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Department of Justice

Performance Evaluation and Promotion Schemes of Judicial Officers in India


A Comparative Report

A Report By:

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This report on Performance Evaluation and Promotion Schemes of Judicial Offices in India is pursuant to the research project on “A Comparative Analysis of Performance Appraisal Mechanisms and Schemes of Promotion in relation to the Judges of Subordinate Judiciary in different States in India” funded by the Department of Justice, Ministry of Law and Justice, Government of India and implemented by National Law University Odisha.

We would like to acknowledge the contributions of the following in preparation and finalisation of the report;

1. Mr. Owais Hasan Khan
2. Ms. Kuntirani Padhan
3. Dr. Ravindra Chingle
4. Mr. Mohammad Tahseen Sofi
5. Mr. Akash Yadav
6. Ms. Nupur Trivedi
7. Mr. Bhallamudi Rakshith
8. Mr. Ashirvad Nayak
9. Mr. Kevin Mathew
10. Mr. Sridutt Mishra
11. Mr. Priyam Jain



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Performance Evaluation and Promotion Schemes of Judicial Offices in India

A Comparative Report

Introduction

The appointment and performance of judges in the higher judiciary in India (High Courts and the Supreme Court) have been in the limelight in recent times. There also exists a wealth of scholarship and literature on various issues pertaining to the selection of personnel of higher judiciary. However, the foundation of judicial system primarily lies with the subordinate judiciary who were more intimately connected with the dispensation of justice at the first instance.

There has been lack of comprehensive field research in relation to the judicial system and with special reference to the subordinate judiciary in India. The current research deals with two critical aspects concerning the subordinate judicial system in India;

1. Performance Appraisal and
2. Promotion Schemes

Both these issues are closely linked to the smooth functioning of the judicial system. The criteria and methodology of performance evaluation reflects not only the nature and values in the judicial system, but also an important factor for justice delivery. Similarly, the promotion and the assessment methodology shows the kind of judicial qualities which the system is recognising to reward.

An objective and transparent system in these respects is required for creative and innovative legal minds to opt the judiciary as a preferred profession.

The objectives of this research are;

1. To conduct a comparative analysis of the performance appraisal mechanism and schemes of promotion of subordinate judiciary.
2. To identify the prevalent best practices and model mechanisms of performance appraisal and schemes of promotion of subordinate judiciary and
3. To make recommendations on the possibility of implementing uniform standards and policies for performance appraisal and schemes of promotion of subordinate judiciary in different states in India.

The endeavour has been to assess the degree of objectivity in the policies which are prevalent in the different states.

For the purposes of this research, the existing policies in Twelve (12) States were analysed. These states were identified primarily on the basis of logistical limitations and also on the principle of geographical representation. The states have been identified from the following parts of India; Eastern India, Western India, Northern India, Southern India, North-Eastern region and Central India.

Table 1- List of Identified States

Odisha	West Bengal
Assam	Manipur
Karnataka	Tamil Nadu
Chhattisgarh	Madhya Pradesh
Maharashtra	Gujarat
New Delhi	Uttar Pradesh

Comparative Framework for Analysis of Performance Appraisal System

The systems of performance appraisal in different states have been analysed from two perspectives; Norms of Disposal and Performance Assessment through Annual Confidential Records

The schemes of promotion have been analysed from the following primary perspectives;

1. Eligibility Conditions
2. Criteria of Promotion
3. Assessment of Promotion Criteria

In addition to the analysis of the existing policies which forms the substantial core of the report, a survey has also been administered among the judicial officers of different states to assess the problems and challenges concerning the existing policies.

The main concern of the research consisted of matters pertaining to serving judicial officers and not on how they are recruited. However, in the process of compiling the relevant regulations in each state concerning performance appraisal and schemes of promotion, we found that we have data regarding direct recruitment rules of most of the states in the depository of official policies shared with us. Thus, we have also provided a brief comparative overview of the system of direct recruitment in various states.

This report has addressed the following dimensions;

1. A comprehensive assessment on the systems of performance appraisal and schemes of promotion of the judges of subordinate judiciary prevalent in the identified states.
2. A comparative examination of the policies and regulations prevalent in the identified states.
3. Recommendations on the reforms which can be adopted to improve the efficiency and transparency of the performance appraisal mechanisms and schemes of promotion in each state.
4. Recommendations on the possibility of evolving certain principles which can be adopted and implemented uniformly in different states.
5. An analysis of the obstacles faced in the implementation of the existing schemes.

The information in the nature of the prevailing official policies in each state was sourced from the respective High Courts in each state. Apart from few verbal and telephonic clarifications, the core analysis in this report is based on the official policies shared with us in the form of the following documents;

Assam

1. Assam Judicial Service Rules, 2003
2. Meeting report of the Committee consisting of Hon'ble Mr. Justice Hrishikesh, Hon'ble Mr. Justice B.D. Agarwal and Hon'ble Mr. Justice A.K. Goswami held on 10 February 2012 to ascertain the criteria for promotion to Grade II from Grade III held at 5:30 pm in the office chamber of Hon'ble Mr. Justice Hrishikesh Roy.
3. The Guwahati High Court Annual Confidential Report of Judicial Officers of Assam Judicial Service
4. Criteria for Assessment of work done, 2011
5. Proceedings of the meeting of the full court held on 15.07.2014 at 4:30 pm in the Conference Hall of the Guwahati High Court
6. List of Hon'ble Judges' Committees as on 03.02.2017
7. Minutes of the Full Court Meeting held on 20.02.2012 at 11:30 am

Manipur

1. The Manipur Judicial Service Rules, 2005
2. Letter dated 27.07.2017 undersigned by the Registrar General, The High Court of Manipur at Imphal.
3. The High Court of Manipur Confidential Report of Judicial Officers
4. Question paper of Limited Departmental Examination, 2013
5. Mutum Seityaban Singh v State of Manipur
6. Norms of disposal, 2014

Odisha

1. Orissa Superior Judicial Service and Orissa Judicial Service Rules, 2007
2. Booklet for recording CCR of Judicial Officers dated 7.10.1999
3. Yardstick for judicial officers, 2004
4. Circular on Incentive for old cases, 2000

West Bengal

1. West Bengal Judicial (Condition of Service) Rules, 2004
2. Order dated 04.01.2007 passed by the Hon'ble Supreme Court of India in Malik Mazhar Sultan's case.
3. Letter no 2649-G by Shri Sugato Majumdar dated 04.07.2016 to NLUO
4. Assessment of Units

Karnataka

1. Karnataka Judicial Service (Recruitment) Rules 2004,
2. Karnataka Judicial Service (Recruitment) (Amendment) Rules 2011
3. Letter dated 28.4.2016 issued by the Registrar General of the Karnataka High Court to National Law University Odisha
4. ACR Proforma
5. Norms of disposal, 2004,2008,2016

Tamil Nadu

1. Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007
2. Letter Roc.No. 2475/2016/RG-Con.B2 by T.Ravindran dated 01.07.2016
3. Tamil Nadu State Judicial Service (Confidential Records) Rules, 2014
4. ACR proforma as given in the Tamil Nadu State Judicial Service (Confidential Records) Rules, 2014
5. Norms of disposal, 2013

Chhattisgarh

1. Chhattisgarh Lower Judicial Service (Recruitment & Conditions of Service) Rules, 2006
2. Chhattisgarh Higher Judicial Service (Recruitment & Conditions of Service) Rules, 2006

3. High Court of Chhattisgarh, Bilaspur Proforma relating to Confidential Report of Judicial Officers
4. Chhattisgarh Judicial Officers (Confidential Rolls) Regulations, 2015
5. Limited Competitive Examination question papers of 2013 and 2014
6. Criteria for assessment of wok done, 2015

Madhya Pradesh

1. Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 1994 ,
2. Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994, Order,
3. High Court of Madhya Pradesh, No. 1077/Confid/2015, II-2-21/63 (Pt-IV) dated 18 November 2015.
4. Scheme of Examination for Promotion of District Judge (Entry Level) under Rule 5(1)(b) Through Limited Competitive Exam-2016
5. Scheme of Suitability Test- 2016 of Civil Judges (Sr. Division) for promotion as District Judge (Entry Level)
6. The M.P High Court Proforma relating to Confidential Report of Judicial Officers
7. Criteria for assessment of wok done, 2014

Maharashtra

1. Maharashtra Judicial Service Rules, 2008
2. Final Draft of the ACR Proforma as directed in the meeting dated 14.12.2016
3. Norms of disposal, 2015

Gujarat

1. The Gujarat State Judicial Service Rules, 2005.
2. This Rules has been further amended by the Gujarat State Judicial Service (Amendment) Rules, 2011, the Gujarat State Judicial Service(Amendment) Rules, 2014, the Gujarat State Judicial Service (Amendment) Rules, 2015 and the Gujarat State Judicial Service (2nd Amendment) Rules, 2015.
3. Resolution dated 08/03/1969 of the Government of Gujarat in General Administration Department
4. Instructions issued by the High Court of Gujarat for writing Annual Confidential Reports in respect of Judicial Officers of the State of Gujarat
5. Annual Confidential Reports Forms in respect of Civil Judges and Senior Civil Judges which is to be submitted by concerned Principal District Judges and format of Self-Appraisal and Annual Confidential Reports in respect of Judges working in the amalgamated cadre of District Judges
6. Form I to IV of Annual Confidential Reports in respect of Judicial Officers appointed on Probation
7. Statement showing the institution, disposal and pendency of the civil and criminal cases in the district judiciary of the state during the period from 01/12/2016 to 31/12/2016
8. Norms of disposal, 2016
9. Extract of the report of committee consisting of three Hon'ble Judges of Gujarat High Court dated 28.03.2014 for promotion to the cadre of Senior Civil Judge as given in Vinay Kumar s/o Hukum Chand Sharma v High Court of Gujarat (accessed from open sources)
10. Extract of the report of committee consisting of three Hon'ble Judges of Gujarat High Court dated 17.04.2013 for promotion to the cadre of District Judge as given in Vinay Kumar s/o Hukum Chand Sharma v High Court of Gujarat

New Delhi

1. Delhi Judicial Service Rules 1970,
2. Delhi Higher Judicial Service Rules 1970 (as amended upto 15.2.2013)

3. Criteria for Assessment of Work Done
4. ACR proforma

Uttar Pradesh

1. The Uttar Pradesh Judicial Service Rules, 2001.
2. The Uttar Pradesh Higher Judicial Service Rules, 1975
3. ACR proforma as amended on 28 August 2015
4. Limited Competitive Examination question papers of 2014 and 2016
5. Quantum of work for Judicial Officers, 2016

Analysis of Quantitative Norms Prescribed for Judicial Officers

In all states, judicial officers are expected to fulfil certain quantitative targets in terms of the work they do. Typically, they are known as ‘Norms’, ‘Yardstick’ or ‘Criteria for Assessment of Work Done’. For the sake of convenience, we have uniformly used the term ‘Norms’ in this report. There is great variety in the manner in which Norms have been prescribed in different states. The different aspects of the prescribed norms have been addressed under the following broad conceptual headings;

- 1. Structure of the Norms**
- 2. Nature of the Norms**
- 3. The Rating System**
- 4. Policy Regarding Additional Conditions for Quantitative Benchmark**
- 5. Policy Regarding Non-Decisional Judicial Work**
- 6. Policy Regarding Administrative Responsibilities**
- 7. Policy Regarding Disposal of Old Cases**
- 8. Policy Regarding Incentive Weightage**
- 9. Policy Regarding Concession for Leave Availed**
- 10. Policy Regarding Concession for Newly Recruited Officers**

A. Structure of the Norms

Structure of the Norms refers to the manner in which norms have been prescribed in different States. In majority of the States (Assam, Odisha, West Bengal, Madhya Pradesh, Chhattisgarh, New Delhi, Karnataka, Maharashtra and Gujarat) a list of specific entries is provided in relation to different categories of judges. Each entry is attributed a quantitative weightage. The entries can be in the form of description of cases, other judicial work or even administrative work of a judge. Thus, for each category of judges mentioned in the Norms, a separate list of entries with quantitative weightage is applicable. The assessment of Norms in

relation to a judge is then made only in reference to the quantitative weightage of the entries specified for his/her category.

The number of categories specified in different States varies. For example, in Maharashtra, 18 different categories of judges have been mentioned. In Chhattisgarh, all judicial officers have been covered under 2 broad categories.

The number of entries which are specified under different categories of judges in a State varies significantly. When we can count the number of entries, each entry which has been attributed a quantitative weightage has been counted separately. For example, in the Category of Higher Judicial Service, Clause 1 titled 'Sessions Trial' in the sub-heading 'Criminal' has 5 sub-clauses. The sub-clauses deal with different types of Sessions Trials such as Culpable Homicide, Cases under Explosive Substance Act etc. A separate quantitative weightage has been specified in relation to each sub-clause. Thus, Clause 1 is counted as 5 entries. Thus, while the category of District and Sessions Court (Civil Matters) in Maharashtra has 41 entries, the category of School Tribunals in Maharashtra has 4 entries. In Gujarat, the category of Senior Civil Judges has 33 entries and the category of Judges, Family Courts has 9 entries.

There is also a substantial disparity in the number of entries and the details of entries across different States. For example, while in New Delhi, there are a total of 102 entries, there are 69 entries in Odisha. In Odisha, all Sessions Cases are given the same quantitative weightage. On the other hand, different kinds of Sessions cases are given separate quantitative weightage under different entries in states like Chhattisgarh, Maharashtra and Madhya Pradesh. While Sessions Cases have been divided into 2 types in Maharashtra, it has been divided into 5 types in Madhya Pradesh and into 7 types in Chhattisgarh.

This approach of category wise distribution of entries with quantitative weightage has a drawback. Quite often it results in the same or similar entries being repeatedly mentioned under different categories of judges. At times, the same or similar entries for different categories of judges carry different quantitative weightage. However, more often, such entries carry the same quantitative weightage. For example, in Gujarat, the disposal of a Session Case carries a quantitative weightage of '3.00 working days' for both Judges of the City Civil Court and District and Sessions Judges. In Maharashtra, References pertaining to Wage

Demands under the Industrial Disputes Act, 1972 carry a quantitative weightage of '5.00 units' for both Industrial Courts and Labour Courts. This results in considerable redundancy in the Norms. At times, it can appear fragmented. For example, in order to know the quantitative weightage of Maintenance cases under Section 125 of Cr.PC in a State, one has to check the list of entries under multiple categories of judges to ascertain if it has a single quantitative weightage. When we discount such redundancy, the number of entries listed in the Norms of a State change substantially. For example, without such redundancy, the number of entries in Maharashtra falls from 420 to 348. In West Bengal, it falls from 219 to 136.

Table 2- Comparative Overview of Structure of Norms

State	Categories of Judges	Number of Entries with Quantitative Weightage
Assam	5	116
Manipur	Common List for all judges	73
Odisha	8	76
West Bengal	4	219
Karnataka	10	69
Tamil Nadu	Common List for all judges	95
Chhattisgarh	2	145
Madhya Pradesh	2	157
Maharashtra	18	420
Gujarat	12	353
New Delhi	2	102
Uttar Pradesh	Common List for all judges	67



Best Practice

In terms of arranging the entries, the approach adopted in Tamil Nadu provides a more neat structure. In Tamil Nadu, a total of 95 entries are divided into the following 4 categories which apply to all judicial officers;

1. Proceedings relating to Criminal Laws
2. Proceedings relating to Civil Laws
3. Proceedings relating to Special Laws
4. Other Categories

A similar approach has also been adopted in Uttar Pradesh. With a conceptually segregated list, there is no scope of redundancy in the entries. While the categories of conceptual headings can be expanded in more nuanced detailed, it is a better approach than listing the headings under different categories of judges which would lead to unavoidable redundancy.

However, in terms of the range of entries, the most exhaustive list can be seen in Maharashtra. Even after taking the redundancies into account, there are as many as 348 separate entries for which quantitative weightage has been specifically allotted.

Below is the tabular representation of the structure of norms in different States;

