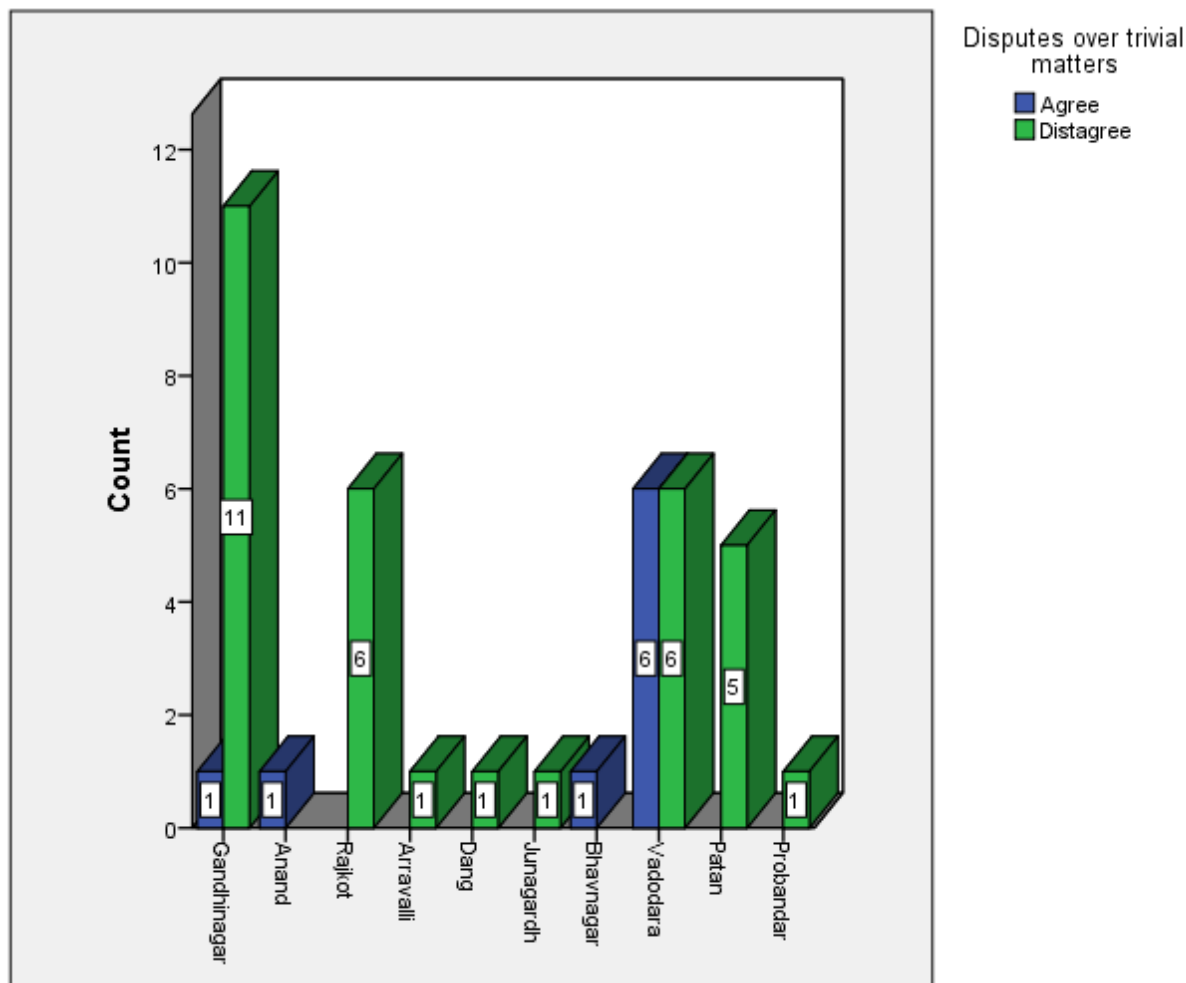


Chart 34 (trivial case increase the court burden)

Chart 34 shows that in districts like; Gandhinagar, Patan and Rajkot; where responses have been received negative. It means, trivial cases are not increasing the burden of the court. However, the responses received from the other districts are affirmative. It means though the responses received is one only, but against zero. It means, horizontally trivial case are being effect to the burden of the court.

Disputes over trivial matters are pending before the courts. Following table 26 shows the situation district-wise trivial-matters. It means, cases pending are not on trivial

matters except Gandhinagar and Vadodara. Following is table 26 showing the responses received from each district.

Disputes over trivial matters effect on efficiency?				
		Agree	Disagree	Total
Districts	Gandhinagar	1	11	12
	Anand	1	0	1
	Rajkot	0	6	6
	Arravalli	0	1	1
	Dang	0	1	1
	Junagardh	0	1	1
	Bhavnagar	1	0	1
	Vadodara	6	6	12
	Patan	0	5	5
	Probandar	0	1	1
Total		9	32	41

Table 26

Mixed view received from judicial officers from Vadodara. From Gandhinagar eleven responses received against only one. While from the district of Rajkot zero against six and in total nine responses against thirty-two responses received. It means, overall trivial cases in the court does not create burden on the court. Following chart 35 showing the alternative one.

When the question was asked the alternatives to reduce the burden the respondents received the following responses.

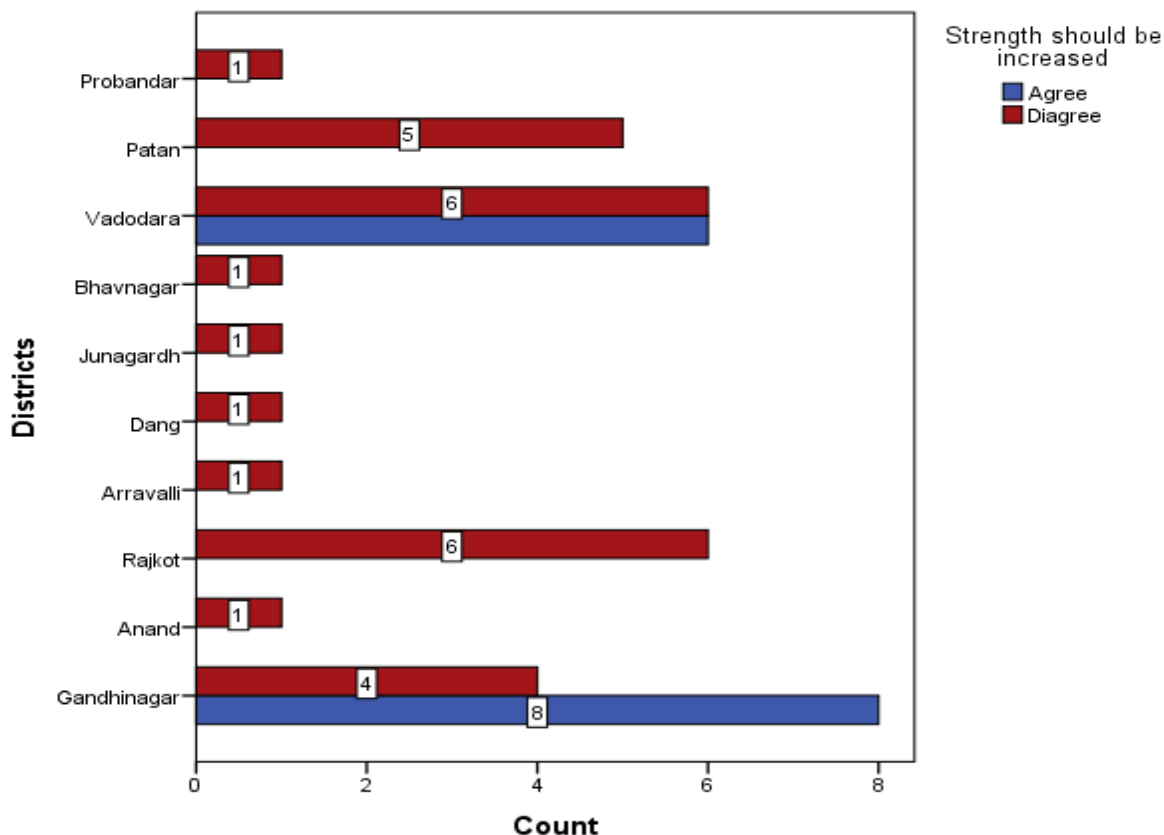


Chart 35 (alternative; strength of the court)

From the chart 35 it indicates that strength of the court may be increased which may reduce the burden of the court. In the districts like; Gandhinagar and Vadodara it has been said that strength of the court can increase and that can be one of the reasons to reduce the burden. However, in the other districts like; Patan and Rajkot, not agreed that increasing the strength may reduce the burden of the court much.

Strength is required to be increased?

		Agree	Disagree	Total
Districts	Gandhinagar	8	4	12
	Anand	0	1	1
	Rajkot	0	6	6
	Arravalli	0	1	1
	Dang	0	1	1
	Junagardh	0	1	1
	Bhavnagar	0	1	1
	Vadodara	6	6	12
	Patan	0	5	5
	Probandar	0	1	1
Total		14	27	41

Table 27

From the table 27 responses have been received overall is fourteen against twenty-seven. It means, no strength of the court is required to increase at this stage.

Highlighting the Summary of overall representation of data collected from judicial officers:

Earlier experience as an advocate.

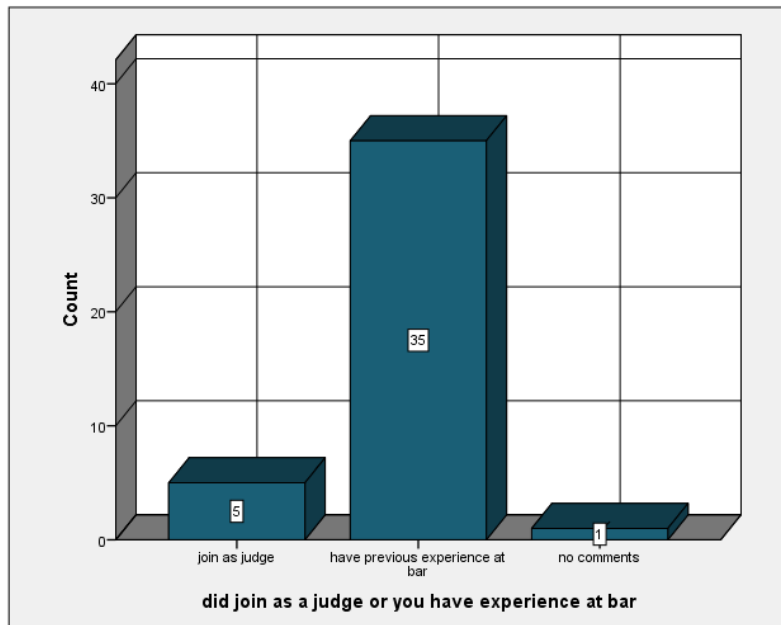


Chart 36

Duties allocating regularly to the judicial officers:

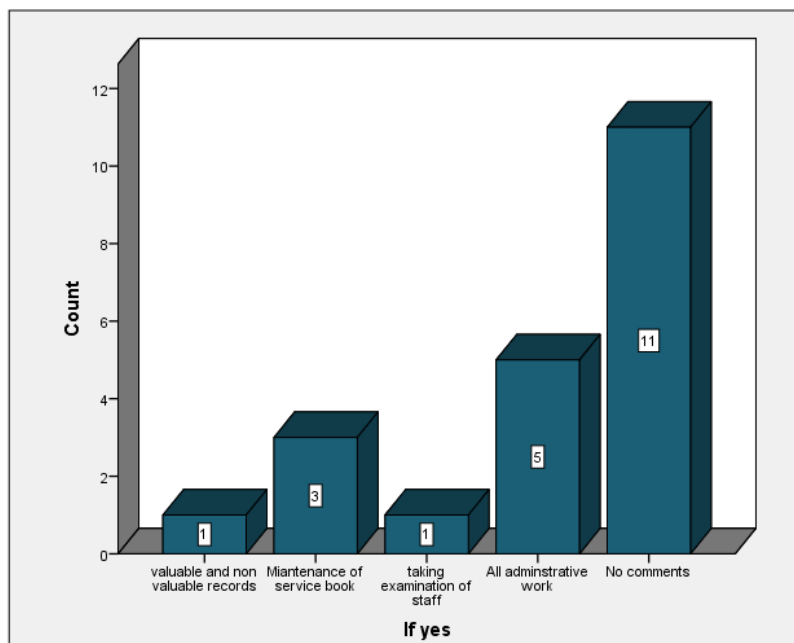
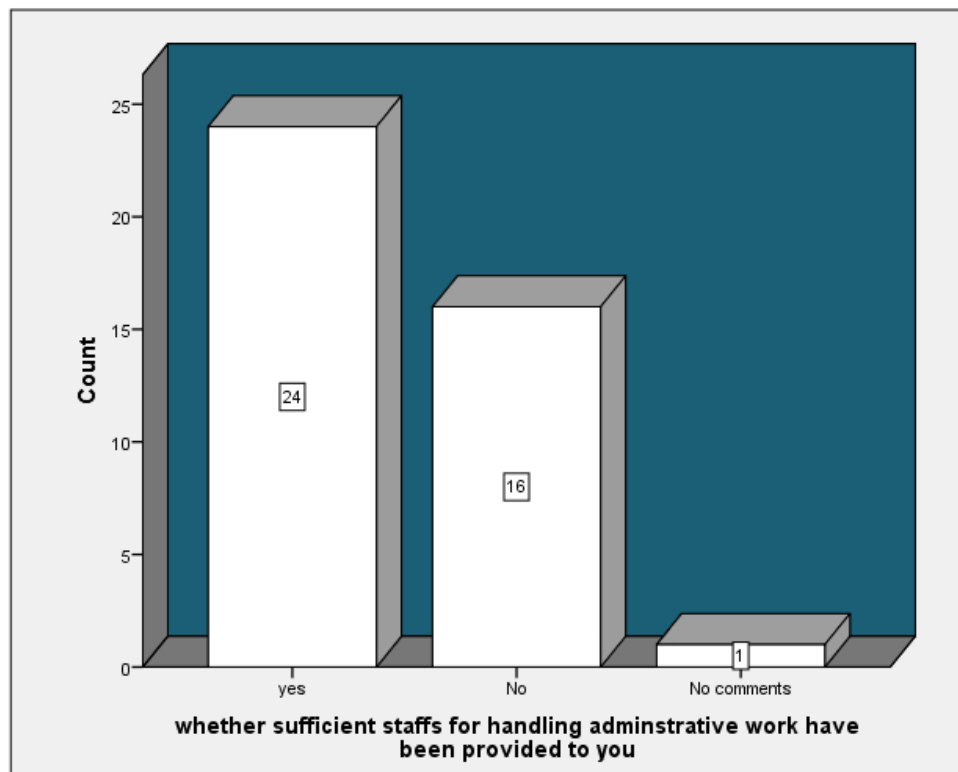


Chart 37**Whether sufficient staff allocated****Chart 38****A stage where most cases are sucked**

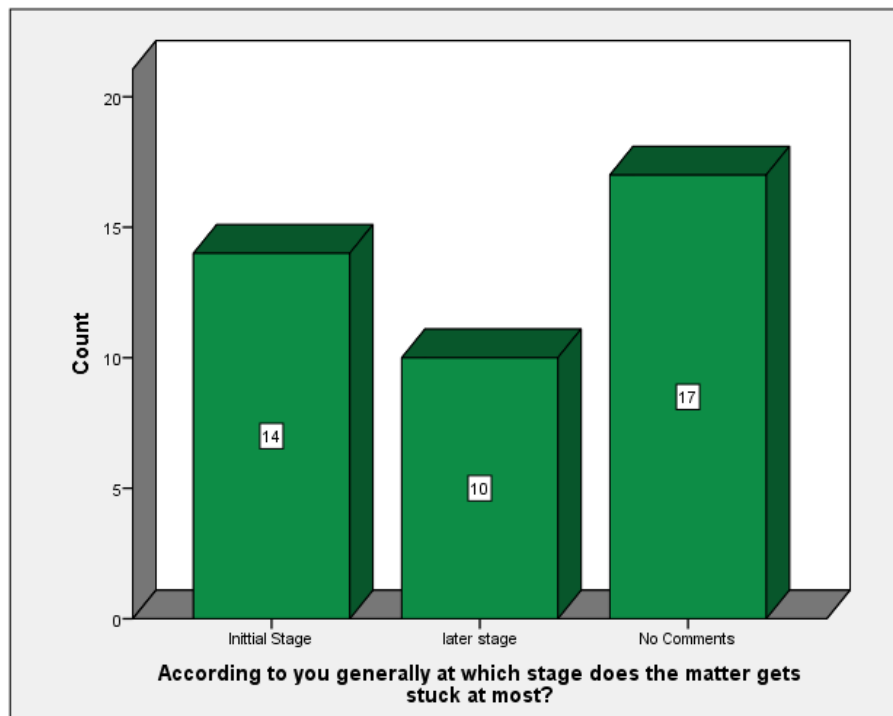


Chart 39

Each district has its own working strength and weaknesses. It cannot be generalized. Bases on the nature of the case instituted, cases pending and cases expected to register decide the overall strategy to run the case. The requirements are fluctuated in each district. Based on culture, custom, tradition and practice of the people resides in the district, the meeting criteria to reduce the backlog will be different.

3.6 Role of the Court Clerks in court management:

Court clerks plays very important role in the court. Entire administration of the court is under them. Court files and records to be maintained for a longer period of time is one of the challenges. Maintain case-file up to date with notes is a challenging task for court clerks. Prepare daily-board and ensure to call-out the names of the parties is much difficult task for the court-clerk. Daily routine work with lawyers and public-prosecutors is difficult.

3.7 Data analysis and interpretation of the responses collected from the Court clerks/Court managers/Bench clerks:

Total responses received from the court-clerks-respondents are thirty five (35) from four (04) districts only, i.e. Gandhinagar, Vadodara, Patan and Jamnagar. From other districts, the researcher could not get permission due to their very busy schedule.

The questions were asked to the court-clerks and bench-clerks by the researcher.

When the question was asked to the respondents of their experience, it has been found that respondents have majority ‘one to five years’ of experience. However, the researcher equally has found the experienced respondents having more than twenty years.

Following table 28 showing the data collected by the respondents on experience of bench-clerks.

Since how long are you serving in this court?		0-5	5-10	10-20	More than	
		years	years	years	20 years	Total
Distri ct	Gandhinag ar	5	1	1	3	10
	Jamnagar	1	0	0	0	1
	Vadodara	10	3	4	0	17
	Patan	5	1	1	0	7
Total		21	5	6	3	35

Table 28

Table 28 shows that in total twenty-one court clerks having experience up to five years, five respondents having experience from five to ten years, six respondents having experience up to twenty years while three respondents having experience of twenty years. This experience certainly plays an important role in speedy disposal.

The researcher has received maximum responses from the districts like; Vadodara, Gandhinagar and Patan. Following is a chart 40 showing the district-wise data collected by the researcher.