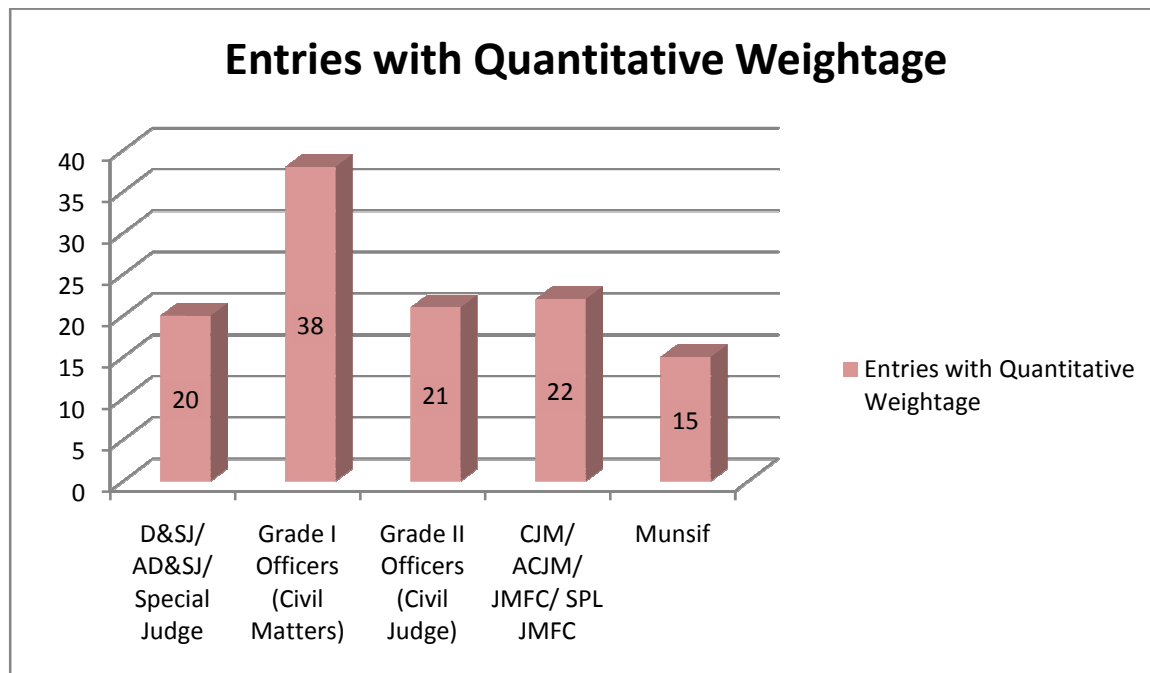
Assam

Figure 1 Structure of Norms in Assam

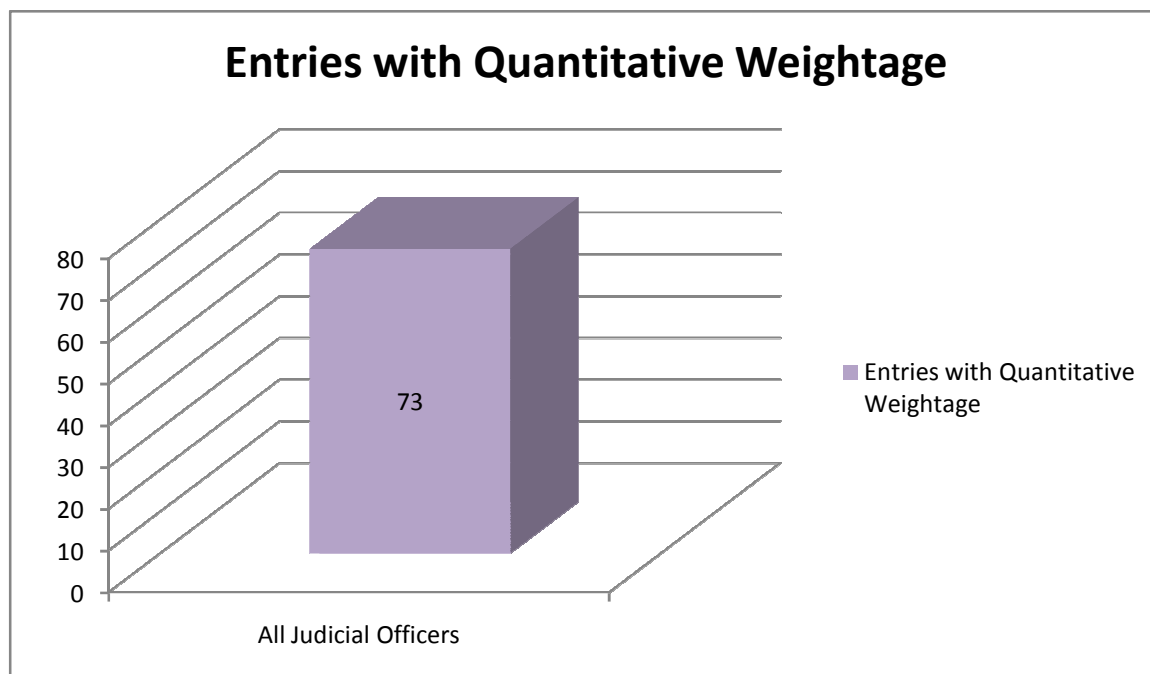
Manipur

Figure 2 Structure of Norms in Manipur

Odisha

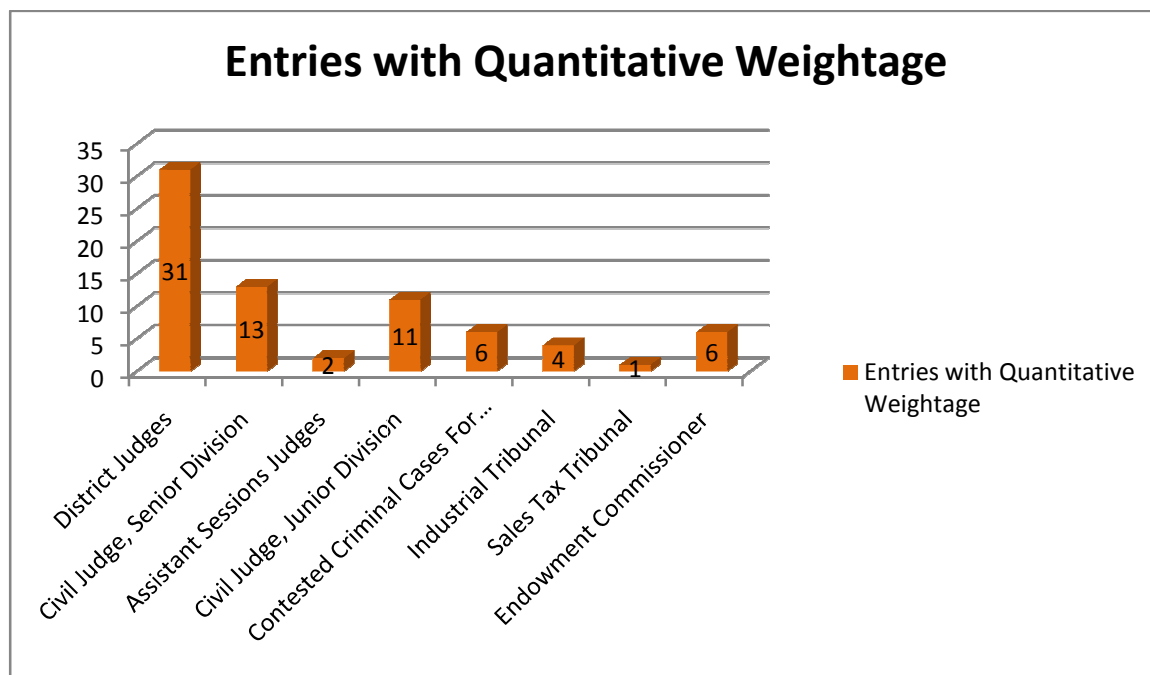


Figure 3 Structure of Norms in Odisha

The category of 'Contested Criminal Cases for Judicial Magistrates' also mentions the number of cases to be disposed in a year by Chief Judicial Magistrate (250), SDJM taking cognizance (200) and Judicial Magistrate/SDJM not taking cognizance (350)

West Bengal

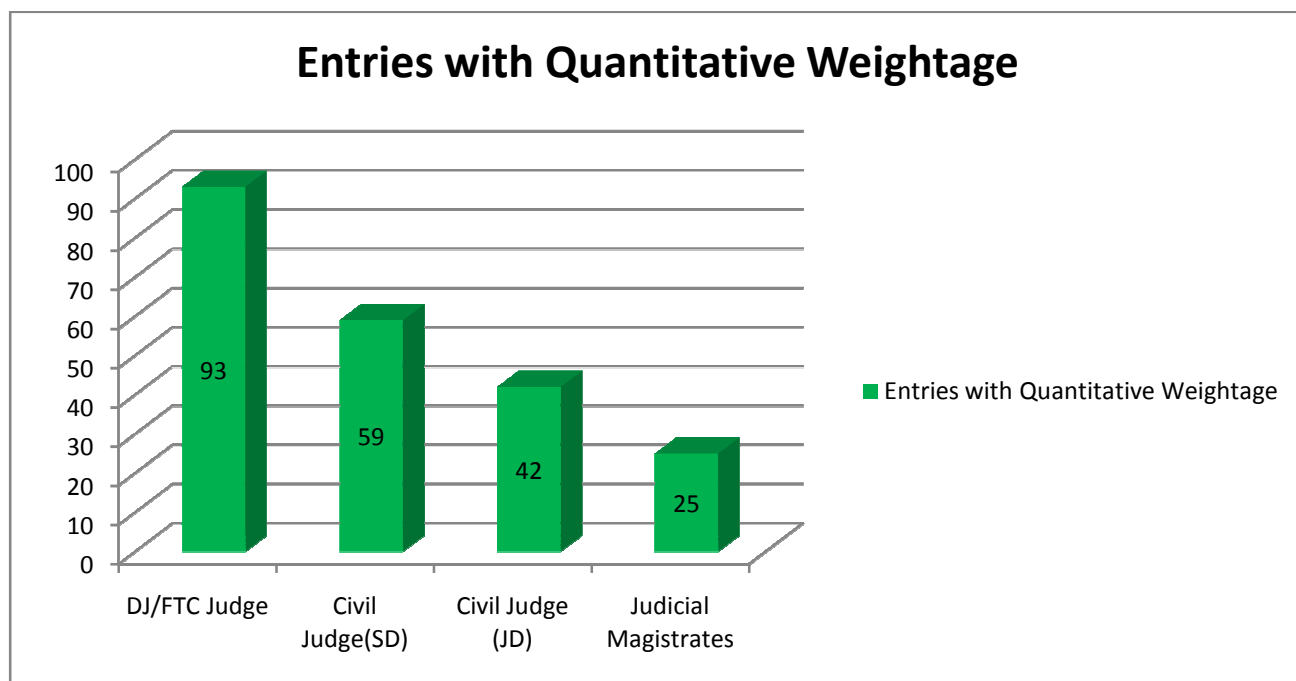


Figure 4 Structure of Norms in West Bengal

Karnataka

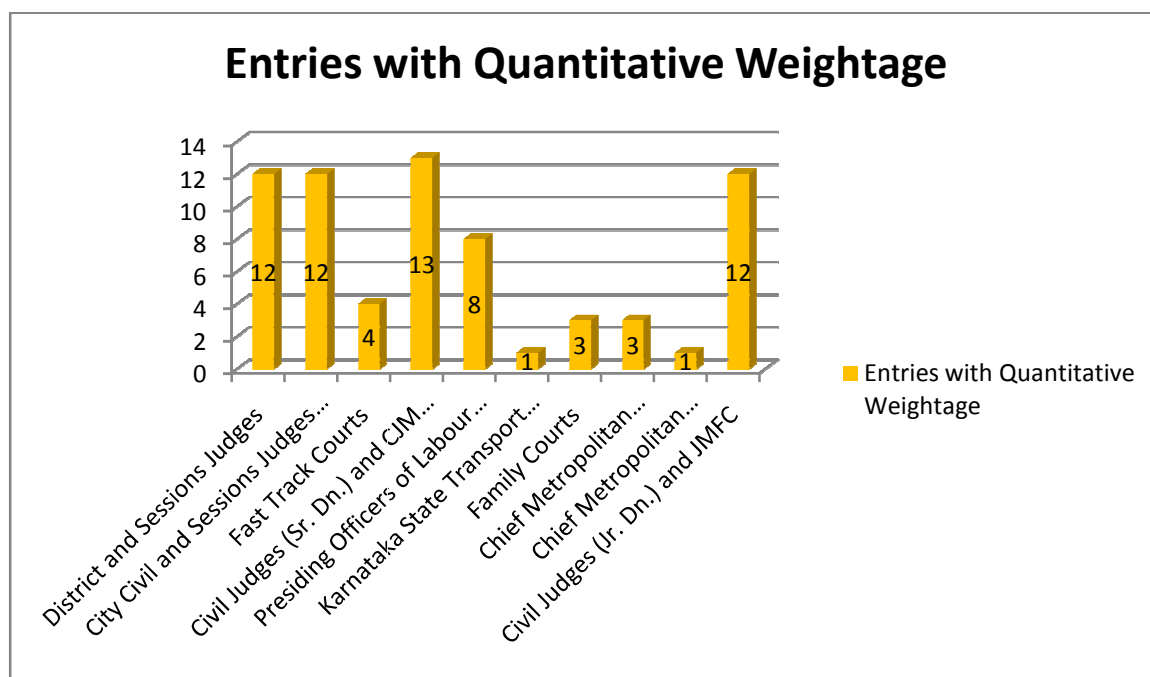
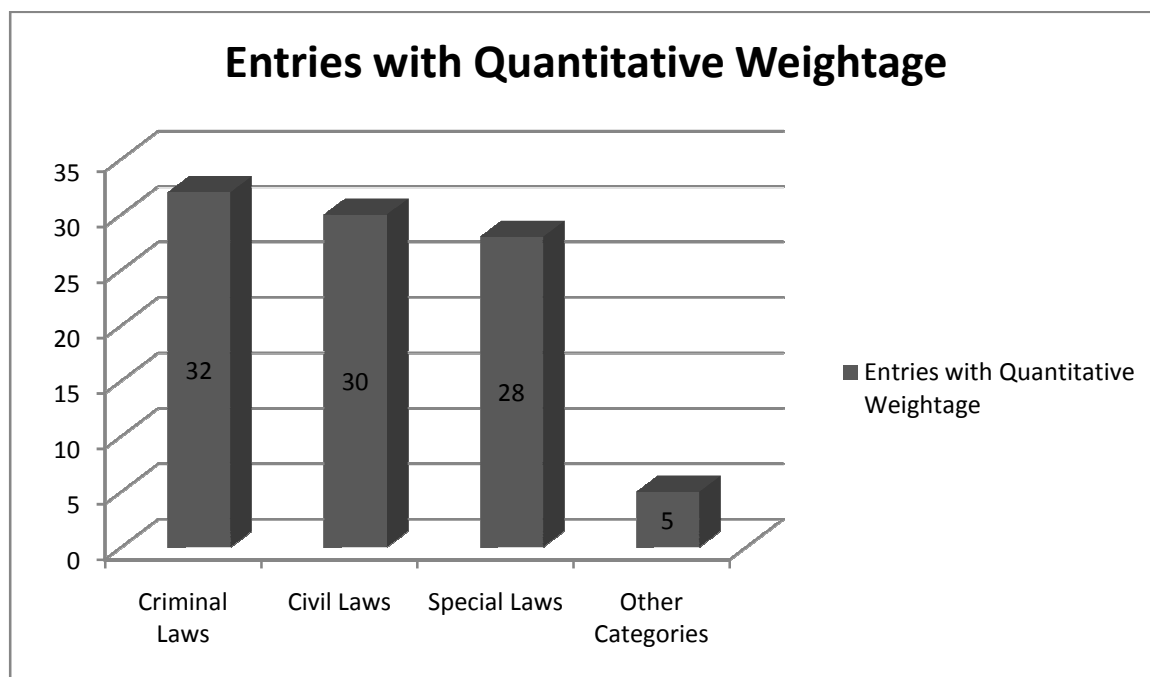
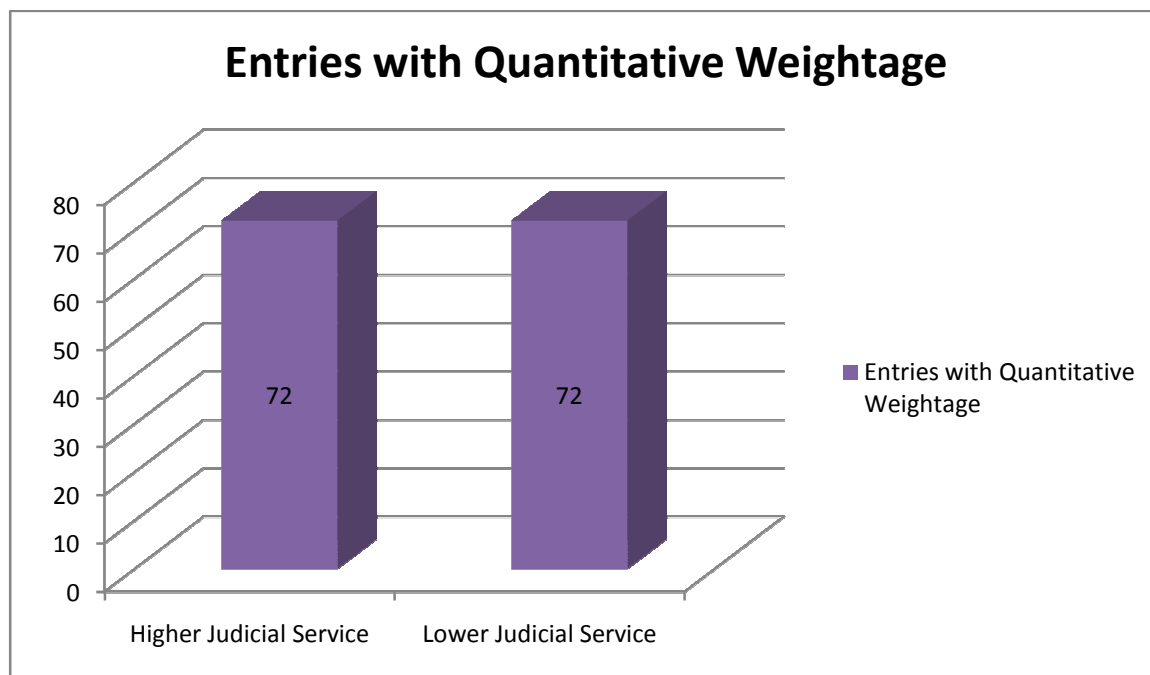


Figure 5 Structure of Norms in Karnataka

Tamil Nadu**Figure 6 Structure of Norms in Tamil Nadu***Chhattisgarh***Figure 7 Structure of Norms in Chhattisgarh**

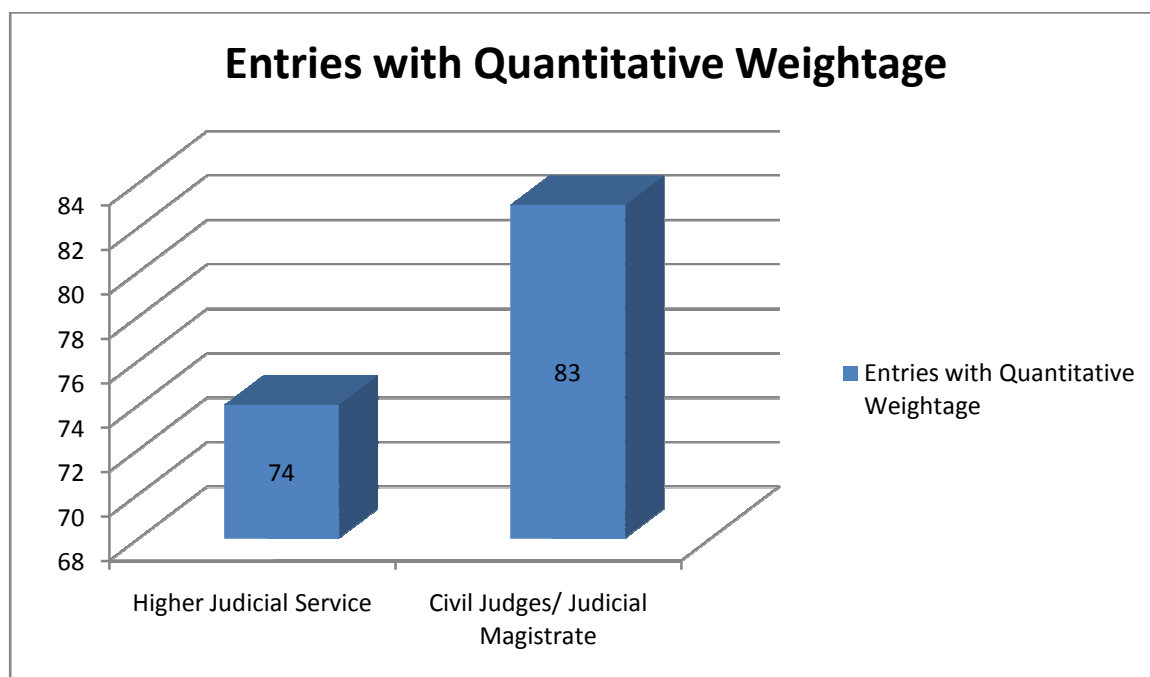
Madhya Pradesh

Figure 8 Structure of Norms in Madhya Pradesh

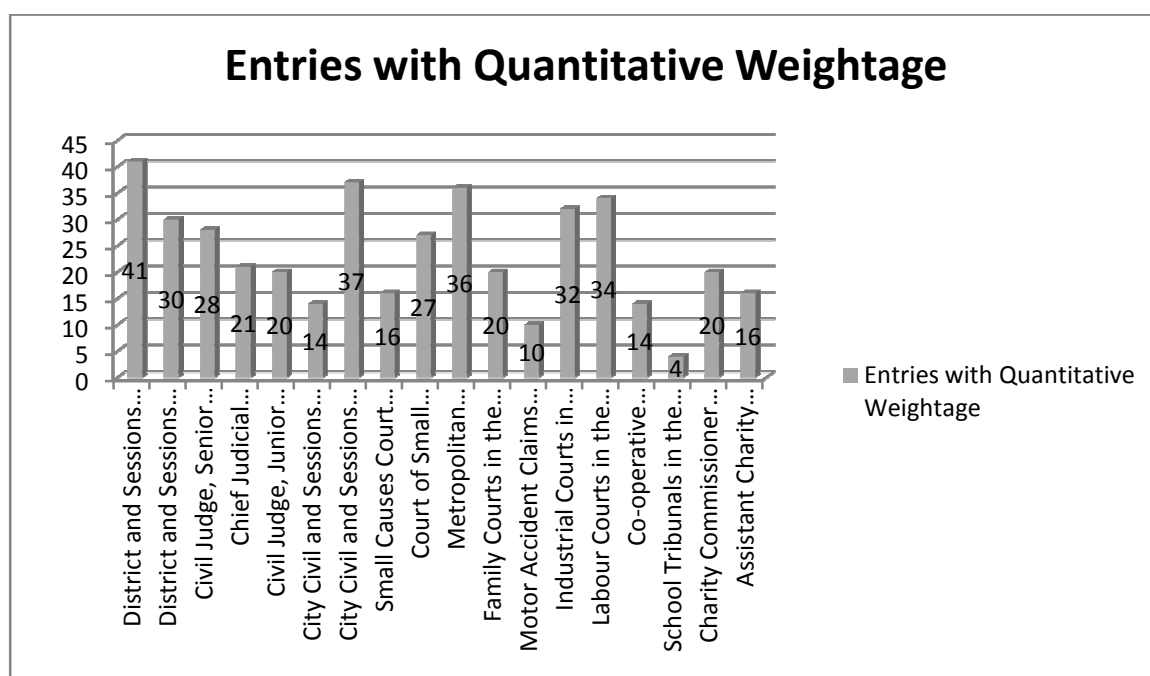
Maharashtra

Figure 9 Structure of Norms in Maharashtra

Gujarat

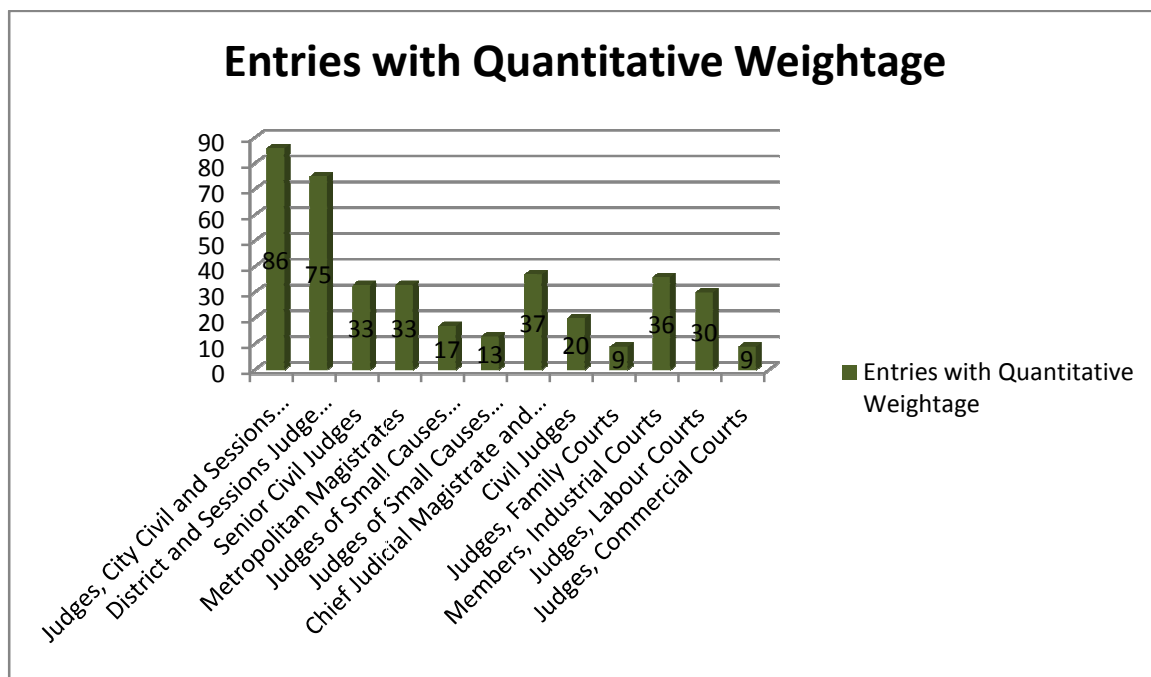


Figure 10 Structure of Norms in Gujarat

New Delhi

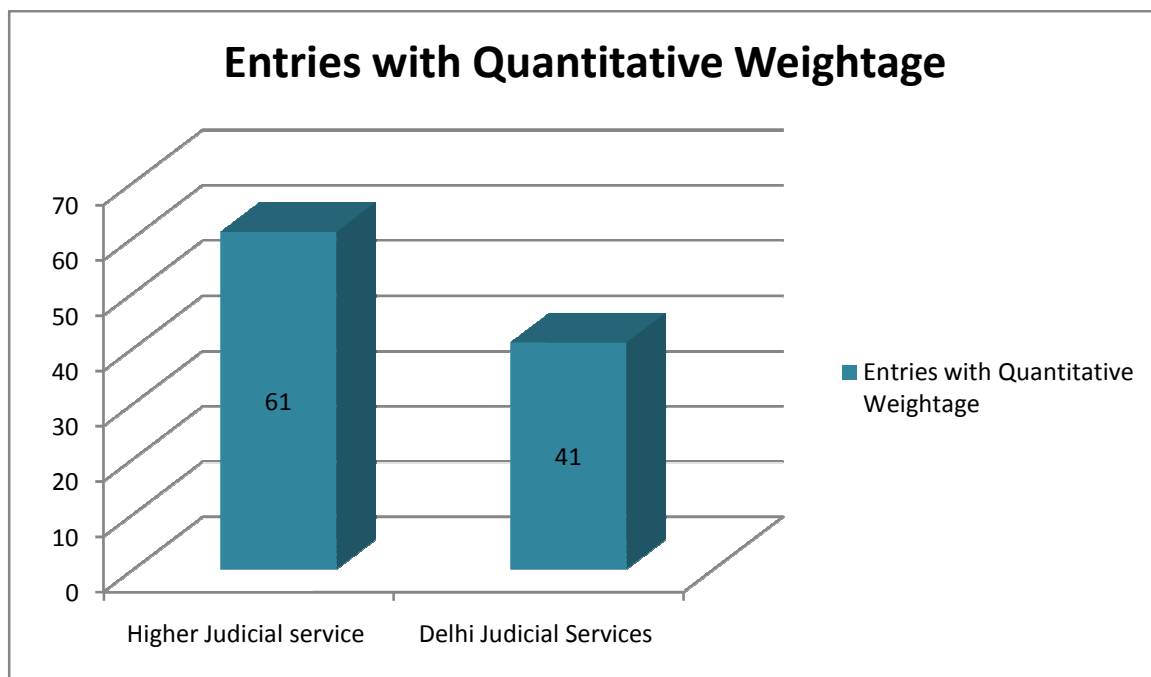


Figure 11 Structure of Norms in New Delhi

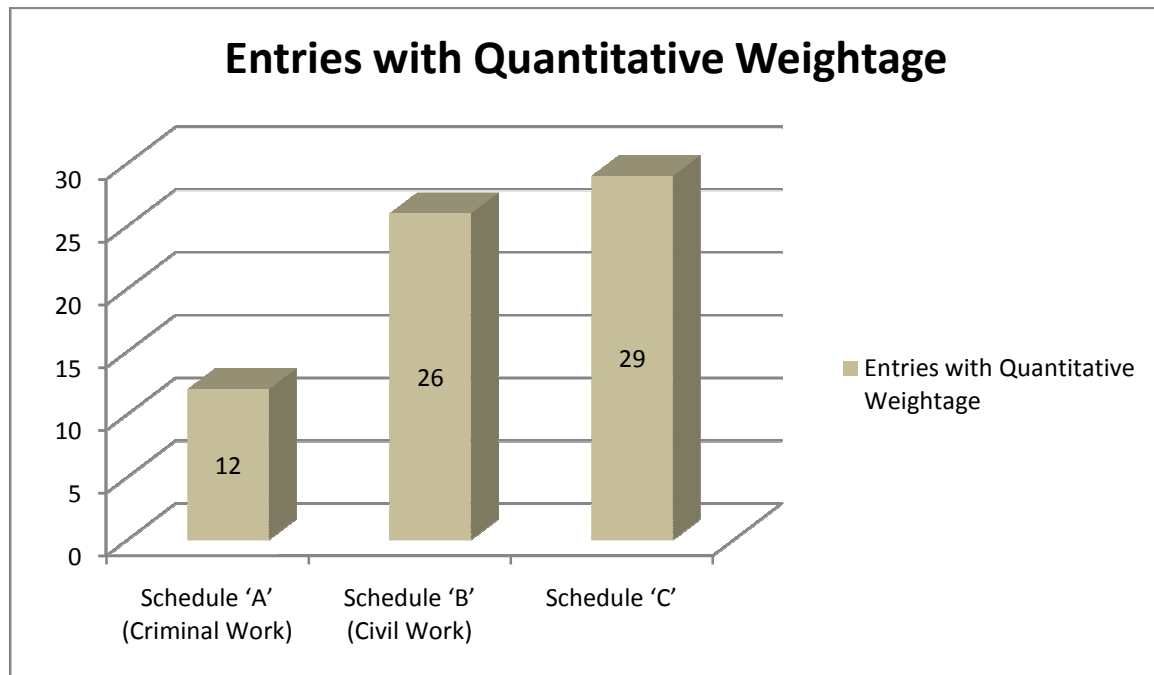
Uttar Pradesh

Figure 12 Structure of Norms in Uttar Pradesh

B. Nature of the Norms

Nature of Norms refers the quantitative description of the entries. In this respect, the Norms in different States can be divided into 3 types;

1. Units System
2. Working Day System
3. Case-Conversion System.

i. Units System

This system is followed in the following States;

1. New Delhi
2. West Bengal
3. Chhattisgarh
4. Madhya Pradesh
5. Assam
6. Manipur
7. Tamil Nadu
8. Maharashtra

In this system, each entry in the Norms is described as a unit, number of units or some fraction of a unit. The work done by a judge is then assessed in term of the aggregate of units earned by him in a day, month, quarter or a year. For example, in Chhattisgarh, a judicial officer in Higher Judicial Service is rated poor if his daily output is less than 5 units. In New Delhi a judicial officer is rated 'Inadequate' if his quarterly output is less than 300 units.

ii. Working Day System

This system is followed in the following States;

1. Gujarat
2. Odisha
3. Uttar Pradesh

In this system, each entry in the Norms is described as a working day, number of working days or a certain fraction of a working day. Judicial officers are expected to accomplish work equivalent to the prescribed number of working days. For example, in Odisha, a judicial officer is expected to achieve work output equivalent to 240 working days in a year. In Gujarat, a judicial officer is expected to produce work equivalent to 24 working days in a month.

iii. Case-Conversion System

This system is followed in Karnataka.

In this system, entries are described in the form of a conversion ratio of base case. For example, for District and Sessions Judges, the basic case category is Sessions case. As per the norms, each sessions case is equivalent to five criminal appeals, twelve criminal revision petitions etc. In a month, a District and Sessions Judge has to dispose of 10 Sessions cases or equivalent number of criminal appeals revision petitions etc. For some categories of judges, the nomenclature of 'unit' has also been adopted. However, even in such situations, entries are detailed in the form of a conversion ratio. For example, for judges of Chief Metropolitan Magistrate Courts in Bangalore city, the expectation is of 10 units per month wherein 1 unit is deemed equivalent of 5 IPC cases by considered judgements, 12 criminal cases under other laws etc.

Best Practice

The manner in which the quantitative weightage is expressed is not fundamental to the assessment of the workload of judicial officers. The number of entries which are identified for quantitative weightage, the manner in which such entries are structured and the amount of weightage awarded to different entries is of greater importance. Whether the entries are expressed as 'units' or 'working days' does not make a core difference at the time of assessing the work of a judge if the weightage of similar entries is equalised. However, it would be ideal if there could be uniformity in this respect. Thus, keeping line with the practice in majority of the States, a Units system could be preferred to define the quantitative

weightage. This would ensure that comparison of the Norms in the States would be less complicated than it is at present.

C. The Rating System

The rating system refers to the evaluation parameters in relation to the quantitative workload of judicial officers. The rating system prevalent in a State prescribes the quantitative benchmark that is expected of judicial officers and how they are rated for the workload achieved by them.

i. Timeline of Quantitative Benchmark

There is variance in terms of the time-span in relation to which a rating system is expressed. For example, the rating system in Chhattisgarh mentions the daily workload of a judicial officer. In Odisha, the annual workload of judicial officers is mentioned. A monthly workload is mentioned in Tamil Nadu whereas in New Delhi, a quarterly workload is mentioned. It needs to be noted that these variations are simply in relation to the manner in which the rating system is expressed in the Norms of a state. Usually, assessment of workload is done on monthly, quarterly and yearly basis. However, the Norms in the different States typically explain the rating system only in any one of the 4 options; daily, monthly, quarterly and yearly.

ii. Ratings Scale

While some States (Odisha, Karnataka, Tamil Nadu) only prescribe a specific quantitative benchmark the judicial officers are expected to achieve, other States usually provide a ratings scale with different gradings for different degrees of quantitative achievement. For example, in Tamil Nadu, a monthly quantitative benchmark is prescribed and judges are expected to achieve that benchmark. There is no specific prescription to deal with the possibility of a judicial officer performing well above that benchmark. So when the quantitative benchmark is 15 units a month, there is no official prescription to separately acknowledge a judge who

has earned 16 units and a judge who has earned 22 units. On the other hand, in New Delhi 4 separate benchmarks have been mentioned on the basis of which a judicial officer may be rated Inadequate, Good, Very Good or Outstanding.

There is variation in the details of the ratings scale as well. For example, while the 4 point ratings scale of New Delhi has the gradations of Inadequate, Good, Very Good and Outstanding, the 4 point ratings scale of Madhya Pradesh has the gradations of Poor, Average, Good and Very Good. The most elaborate scheme of rating is followed in the State of Gujarat. While most States adopt a 4 point, 5 point or 6 point ratings scale, in Gujarat, judicial officers are graded on a 8 point ratings scale of Poor, Inadequate, Just Adequate, Adequate, Good, Very Good, Excellent and Outstanding.

Table 3- Comparative Overview on Rating Systems

Singular Benchmark	4 Point Rating Scale	5 Point Rating Scale	6 Point Rating Scale	8 Point Rating Scale
Odisha	Assam	Manipur	Maharashtra	Gujarat
Karnataka	Chhattisgarh	West Bengal (for some categories)	West Bengal (for some categories)	
Tamil Nadu	Madhya Pradesh			
Uttar Pradesh	New Delhi			

iii. Single/Multiple Rating Scheme

While some States, have a single rating scheme for all the judicial officers, in other States, separate benchmarks are prescribed for different categories of judicial officers. For example, the 8 point ratings scale in Gujarat is applicable to all judicial officers in the State. Thus, if a judicial officer has achieved 100%-125% of Norms, he/she will be rated as Adequate. This rule is same for judicial officers of all categories. However, 2 separate ratings scheme have been prescribed in Chhattisgarh; one for officers of Higher Judicial Service and one for officers of Lower Judicial Service. An officer of a Higher Judicial Service will get a rating of

Good if his daily output is between 6 to 7 units. On the other hand, an officer of Lower Judicial Service will get a rating of Good if his daily output is between 7 to 8 units.

The most elaborate scheme of Multiple Rating Scheme can be found in Tamil Nadu. Specific quantitative benchmarks have been separately prescribed for 45 categories of judicial officers. In West Bengal, separate benchmarks have been specified for 14 categories of judicial officers.

Table 4- Comparative Overview of Rating Schemes

Single Rating System for All Officers	Multiple Rating System for All Officers
Assam	West Bengal
Manipur	Karnataka
Odisha	Tamil Nadu
Gujarat	Chhattisgarh
Maharashtra	Madhya Pradesh
New Delhi	
Uttar Pradesh	

Best Practice

In terms prescribing Single/Multiple rating schemes, the best practice can be seen in New Delhi and Maharashtra. Providing different quantitative benchmarks for different categories of officers without accompanying explanations is not ideal as the reasons behind the differentiation in benchmarks are not necessarily apparent. Multiple rating schemes also make the official policies highly cluttered. It makes more logical sense to define a common

quantitative benchmark for all the officers and then prescribe concessions and relaxations wherever necessary by way of general principles. This will ensure that the reasons behind the relaxations or concessions are transparently articulated. Thus in States like New Delhi and Maharashtra, after a prescription of common quantitative benchmark for all categories of judicial officers, concessions have been granted to certain categories of judicial officers having additional administrative responsibilities.

In terms of the range of the rating scale, the best practice can be seen in Manipur which has a 5 point rating scale of Poor, Average, Good, Very Good and Outstanding. A 5 point rating scale provides a reasonable range to categorise the different performance levels of judicial officers. On the other hand, 4 point ratings scale fall slightly short of covering an adequate range of performance levels. For example, after Inadequate, the next rating in Assam is Good which does not satisfactorily cover performance levels which should not be attributed a rating of either Good and Inadequate and fall somewhere in between. In such cases there is no appropriate middle level of performance. The problem with a 6 point (Maharashtra) or 8 point (Gujarat) rating scale is that such an elaborate rating scale becomes cumbersome. A 5 point rating scale provides the facility of a Middle rating of satisfactory performance with two ratings dedicated for below satisfactory performance and two ratings dedicated to above satisfactory performance.

Below is the Rating System of the different States;

Assam

Table 5-Rating System in Assam
Quarterly Assessment for Judicial Officers of all Categories

Quantitative Benchmark	Rating
Above 300 units	Outstanding
250 to 300 units	Very Good
200 to 250 units	Good
Less than 200 units	Inadequate

The officers are expected to work for 63 working days in a quarter. If the actual number of scheduled working days falls below 63 days, the requirement of units is reduced by 3 units per day.

Manipur

Table 6- Rating System in Manipur

Monthly Assessment on a 100 point formula for Judicial Officers of all Categories

Quantitative Benchmark	Rating
90 or more	Outstanding
75 units or more	Very Good
60 units or more	Good
45 units or more	Average
Less than 45 units	Poor

For assessment, the norms are calculated in proportion to the number of days for which a judicial officer has actually worked.

Odisha

In Odisha, an annual assessment has been specified. Judicial officers of all categories are expected to achieve a quantitative output equivalent to 240 working days in a year.

West Bengal
Table 7- Rating System in West Bengal-1

Quarterly Assessment for District Judges and Fast Track Court Judges, F.T.C Judges with less than 25 pending civil cases, Judge, City Civil Court and Judge, City Sessions Court

Quantitative Benchmark	Rating
Below 210 units	Poor
210 units and above	Inadequate
240 units and above	Adequate
300 units and above	Good
360 units and above	Very good
420 units and above	Outstanding

Table 8- Rating System in West Bengal-2

Quarterly Assessment District Judges having more than 40 courts under their judgeship

Quantitative Benchmark	Rating
Below 105 units	Poor
Between 105 and 119 units	Inadequate
Between 120 and 150 units	Adequate
300 units and above	Good
360 units and above	Very good
420 units and above	Outstanding

Table 9- Rating System in West Bengal-3**Quarterly Assessment for Judges, Special Court Conducting I.E. Act Cases**

Quantitative Benchmark	Rating
Below 180 units	Poor
180 units and above	Inadequate
210 units and above	Adequate
240 units and above	Good
300 units and above	Very good
360 units and above	Outstanding

Table 10- Rating System in West Bengal-4**Quarterly Assessment for Chief Judge, City Civil Court/Chief Judge P.S.C Court and Chief Judge, City Sessions Court**

Quantitative Benchmark	Rating
Below 120 units	Poor
120 units and above	Inadequate
150 units and above	Adequate
160 units and above	Good
180 units and above	Very good
210 units and above	Outstanding

Table 11- Rating System in West Bengal-5**Monthly Assessment for Civil Judge, Senior Division**

Quantitative Benchmark	Rating
Below 100 units	Inadequate
100 to 110 units	Adequate
111 to 125 units	Good
126 to 140 units	Very good
Above 140 units	Outstanding

Table 12- Rating System in West Bengal-6**Monthly Assessment for Civil Judge, Junior Division**

Quantitative Benchmark	Rating
Below 98 units	Inadequate
98 to 110 units	Adequate
111 to 125 units	Good
126 to 140 units	Very good
Above 140 units	Outstanding

Table 13- Rating System in West Bengal-7

Monthly Assessment, Judicial Magistrates, Chief Judicial Magistrate and Addl. Chief Judicial Magistrate in a place where there is no Chief Judicial Magistrate

Quantitative Benchmark	Rating
Below 76 units	Inadequate
76 to 86 units	Adequate
87 to 96 units	Good
97 to 106 units	Very good
Above 106 units	Outstanding

Table 14- Rating System in West Bengal-8

Monthly Assessment for Additional Chief Judicial Magistrate

Quantitative Benchmark	Rating
Below 96 units	Inadequate
96 to 101 units	Adequate
102 to 106 units	Good
107 to 111 units	Very good
Above 112 units	Outstanding

For a monthly assessment, 20 days on an average are taken as available working days.