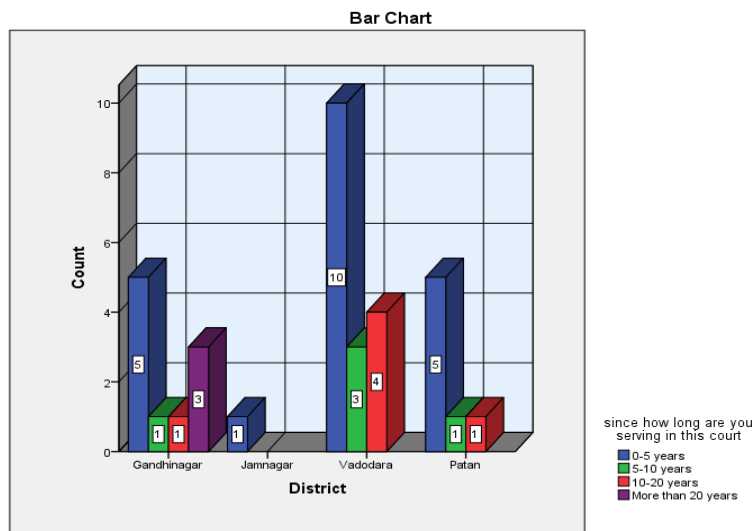


Chart 40 (Experience of Court-clerks)

From the above chart 40 it has been indicated that researcher has interviewed of court clerks having five years' experience. District like Vadodara ten court clerks have been interviewed having five years of experience. Experience of court clerks is varying from district to district.

When the question was asked to the court clerks that 'how much time did you take to settle in a court?' This question was asked to newly appointed court clerks. The responses have been very clear. It has been said that around three months generally time period required to acquaint with the court system. However, some of the respondents opined that maximum twelve-month' time period is required to settle down with the court system.

This time frame starts from three months to twelve months, very from individual to individual. Following is a table 29 showing the court clerks taking time to acquaint with work style of the court.

How much time it takes to settle with the procedural style for newly appointed court clerks / staff?							
		how much time it takes to settle with the procedural style for newly appointed					
		0-3 mont hs	3-6 months	6-9 months	9-12 months	No commen ts	Total
Distr ict	Gandhina gar	6	2	1	1	0	10
	Jamnagar	1	0	0	0	0	1
	Vadodara	15	1	0	1	0	17
	Patan	6	0	0	0	1	7
Total		28	3	1	2	1	35

Table 29

Above table 29 indicates that twenty-eight respondents have taken time up to three months, three respondents taken time up to six months, one respondent has taken time up to nine months while two respondents have taken time between nine to twelve months. While one respondent has preferred not to give response. Twelve months' time is considering high time to get acquainted with the work system. This may have direct effect on the speedy disposal of work and court management.

Following chart 41 showing the district wise bifurcation on time period generally being taken by the court clerks to settle and acquaint with court system.

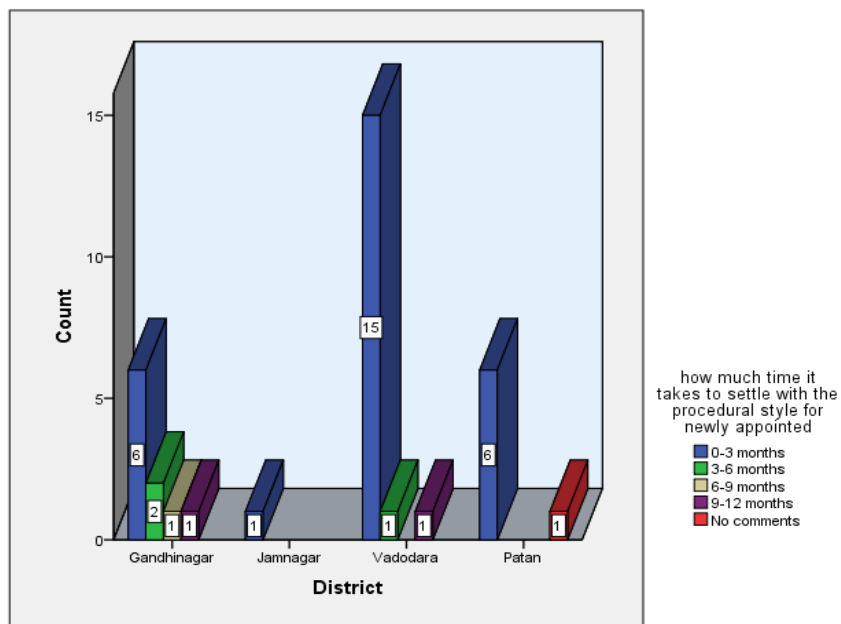


Chart 41 (Time take to settle with work allocated)

More number of responses received from the districts like; Vadodara and Gandhinagar. Fifteen responses have been received from Vadodara while six responses have been received from the district Gandhinagar. No much comment has been received from the districts like Jamnagar and Patan.

When the question was asked regarding the nature of the work allocated to the court-clerks, the responses received have been very scattered. Number of respondents is less and the researcher could not gathered the information in large volume. It has been found that generally the nature of the work allocated is like; updating the board, summons process, allocation of Counsels (Public Prosecutor) etc.

Following is a table 30 of responses received by the researcher in a question of nature of allocation of work to court clerks.

Can you please describe what all kind of work is allotted to you?						
		Summons process	updating of board on time	Allocation of advocates	No comments	Total
District	Gandhinagar	4	4	2	0	10
	Jamnagar	0	1	0	0	1
	Vadodara	0	0	0	17	17
	Patan	0	0	0	7	7
Total		4	5	2	24	35

Table 30

Four respondents have said ‘summons process’ is a work are being allocated, while five respondents have said updating of board on time are being generally allocated while two respondents have said allocation of matter to the advocate or public prosecutors and twenty-four court clerks preferred not to give opinion. In general, work like summons process, updating the board timing, advocate allocation (public prosecutors) etc.

Following chart 42 indicates major allocation of work to the court-clerks.

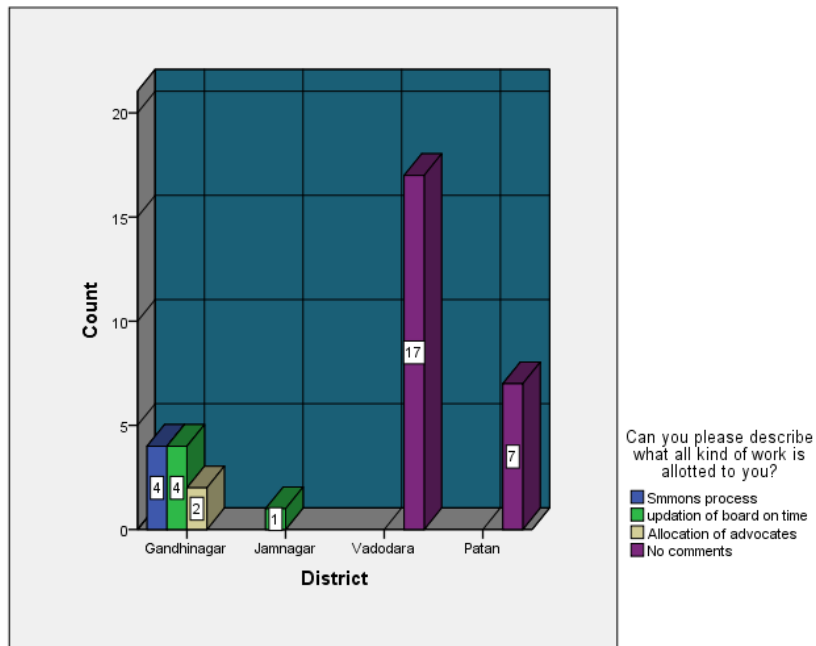


Chart 42 (Responses received on work allocated)

Maximum number of court-clerks have preferred not to give any responses.

When the question was asked about ‘at which stage the matter get stuck’, response received is ‘to issue a notice’ stage.

Following is a table 31 showing the stage and reason on which matter gets stuck at most.

According to you generally at which stage does the matter gets stuck at most?								
		parties staying at remote places	sometim e due to old record	Because of Advocate s	Non service of notice	Evidenc e	no comment s	Tota l
Distric t	Gandhinagar	5	2	2	1	0	0	10
	Jamnagar	0	0	0	0	1	0	1
	Vadodara	0	0	0	0	0	17	17
	Patan	0	0	0	0	0	7	7
Total		5	2	2	1	1	24	35

Chart 31 (reason of matter get stuck)

From the above-mentioned chart 31, five responses have been said since parties staying at remote places matter get stuck, two responses have replied that due to old records matters get stuck, two responses have said due to advocates the matter get stuck, and one response has said that due to non-service of notice matter get stuck. It seems from the responses collected that due to staying at remote areas and due to old records, delay takes place to issue summons. It means, e-administration has to encourage.

When question was asked to the court clerk regarding appearance of senior lawyers before the court, responses have been received negative. It means, senior lawyers are not regularly appearing in a court. It has direct impact on speedy disposal.

Following is a table 32 showing responses received.

Does senior lawyer regularly appears in a court or seek adjournment through junior lawyers?					
		Yes	No, Seeks an adjournment through junior lawyers	No comments	Total
District	Gandhinagar	7	3	0	10
	Jamnagar	1	0	0	1
	Vadodara	13	4	0	17
	Patan	5	0	2	7
Total		26	7	2	35

Table 32

From the above table 32 in total twenty-six responses have been received who have said senior lawyers appears in the court while seven responses have been said that no, maximum junior lawyers takes adjournments. While two respondents have preferred not to give any responses.

Following chart 43 indicates district wise responses.

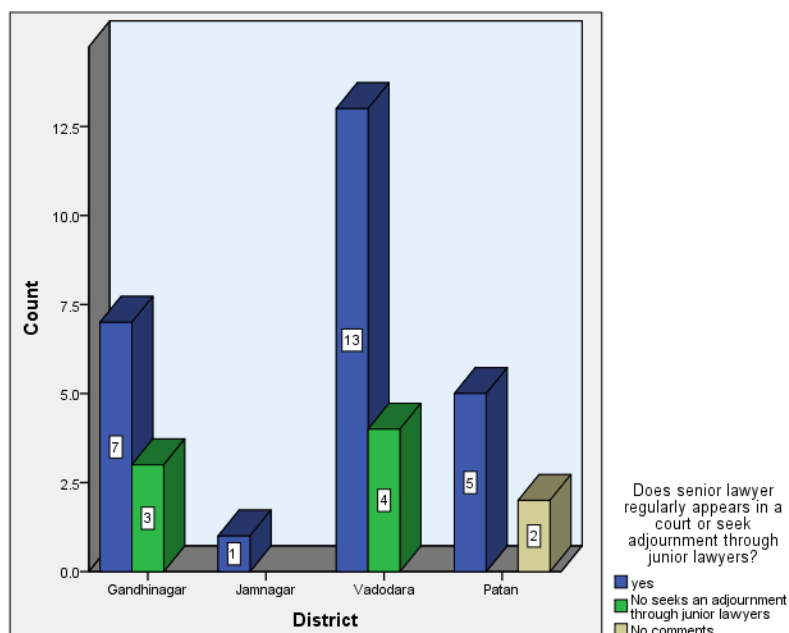


Chart 43 (Whether senior lawyer appears in the court)

In the district Gandhinagar, seven responses have been received affirmative and have said senior lawyers are appeared in a court against three responses, while in the district of Vadodara thirteen lawyers appeared against four lawyers. Appearance of senior lawyers in a court is a need of an hour in the trial court. Since, juniors do not argue before the court of law, and no important decision they can take, it's simply an unutilized of time of court and a client.

When the question was asked about frequency of rotation of the case, responses indicates that matter get rotated 'once in month' or some time 'once in forth night'.

Following is a table 33 showing the responses received from court-clerks.

How much frequently a matter gets rotated?			Once in a fortnigh t	Once in a month	No comme nts	Total
Dist rict	Gandhin agar	2	4	3	0	9
	Jamnagar	1	0	0	0	1
	Vadodar a	0	8	8	1	17
	Patan	0	2	3	2	7
Total		3	14	14	3	34

Table 33

From the table 33 it shows that total three responses have been received and said that cases are rotated 'once in a week', fourteen responses have been received and said 'once in a fortnight' cases are rotated while fourteen responses have been received and said 'once in a month' the cases are rotated. It seems courts are burdened with the cases. Its leads to the time consuming. Frequency to place on board of each case can be increased. This may affect the court management directly.

Following is a chart 44 of responses received by the researcher gives clarity on the duration of rotation district wise.

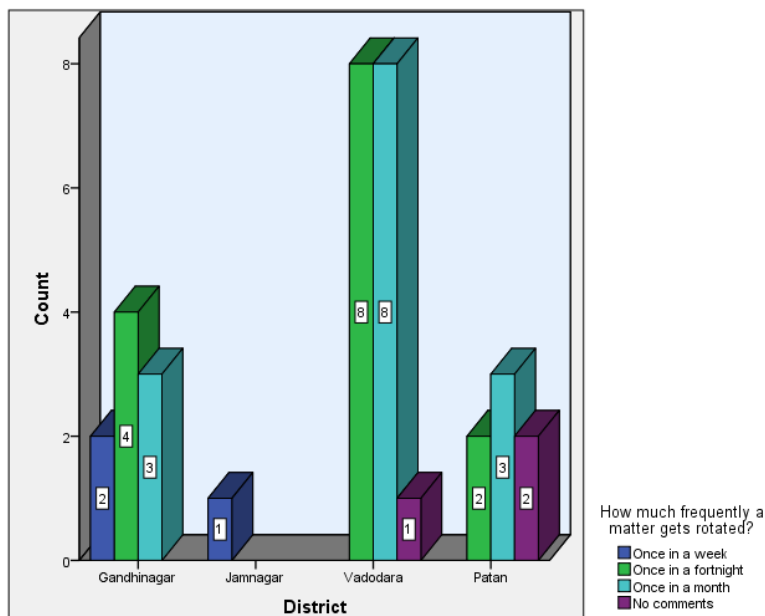


Chart 44 (Rotation-frequency of case)

When the question was asked to the court-clerks about ‘whether the infrastructure is sufficient to maintain records’, the responses have been received by the researcher is negative. It means that infrastructure is not sufficient. However, e-filing system has been highly appreciated by the court-clerks.

Following is a table 34, which indicates that infrastructure is not sufficient.

Is this infrastructure sufficient for maintenance of record in the court?				No this is not sufficient but rather than e-filing system court should change infrastructure	
		Yes	No this is not sufficient and there should be e-filing system	re	Total
District	Gandhinagar	4	5	1	10
	Jamnagar	0	1	0	1
	Vadodara	5	12	0	17
	Patan	3	4	0	7
Total		12	22	1	35

Table 34

Table 34 shows that twelve respondents have given response yes infrastructure is sufficient while twenty-two respondents have said no, infrastructure is not sufficient. While one respondent preferred not to make any comment. However, overall respondents suggests that infrastructure is not sufficient.

Following is table 35 has said that e-filing will make speedy disposal and take less time consume. Infrastructure of the court in the districts like; Vadodara, Gandhinagar and Patan is required. However, not in all district. In-adequate infrastructure has direct impact on the speedy work culture to develop.

Following table 35 shows responses on e-filing system to encourage.

If No, do you believe there should be e-filing system?				
		If No, do you believe there should be e-filing system?		Total
		No	No comments	
District	Gandhinagar	1	5	6
	Jamnagar	0	1	1
	Vadodara	0	12	12
	Patan	0	4	4
Total		1	22	23

Table 35

From the table 35 it shows twenty-two respondents given no comment. And only one respondent has said no. In the districts like; Vadodara and Gandhinagar, it seems e-filing system is not effectively implemented. This has a direct effect on the speedy work.

When the question was asked that ‘whether the court management is different than the case management?’, the responses have been received is in affirmative. It means, clarity among the clerks is required. Following table 36 showing the responses received on whether court management is different than case management.

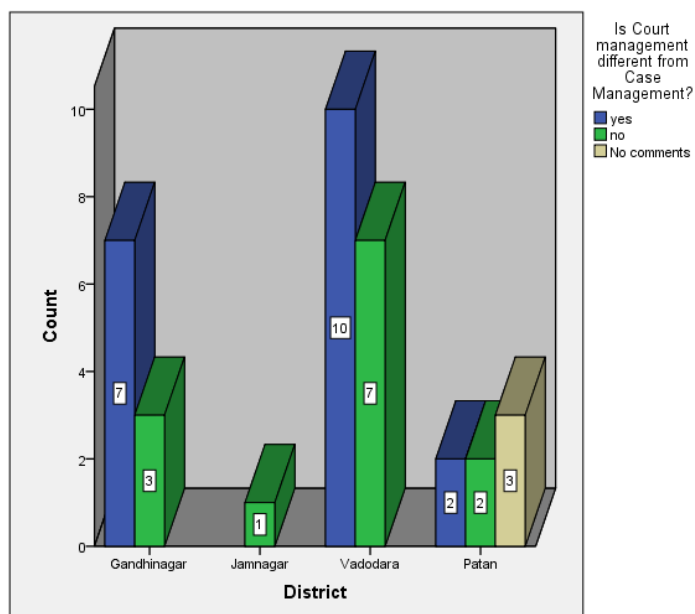
Is Court management different from Case Management?
--

		Yes	no	No comments	Total
District	Gandhinagar	7	3	0	10
	Jamnagar	0	1	0	1
	Vadodara	10	7	0	17
	Patan	2	2	3	7
Total		19	13	3	35

Table 36

From the above-mentioned table 36 nineteen respondents have given response affirmative. It means court and case management is different. This belief has serious consequences. Thirteen respondents are of the opinion that there is no difference between case and court management. While three respondents have preferred not to make any comments.

Following is a chart 45 which indicates district wise bifurcation of responses.

**Chart 45 (case and court management is different)**

In the districts like; Gandhinagar and Vadodara court clerks believes that case management and court management is different while the districts like; Patan and Jamnagar though responses are very less but they opined that both case management and court management are same. This notion has direct impact on speedy disposal of the case.

When the question was asked to the bench clerk about cooperation from advocate-bar, the responses received in majority is negative. It says advocate-bar is not cooperative.

Following is a chart 46 showing the responses received from the bench clerks according to the districts.

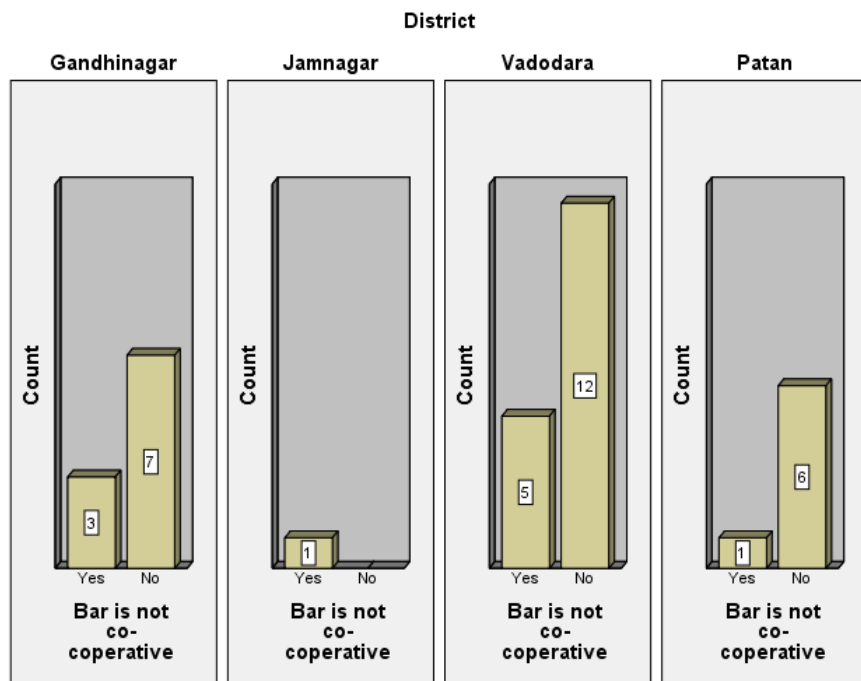


Chart 46 (cooperation of bar to the court)

Collected data shows that the districts like; Gandhinagar, Vadodara and Patan advocate-bar is not much cooperative, while in Jamnagar, it has been said that yes

advocate-bar is cooperative. Here, responses have been received is very less and cannot make it general. However, co-operation of bar with the court impact huge in court management and case management system.