*Karnataka***Table 15- Rating System in Karnataka****Monthly Assessment**

Category of Judicial Officers	Quantitative Benchmark
District and Sessions Judges	10 Sessions Cases or equivalent number of cases
City Civil and Sessions Judges in Bangalore	10 Original Suits or equivalent number of cases
Fast Track Courts	14 Sessions cases or equivalent number of cases
Civil Judges (Sr. Dn.) and CJM and Judges of Small Causes Courts in Bangalore City	10 Units
Presiding Officers of Labour Courts/Industrial Tribunals	10 Units
Karnataka State Transport Appellate Tribunal	200 appeals/revisions
Family Courts	12 original suits or equivalent number of cases
Chief Metropolitan Magistrate Courts in Bangalore City	10 units
Chief Metropolitan Magistrate Courts in Bangalore City deciding cases filed under Section 138 of the N.I. Act	10 units

Civil Judges (Jr. Dn.) and JMFC	12 original suits or equivalent number of cases
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The annual assessment is done of 11.5 months for District judges, presiding officers of Fast Track Courts, District Judges presiding over Quasi-Judicial Tribunals, Officers in the cadre of Civil Judge (Sr. Dn) and CJM and Civil Judges (Jr. Dn.) and JMFC.

Tamil Nadu

Table 16- Rating System in Tamil Nadu-1

Monthly Assessment for District Judges other than Chennai City

Category of Judicial Officers	Quantitative Benchmark
Principal District Judges/ District Judges	12.00
Addl. District and Sessions Judges (Including special courts under SC and ST Act)	15.00
Tribunals under M. V. Act [In the cadre of District Judge]	20.00

Table 17- Rating System in Tamil Nadu-2

Monthly Assessment for Senior Civil Judges other than Chennai city

Category of Judicial Officers	Quantitative Benchmark
Chief Judicial Magistrates	15.00
Principal Judges/ Sub Judges	15.00

Addl. Sub Judges (Including the judges holding the office of the special courts)	17.00
Tribunal under the M. V. Act [In the Senior Civil Judge Cadre]	20.00
Addl. CJM, Madurai and Kumbakonam	No Norms

Table 18- Rating System in Tamil Nadu-3

Monthly Assessment for Civil Judges other than Chennai City

Category of Judicial Officers	Quantitative Benchmark
District Munsifs	17.00
Judicial Magistrates	17.00
District Munsifs cum Judicial Magistrates	17.00 [Criminal Side 8.50 and Civil Side 8.50]

Table 19- Rating System in Tamil Nadu-4

Monthly Assessment for City Civil Courts, Chennai

Category of Judicial Officers	Quantitative Benchmark
Principal Judge	12.00
Additional Judge	15.00
Assistant Judges [Senior Civil Judges]	17.00
IX & X Assistant Judges [Dealing with Execution Proceedings]	17.00

Table 20- Rating System in Tamil Nadu-5**Monthly Assessment for Court of Small Causes, Chennai**

Category of Judicial Officers	Quantitative Benchmark
Chief Judge	12.00
II, III, IV Judges [dealing with ejectment suits & MCOPs]	17.00
V & VI Judges [dealing with MCOPs]	20.00
VII & VIII Judges [dealing with RCAs]	17.00
IX Judge [dealing with suits & RCAs]	17.00
X Judge to XVI Judge [dealing with RCOPs]	17.00
Special Sub Judges I & II dealing with MCOP cases	20.00

Table 21- Rating System in Tamil Nadu-6**Monthly Assessment for Metropolitan Magistrate Courts**

Category of Judicial Officers	Quantitative Benchmark
Chief Metropolitan Magistrate	15.00
Addl. Chief Metropolitan Magistrate [CBI cases]	12.00
Addl. Chief Metropolitan Magistrates, E.O. I&II	12.00
Metropolitan Magistrates	17.00

Table 22- Rating System in Tamil Nadu-7**Monthly Assessment for Family Courts**

Category of Judicial Officers	Quantitative Benchmark
Principal Judge/ Judge	12.00
Additional Principal Judges	12.00

Table 23- Rating System in Tamil Nadu-8**Monthly Assessment for Labour Courts/ Industrial Tribunal**

Category of Judicial Officers	Quantitative Benchmark
Presiding Officer, Principal Labour Court	15.00
Presiding Officer, Additional Labour Court	15.00
Presiding Officer, Industrial Tribunal	15.00

Table 24- Rating System in Tamil Nadu-9**Monthly Assessment for Mahila Courts**

Category of Judicial Officers	Quantitative Benchmark
Sessions Judge, Mahila Court	15.00
Sessions Judge [FTC], Magaleer Needhimandram	15.00

Table 25- Rating System in Tamil Nadu-10**Monthly Assessment for Special Courts**

Category of Judicial Officers	Quantitative Benchmark
Judge, Special Court under EC Act	15.00
Judge, Additional Special Courts under NDPS Act	10.00
Additional Judges [CBI Cases]	12.00
Special Judges under TNPID Act	10.00
Special Judges under PC Act cases	12.00
Sessions Judges, Sessions Court for Trial of Bomb Blast Cases	No Norms
Sessions Judge, Sessions Court for Trial of cases relating to Communal Classes	No Norms
Additional Judges (TADA)	No Norms
Chairman, Sales Tax Appellate Tribunals	No Norms
Addl. Judicial Member, Sales Tax Appellate Tribunals	No Norms
Chairman, State Transport Appellate Tribunal	No Norms
Chairman, Taxation Appellate Tribunals	No Norms

For assessment, the norms are calculated in proportion to the number of days for which a judicial officer has actually worked.

*Chhattisgarh***Table 26- Rating System in Chhattisgarh-1****Daily Assessment for Officers of Higher Judicial Service**

Quantitative Benchmark	Rating
Below 5 units	Poor
Between 5 to 6 units	Average
Between 6 to 7 units	Good
Above 7 units	Very good

Table 27- Rating System in Chhattisgarh-2**Daily Assessment for Officers of Lower Judicial Service**

Quantitative Benchmark	Rating
Below 5.5 units	Poor
Between 5.5 to 7 units	Average
Between 7 to 8 units	Good
Above 8 units	Very good

For an annual assessment, the calculation is made on the basis of 220 working days.

*Madhya Pradesh***Table 28- Rating System in Madhya Pradesh-1****Daily Assessment for Officers Higher Judicial Service**

Quantitative Benchmark	Rating
Below 4 units	Poor
Between 4 to 5.5 units	Average
Between 5.6 to 6.5 units	Good
Above 6.5 units	Very good

Table 29- Rating System in Madhya Pradesh-2**Daily Assessment for Civil Judges/Judicial Magistrates**

Quantitative Benchmark	Rating
4.5 units and below	Poor
Between 4.6 to 6 units	Average
Between 6.1 to 7 units	Good
Above 7 units	Very good

For an annual assessment, the calculation is made on the basis of 220 working days.

*Maharashtra***Table 30- Rating System in Maharashtra****Assessment (once in four months) for all Judicial Officers**

Quantitative Benchmark	Rating
Works for not more than 20 days during the four monthly period	Grossly inadequate if disposal less than 50% of the total number of actual working days.
Less than 75% of the norms	Grossly Inadequate
75% or above 75% of the norms but less than 100%	Inadequate
1.00 to 1.25 times of the norms	Adequate
1.26 to 1.50 times of the norms	Good
1.51 to 2.00 times of the norms	Very Good
Above 2.00 times of the norms	Excellent

The norms are calculated on the basis of the actual number of working days by a judicial officer. When the number of units earned by a judicial officer is equivalent to the number of days he has worked for, the disposal is counted as 100%. Thus if a judicial officer has actually worked for 220 days in a year and has earned 250 units, he will be getting a rating of Adequate.

Gujarat
Table 31- Rating System in Gujarat
Quarterly Assessment for all Judicial Officers

Quantitative Benchmark	Rating
Less than 75% of Norms	Poor
Between 75% and 90% of Norms	Inadequate
Between 91% and 99% of Norms	Just Adequate
Between 100% and 125% of Norms	Adequate
Between 126% and 150% of Norms	Good
Between 151% and 200% of Norms	Very Good
Between 201% and 300% of Norms	Excellent
Above 300% of Norms	Outstanding

In a month, an officer is expected to achieve output equivalent to 24 working days in a month and the assessment is done on a quarterly basis. However, when the total number of actual working days in a quarter is less than 72, the norms are reduced on a proportionate basis for that quarter.

New Delhi

Table 32- Rating System in New Delhi
Quarterly Assessment for all Judicial Officers

Quantitative Benchmark	Rating
Above 400 units	Outstanding
350 to 400 units	Very Good
300 Units to 350 units	Good
Less than 300 units	Inadequate

If the number of actual working days in a quarter falls below 70, the requirement of units shall stand reduced by 4 units for each day by which it falls short of 70 days. The expected work output of judges is set at 80% of the standard norms in the second quarter of the year in light of the holidays scheduled at that time of the year.

Uttar Pradesh

In Uttar Pradesh, there is no rating system. The number of quantitative weightage earned by a judicial officer is expected to be equal to the number of actual working days. Thus, if in a year, there have been 225 working days, the judicial officer is expected to do work equivalent to 225 working days.

D. Policy Regarding Additional Conditions for Quantitative Benchmark

In many States, additional conditions have been prescribed to be eligible for a rating apart from achieving the required amount of quantitative weightage. In some States, these conditions have been prescribed for certain categories of judicial officers and in other States, for all categories of judicial officers. Typically, these conditions are of three categories;

1. A mandate that a certain proportion of cases (civil and criminal, main and miscellaneous) be maintained in the overall disposal of cases.
2. A mandate that the overall disposal should include certain number of disposals of one or more particular categories of cases.
3. A mandate that the overall disposal should include a certain number of contested disposals.

A variety of such conditions are prescribed in all States apart from New Delhi, Uttar Pradesh and Tamil Nadu. In New Delhi, Uttar Pradesh and Tamil Nadu, there is no express provision of this nature in any of the official policies shared with us.

Best Practice

It would not be appropriate to compare the policies of different States in this respect as these policies are mostly based on the nuances of pendency statistics in individual States and also on certain priorities which can be entirely localised in nature. Thus, a State having less pendency in civil work need not specify a 50:50 ratio in disposal of civil and criminal cases. It is not appropriate to compare policies which depend primarily on the peculiarities of local circumstances.

Assam

A Sessions Judge/Addl. Sessions Judge having 40 or more cases of culpable homicide, Section 121, 306 r/w 498A, 304B, 364A IPC and cases under TADA, POTA and NDPS Act or 80 or more cases of other Session cases has to decide a minimum of 6 or 12 such cases respectively in a quarter. Failing this requirement, the officer will be rated 'inadequate' regardless of the units earned in the same quarter.

Manipur

A judicial officer is required to obtain 60% of the units by contested disposals.

Odisha

In Odisha, the ratio of disposal of civil and criminal cases by a judicial officer should be equal.

West Bengal

A general guideline has been mandated that judicial officers should attempt to dispose of all types of matters.

For getting ratings of Good, Very Good and Outstanding, additional requirements of monthly disposal have been prescribed in the following manner;

Table 33-Additional Conditions for Ratings in West Bengal

Category of Judge	Rating of Good	Very Good	Outstanding
District/FTC Judge	9 Civil+12 Criminal cases	12 civil+ criminal cases	15 18 civil+18 criminal cases
FTC judge with less than 2 pending civil cases	15 sessions cases	18 sessions cases	24 sessions cases

Judge, City Civil Court	5 suits+5 appeals+ 5 uncontested execution cases	9 suits+9 appeals+ 9 uncontested execution cases	9 suits+9 appeals+ 9 uncontested execution cases
District Judges having more than 40 courts	4 civil+5 criminal cases	6 civil+6 criminal cases	9 civil+9 criminal cases
Judges, Special Courts Conductin Act cases	7 sessions+ 4 criminal revision cases	9 sessions+ 6 criminal revision cases	12 sessions+ 8 criminal revision cases
Chief Judge, City Civil Court	6 civil cases	7 civil cases	9 civil cases
Chief Judge, City Sessions Court	5 sessions/other contested criminal+2 criminal revision cases	6 sessions/other contested criminal+3 criminal revision cases	8 sessions/other contested criminal+4 criminal revision cases
Civil Judge, Senior Division	3 suits+1 appeal	4 suits+1 appeal	5 suits+1 appeal
Judge, P.S.C Court (with less than 20 pending appeals)	4 suits	5 suits	6 suits
Civil Judge, Junior Division	4 suits	5 suits	6 suits
Judicial Magistrate*	15 cases	18 cases	20 cases
Addl. CJM**	10 cases	12 cases	13 cases

*and **: In order to get a rating of Adequate, a judicial magistrate must dispose of 13 cases a month and an Addl. CJM must dispose of 8 cases a month.

Karnataka

1. For District and Sessions Judges, there has to be a minimum disposal of 6 sessions cases a month.
2. For Civil Judges (Sr. Dn.), there has to be a minimum monthly disposal of 4 original suits 8 regular appeals by considered judgements.
3. In the monthly disposal of Presiding Officers of Small Causes Court, there shall be minimum disposals of 12 HRC cases.
4. The monthly disposals by Civil Judges (Jr. Dn.) and JMFC must consist of 6 original suits on merits.

Chhattisgarh

1. Civil Judges (Class I and II) discharging both civil and criminal work are required to achieve at least 30 units from civil work.
2. Judges of Higher Judicial Service discharging civil and criminal work are required to achieve minimum 35 units (including 20 units of civil work excluding claim work).

Madhya Pradesh

Judge dealing with both criminal and civil matters are expected to achieve disposals of at least 30 units of civil work per month.

Maharashtra

1. The ratio of disposal for judicial officers in relation to Main and Miscellaneous matters should be 60:40.

2. The ratio of disposal of Civil and Criminal work should be 50:50 where the judicial officer has both civil and criminal files in equal proportion. Otherwise ratio of disposal of civil and criminal cases by a judicial officer should be proportional the pendency of civil and criminal matters in his docket.
3. However, no explanation for maintaining the ratio is required when the ratio of civil work is more than 50%.

Gujarat

1. Judges and Magistrates handling both civil and criminal work and having adequate number of civil suits on their file are expected to achieve at least 25% of their total disposal in the nature of civil suits.
2. Senior Civil Judges working in the civil side and having adequate number of Special Civil Suits are expected to achieve at least 25% of their total disposal in Special Civil Suits.
3. Chief Judicial Magistrates are expected to show substantial disposal of regular tribal IPC cases and other cases of serious nature including cases received from Sessions Courts under Section 228 Cr.PC, cases of special category and misappropriation cases transferred from other Judicial Magistrates.
4. Magistrates having sufficient number of IPC cases and cases of special category are expected to show substantial disposal of such matters.
5. Judges and Magistrates who are under special/general directions for the disposal of a particular civil or particular type of civil and criminal cases or criminal cases are expected to show substantial disposal of such matters.
6. Judges in the cadre of District Judges (except Judges, City Civil and Sessions Court and Judges, Family Court) handling both civil and criminal work and having adequate number of civil matters are expected to achieve at least 45% of their total disposal in the nature of civil matters.

E. Policy Regarding Non-Decisional Judicial Work

While the primary duty of judicial officer might be to render judicial decisions, they discharge a variety of other judicial functions. Conducting a test identification parade, recording statements or confessions under Section 164 of Cr.PC, examination of witnesses, framing of charges are various examples of such other judicial functions. These can be broadly categorised as Non-Decisional Judicial Work. Though these functions by themselves need not result in a judicial decision, they do require substantial application of time from the judicial officers. While the Norms for judicial officers mostly focus on attaching quantitative weightage to the judicial decision making in different category of cases, it is also necessary to recognize and credit the non-decisional judicial work of the judicial officers.

The policy in different States in this respect is varied. States usually include such work in the list of entries for which quantitative weightage is attached. Thus, judicial officers are allowed to earn quantitative weightage for specified non-decisional judicial work in the same way they earn quantitative weightage for decisional judicial work. For example, in Assam, Officers in the cadres of CJM, ACJM, JMFC, SPL JMFC are awarded 1 unit for every 10 statements recorded under Section 164 of Cr.PC.

Best Practice

The best practice in this respect can be seen in the state of Uttar Pradesh and West Bengal. The norms in West Bengal accommodate more categories of non-decisional judicial work than other States and the same has also been expressly taken into consideration while prescribing quantitative benchmarks for officers in the cadre of judicial magistrates. In Uttar Pradesh, a general rule has been prescribed that the actual number of days for which an officer has done miscellaneous work will be excluded from the total number of days for which he has to show quantitative output. However, there is no detailing of the quantitative weightage attached to different functions. Thus, there are no definite guidelines on how many days of concession should be actually due to a judicial officer for the miscellaneous work done by him.

Assam

1. Officers in the cadres of CJM, ACJM, JMFC, SPL JMFC are awarded 1 unit for every 10 statements recorded under Section 164 of Cr.PC.
 2. Officers in the cadres of CJM, ACJM, JMFC, SPL JMFC are awarded 2 unit for confession recorded under Section 164 of Cr.PC
 3. Officers in the cadres of CJM, ACJM, JMFC, SPL JMFC are awarded 2 unit for every T.I. parade conducted.
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Manipur

1. Recording of confessional statements is awarded 2 units.
 2. Conducting a test identification parade is awarded 2 units.
 3. Recording of statements under section 164 of Cr.PC is awarded .10 units.
-

Odisha

No quantitative credit has been awarded to specific non-decisional judicial work in any of the official policies shared with us.

West Bengal

1. The non-decisional work of judicial magistrates (recording statements, conducting T.I parade etc.) has been taken into account while fixing the requirement of disposal of cases.
2. 2 units are awarded to Judicial Magistrates for conducting T.I. Parade.
3. 2 units are awarded to Judicial Magistrates for recording of confessional statement under Section 164 of Cr.PC.
4. 1 unit is awarded to Judicial Magistrates for recording of statements of witnesses under Section 164 Cr.PC and
5. 1 unit is awarded for recording statement of accused under section 313 of Cr.PC.
6. Units have been awarded for examination and cross examination of witnesses (varying from 1 to 6 depending on the number of witnesses) in different categories of cases such as disposal u/s 235 of Cr.PC, contested matrimonial suits, contested civil suit or counter claim etc.

7. 1 unit is awarded for framing of charges to officers in the cadre of District Judges/F.T.C Judges and Civil Judge Senior Division cum Assistant Sessions Judge.

Karnataka

There is no express provision regarding weightage for any specific non-decisional judicial work in any of the official policies shared with us.