When the direct question was asked to the court-clerk about the parties' role in making delay the court proceedings, the responses received in negative form. It means, no parties generally are responsible to make delay in court proceedings.

Following is a chart 47 mentioned the responses received by the researcher district wise.

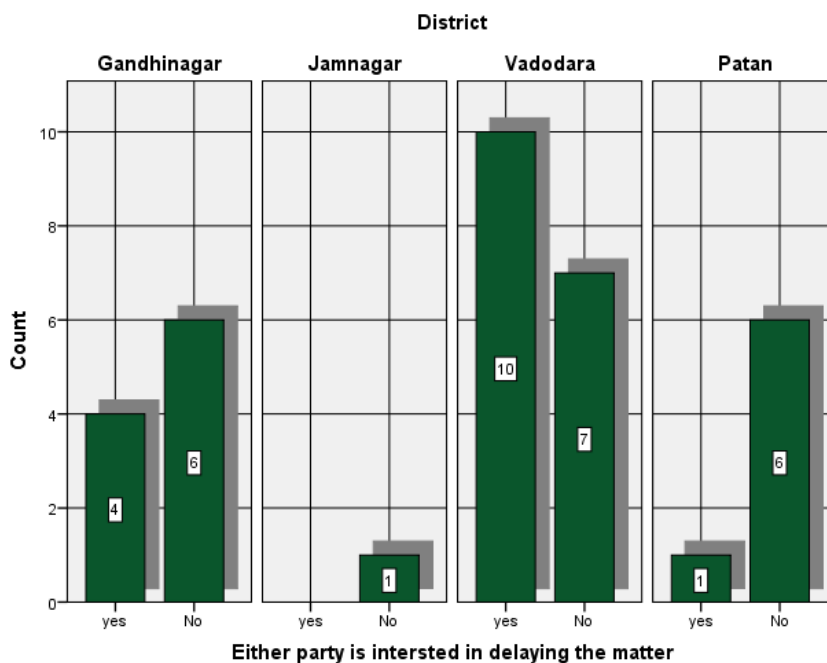


Chart 47 (whether parties make delay)

In a district like Vadodara, ten responses received affirmative, it means parties makes delay the court proceedings against seven negative responses. While in the district Gandhinagar six responses have been received negative against four responses and in the district of Patan six responses have been received affirmative against only one response negative. It means, overall parties are not responsible for

delay in the court proceedings. However, the situation and reasons may vary from district to district.

When the question was asked about ‘whether strength of the court is required’, responses have been received with mixed of opinions. However, district-wise it is very.

Following chart 48 showing the responses received in each district against the question that, ‘whether strength of the court required to improve.’

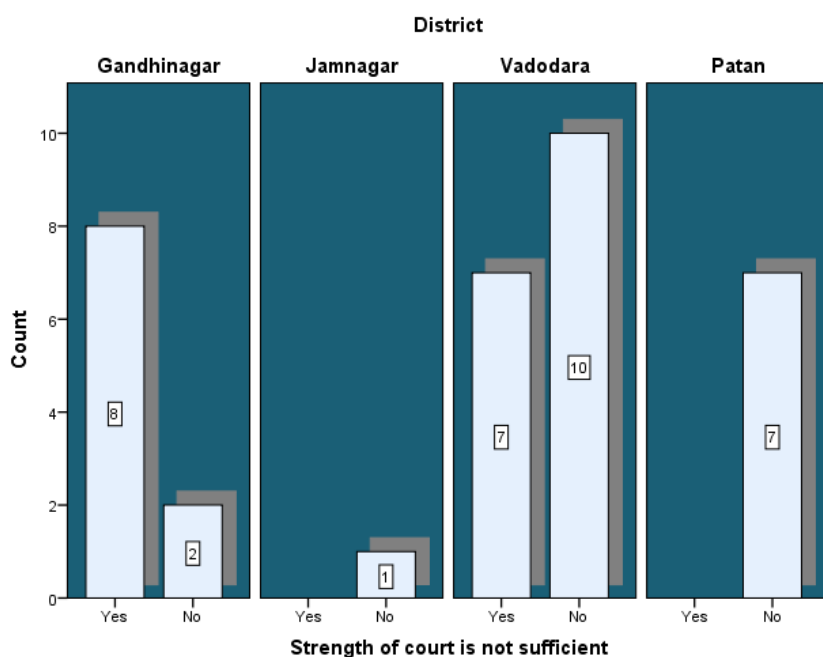


Chart 48 (whether strength of the court is required to improve)

Total responses have received in the district Gandhinagar is eight affirmatives against two negatives. It means, strength of the court is not sufficient and need to be improved. While in the district of Vadodara, ten respondents given responses in negative against seven in affirmative responses. It means, strength of the court is sufficient. In other two districts, namely Jamnagar and Patan also negative responses have been received, it means strength of the court is sufficient to deal with the cases comfortably.

While the question was asked on ‘whether infrastructure of court is sufficient?’ The responses received once again in mixture form.

Following chart 49 shows district-wise responses which gives clarity.

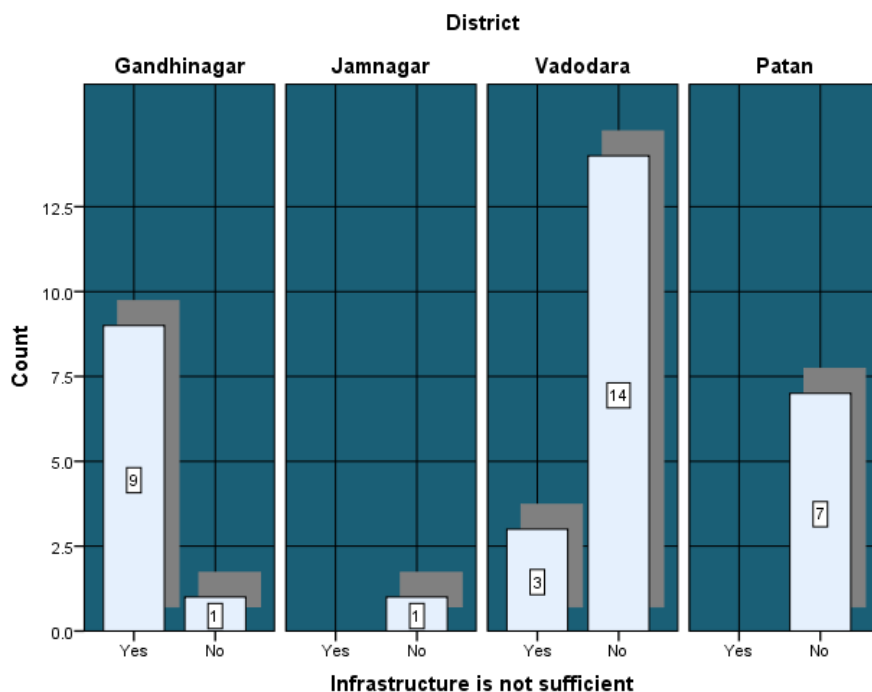


Chart 49 (whether infrastructure is sufficient or not)

From the chart 49 district like Vadodara has said that infrastructure of the court is not sufficient and need to be improve. Fourteen responses received negative against three responses; it means infrastructure is not sufficient. While in the district of patan seven responses have received negative against zero affirmative responses. It means, in the district patan also infrastructure is not sufficient. While in the district Gandhinagar adverse responses received by the researcher. Nine responses received positive against one negative responses. It means, in the district of Gandhinagar, the infrastructure of the court is sufficient and no improvement is required at this stage.

When the question was asked ‘whether any change or amendments is required in the existing procedural laws?’ The responses have been received majority in negative. It means, no changes in the existing procedural law is required at this stage.

Following chart 50 shows the responses received district wise on whether any amendment is required?

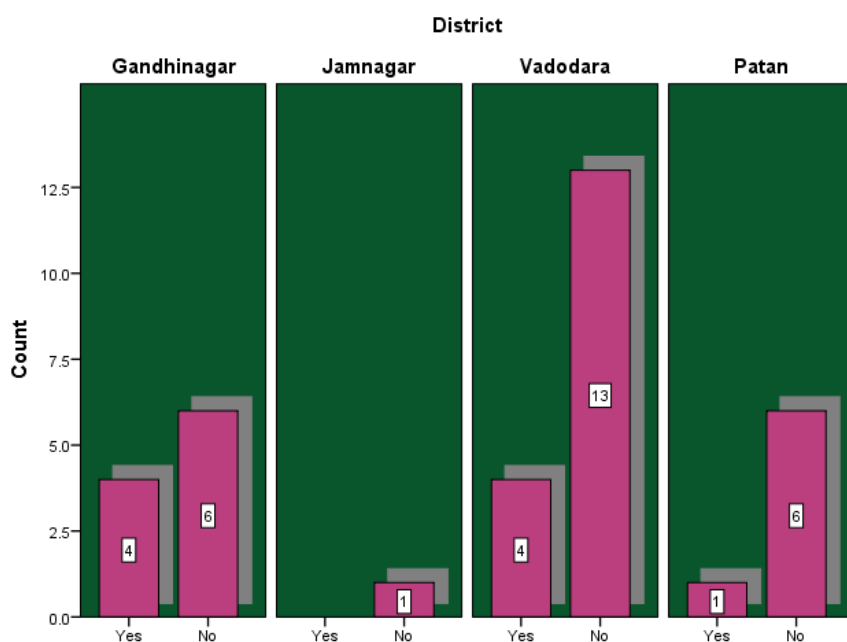


Chart 50 (Amendments in procedural laws required)

From the chart 50 the districts like Gandhinagar four responses received positive against six in negative. It means, no amendment is required in the procedural law. Similar responses have been received in the districts like; Jamnagar, Vadodara and Patan. Highest responses against this question have been received in the district of Vadodara which is thirteen against four responses.

When the question was asked ‘whether advocate-bar is cooperative to the court?’ ‘The responses have been received in affirmative.

Following chart 51 showing the responses received from the court-Clarks.

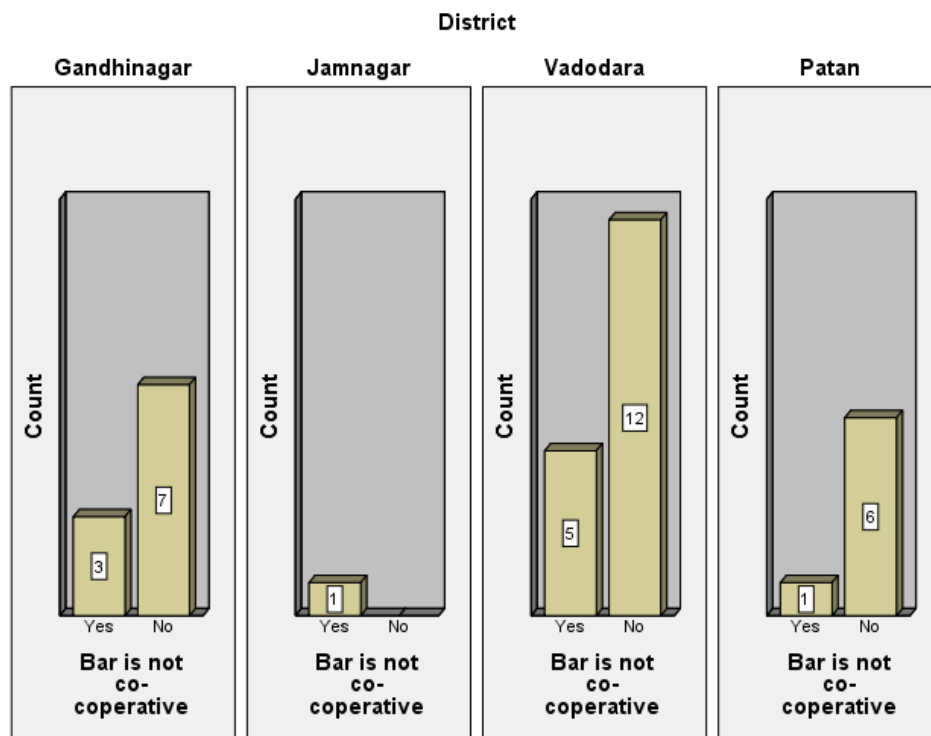


Chart 51 (Advocate-bar is co-operative)

From the chart 51 all the districts like; Gandhinagar, Jamnagar, Vadodara and Patan have responses received seven in negative against three affirmative, zero negative responses against one positive response, twelve negative responses against five positive responses and six negative responses against one positive response respectively. Overall responses have been received from Court-clerks as follows:

Time taken to settle the dispute:

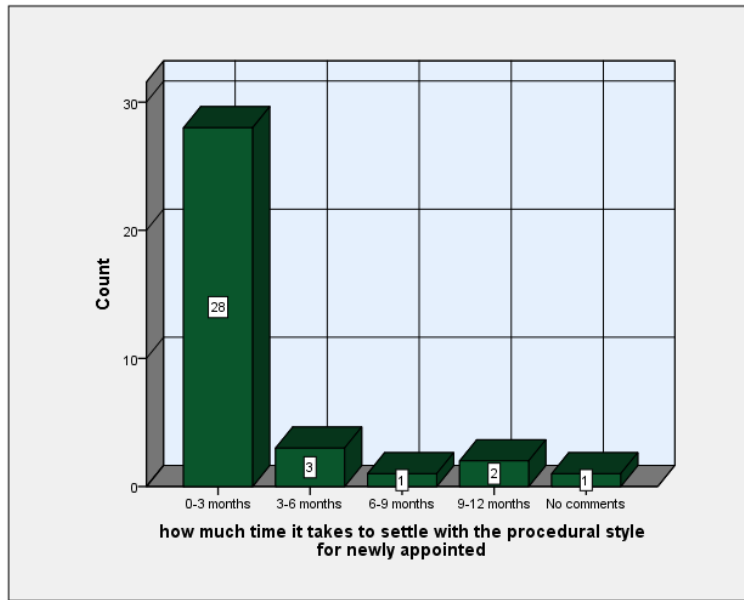


Chart 52

Workload allotted:

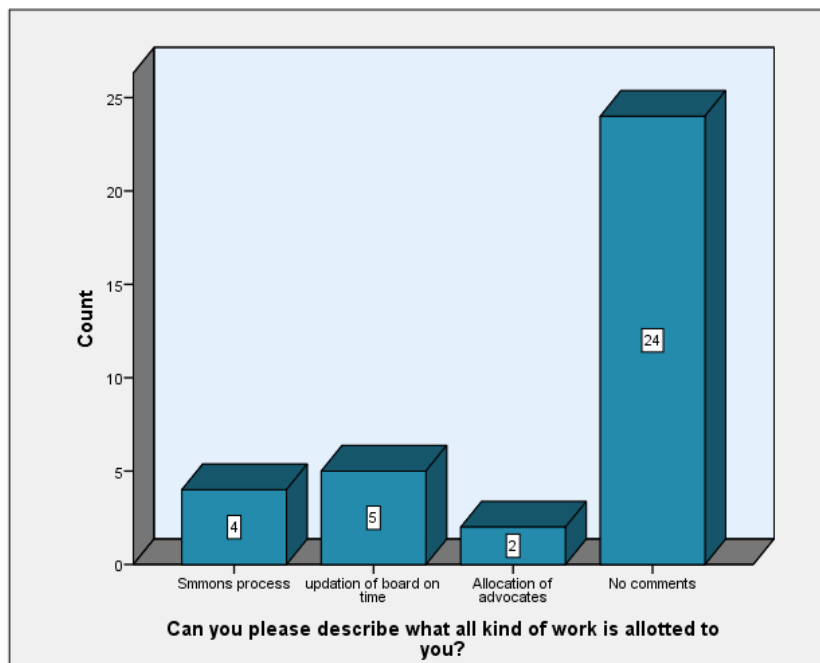


Chart 53

Matters get stuck:

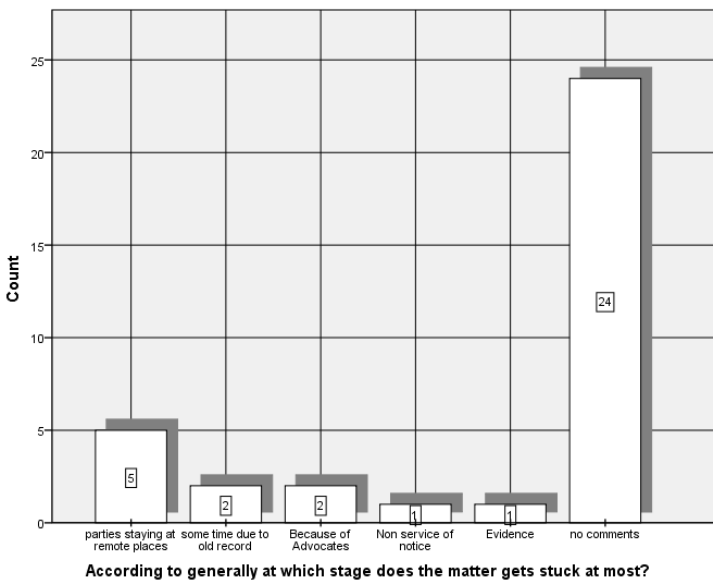


Chart 54

Infrastructure is sufficient:

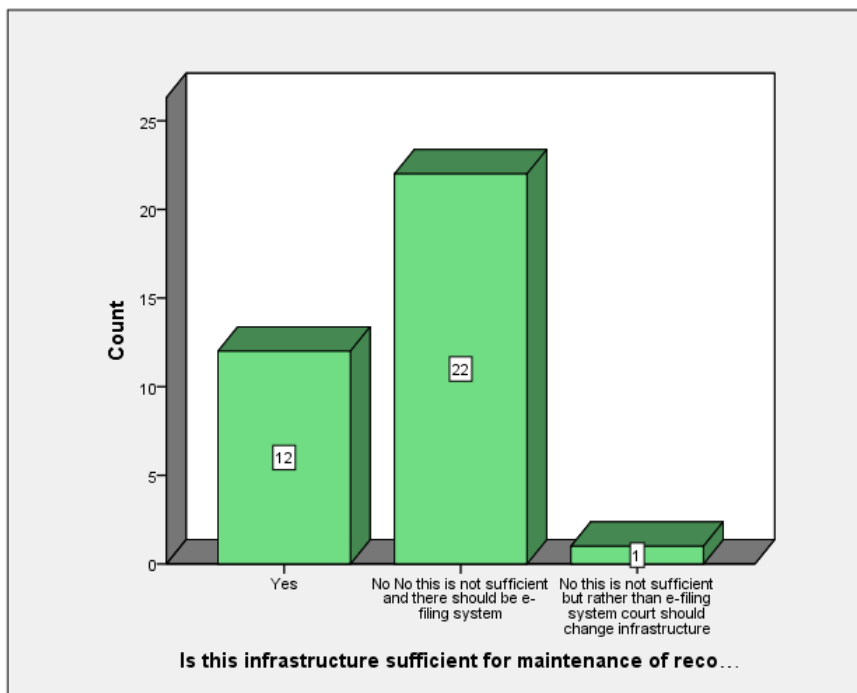


Chart 55

3.8 Role of the Public Prosecutors:

Role of public prosecutor is very important in court management. Public prosecutor generally begins the case administration.

3.9 Data analysis and interpretation of the responses collected from the Public Prosecutors:

Total responses collected from the respondents is 32 out of 9 districts. It means, in other districts the researcher could not get permission to take an interview of the public prosecutors. Indeed, the reason is due to their busy schedule. The researcher approached to respondent. The research has approached the public prosecutor-respondents with having 5-10 years' experience in court till more than twenty years' experience.

Following table 37 shows the experience of public prosecutors that researcher approached during field visit.

Since how long you are serving as public prosecutor?						
		Since how long you are serving as public prosecutor				
		0-5 years	5-10 years	10-20 years	20 years or more	Total
Distri ct	Gandhinagar	0	4	1	1	6
	Jamnagar	1	1	2	0	4
	Surat	1	1	1	0	3
	Dang	1	0	0	0	1
	Mehsana	1	2	0	0	3
	Vadodara	2	3	2	0	7

	Patan	0	2	3	0	5
	Bhuj	1	1	0	0	2
	Amrili	0	0	1	0	1
Total		7	14	10	1	32

Table 37

From the above table 37 it shows that in total seven responses have been received of up to five years of experience, fourteen responses have been received of having experience between five to ten years, ten responses have been received having experience of ten to twenty years and one response have been received having experience of more than twenty years. It means, in all districts the researcher could not find the more experienced public prosecutors. Now this has its own draw-back and may impact on the court management.

The researcher approached to the experienced as well as recently appointed public prosecutors.

When the question was asked that ‘how many cases have been registered in last two years’, the responses have been received is very specific. According to the respondents, in last two years, more than hundred cases are filed. It means, the suit institution is at higher side. This cause definitely impacts on backlog of the case.

Following is the table 38 showing responses from various districts.

How many cases are being filed in last two years						
		How many cases are being filed in last two years				Total
		20-50 cases	50-100 cases	More than 100 cases	No comments	
District	Gandhinagar	0	0	6	0	6
	Jamnagar	2	0	2	0	4
	Surat	0	1	2	0	3
	Dang	0	0	0	1	1
	Mehsana	0	0	2	1	3
	Vadodara	0	0	5	2	7
	Patan	0	0	5	0	5
	Bhuj	0	1	0	1	2
	Amrili	0	0	1	0	1
Total		2	2	23	5	32

Table 38

From the above table 38, twenty-three respondents have given their opinion that more than hundred cases being filed registered in last two years. In two districts namely, Vadodara and Patan where in last two years number of cases registered has been higher-side.

Following is a chart 56 showing the responses have been received in each district.

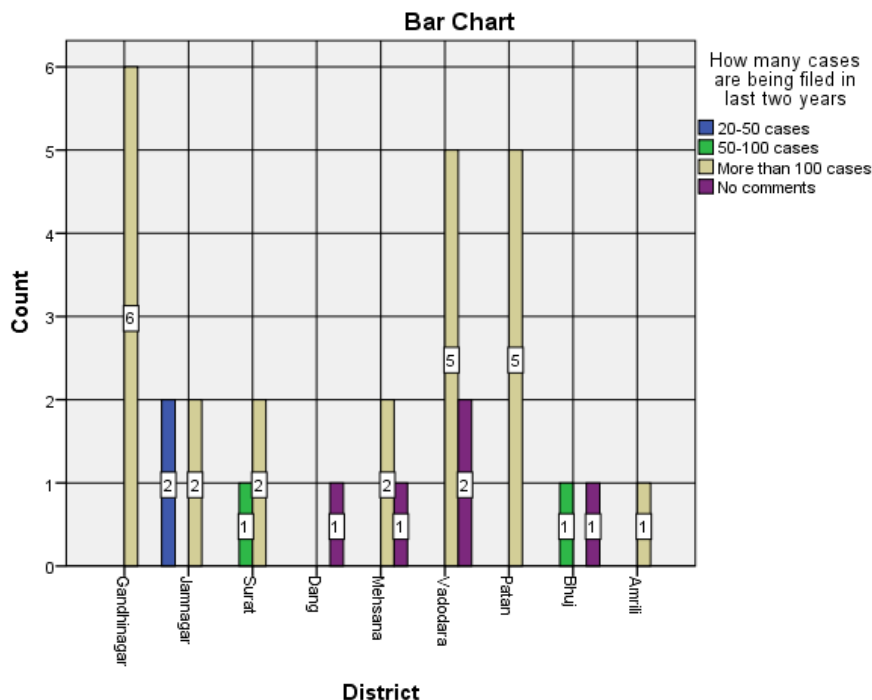


Chart 56 (Cases registered in last two years)

From the chart 56, districts like; Gandhinagar, Jamnagar, Surt, Mahesana, Vadodara and Arrivali where more than hundred cases are filed in last two years. However, it has to note that hundred is minimum number of cases registered. In the district of Gandhinagar six respondents have given their responses, in Jamnagar two responses have been received, in Vadodara five respondents given their responses. The number of responses is very less and hence, cannot be generalised.

When the question was asked about work allocation to the respondent-public prosecutors, the responses have been received categorically. It has been said that work allocated either ‘one court to one prosecutor’ or ‘as per court matter’. Maximum workload is limited to two courts. Work allocation is a court management system and need to be emphasised more in case management system.

Following is a table 39 of responses (public prosecutors) received from public prosecutors.

How matters are allotted among public prosecutors?					
		One court to one Public Prosecutor	As per court Matter	No Comments	Total
Distri ct	Gandhinag ar	4	2	0	6
	Jamnagar	0	4	0	4
	Surat	0	3	0	3
	Dang	0	1	0	1
	Mehsana	0	3	0	3
	Vadodara	0	0	7	7
	Patan	0	0	5	5
	Bhuj	0	1	1	2
	Amrili	1	0	0	1
Total		5	14	13	32

Table 39

From the table 39 shows five responses have been received who have said as per the 'court-prosecutor' allocation of work, while fourteen respondents have said as per 'court case-load' in a court. So, allocation it seems very practical, can say need based allocation of work.

Following is a chart 57 of ‘work allocation method’ in each district.

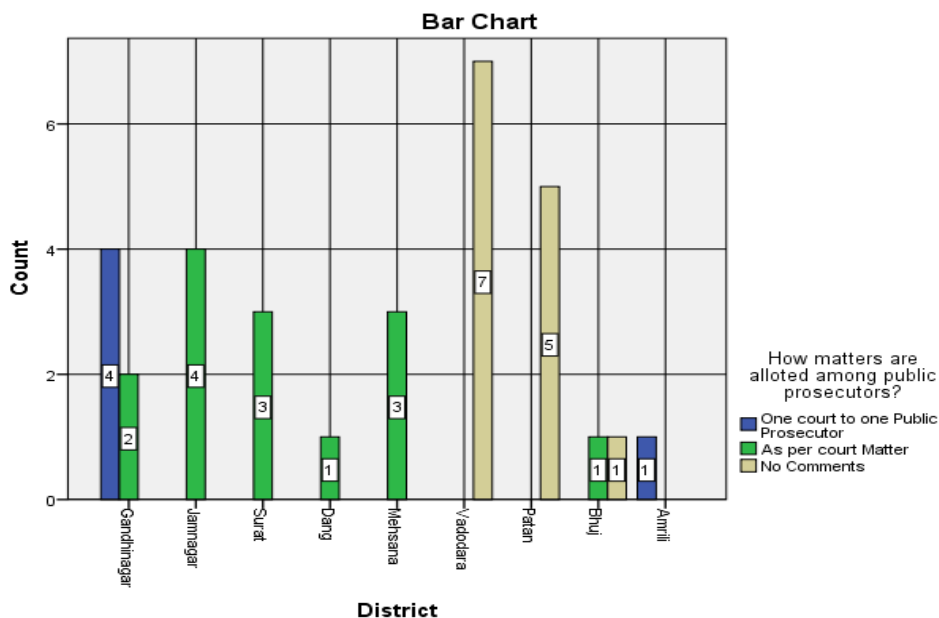


Chart 57 (Work allocation to the public prosecutor)

From the above-mentioned chart 57, districts like; Gandhinagar and Bhuj have given ‘court-prosecutor’ method of allocation. While in other districts respondent do not prefer to give comment.

Following is a table 40 showing the allocation of work in the various districts.

What is the workload to each prosecutor?								
		One court	Two Court	Either One or Two Court	No work load	A lot of work	No comments	Total
District	Gandhinagar	4	1	1	0	0	0	6
	Jamnagar	0	0	4	0	0	0	4
	Surat	0	1	2	0	0	0	3
	Dang	0	0	0	1	0	0	1

	Mehsana	0	0	0	0	3	0	3
	Vadodara	0	0	0	0	0	7	7
	Patan	0	0	0	0	0	5	5
	Bhuj	0	0	0	0	1	1	2
	Amrili	0	0	0	0	0	1	1
Total		4	2	7	1	4	14	32

Table 40

From the table 40 in total four respondents have said ‘one court-one prosecutor’ method, two respondents say ‘two courts-one prosecutors’ allocation, seven respondents have said either ‘one or two court-one prosecutors’ method, one prosecutor has said ‘no work-load’ and four prosecutors have said ‘lot of work’. The situation of the public-prosecutors would be very according to the district.

Now this data received by the researcher is quite surprising. The work-load against existing strength does not match. Only the districts like Gandhinagar, Jamnagar and Surat have given their responses.

When the question was asked about the strength of the public prosecutor in each district, the responses received as table 41 given below.

Following is a table 41 which shows the strength of the public prosecutor in each district.

What is the strength of Assistant Public Prosecutors?						
		What is the strength of Assistant Public Prosecutors?				Total
		0-5	5-10	10-20	No comments	
District	Gandhinagar	0	0	6	0	6
	Jamnagar	0	4	0	0	4
	Surat	0	1	2	0	3
	Dang	1	0	0	0	1
	Mehsana	0	0	3	0	3
	Vadodara	0	5	2	0	7
	Patan	3	2	0	0	5
	Bhuj	1	0	0	1	2
	Amrili	1	0	0	0	1
Total		6	12	13	1	32

Table 41

From the above-mentioned data in table 41 in total thirty-two (32) respondents have given responses. The highest experienced counsel is between ten to twelve years according to data collected. The data shows except the districts like; Gandhinagar and Maheshana, strength of the public prosecutor may be insufficient. District-wise calculation of public prosecutor and number of cases pending is an essential.

When the question was asked about the times taken (duration) of rotation, following is the table 42 showing the responses received.

Following is a table 42 of responses received by the researcher.

How many times a matter gets rotated?							
		Once in a week	Once in a fortnight	Once in a month	Not once in a month but within 6 months	No comments	Total
District	Gandhinagar	1	3	2	0	0	6
	Jamnagar	2	0	2	0	0	4
	Surat	0	1	1	1	0	3
	Dang	0	0	0	0	1	1
	Mehsana	0	0	3	0	0	3
	Vadodara	0	3	3	0	1	7
	Patan	1	1	2	0	1	5
	Bhuj	1	0	1	0	0	2
	Amrili	1	0	0	0	0	1
Total		6	8	14	1	3	32

Table 42

Total responses received is thirty-two (32). Highest responses have been received, has said case are rotated 'once in a month' and the number of responses is fourteen. While eight respondents have given it opinion that cases are rotated 'once in a fortnight'. Now this indicates that cases are more in number in each court. Rotation of the case is based on the stage in which the case is. If the human resources (strength) are as per the requirement, this data could not have been received. So, to

do little work on duration of rotation is essential. This number has a direct impact on court management efficiency.

When the question was asked about how many cases are withdrawn in month, the responses received is 0-5 % cases are withdrawn in month. It means, majority cases once registered, no much attempt on alternative dispute resolution has been taken.

Following is the table 43 showing responses received on cases withdrawn in a month.

Approximately how many cases are withdrawn?							
		0-5 percent	5-10 percent	20-50 percent	More than 50 percent	No comment s	
Distr ict	Gandhin agar	2	2	0	1	1	6
	Jamnaga r	3	1	0	0	0	4
	Surat	3	0	0	0	0	3
	Dang	0	0	1	0	0	1
	Mehsana	2	0	0	0	1	3
	Vadodar a	4	2	0	0	1	7
	Patan	5	0	0	0	0	5
	Bhuj	1	0	0	0	1	2
	Amrili	0	0	0	1	0	1
Total		20	5	1	2	4	32

Table 43

When the question was asked about compounding of an offence in trivial matters, most of the responses have been received affirmative. To settle the issue amicably, plays a very vital role in reducing the case-load from individual trial court.

Following is a table 44 showing cases (district-wise) are withdrawn.

Approximately how many cases are withdrawn							
		0-5 percen t	5-10 percent	20-50 percent	More than 50 percent	No commen ts	
Dist rict	Gandhi nagar	2	2	0	1	1	6
	Jamnag ar	3	1	0	0	0	4
	Surat	3	0	0	0	0	3
	Dang	0	0	1	0	0	1
	Mehsan a	2	0	0	0	1	3
	Vadoda ra	4	2	0	0	1	7
	Patan	5	0	0	0	0	5
	Bhuj	1	0	0	0	1	2
	Amrili	0	0	0	1	0	1
Total		20	5	1	2	4	32

Table 44

In the district of Vadodara, Jamnagar and Surat 0-5 percent cases are being withdrawn and in other districts like; Amrili, Bhuj, Patan, Dang, Mehsana amount of withdrawn is very less.

Following is a table 45 showing responses received against the question of ‘cases withdrawn’ in each district.

Approximately how many cases are withdrawn?							
		0-5 percent	5-10 percent	20-50 percent	More than 50 percent	No comment s	
Distr ict	Gandhin agar	2	2	0	1	1	6
	Jamnaga r	3	1	0	0	0	4
	Surat	3	0	0	0	0	3
	Dang	0	0	1	0	0	1
	Mehsana	2	0	0	0	1	3
	Vadodar a	4	2	0	0	1	7
	Patan	5	0	0	0	0	5
	Bhuj	1	0	0	0	1	2
	Amrili	0	0	0	1	0	1
Total		20	5	1	2	4	32

Table 45

Total responses received is thirty-two. Out of which twenty respondents are of the opinion that zero to five percentage, five respondents have said five to ten percentage,

while four respondents have not given their comments. The researcher believes that this situation has direct impact on court management.

When the question was asked about ‘In how many cases does the witness turns hostile?’ the responses have been received is again very surprising. The majority of responses are received and said that around 20 to 50 percent of cases, generally witnesses are being hostile. Not only that, the reasons are equally surprising. The majority of reasons are given like; since witnesses are not interested in the case, they turned hostile, lack of knowledge is also one of the reasons that witnesses are turned hostile.

Following is a table 46 showing the responses received from each district during field survey.

How many cases does the witness turns hostile?								
		0-5 percent of cases	5-10 percent of cases	10-20 percent of cases	20-50 percent of cases	more than 50 percent	no comments	Total
District	Gandhinagar	0	0	0	6	0	0	6
	Jamnagar	0	0	0	4	0	0	4
	Surat	0	1	1	1	0	0	3
	Dang	1	0	0	0	0	0	1
	Mehsana	0	0	0	0	2	1	3
	Vadodara	0	1	2	3	0	1	7
	Patan	0	0	0	5	0	0	5
	Bhuj	0	0	0	2	0	0	2
	Amrili	0	0	0	0	1	0	1

Total	1	2	3	21	3	2	32
-------	---	---	---	----	---	---	----

Table 46

In total thirty two responses have been received. Out of which twenty one responses have been of the opinion that twenty to fifty percent of cases in which witnesses are being hostile. Now these responses have direct impact on quality adjudication as well as on management of the court. Counsels and Public-prosecutors' role is important here. Specially, public-prosecutors' role and its strength need to be improved.

When the question was asked for 'reasons of hostile of witnesses', responses have been received which are quite surprising.

Following is table 47 shows the responses received from the public prosecutors.

What is the reason of hostile of witnesses?							
		Witnesses are not interested in court proceedings	In compromise b/w parties	Mostly witnesses get hostile with no reasons	Lack of knowledge and poor Investigation	No comments	Total
District	Gandhinagar	0	0	3	1	2	6
	Jamnagar	2	0	2	0	0	4
	Surat	2	0	0	0	1	3
	Dang	0	0	1	0	0	1
	Mehsana	0	2	0	0	1	3
	Vadodara	0	0	0	0	7	7

	Patan	0	0	0	0	5	5
	Bhuj	1	1	0	0	0	2
	Amrili	1	0	0	0	0	1
Total		6	3	6	1	16	32

Table 46

In total responses received is thirty-two (32). Out of which six responses have said that witnesses are not interested, three respondents have said due to compromise between the parties, the witness are being hostile. While six respondents have said no reasons specifically why witnesses are being hostile. Sixteen public prosecutors have preferred not to make any comments.

Reasons like witnesses are not interested in the case, due to compromise between two parties, even with no proper reason's witnesses are hostile, lack of knowledge is one of the reasons for witnesses are being hostile.

When the question asked to the public prosecutors that, whether electronic records may be useful to increase the efficiency of the court and speedy justice?

Following is table 47 showing the responses received from the public prosecutors.

Do you consider that electronic records may be useful for quick disposal of criminal matters?					
		yes	no	No comments	Total
District	Gandhinagar	6	0	0	6
	Jamnagar	4	0	0	4
	Surat	3	0	0	3
	Dang	1	0	0	1

Mehsana	3	0	0	3
Vadodara	5	1	1	7
Patan	3	2	0	5
Bhuj	1	0	1	2
Amrili	1	0	0	1
Total	27	3	2	32

Table 47

In total thirty-two responses have received by the researcher. Out of which, twenty-seven respondents have said that electronic record is useful. Responses received from the districts like Gandhinagar, Vadodara and Jamnagar are quite encouraging. Three responses received is negative while two preferred not to give any comment.

Following chart 58 showing district-wise responses received.