Tamil Nadu

1. Magistrates/Metropolitan Magistrates are awarded 0.10 units for examination of witnesses subject to a maximum of 3.00 units.
2. 0.01 units are awarded for recording statement of witnesses under Section 164 of Cr.PC.
3. 0.25 units are awarded for recording of dying declaration.
4. 0.50 units are awarded for conducting test identification parade.
5. 0.25 units are awarded for recording of confession.

Chhattisgarh

There is no express allotment of units for non-decisional judicial work in any of the official policies shared with us.

Madhya Pradesh

Higher Judicial Service

1. 2 units for framing charge
2. 2 units for recording statement of material witness including investigating officer and of such witnesses which requires considerably longer time for recording of statement (maximum of 4 units in a case)

Civil Judge/Judicial Magistrates

1. 1 unit for recording of statement under 164 of Cr.PC (maximum 5 units in a month)

Maharashtra

1. Officers in the cadre of CJM/JMFC/Metropolitan Magistrate are awarded 0.50 units for recording statements of witnesses under section 164 of Cr.PC.
2. Officers in the cadre of CJM/JMFC/ Metropolitan Magistrate are awarded 0.50 units for recording statements of approver under 306 of Cr.PC
3. District and Sessions judges are awarded 0.75 units for recording of evidence in absence of accused under 299 of Cr.PC

Gujarat

1. Across most cadres of judicial officers, framing of charges and framing of issues is allotted quantifiable credit and is regarded as equivalent to 0.10 working days.
2. Recording of confessions and statements under section 164 of Cr.PC is regarded as equivalent to 0.20 working days.

New Delhi

1. For Chief/Addl. Chief Metropolitan Magistrates and Metropolitan Magistrates, 3 units are awarded for framing of charge in warrant trials.
2. For Chief/Addl. Chief Metropolitan Magistrates and Metropolitan Magistrates, 8 units a month are awarded for miscellaneous work which includes recording of statements under Section 164 of Cr.PC.

Uttar Pradesh

1. In calculating the total number of working days for which a judicial officer is expected to show quantitative output, the number of days dedicated to miscellaneous work is excluded.
2. In Schedule A of the list of entries dealing with Criminal Work, there is a mandate that when part heard cases are not completed in the same financial year, the presiding officer may make a note in his statement of the precise work done and the time spent therein. Thus, it is possible that many judicial functions such as framing of charges, examination of witnesses etc. may be covered under this provision.

F. Policy Regarding Administrative Responsibilities

In addition to the judicial functions, judicial officers usually are also entrusted with a variety of administrative responsibilities. The administrative responsibilities can be of a wide range and can also vary according to the cadre of judicial officers. These responsibilities are an important and integral aspect of their role as members of the judiciary. These responsibilities can range from organising legal literacy camps to inspection of courts. They also include conducting departmental inquiries and being part of various administrative committees.

The Norms in the States address the issue of administrative responsibilities of judicial officers in different ways and to different degrees. In some States, certain administrative responsibilities are explicitly included in the list of entries carrying quantitative weightage. For example, officers in Higher Judicial Service in Madhya Pradesh are awarded 4 units per court for annual inspection.

In some other States, specified categories of officers are awarded certain number of units in general in recognition of the overall administrative responsibilities entrusted to such categories of judicial officers. For example, in Assam, District and Sessions Judges, Chief Judicial Magistrates and SDJM (posted in Sub-divisional Head Quarters) are awarded 2 units per court under their administrative jurisdiction.

In some States, a relaxation in the Norms is prescribed for judicial officers having substantial administrative responsibilities. For example, in New Delhi, an officer in the cadre of District Judge-I, Sessions Judge, Chief Metropolitan Magistrate and Administrative Civil Judge (central) are expected to fulfil only 50% of the allotted units for a particular rating. Thus, a Sessions Judge will get a rating of 'Outstanding' if he completes work equivalent to more than 200 units.

In some States, relaxation has been given to certain judicial officers in the very prescription of the norms. For example, in Tamil Nadu, the prescribed norm of disposal of a Principal District Judge is less than that of an Additional District Judge. Similarly, in City Civil Courts in Chennai, the norm of disposal of the Principal Judge is less than that of the Additional Judges and Assistant Judges.

In some States, a combination of such methodologies is also adopted. For example, in West Bengal, specific units are awarded for certain administrative responsibilities. Also, certain categories of officers are given certain number of units in recognition of the overall administrative responsibilities entrusted to them.

Best Practice

The best practice in this respect can be found in Maharashtra and to a certain extent, in West Bengal. In Maharashtra, weightage is attributed to specified categories of officers having administrative responsibilities in a structured manner. It presents a more logical and clear approach. The calculation involved is simpler. Awarding weightage to specific administrative work is cumbersome as the range of administrative responsibilities cannot be adequately pre-defined. Apart from some predictable work like inspection of courts, there might be many administrative responsibilities in terms of being part of committees and being in charge of specific assignments which cannot always be reflected in the list of entries.

Assam

1. District and Sessions Judges, Chief Judicial Magistrates and SDJM (posted in Sub-divisional Head Quarters) are awarded 2 units per court under their administrative jurisdiction.
2. Judicial officers working as Secretaries of District Legal Services Authorities in addition to their normal duties are awarded 10 additional units in a quarter.
3. Judicial officers working as Secretary, Deputy Secretary or Assistant Secretary of Mediation Centres in addition to their normal duties are awarded additional 5 units in a quarter.
4. Judge of all cadres are awarded 5 units for conducting Departmental Inquiry.

Manipur

No express concession or additional weightage has been awarded in relation to the administrative responsibilities that a judicial officer might be discharging in any of the official policies shared with us.

Odisha

There is no express relaxation or additional weightage for administrative responsibilities in any of the official policies shared with us.

West Bengal

1. District judges having 40 courts and above, Chief Judge of City Civil Court, Chief Judge of City Sessions Court and Chief Judge of P.S.C Court are awarded 80 units per year.
2. District Judges having less than 40 courts are awarded 40 units per year.
3. Officers in the Cadre of District Judges/F.T.C Judges are awarded units for inspection of jail, inspection of own court (1 unit) and for inspection of subordinate courts (4 units).
4. Judicial Magistrates are awarded 1 unit for inspection of jails.
5. Officers in the Cadre of District Judges/F.T.C Judges, Civil Judges Senior Division cum Assistant Sessions Judges, Civil Judge Junior Division and Judicial Magistrates are awarded units for annual inspection of own court. (4 for District Judges/F.T.C Judges and 6 for other cadres)
6. Officers in the cadre of CMM, ACMMs, CJMs and ACJMs are given 20 units per year for administrative work.
7. 1 unit per programme is awarded to officers of all cadres for attending and organising Legal Aid Camps and Legal Awareness Camps.
8. 4 units are awarded for conducting departmental inquiry to officers of all cadres.
9. The requirement of units for different ratings is relaxed for District Judges having 40 or more than 40 courts under their judgeship, Chief Judge of City Civil Court and Chief Judge of City Sessions Court.
10. The requirement of units for different ratings is relaxed for District Judicial Magistrates, Chief Judicial Magistrate and Addl. Chief Judicial Magistrate in a place

where there is no Chief Judicial Magistrate and also for Addl. Chief Judicial Magistrates in places where there is a Chief Judicial Magistrate.

Karnataka

There is no express relaxation or additional weightage awarded to judicial officers for their administrative responsibilities in any of the official policies shared with us.

Tamil Nadu

0.50 units are awarded for holding inquiry in disciplinary proceedings. While no separate concession is granted for administrative responsibilities of judges, it seems to have been addressed through the fixation of norms in the first place. One can notice that in different categories, judges having more administrative responsibilities have been given reduced norms. For example, the prescribed norm of disposal of a Principal District Judge is less than that of an Additional District Judge. Similarly, in City Civil Courts in Chennai, the norm of disposal of the Principal Judge is less than that of the Additional Judges and Assistant Judges. However, the Norms do not specify if the same is done in recognition of the administrative responsibilities or for some other reason.

Chhattisgarh

Following concession is granted to officers of Higher Judicial Service;

1. 22 units per month to District Judges where there are up to 20 courts in the District
2. 30 units per month to District Judges where there are more than 20 courts in the District
3. 5 units per court for annual inspection
4. 5 units per literacy camp subject to a maximum of 10 units in a month
5. 5 units per month to senior officers in charge of Nazarat, Copying, Record Room, Malkhana/Library and Stationary at the District Head Quarter who have done substantial work and the same is certified by District Judge.
6. 4 units per month for officers in charge of Nazarat, Copying and Malkhana in outlying stations.

7. 7 units per month for officers in charge of other sections in outlying stations where there is only one judge.
8. 15 units to Principal Judge/Judge, Family Court for administrative work.
9. 10 units to Additional Principal Judge, Family Court for administrative work.

Following concession is granted to officers of Lower Judicial Service;

1. Railway Magistrates and Motor Vehicles Magistrates are exempted from giving standard disposal units during tour days.
2. 5 units for officer in charge of Malkhana per month if substantial work is done and the same is certified by the District Judge.
3. 4 units per month to junior officers in charge of Nazarat Copying, Record Room, Malkhana who have done substantial work and the same is certified by District Judge.
4. 7 units per month for officers in charge of other sections in outlying stations where there is only one judge.
5. 5 units per literacy camp subject to a maximum of 10 units in a month

Madhya Pradesh

Following concession is granted to officers of Higher Judicial Service;

1. 15 units to District Judges with not more than 10 courts functioning in the district
2. 20 units to District Judges with not less than 10 and not more than courts functioning in the district.
3. 25 units to District Judges with more than 20 courts functioning in the district
4. 4 units per court for Annual Inspection
5. 5 units for each literacy camp. Maximum of 3 camps per month for Chairman of District Legal Services Authority/Tehsil Legal Services Authority and a maximum of 2 camps per month for other judicial officers.
6. 5 units per month to senior officers in charge of Nazarat, Copying, Record Room, Malkhana/Library and Stationary at the District Head Quarter who have done substantial work and the same is certified by District Judge.
7. 4 units per month for officers in charge of Nazarat, Copying and Malkhana in outlying stations.

8. 7 units per month for officers in charge of other sections in outlaying stations where there is only one judge.
9. 5 units for officers in charge of Computerization up to 25 courts.
10. 7.5 units for officers in charge of Computerization from 26 to 50 courts.
11. 10 units for officers in charge of Computerization above 50 courts.

Following concession is granted to Civil Judges/Judicial Magistrates;

6. 5 units for each literacy camp. Maximum of 3 camps per month for Chairman of District Legal Services Authority/Tehsil Legal Services Authority and a maximum of 2 camps per month for other judicial officers.
7. Railway Magistrates and Motor Vehicles Magistrates are exempted from giving standard disposal units during tour days.
8. 5 units for officer in charge of Malkhana per month if substantial work is done and the same is certified by the District Judge.
9. 4 units per month to officers in charge of Nazarat, Copying, Record Room, Malkhana/Library and Stationary who have done substantial work and the same is certified by District Judge.
10. 4 units per month for officers in charge of Nazarat, Copying and Malkhana in outlaying stations.
11. 7 units per month for officers in charge of other sections in outlaying stations where there is only one judge.
12. 5 units for officers in charge of Computerization up to 25 courts.
13. 7.5 units for officers in charge of Computerization from 26 to 50 courts.
14. 10 units for officers in charge of Computerization above 50 courts.

Maharashtra

1. A clear scheme has been incorporated to take into consideration the administrative work of judicial officers. In all, 27 categories of judicial officers have been specified additional weightage of working days for calculating their disposal percentage. For example, while Principal District Judges in Thane, Pune and Nagpur districts are entitled to a weightage of 12 days, President of Industrial Court, Bombay is entitled to 6 days of weightage.

1. Judges participating in legal literacy camps are awarded 1.00 units subject to a maximum of 3 camps in a quarter.
2. A credit of one day in a month is given Chairman and Secretary of District Legal Services Authority and Chairman of the Taluka Legal Services Authority.
3. For every departmental inquiry, the presenting officer gets 1.00 units and the enquiry officer gets 1.50 units.

Gujarat

Though there is no specific rule regarding relaxation of norms due to administrative responsibilities of a judicial officer, an additional weightage of 25% is given to Principal Senior Civil Judges and Judges of Commercial Courts. The rule does not explain if the same is done due to the existing administrative responsibilities or for some other reason.

New Delhi

The District Judge- I and Sessions Judge, Chief Metropolitan Magistrate, Officer assigned the work of DDO and Administrative Civil Judge(Central) are expected to achieve only 50% of the allotted units for a particular rating.

The Judicial Officers working as part time Secretaries of District Legal Services Committees for the second half of each working day are expected to achieve only 50% of the allotted units for a particular rating.

Officer's in-charge looking for Administration, Vigilance, Litigation and Controlling Officer (Accounts) in the office of District Judge-I and Sessions Judge on account of additional Administrative Work are expected to achieve only 80% of the allotted units for a particular rating.

Other District and Sessions Judges and Principal Judge, Family Courts on account of additional Administrative work are expected to achieve only 75% of the allotted units for a particular rating.

DDOs in the office of District Judge-II to District Judge IX, Officers in-charge looking after Administration, Vigilance and Litigation in the offices of District Judge- II to District Judge-IX, and ACMMs on account of additional Administrative Work are expected to achieve only 90% of the allotted units for a particular rating.

In relation to the officers of Delhi Higher Judicial Service, units are also awarded for inspection of court. A judge is granted 3 units per inspection subject to a maximum of 15 units in a quarter. Units are also awarded for conducting fact finding inquiry (2) and regular departmental inquiry (6) to judges of both Higher Judicial Service and Delhi Judicial Service.

Uttar Pradesh

The following provisions have been made in Uttar Pradesh in this respect;

1. The days spent by judicial officers in inspecting their own court or inspecting subordinate courts is expected to be noted in the remarks column of the statement of disposals submitted by the officers.
2. It is also categorically provided that the number of days spent on inspection of subordinate courts will be excluded from the total number of working days for which an officer is expected to give quantitative output.
3. In the cadre of district judges, weightage is given in the following manner for administrative work and for work connected to admissions, bail, legal aid and Lok Adalats;

In districts having not more than 20 courts	15%
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In districts having not more than 30 courts	20%
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In districts having more than 30 courts	25%
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4. In the cadre of senior most additional district and sessions judges, weightage is given in the following manner for administrative work;

In judgeships having not more than 20 courts	1 day per month
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In judgeships having not more than 30 courts	1.5 days per month
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In judgeships having more than 30 courts	2 days per month
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5. Weightage is given to Member/Secretary of District Legal Services Authority who also discharges judicial functions to the tune of 25% in their quota.

G. Policy Regarding Disposal of Old Cases

One of the biggest problems in the Indian judicial system has been the pendency of cases over long periods of times. Clearing the huge backlog of cases has been one of the most important objectives. States have sought to address this issue by incorporating some special provisions in the Norms regarding disposal of old cases. The issue has been addressed primarily by three alternative ways or by a combination of the three ways.

In some States, additional weightage is given to specific categories of old cases. Thus, while a normal disposal of a case would carry a certain quantitative weightage, an old case of the same type would carry additional quantitative weightage. Thus, the list of entries specifies both the normal quantitative weightage and the additional quantitative weightage in relation to the specified categories. Example of such a policy can be seen in New Delhi and Assam. In such a policy, additional weightage is awarded only for some specific cases and not for others. For example, in Assam, while additional weightage is awarded for disposing cases of culpable homicide which are more than 8 years old, no such weightage is given for criminal appeals. In New Delhi, while additional weightage is given for disposal of civil suits which are more than 10 years old, no such provision exists for cases of culpable homicide.

In some States, a blanket additional weightage is given for cases belonging to a broad category. Example of this policy can be seen in Karnataka and Tamil Nadu. In Tamil Nadu, 2.5 extra units are awarded for disposal of contested regular civil appeals pending for more than 10 years. In Karnataka, Additional weightage of one unit is given for disposal by a considered judgement of each suit in every case pending for more than 5 years.

Another approach in this respect is to specify that a proportion of the total disposals by a judicial officer must consist of old cases. In Karnataka, there is a mandate that in relation to the District and Sessions Judges, Civil Judges (Sr. Dn.), Civil Judges (Jr. Dn.), JMFC, CJM

and Judges of Small Causes Courts in Bangalore City that 25% of overall disposal shall be of oldest cases pending on the file.

Best Practice

The best practice in this respect can be seen in Gujarat. Three complimentary strategies have been adopted in Gujarat for encouraging greater disposal of old cases;

1. Firstly, a mandate has been made in relation to different cadres of judicial officers that a specific percentage of their total disposal must consist of old cases.
2. Secondly, additional weightage has been prescribed for old cases of 6 categories ranging from cases which are 1 year old to cases which are more than 10 years old.
3. Thirdly, it has been specifically mentioned that failure to dispose of the required proportion of old cases would result in the downgrading of the rating which the officer would otherwise have been entitled to.

The policy in Uttar Pradesh also adopts this methodology of combining rules of minimum disposal and incentive weightage for promoting disposal of old cases.

Assam

In Assam, extra units are awarded for disposal of old cases in specified category of cases. For example while, disposal of a case of Culpable Homicide is awarded 6 units, 5 additional units are awarded if the case is more than 5 years old. Such provisions for awarding additional units for disposal of old cases has been made in 18 categories of cases.

Manipur

No special provisions have been made pertaining to old cases either in terms of added weightage or in terms of a prescribed percentage of the overall disposal of cases in any of the official policies shared with us.

Odisha

An additional weightage of 25% is awarded to judicial officers for disposal of cases which are more than 7 years old. Thus while the disposal of an original suit is counted as equivalent to the work of 3 working days, the disposal of an original suit more than 7 years old would be counted as equivalent to the work of 3.75 working days.

West Bengal

1. Officers in the Cadres of District Judges/F.T.C Judges are given additional 5 units for contested cases more than 5 years old and additional 2 units for uncontested or ex parte cases more than 5 years old.
 2. It has been mandated that disposal of cases which are more than 7 years old by a judicial officer is to be given due regard by the Zonal Judges while making assessment of the work of the judicial officer.
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Karnataka

1. In relation to the District and Sessions Judges, there is a mandate that 25% of overall disposal shall be of oldest cases pending on the file. A similar mandate is also there for Civil Judges (Sr. Dn.), Civil Judges (Jr. Dn.), JMFC, CJM and Judges of Small Causes Courts in Bangalore City.
 2. Additional weightage of one unit is given for disposal by a considered judgement of each suit in every case pending for more than 5 years.
 3. Additional weightage of one unit is given in all criminal cases (wherein 20 witnesses are examined) and civil cases (wherein 10 witnesses are examined) pending for more than five years.
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Tamil Nadu

Additional units are granted for disposing old cases pending for or more than 7 years or 15 years.