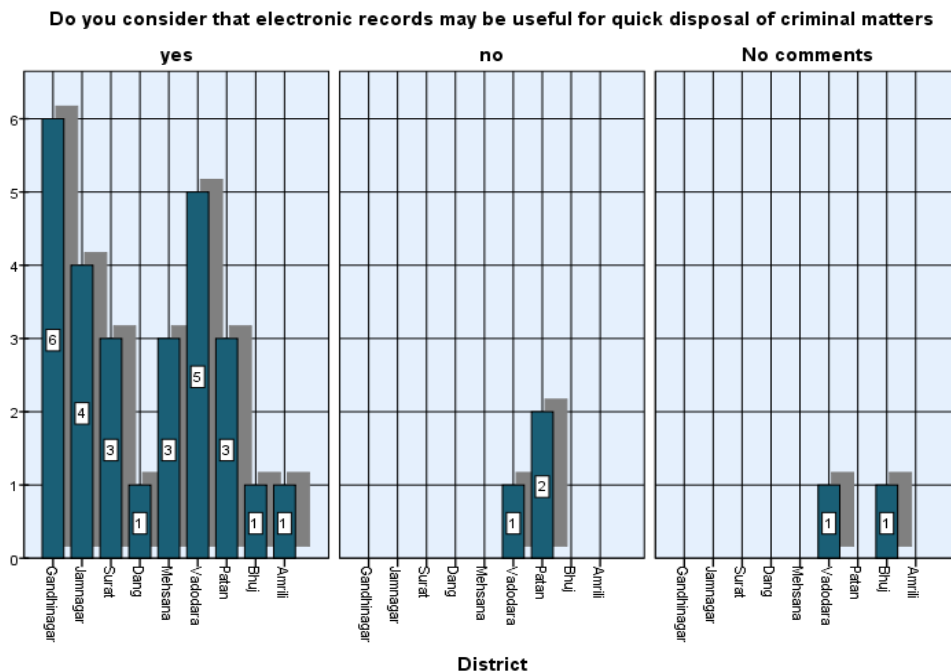


Chart 58 (whether e-records are useful)

From the above chart 58, it shows that districts like; Amrili, Patan, Vadodara, Arrivili, Bhuj, Dang seems that, still e-records and its maintenance are not in practice. This situation has direct impact on the court and case management.

When the question was asked to the public-prosecutors regarding ‘how speedy the case can run?’ the responses have been received that first, subject-matter should be directly file to the police-station/court having jurisdiction, which may help to speedy running of the case. That equally and definitely improve the case management.

Following is table 48 of responses received from the public-prosecutors.

Do you consider that matter should be filed directly to the respective jurisdiction rather being committed?					
		Yes	No	No comments	Total
District	Gandhinagar	6	0	0	6
	Jamnagar	1	3	0	4
	Surat	2	1	0	3
	Dang	0	0	1	1
	Mehsana	2	0	1	3
	Vadodara	3	3	1	7
	Patan	2	3	0	5
	Bhuj	2	0	0	2
	Amrili	1	0	0	1
Total		19	10	3	32

Table 48

In total nineteen responses have been received who have been suggested that case should file in the appropriate court or police station in criminal matters, having jurisdiction. While ten respondents it is not necessary to file case in the court having for speedy run the case. It does not make much impact.

Following is a chart 59 showing responses according to the district where the responses have been received from public-prosecutors.

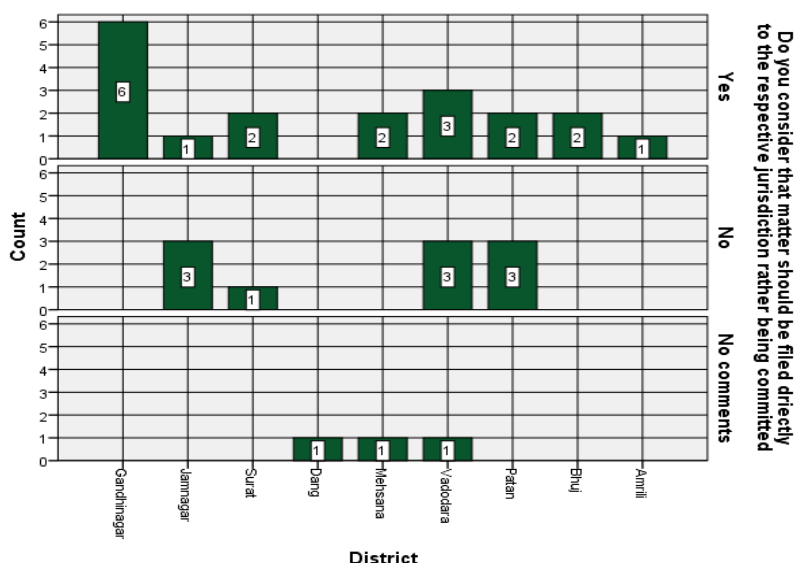


Chart 59 (Register/file a case directly to the jurisdictional court/police station)

Courts entertain witnesses on the day they are being called. This helps the court to manage court effectively. Following table 49 showing the responses received from public-prosecutors.

Does the court entertain the witness on the date on which he is called?					
		Yes	No	No Comments	Total
District	Gandhinaga	6	0	0	6
	Jamnagar	3	1	0	4
	Surat	2	1	0	3
	Dang	1	0	0	1
	Mehsana	3	0	0	3
	Vadodara	4	2	1	7

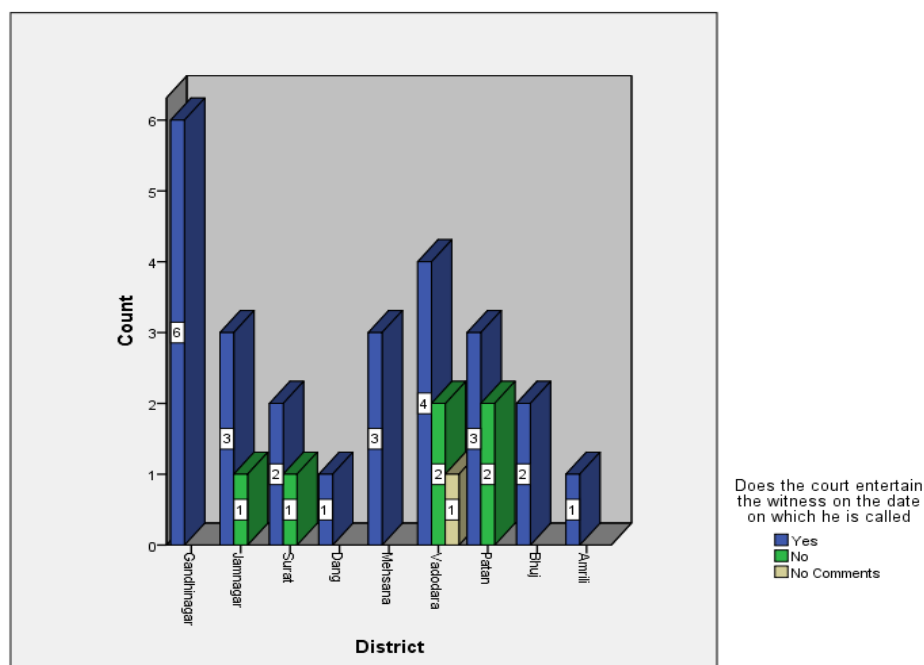
	Patan	3	2	0	5
	Bhuj	2	0	0	2
	Amrili	1	0	0	1
Total		25	6	1	32

Table 49

In total number of twenty-five (25) affirmative responses have been received from public-prosecutors which have said that court entertain the witnesses on the same day when they have been called.

The districts like Gandhinagar, Jamnagar and Vadodara responses have been affirmative. This shows how court effectively manage the case management.

Following is chart 60 showing responses received from public prosecutors according to the districts.

**Chart 60 (court attending to the witnesses on the same day they being called)**

When the question was asked that, whether witnesses also positively support to the court in their proceedings?

Following table 50 shows the witness positively supports the court as well.

Does the witness positively support the proceedings at first instance?				No comments	Total
		Yes	No		
District	Gandhinagar	5	1	0	6
	Jamnagar	4	0	0	4
	Surat	3	0	0	3
	Dang	1	0	0	1
	Mehsana	3	0	0	3
	Vadodara	4	2	1	7
	Patan	4	1	0	5
	Bhuj	2	0	0	2
	Amrili	0	1	0	1
Total		26	5	1	32

Table 50

In total twenty-six (26) responses received affirmative while five responses received negative and one preferred to give no response. In a district like Gandhinagar, Patan, Jamnagar responses are very positive compare to other districts, which are negative. Following is a chart 63 showing the responses received according to the district.

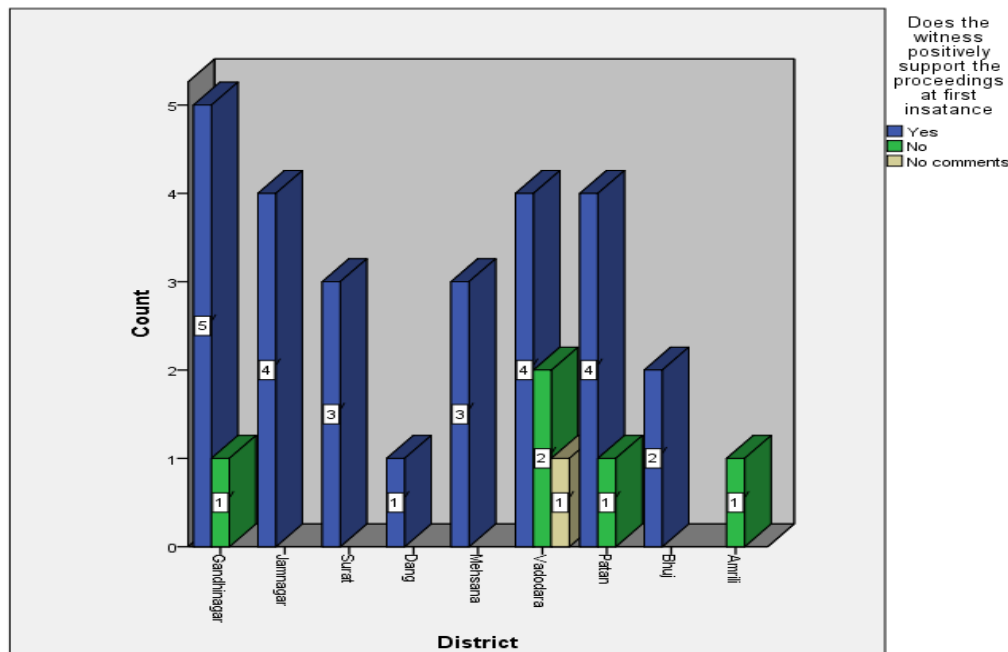


Chart 61 (witnesses positively support to the court)

From the chart 61 the districts like; Gandhinagar, Jamnagar, Surat Mehsana gives affirmative responses while only the district Arivilli has given response negative.

When the question was asked whether powers are required to delegate to police officers to improve the efficiency of the court.

Following is a table 51 showing responses received from the public-prosecutors.

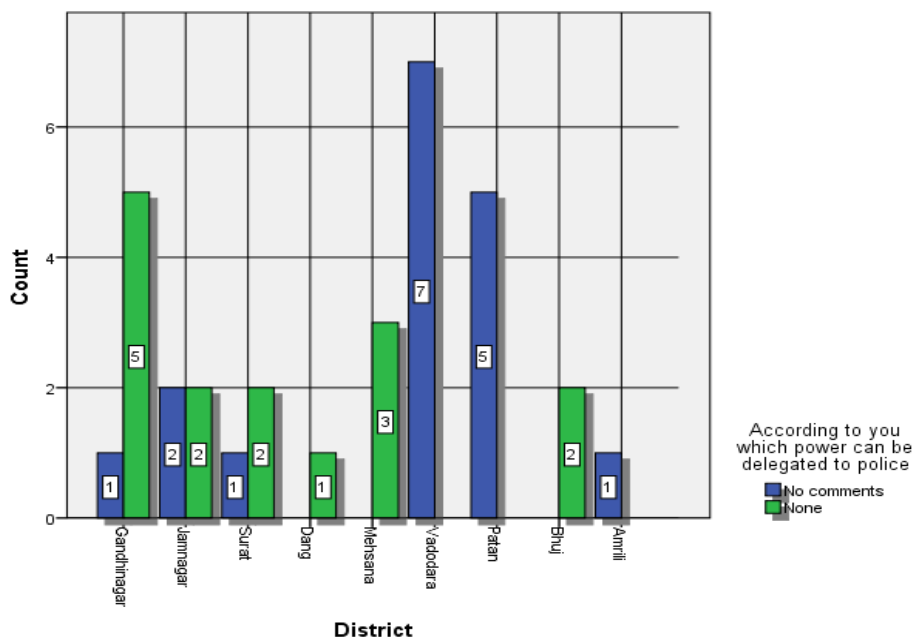
According to you which power can be delegated to police?				
		No comments	None	Total
Distri ct	Gandhinagar	1	5	6
	Jamnagar	2	2	4
	Surat	1	2	3
	Dang	0	1	1

	Mehsana	0	3	3
	Vadodara	7	0	7
	Patan	5	0	5
	Bhuj	0	2	2
	Amrili	1	0	1
Total		17	15	32

Table 51

In total seventeen public prosecutors preferred not to give response and fifteen public prosecutors preferred to give response negative.

Following chart 62 indicates that the districts like; Gandhnagar and Mahsana received responses negative, it means not powers need to be delegated to the police



officers.

Chart 62 (which power can be delegated)

When the question was asked that whether courts are abiding with the time-frame.

Following is the table 52 describing the responses received.

Does the Court strictly abide by the time frame?					
		Yes	No	No comments	Total
District	Gandhinagar	5	1	0	6
	Jamnagar	3	1	0	4
	Surat	3	0	0	3
	Dang	1	0	0	1
	Mehsana	1	2	0	3
	Vadodara	3	2	2	7
	Patan	4	1	0	5
	Bhuj	2	0	0	2
	Amrili	0	1	0	1
Total		22	8	2	32

Table 52

In total twenty-two responses received affirmative. It means they have said that courts are abide the time-line strictly. While eight responses received negative. It means court does not following the time-frame strictly. Two respondents preferred not to make any comment.

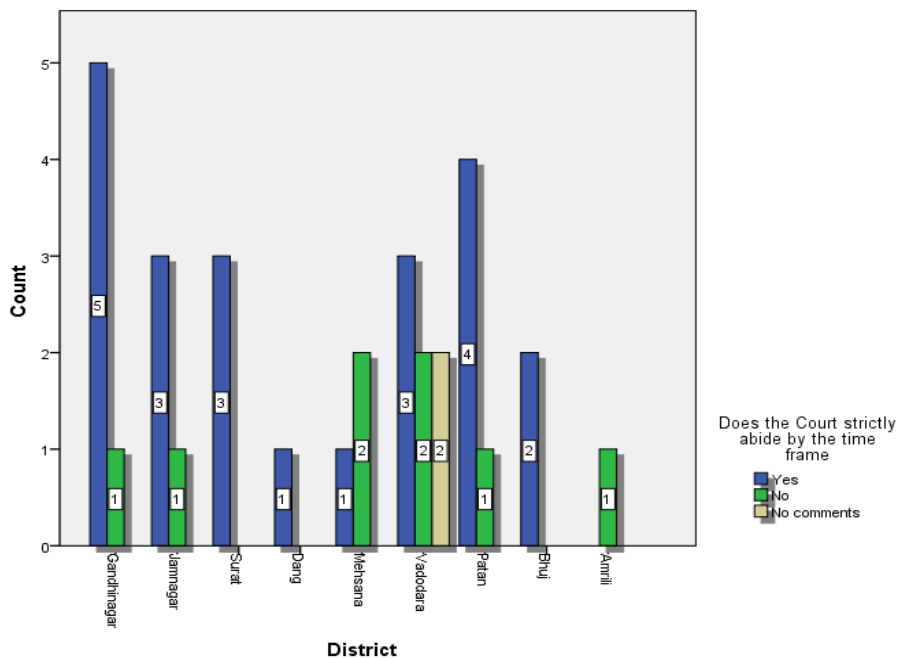


Chart 63 (Court strictly abide time-frame)

The districts like Gandhinagar, Jamnagar, Surat, Patan have said that courts strictly abide the time-frame.

In general, courts are very much abiding with the time-frame and accordingly functions and manage the case and courts. This has huge impact positively over the case-management and court-management.

When the question asked about whether amendments are required in procedural laws?

The responses received from the public prosecutors are as follows (table 53).

Do you feel any provision in the code of Criminal Procedure needs to be repealed to reduce the backlog of cases?				
	Yes	No	No comments	Total

District	Gandhinagar	6	0	0	6
	Jamnagar	2	2	0	4
	Surat	2	1	0	3
	Dang	0	0	1	1
	Mehsana	2	1	0	3
	Vadodara	3	3	1	7
	Patan	2	3	0	5
	Bhuj	1	0	1	2
Total		18	10	3	31

Table 53

In total responses received eighteen have said some amendments and changes are required, while ten respondents have given responses negative. It means they do not advise to make any changes or amendment in the existing procedural law.

In nutshell table 53, shows that majority public prosecutors say amendment in procedural laws are required. Following is district-wise chart 67 clarifies according to the district.

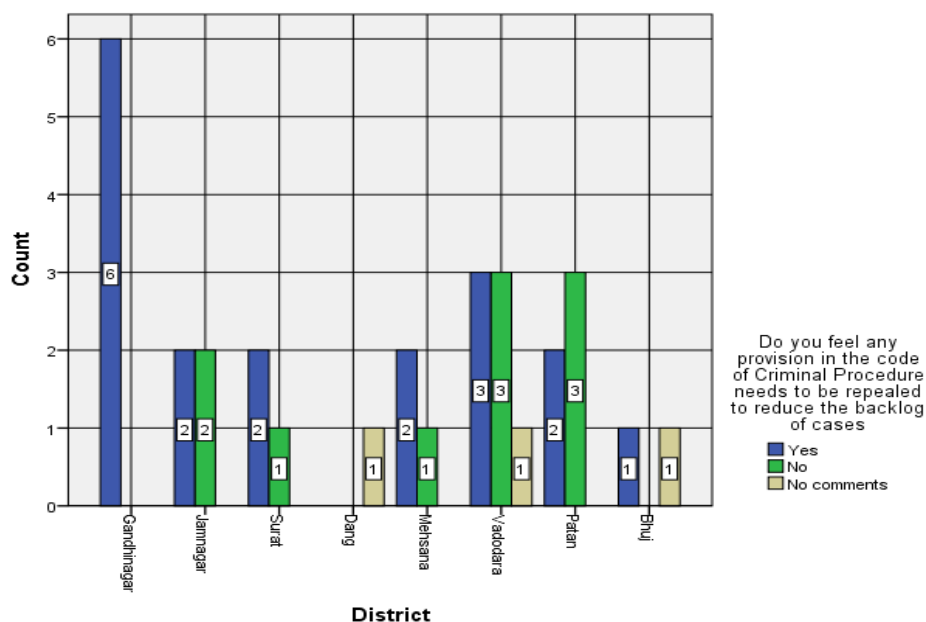


Chart 64 (Whether amendments in the procedural law requires)

The districts like Gandhinagar, Jamnagar Vadodara are of the opinion that amendment is required while other districts like Patan suggests that no amendment is required.

When the question was asked about the strength of the court is sufficient or not, the responses received as follows in the table 54.

Strength of court is not sufficient?				
		Agree	Disagree	Total
Distri ct	Gandhinag ar	4	2	6
	Jamnagar	4	0	4
	Surat	1	2	3
	Dang	0	1	1
	Mehsana	1	2	3

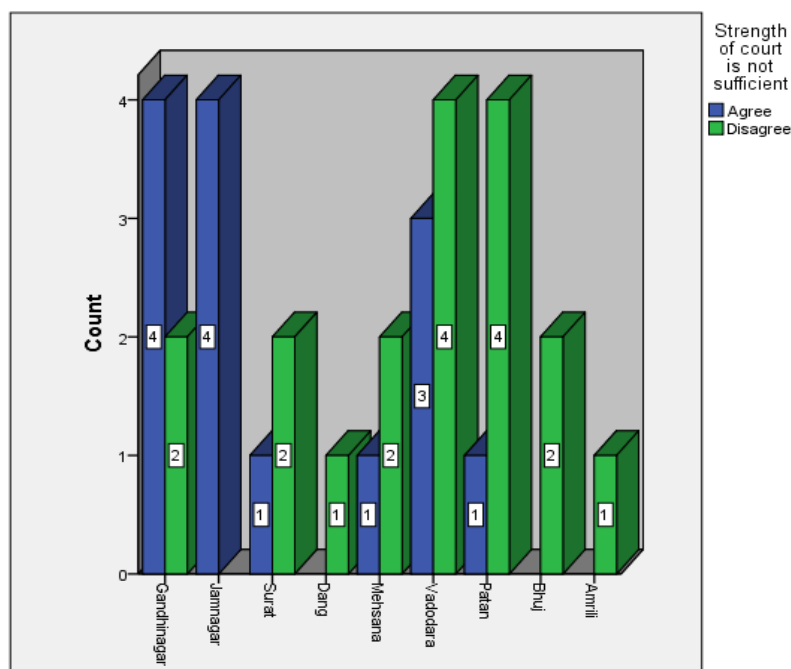
	Vadodara	3	4	7
	Patan	1	4	5
	Bhuj	0	2	2
	Amrili	0	1	1
Total		14	18	32

Table 54

From the table 54 in total eighteen responses have said strength is sufficient while fourteen respondents have said that strength of the court is not sufficient. There is no much difference however has been found.

According to the chart 68, overall responses received is that strength of the court is sufficient. However, margin between affirmative and negative responses is very less.

Following chart 68 shows district wise clarity.

**Chart 65 (Strength of the court is not sufficient)**

The districts like Gandhinagar, Jamnagar and Vadodara responses received in high volume compare to other districts. It has been said that court-strength is not sufficient.

When the question was asked about whether court-infrastructure is sufficient?

Following responses have been received, mentioned in table 55.

Infrastructure is not sufficient?		Agree	Disagree	Total
District	Gandhinagar	4	2	6
	Jamnagar	4	0	4
	Surat	1	2	3
	Dang	0	1	1
	Mehsana	0	3	3
	Vadodara	5	2	7
	Patan	1	4	5
	Bhuj	1	1	2
	Amrili	0	1	1
Total		16	16	32

Table 55

Responses received is fifty-fifty. Sixteen responses received and said infrastructure is sufficient while sixteen responses received and said infrastructure is not sufficient. Following is a chart-65 showing the district-wise data. From the districts like Gandhinagar, Vadodara and Jamnagar have received affirmative responses. While in other districts like Surat, Patan and Dang is negative.

To have more clarity following chart 66 showing the requirement in each district.

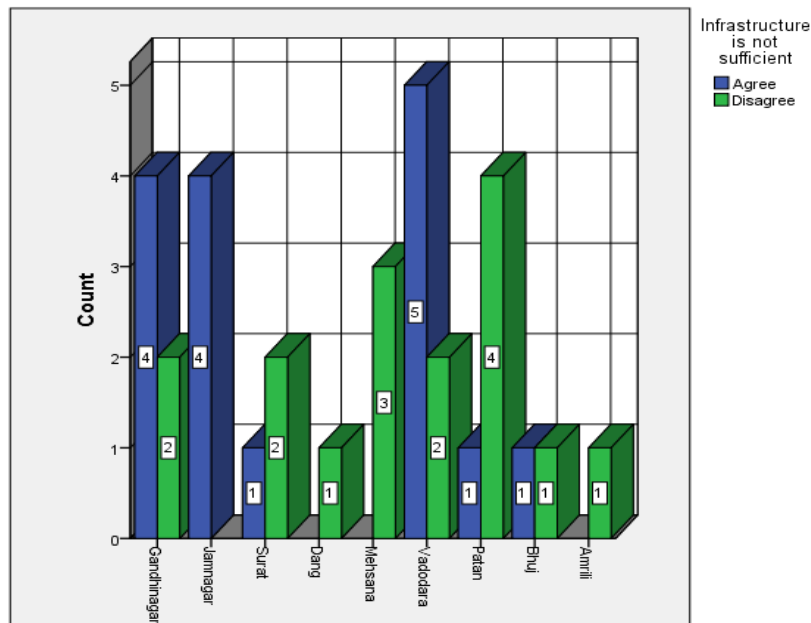


Chart 66 (Infrastructure is not sufficient)

In the district like Gandhinagar, Jamnagar and Vadodara it has been said that court-infrastructure is not sufficient.

When the question was asked about whether any gaps in the existing procedure law is there? The responses received and mentioned in the table 56 as follows.

Whether existing laws have any Gaps?				
		Agree	Disagree	Total
District	Gandhinagar	5	1	6
	Jamnagar	4	0	4
	Surat	1	2	3
	Dang	1	0	1
	Mehsana	0	3	3
	Vadodara	5	2	7
	Patan	1	4	5
	Bhuj	1	1	2

	Amrili	0	1	1
Total		18	14	32

Table 56

From the above table 56, eighteen responses have said in procedural law gaps are exists. While fourteen responses said no gaps has been found in the procedural law. In practice and overall, no much gaps are found by the public prosecutors. Following is chart 67 showing the district-wise responses.

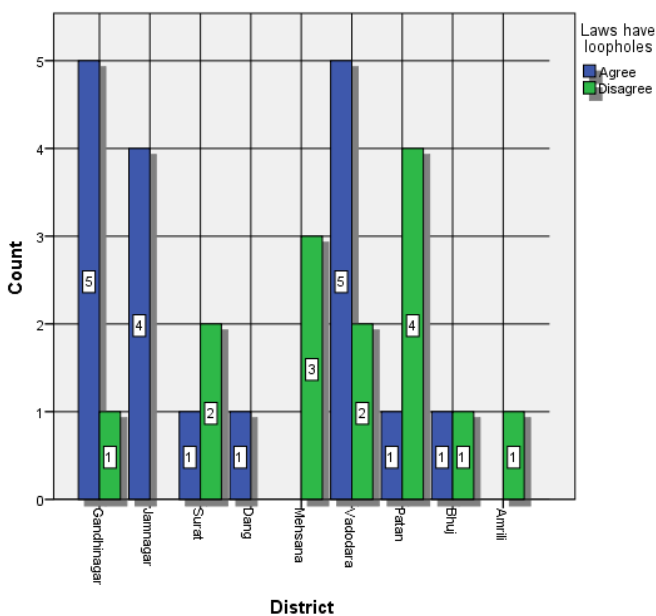


Chart 67 (whether procedural law has gaps)

When the question was asked whether either of the parties may held responsible for delay in the court proceedings?

Following is a table 57 showing the responses received.

Either party is interested in delaying the matter?				
		agree	Disagree	Total
District	Gandhinagar	5	1	6
	Jamnagar	0	4	4
	Surat	2	1	3
	Dang	0	1	1
	Mehsana	1	2	3
	Vadodara	3	4	7
	Patan	0	5	5
	Bhuj	0	2	2
	Amrili	1	0	1
Total		12	20	32

Table 57

Twelve responses have said that parties are responsible while twenty responses have said not, parties may not hold responsible.

In the district like Vadodara, the difference between agreement and disagreement is one only. While in other districts, answer is negative. It means overall, parties may not hold responsible for delay in court proceedings. Following chart 68 shows the district-wise agreement and disagreement.

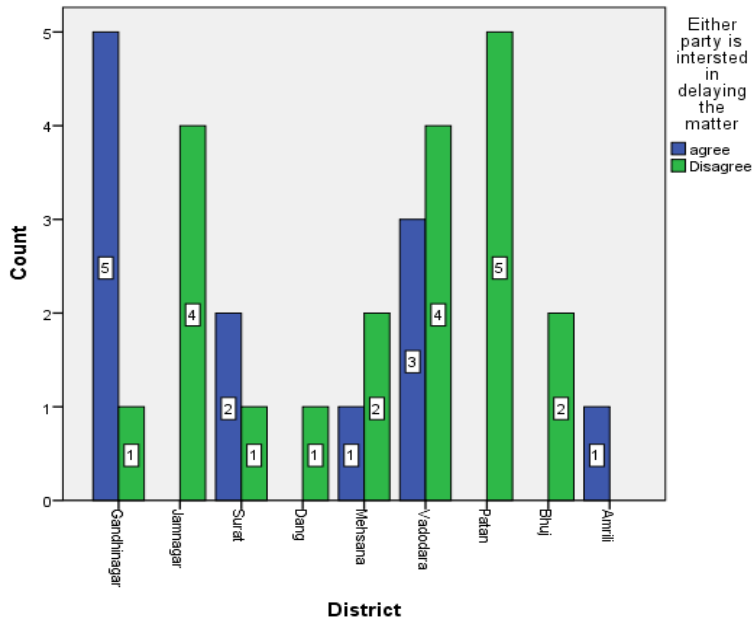


Chart 68 (Whether parties interested in delay the proceedings)

When the question was asked that whether trivial matters increases the court 's work-load? The responses received were affirmative. It means no much trivial matters are increasing the work-load of the court.

Following table 58 showing the responses received from the public prosecutors.

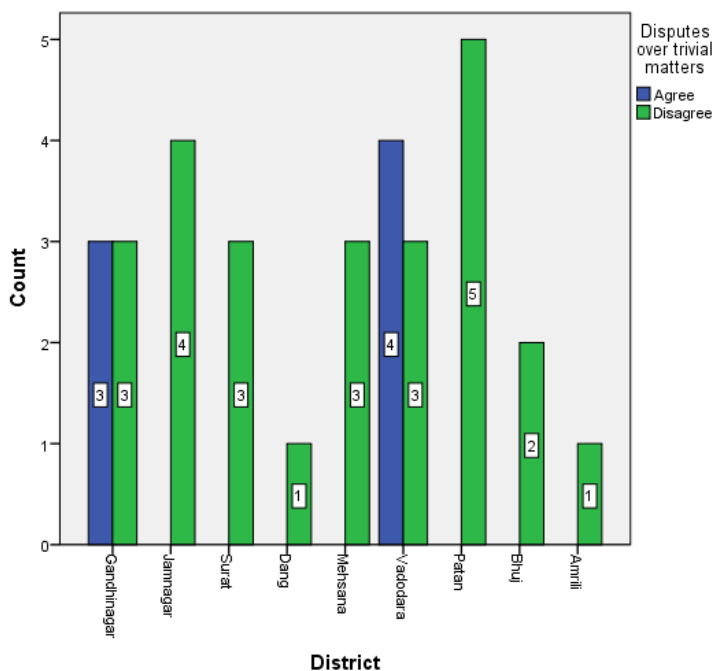
Disputes over trivial matters?				
		Agree	Disagree	Total
District	Gandhinagar	3	3	6
	Jamnagar	0	4	4
	Surat	0	3	3
	Dang	0	1	1
	Mehsana	0	3	3
	Vadodara	4	3	7
	Patan	0	5	5
	Bhuj	0	2	2

	Amrili	0	1	1
Total		7	25	32

Table 58

In total twenty-five (25) responses received which have said that dispute of trivial matters does not increasing the work-load of the court. While seven (07) respondents have said trivial matters increases the burden of the court.

Following is a chart 69 gives clarity on the issue. The districts like Patan, Surat where responses are received affirmative it means trivial matters does not increasing the work-load of the court. While, the districts like; Vadodara and Gandhinagar which have blend opinion. Following chart 69 shows clear picture on the responses of the public-prosecutors.

**Chart 69 (Trivial matters creates court load more)**

From the chart 69, districts like; Jamnagar, surat, Dang have opinion that trivial matters does not creating any case-load to the court.

When the question was asked whether strength of the judges are required to increase?

The responses are received in concoction. Affirmative as well as negative.

Following Chart 70 showing the responses received.

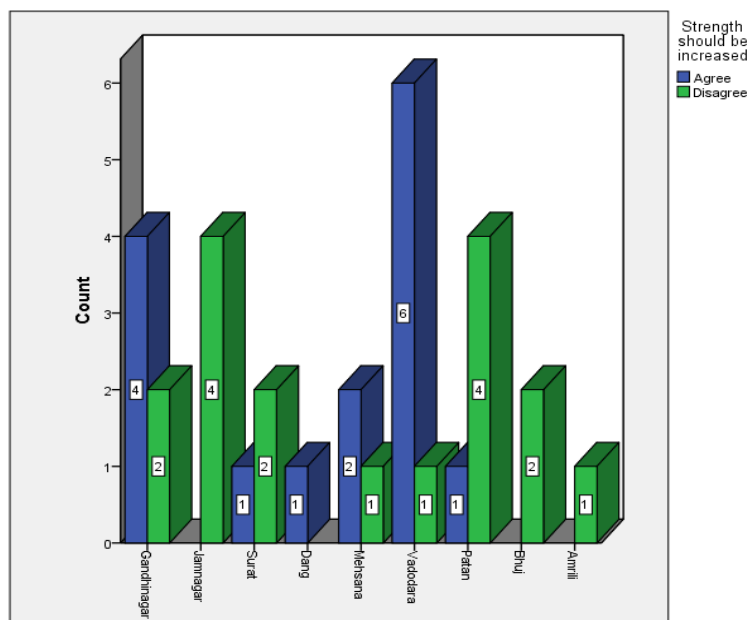


Chart 70 (Strength of the judicial officer need to increase)

Above chart 70 indicates that, districts like Vadodara and Gandhinagar have given responses in affirmative, it means strength of the judicial officers should be increased. In the districts like; Jamnagar, Bhuj, Arrivalli, Patan strength of the judicial officers is okay.

When the question was asked whether infrastructure of the court is needed to alteration?

Following table 59 indicates the responses received from the public-prosecutors.

Infrastructure should be changed?				
		Agree	Disagree	Total
District	Gandhinagar	3	3	6
	Jamnagar	0	4	4
	Surat	2	1	3
	Dang	0	1	1
	Mehsana	0	3	3
	Vadodara	5	2	7
	Patan	0	5	5
	Bhuj	0	2	2
	Amrili	0	1	1
Total		10	22	32

Table 59

From the chart 59 above, in total twenty-two (22) responses have received affirmative. It means they have said no court-infrastructure require to be changed. It seems that in the districts in which responses are given, does not require any change in infrastructure at this stage. It means, existing infrastructure is sufficient. While ten (10) respondents are of the opinion that there is a need to change the court-infrastructure.

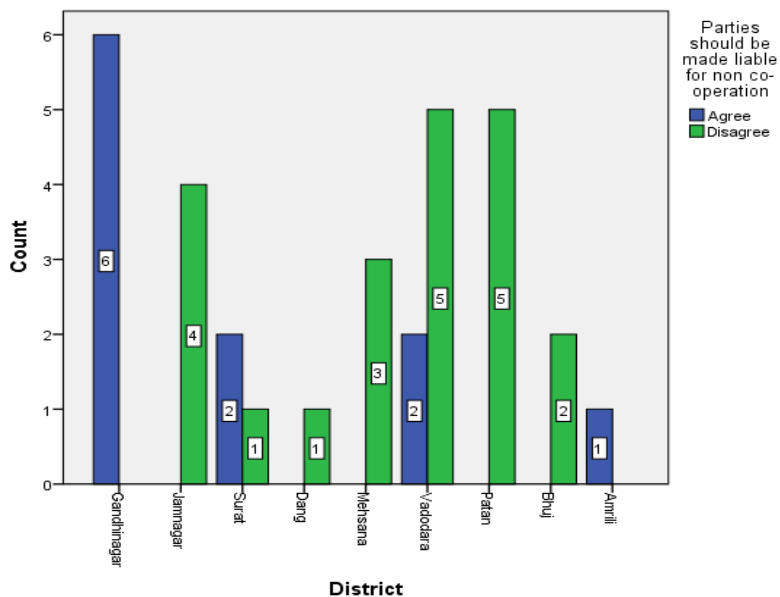
When the question asked whether parties should hold responsible for delay? The responses received negative. It means parties should not held responsible for delay in the proceedings. Following table 60 showing the responses received.

Parties should be made liable for non-co-operation?			
	Agree	Disagree	Total

District	Gandhinagar	6	0	6
	Jamnagar	0	4	4
	Surat	2	1	3
	Dang	0	1	1
	Mehsana	0	3	3
	Vadodara	2	5	7
	Patan	0	5	5
	Bhuj	0	2	2
	Amrili	1	0	1
Total	11	21	32	

Table 60

In total twenty-one responses are negative, i.e. parties are not responsible for delay. The districts like Gandhinagar and Vadodara are negative, it means parties may held responsible.

**Chart 71 (whether parties should hold responsible)**

From the above-mentioned chart, the district Gandhinagar is affirmative. It means, parties may hold liable for the delay in the proceedings.

3.10 Role of Bailiffs:

3.11 Data analysis and interpretation of the responses collected from Bailiffs:

In total, the responses have been received thirty-two (32).

Respondent-Bailiffs having experience in majority is between 5-10 years in a court.

Following table 61 showing the district-wise bailiff's experience.

Since how long are you serving in this court?		0-5 years	5-10 years	10-20 years	More than 20 years	Total
Distri ct	Gandhinag ar	4	0	0	0	4
	Jamnagar	0	5	1	0	6
	Vadodara	2	1	1	3	7
	Patan	2	1	1	1	5
Total		8	7	3	4	22

Table 61

From the above table 61, eight bailiffs have up to five years experiences, seven bailiffs have between five to ten years of experiences, three bailiffs have ten to twelve years of experiences while four bailiffs have more than twenty years of experience. In the district like Jamnagar 5-10 years of experienced bailiffs and the district like Gandhinagar a very young bailiffs have been interviewed. This factor in fact, impact on court management. Following is chart 72 showing the district-wise clear picture.

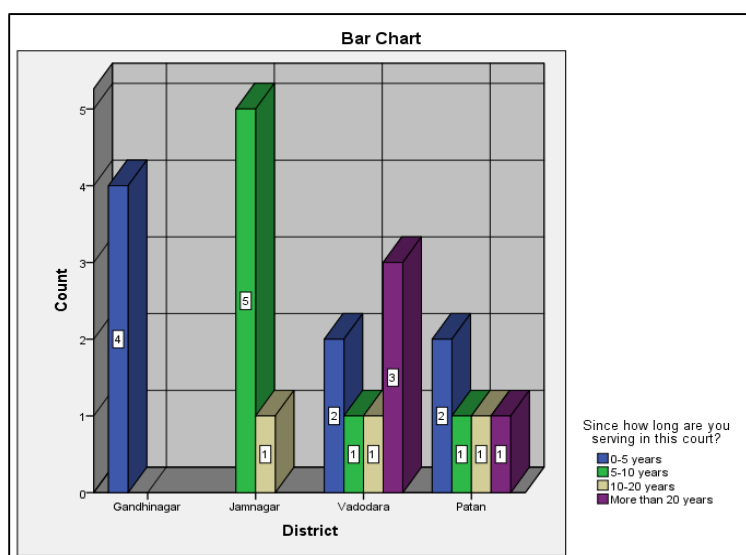


Chart 72 (Experience of Bailiff)

When the question was asked about how much time it take to settle the in a new place? In response to this question, respondents have said that it takes around three months' time-period requires to get settled in new place.