Table 34-Additional Weightage for Disposal of Old Cases in Tamil Nadu

Money suits pending for 7 or more years	1.5 times of the usual units
Suits pending for 7 or more years	2 times of the usual units
Criminal cases pending for 7 or more years	1.5 times of the usual units
Offences under the Prevention of Corruption Act of offences relating to Commercial Crimes pending for 7 or more years	2 times of the usual units
Any case pending for 15 or more years	3 times the usual units

Chhattisgarh

Additional weightage is given for disposal of old cases as per the following scheme;

Table 35-Additional Weightage for Disposal of Old Cases in Chhattisgarh

Cases between 2 to 5 years old	25% additional units
Cases between 5 to 10 years old	50% additional units
Cases more than 10 years old	100% additional units

Madhya Pradesh

Additional weightage is given for disposal of old cases as per the following scheme;

Table 36-Additional Weightage for Disposal of Old Cases in Madhya Pradesh

Cases pending for 5 or more years	25% additional units
Contested Regular civil appeals pending for more than 10 years	2.5 extra units
For recording statement of plaintiff witness and defendant witness in contested civil cases pending for more than 10 years	2.5 extra units
Disposal of contested civil cases pending for more than 10 years	Extra 5 units

Maharashtra

Additional weightage is given for disposal of old cases as per the following scheme;

Table**37-Additional Weightage for Disposal of Old Cases in Maharashtra**

Nature of Case (Civil and Criminal)	Weightage
More than 5 years old	Additional 0.20 times weightage
More than 10 years old	Additional 0.20 times weightage
More than 15 years old	Additional 0.75 times weightage
More than 20 years old	Additional 1.00 times weightage

Gujarat

1. Judges having adequate number of 5, 3 or 1 year old suits are expected to show a disposal of such suits corresponding to 25% of their disposal of working days in a quarter.
2. Magistrates including Chief Judicial Magistrates/Metropolitan Magistrates having sufficient number of 1 year old or 6 months old criminal cases are expected to show disposal of such cases corresponding to 50% of their disposal of working days in a quarter.
3. In case of adequate pendency, judges are also expected to show 50% of disposal from 3 year old cases.
4. The total disposal of matters by Presiding officers must contain at least 20% of contested matters which are more than 2 years old in civil cases and more than 1 year old in criminal cases.

Extra weightage is given for disposal of old cases as per the following scheme if the formal requirements regarding the proportion of disposals of old matters are adhered to;

Table 38-Additional Weightage for Disposal of Old Cases in Gujarat

Category of Case (Civil Cases)	Additional Weightage
More than 10 years old	100%
More than 7 years and less than 10 years old	75%
More than 5 years and less than 7 years old	50%
More than 3 years and less than 5 years old	20%
More than 2 years and less than 3 years	15%

old
More than 1 year and less than 2 years old 5%

The weightage as outlined above is also given to Members, Industrial Court and Judges, Labour Court. Also, a judicial magistrate is given 15% of additional weightage when he keeps the criminal file clear of 6 months old criminal cases.

Along with certain other directions concerning the prioritisation of the disposal of some cases, when a judge fails to adhere to the prescriptions concerning disposal of old cases, the rating that such a judge might have achieved is downgraded. Thus, a judge who otherwise would have received an 'Excellent' rating would receive a rating of 'Very Good' if he has not complied with the prescriptions concerning disposal of old cases.

New Delhi

In Delhi, extra units are awarded for disposal of old cases in its specified category of cases. For example, while generally 4 units are awarded for deciding cases under Section 125 of Cr.PC, 6 units are awarded if the case is more than 5 years old. While 7 units are awarded for deciding a contested civil suit, 10 units are awarded for deciding a contested civil suit which is more than 10 years old. Such provisions for awarding additional units for disposal of old cases has been made in 23 categories of cases.

Uttar Pradesh

The following provisions have been made in Uttar Pradesh in this respect;

1. Presiding officers are encouraged to prepare a list of 100 oldest cases in each quarter and dispose of the same on a priority basis.
2. Additional weightage is given to both civil and criminal cases as per the following scheme;

Table 39-Additional Weightage for Disposal of Old Cases in Uttar Pradesh

Critically old cases	Pre 2005	50% additional weightage
Very old cases	Pre 2010	40% additional weightage
Old Cases	Pre 2013	30% additional weightage

3. All officers are expected to dispose of at least one case of each category mentioned above every month.
4. If an officer decides more than the minimum number of cases in each category, he is also entitled to an additional 10% per case.
5. The rating given to an officer is reviewable if he has not disposed of the minimum number of old cases from the above categories.
6. For disposal of appeals/revisions pending in the District Court filed during the pendency of original proceedings against the interim/miscellaneous orders by which the proceedings of the trial court get stayed, additional weightage at twice the recommended rate is awarded to the concerned judge.

H. Policy Regarding Incentive Weightage

In many States, schemes of incentive weightage have been adopted to promote greater disposal of a particular variety of cases. In States like New Delhi and Assam, incentive weightage is awarded when the judicial officers dispose a particular category of cases beyond a specified threshold. For example, 5 units for awarded generally for the first 10 disposals in a particular category. After the tenth disposal, 8 units are awarded for each additional disposal. In Chhattisgarh, additional weightage is granted for disposing civil cases involving senior citizens. Here, instances of additional weightage for disposal of old cases have not been included as the same has been detailed separately. From the official Norms, there does not seem to be any provision of incentive weightage in Odisha, West Bengal, Karnataka, Tamil Nadu, Gujarat and Uttar Pradesh.

Best Practice

It would not be appropriate to compare policies of the States in this respect as such policies are mostly reflections of the localised challenges and priorities. Thus, incentive weightage may be granted in relation to specific categories of cases to clear disproportionate backlog which might be there in relation to such cases and not others. However, the practice of awarding incentive weightage for civil cases can be addressed in formulation of the norms itself and need not be addressed through a scheme of incentive weightage. Promoting disposal of civil cases in case of pendency can be ensured by prescribing rules on proportionality of disposal instead of awarding incentive weightage.

Assam

Additional units are granted in some categories of cases when the number of disposal crosses a specified threshold. For example, 8 units are awarded for the final disposal of a Trap case up to 3 cases in a quarter. After the 3rd case, the judicial officer would be entitled to 12 units for every final disposal. Such provision has been made in 9 categories of cases with different threshold for different categories.

Manipur

A benchmark has been fixed on the average pendency which is 400 cases for criminal courts, 100 cases for civil courts and 60 Sessions cases for Sessions Courts.

1. Where pendency is less than 20% of the total benchmark, the units obtained are increased by 10%.
2. Where pendency is less than 40% of the total benchmark, the units obtained are increased by 20%.
3. Where pendency is less than 60% of the total benchmark, the units obtained are increased by 40%.

Chhattisgarh

1. Officers who are handling exclusively civil work are given extra 20% units on the total units earned by them for civil work.
2. Officers who are handling both civil and criminal work are given extra 10% units on the total units earned by them for civil work.
3. 10% extra units are given for disposal of civil cases relating to Senior Citizens.

Madhya Pradesh

1. Officers who are handling exclusively civil work are given extra 20% units on the total units earned by them for civil work.
2. Officers who are handling both civil and criminal work are given extra 10% units on the total units earned by them for civil work.

Maharashtra

1. Additional credit at the rate of .20 times is awarded for disposal up to 10 matters by a common judgement.
2. Additional credit at the rate of 1.20 times is awarded for disposal of 11 or more matters by a common judgement.
3. Additional credit at the rate of .10 times is given for rendering judgements in Marathi.

New Delhi

Additional units are granted in some categories of cases when the number of disposal crosses a specified threshold. Thus, while 8 units are awarded for deciding a case of culpable homicide for the first 7 such cases, a judge is awarded 12 units for every additional case decided beyond 7. This scheme for awarding extra units for deciding cases beyond a particular limit is incorporated for various categories of cases. While 2 units are awarded for every criminal appeal decided on merits for the first 15 cases, 3 units are awarded for every criminal appeal decided beyond 15. Out of the 102 sub-categories of cases for which units are awarded, such an incentive for extra work is provided in relation to 29 sub-categories of cases.

I. Policy Regarding Concession for Leave Availed and Regarding Newly Recruited Officers

It is a general rule that whenever any officer fails to fulfil the quantitative benchmark prescribed in the Norms, the reasons for such failure may be furnished by him and the same is expected to be taken into consideration if found reasonable. In such situations, it is feasible that judicial officers may cite leave taken by them or the fact that they have newly joined the profession as reasons for not being able to fulfil the quantitative benchmark prescribed under the Norms. However, in such situations, accepting the validity of these reasons depends on the discretion of the higher authorities and such occasions also have the possibility of being fertile grounds of discrimination.

Thus, it is desirable that the policy in this respect should be clear in the Norms prescribed in a State. The requests for being granted concession on the grounds of leave availed or for being new in the job should be decided on the basis of established rules and not under discretionary authority.

J. Policy Regarding Concession for Leave Availed

The policy regarding concession from quantitative benchmarks for leave availed is marked by variety of approaches.

In States like Karnataka, Madhya Pradesh and Chhattisgarh, concession can be granted for leave availed only in certain specified kinds of leave. In States like Maharashtra, Manipur and West Bengal the quantitative benchmark is assessed only on the basis of the number of days an officer has actually worked. Thus the officers automatically get concession for any leave they might have availed. In States like Gujarat, Odisha and Assam, there does not seem to be any express rule regarding officers being granted concession for any leave availed by them.

Best Practice

The best practice in this respect can be seen in Chhattisgarh and Madhya Pradesh. While identifying the best practice in this respect, there is the need to balance two requirements; encouraging greater disposal of cases and promoting reasonable work environment for judicial officers. Assessing the work of judicial officers only for the days on which they have actually worked would mean that their quantitative benchmark will be adjusted in relation to every single leave they might take, for whatever reason. Keeping in mind the pendency in the courts, such a degree of relaxation does not seem appropriate. On the other hand, not providing any kind of concession when leave is taken for genuine reasons can be demotivating and harsh. The policies in Chhattisgarh and Madhya Pradesh provide a balanced solution to this dilemma by awarding concession for certain kinds of leaves and not others. The kinds of leaves which have been recognised for this purpose seem to have been prepared keeping in mind peculiarities of Indian society which may not be as relevant elsewhere. Thus, apart from certain other categories, leave taken for the marriage of a son or daughter and leave taken in case of the death of close family members is recognised.

Assam

There is no express concession granted for any leave availed by a judicial officer in any of the official policies shared with us.

Manipur

A generalised guideline has been prescribed that the number of days an officer has been on leave may be taken into consideration while his quarterly output is being assessed. However, this is subject to the condition that the work done by him is otherwise found to be substantial.

Odisha

There is no express concession granted for any leave availed by a judicial officer in any of the official policies shared with us.

West Bengal

While assessing the work of a judicial officer, the actual days employed by an officer is taken into consideration. Thus, any leave availed by an officer is taken into account for a proportionate reduction in the disposal requirements.

Karnataka

Concession is granted in terms of achieving the prescribed norms by a judicial officer only for medical leave of more than twenty days or maternity leave.

Tamil Nadu

Concession is granted when the officer has actually worked for less number of days than the designated number of working days. The required norm for such an officer is reduced on a proportionate basis.

Chhattisgarh

Leave taken by an officer on the following grounds is taken into account while determining the number of working days applicable to a judicial officer;

1. Leave taken on the ground of serious ailment of himself, spouse or children.
2. Leave taken on the ground of sudden demise of family members (mother, father, brother, sister, husband, wife, son and daughter)
3. Number of days spent in the training/workshop which is held in the working days.
4. Leave taken for marriage of self, brother, sister, son and daughter.
- 5.

Madhya Pradesh

Leave taken by an officer on the following grounds is taken into account while determining the number of working days applicable to a judicial officer;

1. Leave taken on the ground of serious ailment of himself, spouse or children.
2. Leave taken on the ground of sudden demise of family members (mother, father, brother, sister, husband, wife, son and daughter)

3. Period spent in the training/workshop which is held in the working days.
4. Leave taken for marriage of self, brother, sister, son and daughter.

Maharashtra

Calculation of norms is made only in relation to the actual working days of a judicial officer. Thus, any leave availed by an officer is taken into account for a proportionate reduction in the disposal requirements.

Gujarat

There is no express provision for any kind of concession to be granted for leave availed by a judicial officer in any of the official policies shared with us.

New Delhi

4 units are added to the total number of units earned by a judicial officer for each day that he is on leave. This concession is at the same ratio which is adopted when the required units in a quarter are reduced by 4 units a day when the number of working days in the quarter is less than 70.

Uttar Pradesh

In calculating the working days of a judicial officer, all days on which the officer is casual and earned leave is excluded.

K. Policy Regarding Concession for Newly Recruited Officers

In majority of the States, there is no express or official relaxation of norms for newly recruited judicial officers. They are expected to achieve the same quantitative benchmark as the rest of the officers. Only four States (Chhattisgarh, Madhya Pradesh, Maharashtra and Gujarat) have made clear rules under which concession is granted to newly recruited officers for a certain period of time.

Best Practice

The best practice in this respect can be seen in Gujarat, Chhattisgarh and Madhya Pradesh. In these States, concession is granted to newly recruited officers in the cadre of both entry level and District Judges.

Chhattisgarh

For the first two years of joining office, the criteria for newly appointed judicial officers in Higher Judicial Service is one unit less for each category. For the first two years of joining office, the criteria for newly appointed judicial officers in Lower Judicial Service is 1.5 units less for each category.

Madhya Pradesh

For the first two years of service, the criteria for newly recruited officers in the Higher Judicial Service is 1 unit less in each category of the rating scale. For the first two years of service, the criteria for newly recruited officers in the cadre of Civil Judges/Judicial Magistrates is 1.5 unit less in each category of the rating scale.

Maharashtra

Concession is granted to newly recruited Civil Judges (Junior Division) and Judicial Magistrates First Class. Till the completion of their training and for the first 4 months thereafter, no calculation is made of their disposals. For the next 8 months, their norms are calculated by considering $\frac{1}{2}$ days out of the total effective working days. For the 4 months thereafter, their norms are calculated with $\frac{2}{3}$ days out of the total effective working days.

Gujarat

The norms for a District Judge in the first year of his appointment are calculated as $\frac{2}{3}$ rd of the prescribed norms. In case of Civil Judges and Judicial Magistrates the norms during the 1st year of probation and the 2nd year of service is calculated as 50% and $\frac{2}{3}$ rd of the prescribed norms. For the first two months of being appointed, the work of Civil Judges and Judicial Magistrates is not calculated.

L. A Hypothetical Comparison of Quantitative Workload

In light of the wide range of differences, it becomes very difficult to compare the quantitative workload of judicial officers in different States. Firstly, there is a great deal of difference in the categories of judges for whom Norms have been specified. While, in Tamil Nadu, Norms have been specified separately for 45 categories of judicial officers, it has been specified separately for 5 categories of officers in Assam.

Secondly, there are differences in the quantitative benchmark which has been prescribed. Thirdly, there are differences in the rating scale adopted by different States. While some States have a 4 point rating scale, some have a 6 point rating scale and some States do not have any rating scale apart from the requirement of achieving a minimum quantitative benchmark.

Fourthly, the numbers of working days for which the quantitative benchmarks are assessed also vary. The expected number of working days in a year is 220 in Chhattisgarh and Madhya Pradesh, 240 in Odisha, 252 in Assam and 288 in Gujarat. The quantitative benchmarks are

relaxed in Assam and Gujarat if the number of scheduled working days in a year falls below 252 or 288. In Chhattisgarh and Madhya Pradesh, there is no relaxation if the scheduled working days are below 220 but there is relaxation for judicial officers who avail certain categories of leave. In Odisha, no relaxation of any kind exists and a judicial officer is expected to show output equivalent to 240 working days regardless of the scheduled number of working days and any leave availed. In West Bengal, Manipur and Maharashtra, there is no fixed number of working days on the basis of which the quantitative benchmark of a judicial officer is assessed. In these three States, the assessment is done on the basis of the actual number of days for which a judicial officer has worked.

Fifthly, the rules regarding relaxation of Norms vary significantly. While the quantitative benchmark of a judicial officer in Manipur, Maharashtra and West Bengal will be proportionately reduced for the days that he has availed leave, a judicial officer in Odisha will not be entitled to the same.

Sixthly, the manners in which the administrative responsibilities of judicial officers will be adjusted as quantitative weightage are significantly different. In Maharashtra a District Judge would get weightage of a specified number of days. No additional weightage is provided for inspection of court etc. In Chhattisgarh and Madhya Pradesh, apart from the weightage of units that a District Judge would get, he would also be entitled to specific number of units for each inspection.

Seventhly, the list of entries for which quantitative weightage has been prescribed varies substantially. In Gujarat, after removing redundant entries, quantitative weightage has been prescribed for 289 entries. The corresponding number for Odisha is 74. This means that some cases have been expressly given quantitative weightage in some States and not in others. While quantitative weightage has been prescribed for insolvency petitions in Gujarat and Maharashtra, no such mention has been made in the list of entries in Chhattisgarh and Assam. Proceedings under Section 125 of Cr.PC are mentioned in the list of entries in both New Delhi and Chhattisgarh. However, in Chhattisgarh separate units are awarded for contested and uncontested maintenance proceedings and no such distinction has been maintained in New Delhi.

Eighthly, the nature of additional conditions in different States is starkly different. In Maharashtra, the ratio of disposal of civil and criminal cases by a judicial officer should be proportionate to the pendency of civil and criminal matters in his docket. On the other hand, in Madhya Pradesh, a judge dealing with both criminal and civil matters is expected to achieve disposals of at least 30 units of civil work per month. In West Bengal there is a mandate of required number of contested disposals in order to be eligible for a rating. For example, a Civil Judge (Senior Division) will not be awarded a rating of Outstanding even if he has earned above 140 units in a month unless he has disposed of a minimum of 5 suits and 1 appeal in a month. Similarly, a Judicial Magistrate would not be rated Very Good even if he has earned more than 97 units in a month unless he has disposed of 18 contested cases. No such additional conditions have been prescribed in Tamil Nadu and Odisha.

Tenthly, the scheme of incentive weightage also differs greatly. In Maharashtra, additional credit is granted for disposal of multiple matters by a common judgement. On the other hand, in West Bengal, it has been expressly provided that analogous suits disposed of by a common judgement will be treated as one disposal of suit. In Chhattisgarh, additional units are awarded for disposing civil cases involving senior citizens. In New Delhi and Assam, additional units are awarded in particular categories of cases when the number of disposals in the specified category crosses prescribed threshold.

On point number eleven is the disparity of weightage attached to disposal of old cases. In Gujarat, extra weightage is awarded to old cases ranging from 1 year old to 10 years old. In Tamil Nadu, extra weightage is awarded for old cases ranging from 7 years old to 15 years old.

The range of differences outlined above means that it becomes quite problematic to meaningfully compare the disparity, if any, in the quantitative workload of judicial officers in different States. Thus, while conducting a comparative assessment, certain prescriptions in the Norms have been deliberately ignored while calculating the case load and focus has been on building a comparative foundation of certain points of similarities among different States. Particularly difficult to reconcile is the differences in the additional conditions regarding quantitative benchmark due to the substantial disparity in the list of entries with quantitative weightage and the list of various categories of judges in the different States. It is extremely problematic to find the same entry for the same category of judge in multiple States with

similar rating scale, similar policies regarding administrative responsibilities, concession for leave, incentive weightage, proportionality of disposal and disposal of old cases.

Thus, we are constrained to limit the comparative assessment by ignoring or neutralising certain variables and limiting the number of States in the comparative framework.

All analysis is based on the following assumptions;

1. The projection of the quantitative benchmark is for annual assessment.
2. That there has been no reduction in the prescribed number of working days for the year.
3. That the concerned judicial officer has not taken the benefit of any proportionate reduction of benchmark for the leave availed by him.
4. That there has been no added weightage earned by the judicial officer by disposing old cases. However, wherever disposal of old cases is a part of the mandate (Karnataka), it is presumed that the judicial officer has complied with such mandate.
5. There has been no incentive weightage earned by the judicial officers other than those which accrue due to disposing more than a specified number of cases of a particular category.
6. That no account has been taken of quantitative weightage attached to specific administrative responsibilities as the same can be earned on actual work. However, account has been taken of quantitative weightage attached to administrative positions.

The combination of entries through which quantitative benchmark has been calculated is based on the policies on proportionate disposal and the commonality of entries among the States under comparison.