Following is table 62 shoeing the time it takes to re-settle in new place.

How much time it takes to settle with the procedural style for newly appointed officers?

		0-3 Months	3-6 months	no Comments	Total
Distri ct	Gandhinag ar	3	1	0	4
	Jamnagar	5	1	0	6
	Vadodara	4	0	3	7
	Patan	3	0	2	5
Total		15	2	5	22

Table 62

In total fifteen responses received which has said up to three months are required to re-settle in new place. While two responses have said three to six months generally it takes. Five responses have preferred not give any responses. Even if the responses say about around 3 months' time duration, it may not be followed unlitary in all districts. The researcher believes it does make much influence to the court management. The Bailiff' role is important in the court management system.

When the question was asked about the nature of the work allotted to the bailiffs, in response, it have been said that, serving of notice and summons, sending to disposed matter or any work allotted by the court officer.

Following table 63 showing the responses as follows.

Can you please describe what all kind of work is allotted to you?						
		serving of notice and summons	work allotted by judge	sending disposed matter	No comments	Total
Distri ct	Gandhinag ar	2	2	0	0	4

	Jamnagar	4	1	1	0	6
	Vadodara	0	0	0	7	7
	Patan	0	0	0	5	5
Total		6	3	1	12	22

Table 63

It seems, no extra work allotted to them except the serving notice, work-load of the bailiff has to re-look, which may affect to speedy process.

When the question was asked that generally at which stage matter get stuck and what are the reasons for the same? The responses received is that due to in-complete address or wrong address, family members denied to accept the service, absence of Party/lawyer etc.

Following is a table 64.

According to you generally at which stage does matter gets stuck at most?						
		In- complete address or wrong address	Family members denied to accept the service	Absence of Party/lawyer	No comments	Total
Distri ct	Gandhinagar	2	1	1	0	4
	Jamnagar	5	1	0	0	6
	Vadodara	0	0	0	7	7
	Patan	0	0	0	5	5
Total		7	2	1	12	22

Table 64

Seven responses have been received which says due to in-complete address the delay takes place. Two responses have been received which says that since family-member deny to accept the summoned, delay takes place. While, twelve bailiffs have preferred not to make any comment. It seems due to incomplete addresses or wrong address in majority of cases delay take place. Following chart 73 shows district wise reasons.

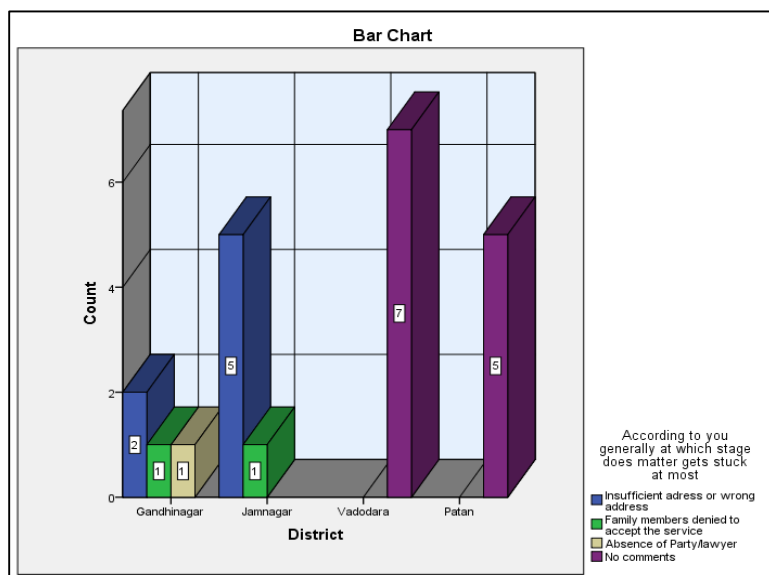


Chart 73 (Reasons of matters stuck at the stage)

From the chart 73 showing that districts like Jamnagar and Gandhinagar, have given reasons while in other district, no comments have been given.

When the question asked to the bailiff regarding duration of rotation in the case, the response received categorically which has said that case can get rotated ‘once in a fortnight’.

Following is a table 65 showing responses.

How much frequently a matter gets rotated?

		Once in a week	Once in a fortnight	Once in a month	no comments	Total
District	Gandhinagar	0	3	1	0	4
	Jamnagar	2	1	0	3	6
	Vadodara	1	3	0	3	7
	Patan	0	0	0	5	5
Total		3	7	1	11	22

Table 65

Above table 65 shows that in the district where the responses could collect, 'once in fortnight' is a response received in majority at the time when matter has called out. Now, this has a direct impact over the speedy disposal of the case.

When the question was asked whether on every rotation the 'case' should be called out?

Following is a chart 74 showing the district-wise comparison on responses received.

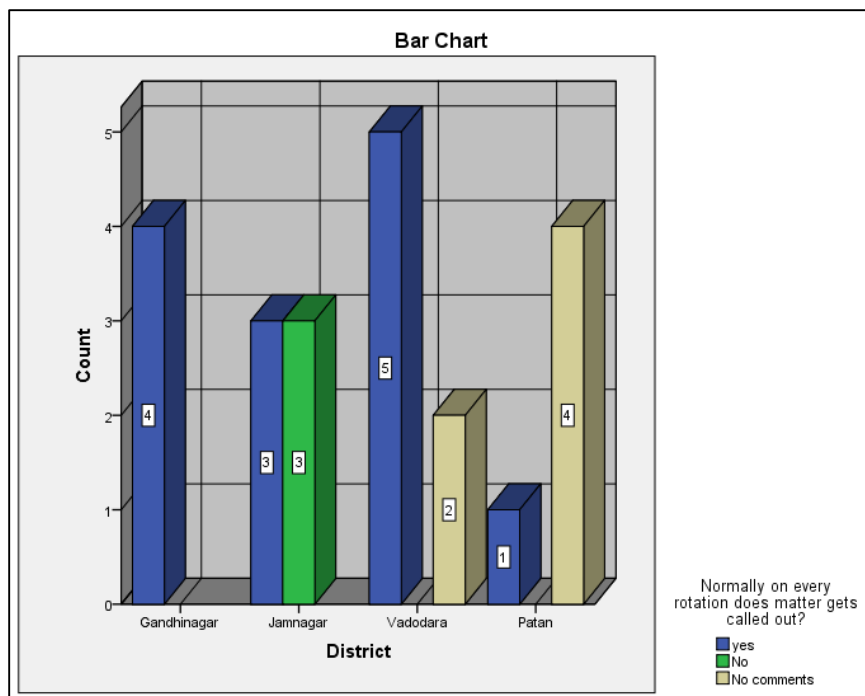


Chart 74(Duration of case rotation)

From the above chart 74 the districts like; Gandhinagar and Vadodara have said that yes, normally on every rotation matter gets called out.

When the question asked the strength of the court is sufficient, the responses received in in affirmative as well as negative.

Following is table 66 showing the responses.

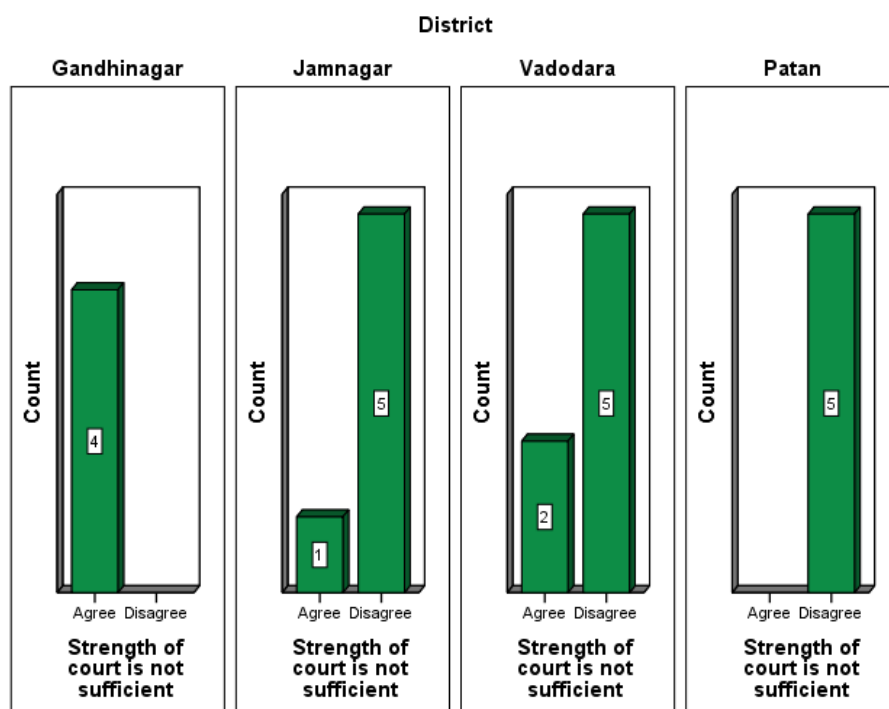
Strength of court is not sufficient?				
		Agree	Disagree	Total
Distri ct	Gandhinagar	4	0	4
	Jamnagar	1	5	6
	Vadodara	2	5	7
	Patan	0	5	5

Total	7	15	22
-------	---	----	----

Table 66

Fifteen respondents have disagreed and said strength of the court is sufficient. While seven respondents have said strength of the court is not sufficient. In total twenty-two respondents have given their responses.

Following is a chart 75 showing district of Gandhinagar has different opinion than Jamnagar, Vadodara and patan. It means in the district of Gandhinagar, strength of the court is not sufficient. Following is a chart 75 showing the clear status on strength of court.

**Chart 75 (whether strength of court is sufficient)**

It shows that Gandhinagar requires strength of the court to be improved compare to other districts.

When the question was asked regarding the improvement of court-infrastructure, the responses received affirmative as well as negative a blend.

Following table 67 shows the responses as follows.

Infrastructure is not sufficient?		Agree	Disagree	Total
District	Gandhinagar	3	1	4
	Jamnagar	0	6	6
	Vadodara	5	2	7
	Patan	0	5	5
Total		8	14	22

Table 67

Overall, fourteen respondents are not agree, it means court-infrastructure is sufficient. In total fourteen respondents have said that court-infrastructure is sufficient. While eight respondents have said court-infrastructure is not sufficient.

Following is a chart 76 showing district-wise explanation.

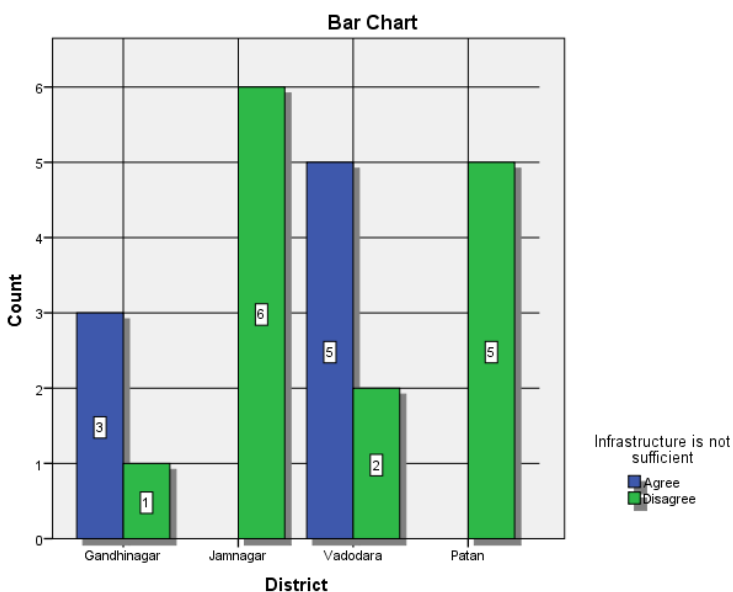


Chart 76 (Infrastructure development require)

Chart 76 shows that district like Vadodara and Gandhinagar requires the court-infrastructure while other two district does not requires. Overall, it seems no much stress on the infrastructure of the court. Existing facilities are appropriate and workable.

When the question was asked that whether any gaps do you find in the procedural law?

The response received as follows in the table 68.

Laws have any gaps?			Disagre	
		Agree	e	Total
Distri ct	Gandhinag ar	1	3	4
	Jamnagar	0	6	6
	Vadodara	1	6	7
	Patan	0	5	5
Total		2	20	22

Table 68

Table 68 indicates twenty respondents are disagree. It means existing procedural laws do not have any deficiency. While two respondents have been agreed. Overall, procedural laws are all correct and no amendments are required.

When the question was asked to bailiff that whether advocate-bar gives cooperation, responses received is very affirmative.

Following is a table 69 indicates received responses.

Bar is not cooperative?				
		Agree	Disagree	Total
District	Gandhinagar	0	4	4
	Jamnagar	0	6	6
	Vadodara	1	6	7
	Patan	1	4	5
Total		2	20	22

Table 69

District like Jamnagar and Vadodara, responses are very positive by bailiffs.

When the question was asked that either party interested in delay the proceedings, responses received negative. It means, parties are not interested in delay the proceedings.

Following is a table 70 showing the responses received from bailiffs.

Either party is interested in delaying the matter?				
		Agree	Disagree	Total
District	Gandhinagar	1	3	4
	Jamnagar	0	6	6
	Vadodara	2	5	7
	Patan	0	5	5
Total		3	19	22

Table 70

From the table 70 it has been received the responses that parties are not held responsible for delay in the court. Nineteen (19) responses have been received which

says parties are not responsible for delay in court. While three (03) responses said parties may held responsible for the delay in the court.

When the question asked whether trivial matter is a reason of backlog, responses received in negative. It means, no trivial matter is a reason of backlog of the case.

Following is table 71 shows the responses received.

Disputes over trivial matters?		Agree	Disagree	Total
Distri ct	Gandhinag ar	1	3	4
	Jamnagar	0	6	6
	Vadodara	0	7	7
	Patan	0	5	5
Total		1	21	22

Table 71

Table 71 twenty-one respondents said that trivial matters are not a reason of delay in court proceedings.

When the question was asked that, whether strength of court is required to increased? The responses received is negative. It means, no more courts are required.

Following is a chart 77 describe the responses received.

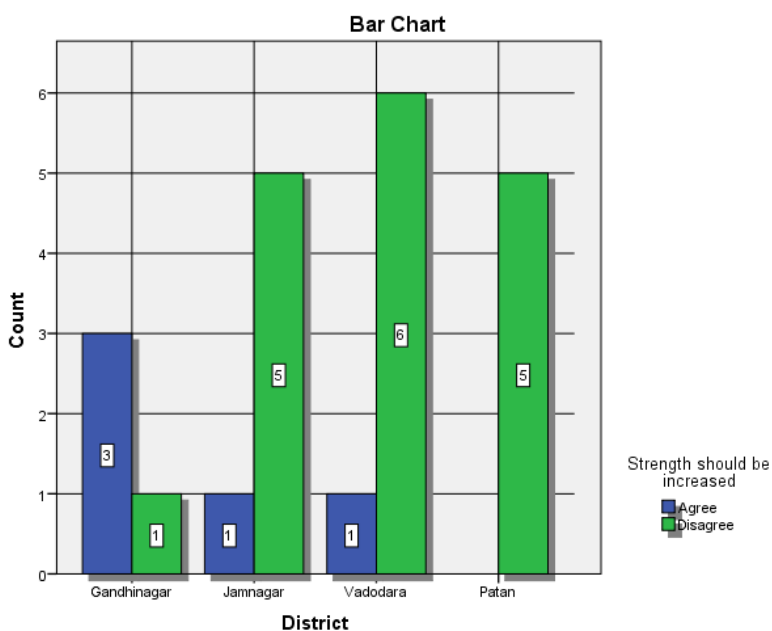


Chart 77 (whether strength is required to be increased?)

Chart 77 has said that districts like; Jamnagar, Vadodara and Patan they are of the opinion that strength of the court should be increased, while in the district of Gandinagar strength is not required to be increased.

When the question asked about infrastructure need to be changed, responses received has negative.

Following table 72 shows the responses received from respondents.

Infrastructure should be changed?				
		Agree	Disagree	Total
District	Gandhinagar	2	2	4
	Jamnagar	1	5	6
	Vadodara	1	6	7
	Patan	0	5	5
Total		4	18	22

Table 72

From the above table 72, eighteen (18) respondents have disagreed, it means court-infrastructure need not to be changed. While four respondents have said that court-infrastructure need to be changed. In the district like Jamnagar and Vadodara court-infrastructure is sufficient and at this stage no further infrastructure is required.

CHAPTER FOUR

Conclusion & Suggestions

4.1 Findings of the research:

The essential purpose of this project was to identify how to improve the court efficiency in existing setup and to dispose the case expedite to reduce the case burden in the State of Gujarat. For the purpose, the researcher developed the questionnaires to collect the responses from the different stake holders. The collected data have been thorough analyzed. The findings are bifurcated district-wise and according to the stakeholders.

The researcher submitted request-letter to get permission for conducting an interview and to get filled-in questionnaires from the judicial officers, public prosecutors, court-clerks and bailiffs. The said request-letter submitted in writing to the Principal District and Sessions Judge in the district. In total 21 districts have been covered in the survey and 1044 responses have been covered for the study. The pilot-survey was conducted in the district Gandhinagar. For, data analysis the researcher has used the Statistical Package for the Social Sciences-(SPSS) software. The cross-tabulation table and charts have been generated from the SPSS.

Key findings:

The utilization of human resource is not at its optimum level in both terms, physical level as well as intellectual level. There is no Internal E-communication culture (IECC) developed. There is a scope of E-communication system developed among all stake holders like; ‘court to public prosecutor to defense lawyer to court clerks to bailiffs to conflicting parties. No written submission has encouraged yet in the various stages of the case to make speedy disposal. Procedural laws are not equipped with time-frame. It has been observed that unfortunately, only communications between two stake-holders (conflicting parties) in civil cases can decide the ‘lifespan of the case.’ There is no concept of ‘disposed from the system’. No more emphasized and concentration given on ‘leave zero scope for appeal (LZSFA).’ Frequency of the adjournments in case-life has not been focused really. There is a scope of effective utilization of e-technology in day-to-day routine administrative work which may make judicial officer less burdened with administrative work. Scope in effective implementation of Alternative Dispute Resolution, however all stake holders are aware about the ADR system very well. No counselling stage has been introduced yet. There is a scope to minimize human interaction and focus more e-communication visualized.

According to the analysis of the data collected, kindly note that requirement of metropolitan cities like Rajkot, Surat, Ahmedabad, Vadodara is different than developing cities like Jamnagar, Surendranagar and Bhuj. Requirement of extended courts in a village is different than main courts established in the cities. Maximum utilization of the physical infrastructure is required. There is a scope to develop the direct E-communication between investigation agency (police). There is a scope to introduce the E-submissions of documents and other evidences from the police officers to the court. At large scale video-conference may be considered the only mode of discussion by the court.

Commercial courts are working effectively and reducing the burden of the court especially after the amendment in the jurisdiction.

Considerable Suggestions and its implementation mechanism:

A. When the question was asked to the judicial officers that at which stage generally the case become obstructed or stuck [Chart No. 24 above], in responses that received by the researcher, the researcher has found that at initial stage only, it get stuck. It seems the communication among all related stakeholders is one of the reasons of delay in initial proceedings. To improve the efficacy of the subordinate courts in the State of Gujarat, following suggestion may be adopted.