Odisha, Karnataka and Tamil Nadu

Odisha, Karnataka and Tamil Nadu do not have any rating scale and in each State, a certain quantitative benchmark has been prescribed.

The following figure illustrates the manner in which a judicial officer in the cadre of District and Sessions Judge in Odisha, Tamil Nadu and Karnataka (not being Principal District Judge) can achieve the prescribed yearly benchmark. In this case, the judge in Karnataka needs to

ensure that at least 25% of the cases disposed of by him were the oldest cases in his file. This figure assumes that the judge is handling both civil and criminal matters and thus existing policies on proportionate disposal have been applied.

Annual Assessment of District and Sessions Judges (other than Principal District Judges)

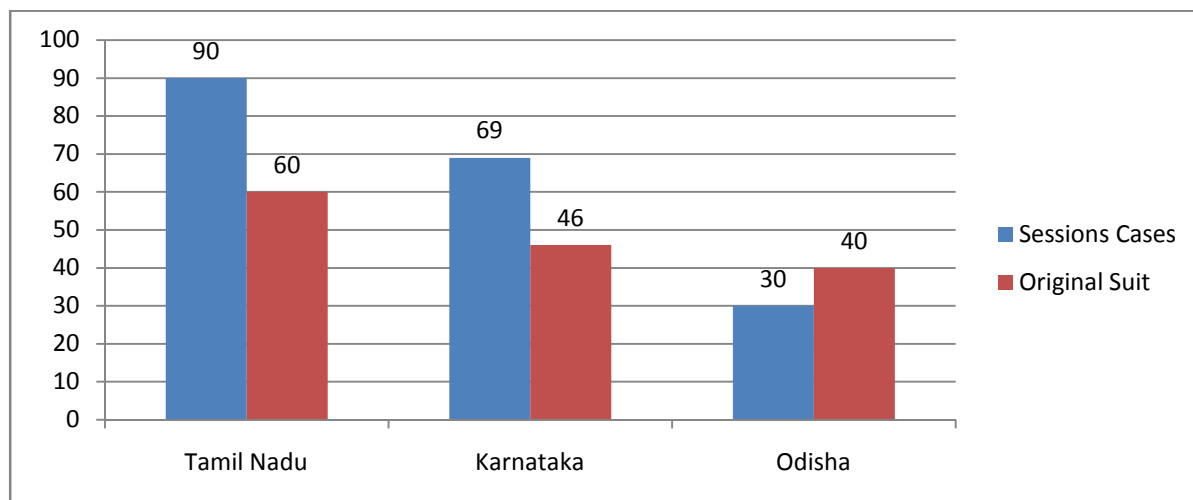


Figure 13 Comparative Workload-1 in Odisha, Tamil Nadu and Karnataka

If we analyse the benchmark for Principal District Judges, the workload for judges in Tamil Nadu will be reduced as judges having substantial administrative responsibilities have been systematically given a more relaxed benchmark.

Annual Assessment of Principal District and Sessions Judges

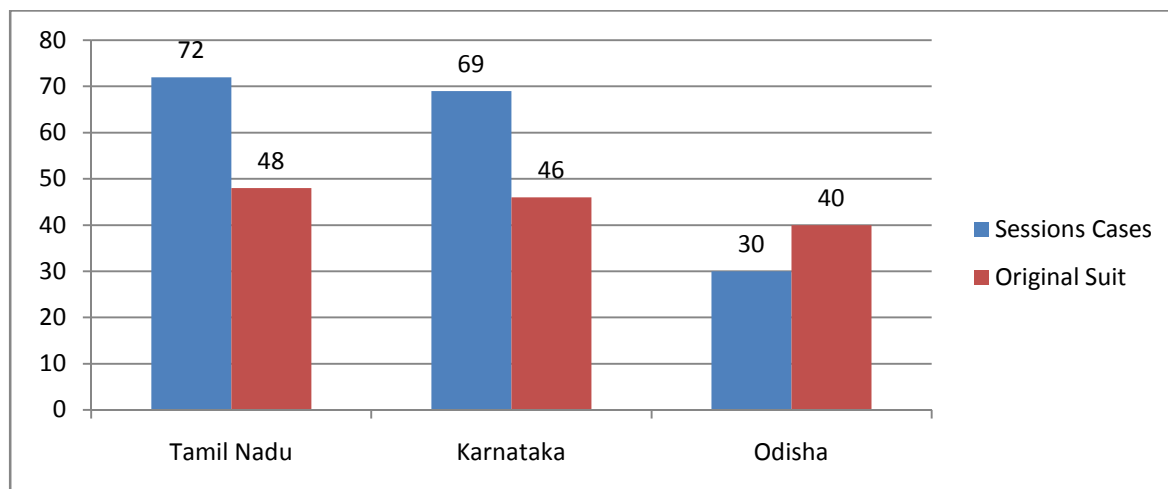


Figure 14 Comparative Workload-2 in Odisha, Tamil Nadu and Karnataka

Assam, New Delhi, Chhattisgarh and Madhya Pradesh

Assam, New Delhi, Chhattisgarh and Madhya Pradesh have adopted a 4 point rating scale for grading the quantitative benchmarks of judicial officers. However, while Chhattisgarh and Madhya Pradesh have adopted ratings of Poor, Average, Good and Very Good; New Delhi and Assam have adopted the ratings of Inadequate, Good, Very Good and Outstanding.

Table 40-Comparative Ratings Scale of Assam, New Delhi, Chhattisgarh and Madhya Pradesh

State	Rating 1	Rating 2	Rating 3	Rating 4
Assam	Inadequate	Good	Very Good	Outstanding
New Delhi	Inadequate	Good	Very Good	Outstanding
Chhattisgarh	Poor	Average	Good	Very Good
Madhya Pradesh	Poor	Average	Good	Very Good

Thus a Good rating in New Delhi and Assam is equivalent to an Average rating in Chhattisgarh and Madhya Pradesh.

In this comparative assessment, attempt has been made to ascertain the amount of workload a judicial officer needs to achieve in order to be awarded the highest rating in these States and in order to avoid the lowest rating in these States. Thus, we are looking at the comparative workload of judicial officers (in the cadres of District Judges/Higher Judicial Service) to be awarded 'Good (Assam, New Delhi) and Average (Chhattisgarh, Madhya Pradesh)' and 'Outstanding (Assam, New Delhi) and Very Good (Chhattisgarh and Madhya Pradesh).

The following is the standard number of units which are necessary in the 4 states for a rating of Average/Good and for a rating of Very Good/Outstanding;

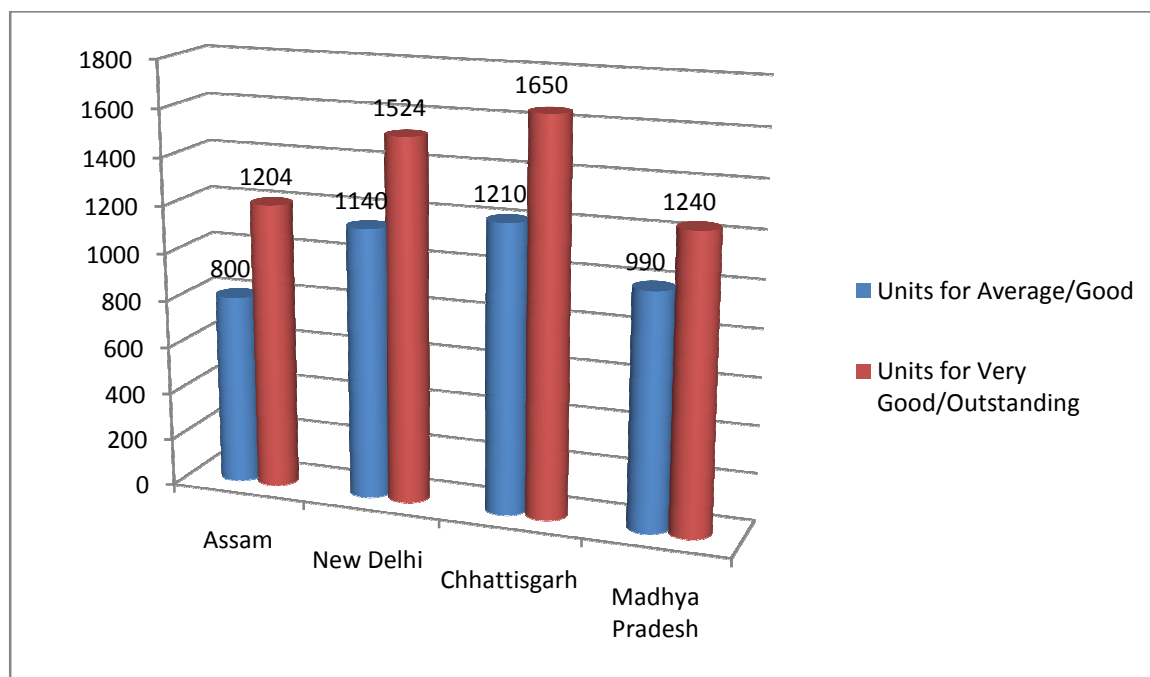


Figure 15 Standard Rating Scale in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

These figures change when we take into account the additional weightage/relaxation that is available. As the extra weightage in Chhattisgarh, Madhya Pradesh and Assam is dependent on the number of courts under the judgeship of a District Judge, a hypothetical figure of 25 districts under the judgeship of all the judges has been assumed and applicable quantitative weightage has been adjusted. The Norms in New Delhi have been relaxed by 50% as prescribed.

The following is the adjusted number of units which are necessary in the 4 states for a rating of Average/Good and for a rating of Very Good/Outstanding;

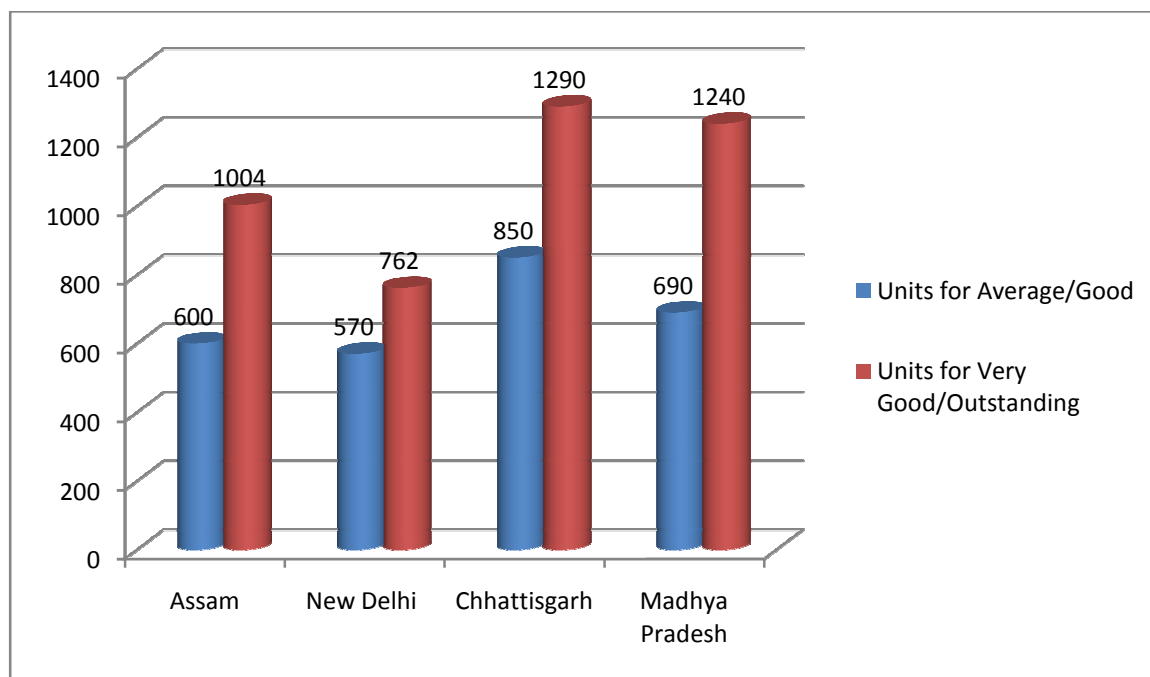


Figure 16 Adjusted Rating Scale in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

The workload of the officers has been assessed in the following categories of entries which are common across the official Norms of all the 4 States;

1. Sessions Trial-A
2. Sessions Trial-B
3. Criminal Revision
4. POTA Cases
5. NDPS Cases
6. Election Petition
7. Civil Appeal

Sessions Trial-A refers to the trial of more serious offences. However, it needs to be noted that the listings under this heading differ from State to State. While the list includes Murder and Culpable Homicide in all the 4 states, there is variation in terms of the other offences included in this category. In New Delhi, this category includes cases under 498A, 304B and 364A of IPC and also cases under TADA, POTA and MCOCA. The list in Assam is mostly same with New Delhi with cases under NDPS substituting the cases under MCOCA and the addition of cases under section 121 of IPC. In New Delhi, NDPS cases has been included in another category which is titled here as Sessions Trial-B.

In Chhattisgarh, Sessions Trial-A includes cases on Murder, Culpable Homicide and Dacoity. In Madhya Pradesh, this category includes Murder, Culpable Homicide, Dowry Death, Dacoity and other cases where Section 149 (IPC) is involved. In both Chhattisgarh and Madhya Pradesh, POTA and NDPS cases have been listed separately with separate allocation of units.

This means that a trial of Dowry Death will be under the heading of Sessions Trial-A of all States apart from Chhattisgarh. A case under 498-A of IPC will be in category A of Assam and New Delhi and under category B of Chhattisgarh and Madhya Pradesh.

The distribution between civil and criminal cases has been kept equal after complying with the existing policies regarding proportionality of disposal. Mostly, the disposal benchmark has been assessed by taking into account one category of civil and criminal case.

Culpable Homicide, 498-A of IPC and Election Petitions

If we consider cases of Culpable Homicide and Election Petition, the judicial officers in the 4 States would be able to avoid the lowest rating and get a rating of Average/Good with the following figures of disposal;

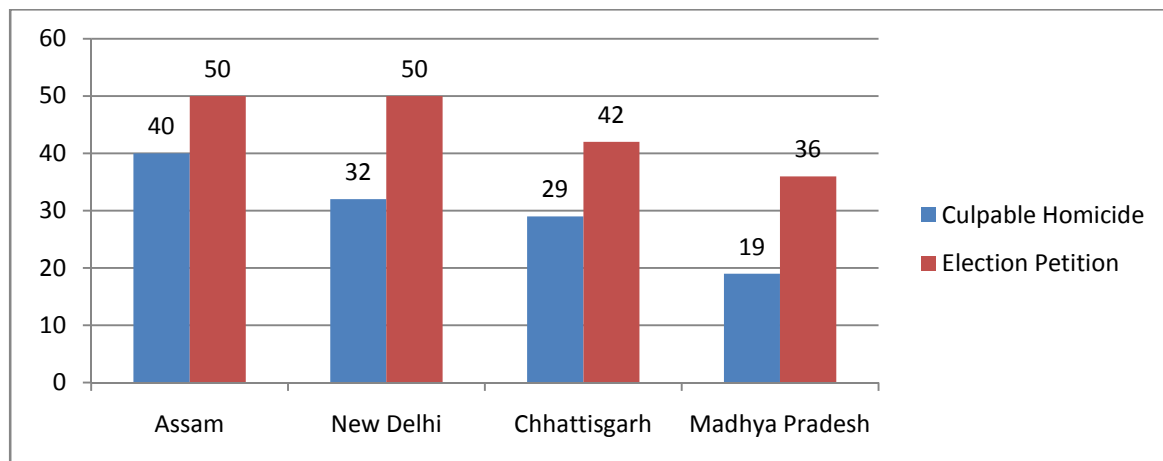


Figure 17 Comparative Workload-1 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

If we consider cases of 498-A of IPC and Election Petition, the judicial officers in the 4 States would be able to avoid the lowest rating and get a rating of Average/Good with the following figures of disposal;

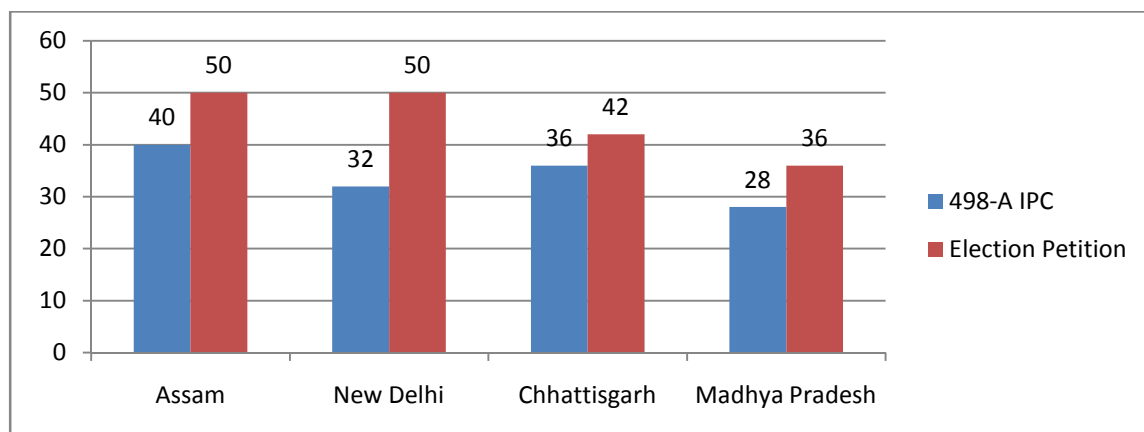


Figure 18 Comparative Workload-2 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

If we consider cases of Culpable Homicide and Election Petition, the judicial officers in the 4 States would be able to get the highest rating and get a rating of Very Good/Outstanding with the following figures of disposal;

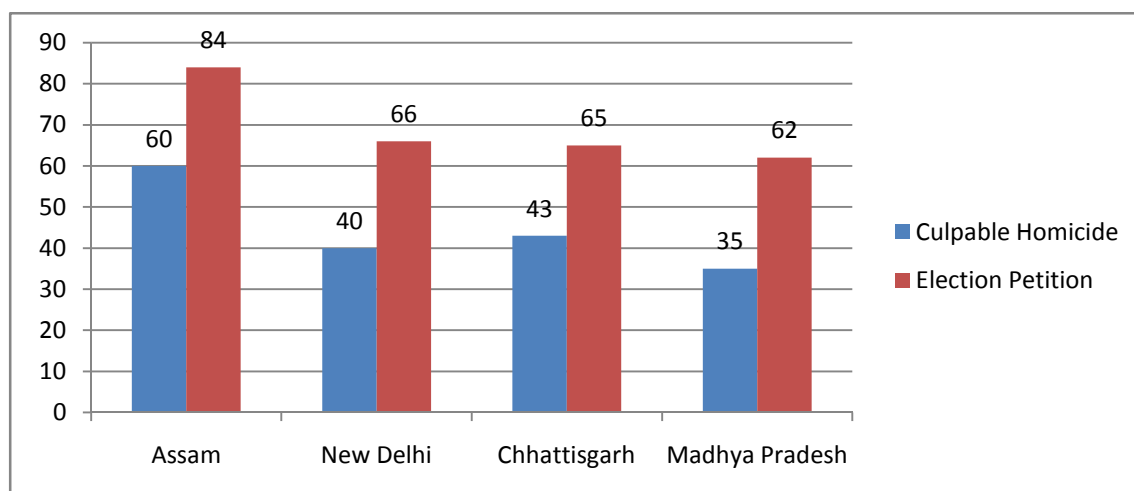


Figure 19 Comparative Workload-3 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

If we consider cases of 498-A of IPC and Election Petition, the judicial officers in the 4 States would be able to get the highest rating and get a rating of Very Good/Outstanding with the following figures of disposal;

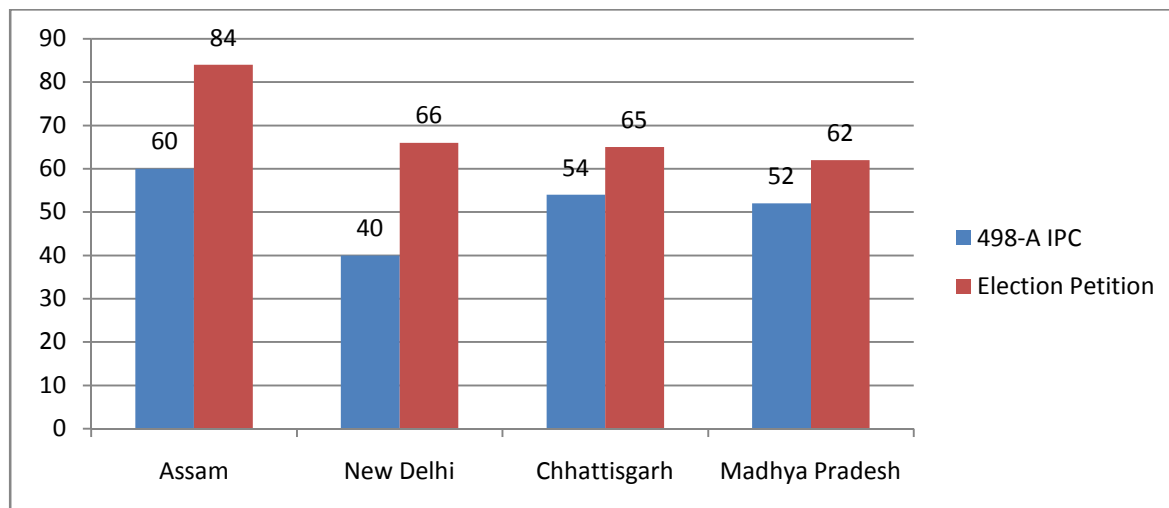


Figure 20 Comparative Workload-4 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

The numbers in Chhattisgarh and Madhya Pradesh have changed in the tables dealing with 498-A (IPC) only because of the heading under which 498-A has been listed carries lower units than the one for Culpable Homicide. In New Delhi and Assam, both the offences have been listed under the same heading. The difference is most stark in case of Madhya Pradesh. The difference in the number of units for 498-A and Culpable Homicide in Chhattisgarh is 3 and the corresponding figure in Madhya Pradesh is 6.