At present, under the court management tool, the valued *JustIS* Mobile App is developed by the e-Committee of the hon'ble Supreme Court of India [SCI] for the Judges of District & Subordinate Courts in the country, which is a digital repository and provides all details about his/her court at the handset 24×7. *Alike for case-management tool*, time and cost savings Mobile App [*JustIS-Expedite*] may be introduced & developed. Distinct feature of this Mobile App [MAPP] may be the *access-feature* among all concerned stakeholders including investigation agency and Public Prosecutors with the Courts at any time 24x7. *It symbolizes like justice ubiquitously. In criminal cases from initial stage itself*, i.e., filing of FIR, communication from investigation agency to Public-Prosecutors [PP] and from PP to concerned Court may be allowed through MAPP. *For example*, the FIR may be filed virtually [by use of computer programmes/software] and uploaded by investigation agency through this Mobile App which can be accessed by other stakeholders through this MAPP. All stakeholders

by the MAPP may be allowed for e-filing and to access documents like; upload documents, evidences, arguments submission etcetera with video conference facility. For the purpose, approved guidelines by e-committee of the SCI may be followed. After effective initial stage communication is done, the system [MAPP] may automatically link with existing excellent e-court system, Case Management through CIS 3.0 to run the case further. Security system like password protected, voice controlled and eye controlled by using *Iris* technology [using in AADHAR as one of the securities features] may be implemented. The researcher believes that this system may reduce the initial time consumption of registering the FIR and communication among investigation agency-public prosecutor-Court.

To implement this suggestion, the related provision S. 155 of the Code of Criminal Procedure, 1973 may be amended.

S. 154. Information in cognizable cases. Insertion of clause 3: In fulfilment to follow the clause 1, it may include virtual writing, signing, submission and communication.

S. 155, 'Information as to non- cognizable cases and investigation of such cases.'

*S. 155 (1), 'When information is given to an officer in charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer, **including virtual book**, in such form as the State Government may prescribe in this behalf, and refer the informant to the Magistrate.*

S. 155 (2) No police officer shall investigate a non- cognizable case without the order of a Magistrate, ***including virtual order***, having power to try such case or commit the case for trial.

S. 158 of the Code of Criminal Procedure, 1973 says, ‘Report how submitted.’

(1) Every report sent to a Magistrate, ***including virtual report***, under section 157 shall, if the State Government so directs, be submitted through such superior officer of police as the State Government, by general or special order, appoints in that behalf.

*Its correspondence effect would be in the **Indian Evidence Act, 1872. S. 3[2] [e] Definition of document**, “Document” means any matter expressed or described upon any substance, ***including virtual***, by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.’*

*Its correspondence effect would be in the **S. 65[B]: Admissibility of electronic records; of the Indian Evidence Act, 1872, shall be read with S. 2 (r) of IT, Act 2000—electronic form** with reference to information, means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche **or similar device**;*

B. Since the researcher has observed that around 59.25% of cases are pending on stage of appearance/service [2.8, point no III written above] in the State of Gujarat alone, the amendment in the **S. 27 of the Civil Procedure Code, 1908** is an essential. **In Civil cases**, the existing e-system namely, Case Management through CIS 3.0 is an excellent. One amendment in this procedure may lead to another level for disposal of cases. And that is, amendment in service of e-summons. **S. 27 of the Civil Procedure Code. 1908 [CPC], ‘Summons to defendants.** ‘Where a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and may be served in manner prescribed ¹ [on such day not beyond thirty days from date of the institution of the suit.] **or may be served in manner either by registered email or by upload the summons on the official website / dedicated page of the Court or by sending Short Message Services by recognised telecommunication service provider on the registered number.**”

C. Time limit for procedure: To expedite the procedure, **S. 26. Institution of suits may be amended.** It says, ‘[(1)] Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed. ² [(2) In every plaint, facts shall be proved by affidavit.] **New Clause of S. 26 [3] may be added by, ‘After registering the plaint, in every plaint, the court shall, to expedite the procedure, mention the possible time limits of various stages. Time limits for exchange of reliance documents, discovery, witnesses’ statements of fact, witness scheduling, the hearing & judgment shall be made on the very first day.’**

D. The civil court may give more emphasised *on written submission* of arguments in advanced [whether interim or final] to expedite the procedure. For the purpose, *O. XVIII ‘Hearing of the suit and examination of witnesses, ‘Any party shall submit written arguments, whether interim or final, in a case and may address a case by oral arguments, if court permits.’*

E. *In civil cases*, immediately after registration of the case, it may set for *e-transfer*, with approved time-line, to the court annexed **e-Alternative Dispute Resolution Centre [e-ADRC] / Mediation Centre**. To implement this proposed stage of *pre-litigation ADR/Mediation, amendment in existing S. 89 of the CPC* is required. This provision *may mandatory be executed* by the Civil Courts considering as *pre-litigation ADR/ Mediation stage*.

The amended provision in place of existing provision may be, ‘S. 89: where it appears to the Court that, element of a settlement is exists in a Case which may be acceptable to the parties, shall e-transfer to ADRC/Mediation Centre for amicable settlement of dispute. The case transferred under S. 89 of the CPC, may be tried by Online Dispute Resolution [ODR].

Under S. 89 of the CPC when order is passed by the Court to transfer the case, following proceedings shall be taken into consideration by the Court to expedited procedure.

- 1) The Court may abbreviate any time limits under this provision;
- 2) The case may be referred to the sole mediator/arbitrator;

- 3) The Court, may direct to resolve the dispute on basis of written submission to expedite the procedure;
- 4) The Court may direct ADRC that the final Award may be made within thirty days from the date when the case is transferred to the ADRC.’

The Arbitration and Conciliation Act, 1996 may be read when, the parties chose arbitration or mediation as mode of settlement of dispute under Section 89 of the CPC.’

F. To take depositions of witnesses by video-conference is need of an hour to expedite the procedure. For the purpose, amendment in ‘the *Indian Evidence Act, 1872*’ is required. The amendment in the ‘*S. 2 Definitions [3]* “Evidence” means and includes— (1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry, *including electronic documents and statement made by video conference of witnesses or by using any electronic gadgets defined under IT Act, 2000*’ such statements are called oral evidence;...’

For the purpose, *Model rules of video conference approved by the e-committee of SCI, Chapter III and rule 6.1* shall apply.

G. Around 33.01% Cases [5, 20,809] are pending on the stage of evidence/argument/judgment pronouncement in the State of Gujarat. *For reviewing the legal documents, AI may be used.* One of the IITs of India develops the AI for reading judgments. The AI aided method to read legal documents which can not only tell which law are getting violated but also

in the process minimize the legal Cost. If, it goes successful, Court manual guidelines of district courts may be amended accordingly.

H. Judicial officers may be *relieved gradually* from administrative work to expedite the process. In place, staff with education qualifications and knowledge of *‘Information Technology and law’* may be appointed. Further, each Principal District & Sessions Court may have one Information Technology [IT] department in the district consisting three experts at minimum to collect and store all information/data. For the purpose, provision of district court manual may amend.

According to The National Judicial College, Judicial Survey found that, more than 80% of judges consider e-filing superior to paper-based filing in the in the United States.

It helps to E-courts make claim processing faster, more reliable and convenient, minimize courthouse visits and reduce record storage and reproduction costs. The court should have information systems that communicate with each other.

References

- I. **Law Commission Reports:**
- II. 14th law commission report on ‘Reforms of the judicial administration’, 1958
- III. 77th law commission report on ‘Delay and arrears in trial courts’, 1979
- IV. 79th, law commission report on ‘Delay and Arrears in High Courts and other Appellate Courts’, 1979
- V. 118th, law commission report on ‘Method of appointment to subordinate courts/ subordinate judiciary’, 1986
- VI. 120th law commission report on ‘Man power planning in Judiciary, Blue print’, 1987
- VII. 121st law commission report on ‘A New Forum for Judicial Appointments’, 1987
- VIII. 124th law commission report on ‘The High Court Arrears- A Fresh Look’, 1988
- IX. 125th law commission report on ‘The Supreme Court a Fresh Look’, 1988
- X. 127th law commission report on ‘Resource Allocation for Infra-structural Services in Judicial Administration (A continuum of the Report on Manpower Planning in Judiciary: A Blueprint)’, 1988
- XI. 128th law commission report ‘Cost of Litigation’, 1988
- XII. 131st law commission report, ‘Role of legal profession in Administration of Justice’, 1988
- XIII. Committee on Reforms of Criminal Justice System, 2003
- XIV. 221st law commission report on ‘Need for Speedy Justice – Some Suggestions’, 2009

- XV. 222nd law commission report on ‘Need for Justice—dispensation through ADR etcetera’, 2009
- XVI. 230th law commission report on ‘Reforms in the Judiciary – Some suggestions’, 2009
- XVII. 238th. law commission report on ‘Amendment of Section 89 of the Code of Civil Procedure, 1908 and Allied provisions’, 2011
- XVIII. 245th law commission report on ‘Arrears and Backlog: Creating Additional Judicial (wo) manpower’, 2014

Books:

- I. Constitution of India, P.M. Bakshi – 2014
- II. Comparative Constitutional Law, by D.D. Basu – 2014

Bills/Acts

- I. The Supreme Court (Number of Judges) Amendment Bill, 2019

Research articles:

- II. Artificial Intelligence (AI): Early Court Project Implementations and Emerging Issues, Marcus W. Reinkensmeyer & Raymond L. Billotte, August 2018.
- III. Innovating Justice: Will AI and Lawtech Deliver Jack Cade’s Utopia? MARK BEER, May 2019
- IV. Ten Things You Should Know About Blockchain Today: A Guide for Court Managers,
- V. Ingo Keilitz & Troy Wiipongwii
- VI. Effective Case Management: Striking the Balance between Efficiency and Quality, Cecilia Low-Weiner, Ed Spillane & Brian Ostrom

- VII. Redefining Case Management, Brittany K.T. Kauffman & Natalie Anne Knowlton
- VIII. The Work of the National Judicial Opioid Task Force: A Significant Response to a National Crisis, Greg Lambard
- IX. Ready For Something New? Appellate Mediation Is On Its Way, Sarah P. “Sally” Campbell
- X. The Importance of Defining Our Roles, Rick Oliver
- XI. Jude Del Preore, “Keeping It Alive”—the Impact of 45 Years in Court Administration, Nina Thomas
- XII. Making Peace Outside The Courtroom: Ohio’s Dispute Resolution Initiatives, Catherine Geyer
- XIII. Courts Teaching It to the Next Level, Kathleen Maloney
- XIV. How to Stay Calm in Times of Stress, Melissa Eisler
- XV. Ten Questions for Dory Reiling - Developing IT for Courts by Anne Wallace
- XVI. Judges and Courts Respond To Opioid Litigation Engulfing U.S. Court Systems by Markus Zimmer
- XVII. Italian Perspectives on the Judiciary, by Giuseppe Franco Ferrari
- XVIII. Funding the Judiciary: How Budgeting System Shapes Justice. A Comparative Analysis of Three Case Studies by Author: Federica Viapiana
- XIX. Effective Court Administration and Professionalism of Judges as Necessary Factors Safeguarding the Mother of Justice – The Right to a Fair Trial by Mindaugas Simonis.

Cases

- I. *Bihari Chowdhary v. State of Bihar* ((1984) 2 SCC 627)
- II. *Maneka Gandhi* ((1978) 1 SCC 248)
- III. *State of Haryana v. Darshana Devi*, (AIR 1979 SC 855)
- IV. *Sheela Barse v. State of Maharashtra* (AIR 1983 SC 378)
- V. *Rajasthan State Road Transport Corporation v. Krishna Kant* (1995 (5) SCC 75)
- VI. *Sitanna v. Marivada Viranna* (AIR 1934 PC 105)
- VII. *Food Corporation of India v. Joginderpal Mohinderpal* ((1989) 2 SCC 347)
- VIII. *Salem Advocate Bar Association v. Union of India* (AIR 2003 SC 189 and (2005) 6 SCC 344)
- IX. *Vasudevan V. A. v. State of Kerala*, (AIR 2004 Kerala)
- X. *P. T. Thomas v. Thomas Job*, ((2005) 6 SCC 478)
- XI. *Hitendra Vishnu Thakur v. State of Maharashtra* (AIR 1994 SC 2623)
- XII. *Anil Rai v. State of Bihar*, (2001) 7 SCC 318
- XIII. *Harish Uppal (Ex-Capt.) v. Union of India* reported in (2003) 2 SCC 45
- XIV. *Anil Rai v. State of Bihar*, (2001) 7 SCC 318
- XV. *Brij Mohan Lal Vs Union of India* (2002) 5 SCC 1
- XVI. *Afcons Infrastructure Ltd. Vs. Cherian Varkey Consturction Co. (P) Ltd* ((2010) 8 SCC 24)
- XVII. *Salem Advocates Bar Association vs. UOI* ((2005) 6 SCC) 344
- XVIII. *Malik Mazar Sultan & Anr. V. Uttar Pradesh Public Service Commission and Ors*, 2006
- XIX. *Imtiyaz Ahmad v. State of Uttar Pradesh and Ors.*,(AIR SC 2012 642)
- XX. *Ramrameshwari Devi v. Nirmala Devi* ((2011) 8 SCC 249)
- XXI. *All India Judges' Association v. Union of India*, (2002) 4 SCC 247

Annexures

Questionnaires: Independent Practitioner

1. Since how long you are you practicing?
 2. Do you have specific practice or general practice? If specific which cases do you prefer?
 3. How many cases are being filed in last two years?
 4. What is the strength of staff in your office?
 5. How the work is being allotted? Do you appear before court at each and every stage or only at the time of final hearing?
 6. How many times a matter gets rotated in a month? And at what stage frequently?
 7. Approximately how many cases are withdrawn?
 8. Do you consider compounding an offence of trivial issues as an appropriate method?
 9. In how many cases does the witness turns hostile (approximately)? What is the reason of hostility of witnesses?
 10. Do you consider that electronic records may be useful for quick disposal of matters?
 11. Do you consider that the matter should be filed directly to the respective jurisdiction rather being committed in the criminal cases?
 12. Does the Court entertain the witness on the date on which he is called?
- Project approved by Government of India On
13. Does the witness positively support the proceedings at first instance?
 14. According to you, which power can be delegated to police?
 15. Does the Court strictly abide by the time frame?
 16. Do you feel any provision in the Code of Criminal Procedure needs to be repealed to reduce the backlog of cases?

17. Do you consider that settlement is an appropriate method to reduce the backlog of cases?
18. Do you suggest for the alternative dispute resolution to your client?
19. What are the main reasons for which client do not prefer alternative dispute resolution method?
20. What according to you is the main reason for backlog of cases?
21. What steps should be taken to reduce the backlog of cases?

Questionnaires: Public Prosecutors

1. Since how long you are serving as Public Prosecutor?
 2. How many cases are being filed in last two years?
 3. How matters are allotted among public prosecutors?
 4. What is the workload to each prosecutor?
 5. What is the strength of Assistant Public Prosecutors?
 6. How many times a matter gets rotated in a month? And at what stage frequently?
 7. Approximately how many cases are withdrawn?
 8. Do you consider compounding an offence of trivial issues as an appropriate method?
 9. In how many cases does the witness turns hostile (approximately)? What is the reason of hostility of witnesses?
 10. Do you consider that electronic records may be useful for quick disposal of criminal matters?
 11. Do you consider that the matter should be filed directly to the respective jurisdiction rather being committed?
 12. Does the Court entertain the witness on the date on which he is called?
 13. Does the witness positively support the proceedings at first instance?
- Project approved by Government of India On
14. According to you, which power can be delegated to police?
 15. Does the Court strictly abide by the time frame?
 16. Do you feel any provision in the Code of Criminal Procedure needs to be repealed to reduce the backlog of cases?
 17. What according to you is the main reason for backlog of cases?
 18. What steps should be taken to reduce the backlog of cases?

Questionnaires: Principal District & Session Judge

1. Sir, did you join as a judge or you have previous experience at bar?
2. Since how long are you serving in this court?
3. What is the procedure of transfer? How much time it normally takes for re-settlement in new place after joining?
4. Has any administrative work been delegated to you? If yes then what is the kind of that work?
5. If any administrative work has been delegated then how do you manage administrative work along with judicial work?
6. Whether sufficient staffs for handling administrative work have been provided to you?
7. According to you generally at which stage does the matter gets stuck at most?
8. Which nature of cases is mostly adjudicated by you? Civil or Criminal?
9. Since our procedural laws are much older, according to you are there any provisions which should be repealed as to reduce the backlog of cases?
10. Does senior lawyer regularly appears in a court or seek adjournment through junior lawyers?
11. How much frequently a matter gets rotated?
12. Normally on every rotation does matter gets called out?
Project approved by Government of India On
13. Is this infrastructure sufficient for maintenance of record in the court? If No, do you believe there should be e-filing system?
14. Is Court management different from Case Management?
15. What according to you is the main reason for backlog of cases?
16. What can be done to reduce the backlog of cases? Options and suggestions

Questionnaires: Judicial officers

1. Sir, did you join as a judge or you have previous experience at bar?
2. Since how long are you serving in this court?
3. What is procedure of transfer? How much time it normally takes for re-settlement in new place after joining?
4. How much strength do you think should be appointed for this Court?
5. How do you manage administrative work along with judicial work?
6. How much time do you need to give to administrative work in a day?
7. Whether administrative work is also being delegated to other Judges?
8. What kind of administrative work is allotted to other Judges?
9. Whether there is sufficient staff for administrative to every judge?
10. Whether there is any post of Court Manager in District Court? If yes is there any appointed Court manager?
11. What type of work allotted to the court managers?
12. According to you generally at which stage does the matter gets stuck at most?
Project approved by Government of India On
13. Which nature of cases is most adjudicated by you? Civil or Criminal?
14. Since our procedural laws are much older, according to you are there any provisions which should be repealed as to reduce the backlog of cases?
15. Does senior lawyer regularly appears in a court or seek adjournment through junior lawyers?
16. How much frequently a matter gets rotated?
17. Normally on every rotation does matter gets called out?
18. Is this infrastructure sufficient for maintenance of record in the court? If No, do you believe there should be e-filing system?
19. Is Court management different from Case Management?
20. What according to you is the main reason for backlog of cases?

21. What can be done to reduce the backlog of cases? Options and suggestion

Questionnaires: Court-clerks / Bench-clerks / Bailiffs

1. Sir, since how long are you serving in this court?
2. As per the service rules court officers get transfers. How much time it generally takes to settle with the procedural style for newly appointed officers?
3. Can you please describe what all kind of work is allotted to you?
4. Is there any hierarchy for work? How work is normally distributed among yourself?
5. According to you generally at which stage does the matter gets stuck at most?
6. Does senior lawyer regularly appears in a court or seek adjournment through junior lawyers?
7. How much frequently a matter gets rotated?
8. Normally on every rotation does matter gets called out?
9. Is this infrastructure sufficient for maintenance of record in the court? If No, do you believe there should be e-filing system?
10. Is Court management different from Case Management?
11. What according to you is the main reason for backlog of cases?
12. What can be done to reduce the backlog of cases? Options and suggestions?