POTA Cases, NDPS Cases and Civil Appeals

If we consider cases under POTA and Civil Appeals, the judicial officers in the 4 States would be able to avoid the lowest rating and get a rating of Average/Good with the following figures of disposal;

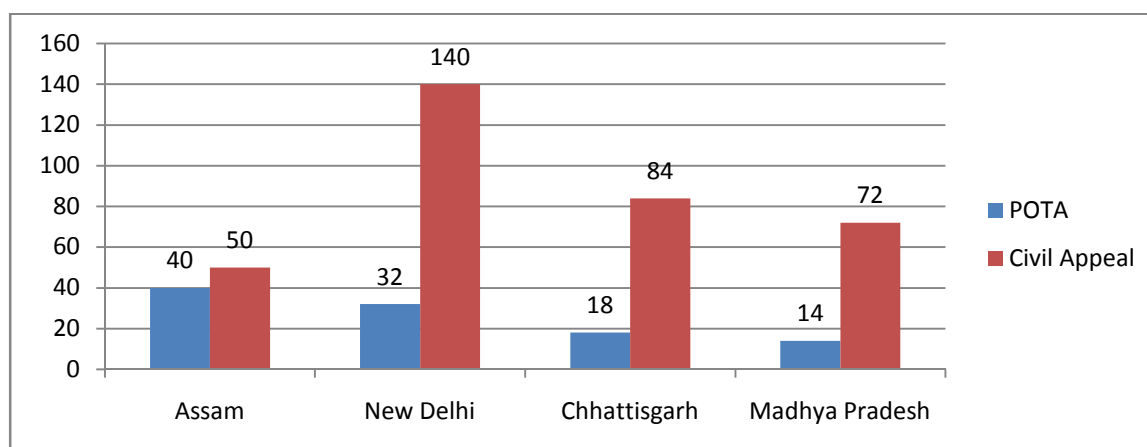


Figure 21 Comparative Workload-5 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

If we consider cases under POTA and Civil Appeals, the judicial officers in the 4 States would be able to get the highest rating of Very Good/Outstanding with the following figures of disposal;

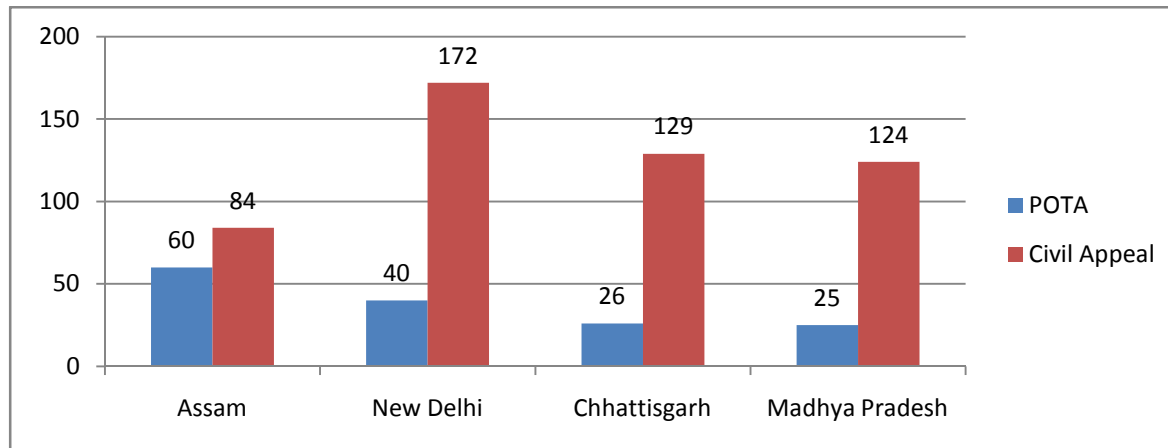


Figure 22 Comparative Workload-6 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

In POTA cases, the numbers in New Delhi and Assam remain the same as they were in cases of Culpable Homicide. The numbers in Chhattisgarh and Madhya Pradesh change drastically because of the fact that while Culpable Homicide cases carry 12 and 18 units, cases under POTA carry 25 units per case in both the States. Civil appeals in New Delhi carry 2 units per case for the first 30 cases in a quarter and 3 units thereafter. In Assam, a civil appeal carries 6 units. It carries 5 units in Chhattisgarh and Madhya Pradesh.

If we consider cases under NDPS and Civil Appeals, the judicial officers in the 4 States would be able to avoid the lowest rating and get a rating of Average/Good with the following figures of disposal;

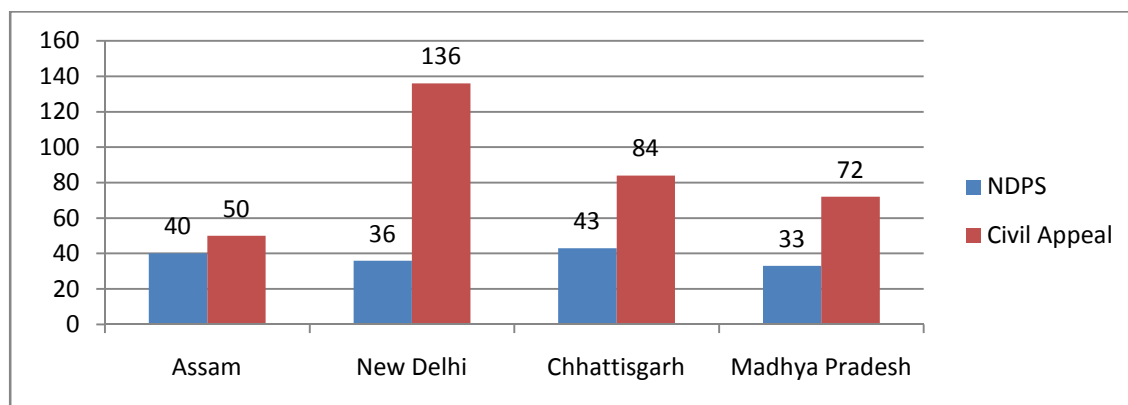


Figure 23 Comparative Workload-7 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

If we consider cases under NDPS and Civil Appeals, the judicial officers in the 4 States would be able to get the highest rating of Very Good/Outstanding with the following figures of disposal;

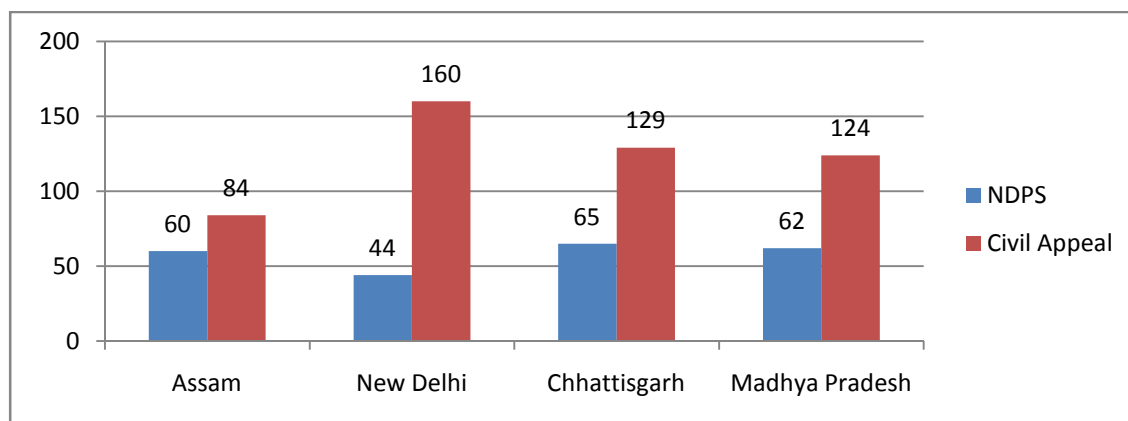


Figure 24 Comparative Workload-8 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

The numbers for NDPS in Chhattisgarh remain the same as they were for POTA cases and case of Culpable Homicide. The numbers in New Delhi change because of the fact that NDPS cases do not carry the same units as Culpable Homicide/POTA cases. The numbers in Chhattisgarh and Madhya Pradesh vary from both Culpable Homicide and POTA cases as NDPS cases are listed separately and carry 10 units.

Culpable Homicide, 498-A, Criminal Revision, POTA, NDPS Civil Appeals and Election Petition

For Rating of Average/Good

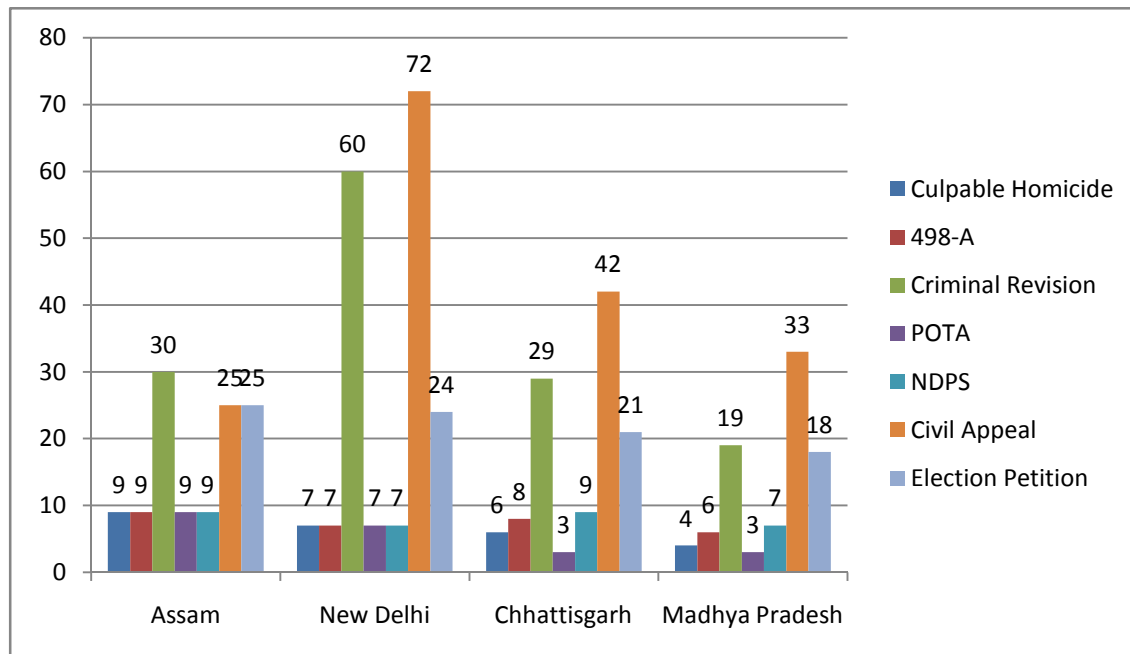


Figure 25 Comparative Workload-9 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

For Rating of Very Good/Outstandingg

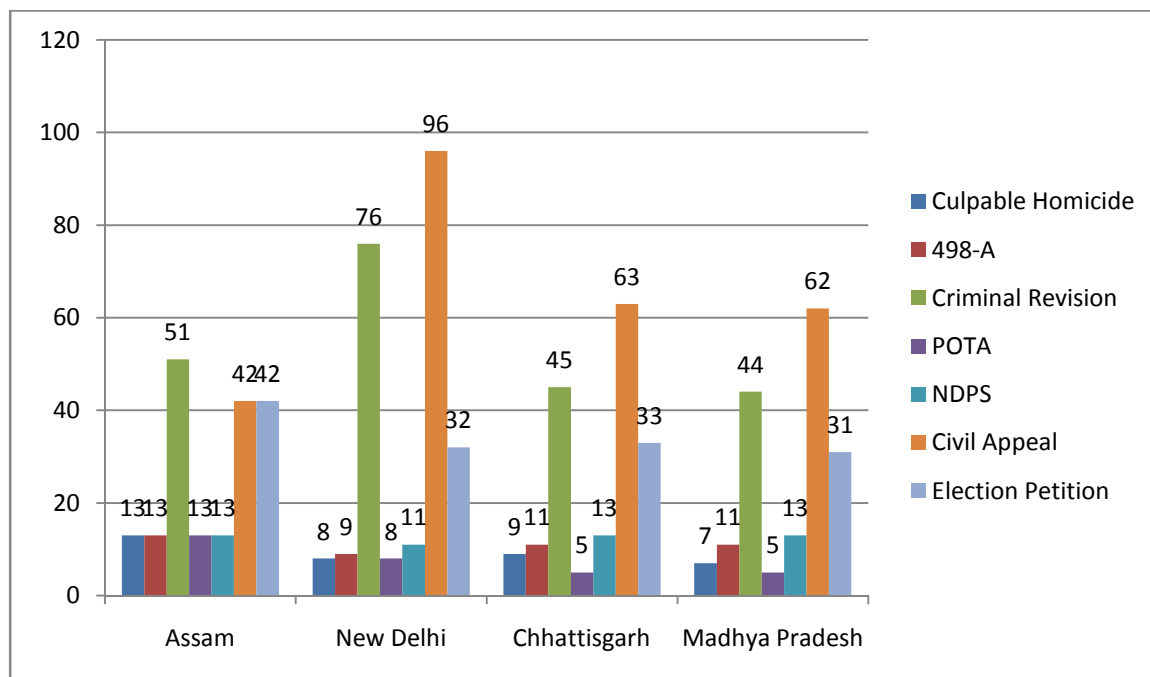


Figure 26 Comparative Workload-10 in New Delhi, Assam, Chhattisgarh and Madhya Pradesh

Analysis of ACR Proforma

The most usual method by which performance of judicial officers is evaluated periodically is through Annual Confidential Reports. It forms an important part in the promotion criteria in all the States and provides the most regular assessment of the performance of judicial officers. We have analyzed the ACR Proforma of all the States (this analysis does not cover the State of West Bengal as the ACR proforma in West Bengal was not shared with us) from three primary perspectives;

- 1. Structure of the ACR Proforma**
- 2. Contents of the ACR Proforma**
- 3. Gradation Scheme in ACR Proforma**

A. Structure of the ACR Proforma

Annual Confidential Reports are maintained as a part of performance appraisal mechanism of the judicial officers in the subordinate judiciary. Different states follow different criteria, varied yardsticks and diverse queries to assess the quality of a judicial officer. In general, in all the states, the ACRs are written to adjudge the basic potentialities of a judicial officer every year in terms of their conduct, integrity, character etc. The obligatory system of submitting annual confidential reports by the superior authorities is basically to assess the efficiency of the subordinate officers. Confidential reports are of enormous importance in the career of a judicial officer as it provides vital inputs for assessing the performance of an officer and for career advancement as ACR records have a substantial bearing on promotion.

The ACR proforma of different states is based on a similar structure. It usually consists of four parts where the first and second part of the ACR has to be filled up by the judicial officer reported upon, the third part has to be filled up by the Reporting authority and the fourth part has to be filled up by the Reviewing authority. All the ACRs in the initial parts of the deal with the questions related to the basic information of the officer like his name, designation/post held, description of his duties, his present description of his official post held, the number of working days in that year both on judicial and administrative side, queries on the

casual leave, maternity leave, earned leave or any other leave taken (in Manipur ACR proforma), the duties related to the attending of seminars, conferences, trainings, date of entry in service, probation time, marital status, cadre and year of allotment, date of birth, present post, date of appointment to the present grade, period of absence from the duty, date of filing annual property returns, the targets and objectives, the quantitative work/ disposal done in that year, kinds of cases assigned to the officer, performance in implementation of Legal Aid programme and Lok Adalats, supervision, control and maintenance of the records etc.

The report filled up by the Reporting Authority usually forms the crux of the performance assessment of a judicial officer. The Reviewing Authority generally supervises if the Reporting Authority is doing his work properly or not in terms of assessing the subordinate judicial officers.

Assam

The Annual Confidential Report of the judicial officers in Assam is divided into four parts viz. Part I, Part II, Part III and Part IV. One of its distinct inclusions in the ACR is that before Part I of the ACR, the officer reported upon has to fill up the yearly calendar where the officer is supposed to fill the number of casual leaves he has taken, the number of restricted holidays, the earned leave, maternity leave (if applicable), commuted leave on medical ground, extra ordinary leave taken without pay. Also the officer is supposed to fill up the number of days he has spent on training, seminars and conferences in this initial section.

Part I of the ACR contains fourteen questions on the personal data of the officer which has to be filled up by the officer. This part contains questions relating to description of his duties, present description of his official post held, the number of working days in that year both on judicial and administrative side. The second section of this part deals with the other data that the officer is supposed to provide regarding his judgments delivered, whether if any adverse remarks have been passed by any revisional and appellate authorities, the 'daily work done' statement, the quantitative target etc. This part also contains two forms in tabular formats. Form A pertains to the judicial work done by the officer and Form B deals with the administrative work done by the officer which categorically includes legal aid and assistance work, participation in Lok Adalats, conducting training and awareness programmes, compensation allowed and visit to jails and correctional institutions. Part II has to be filled in by the Reviewing authority and also includes the report of the Registrar (Vigilance). Part III

containing three questions in total deals with the subjective evaluation of the reviewing authority with regard to grading, general assessment and subjective satisfaction of the Reviewing authority over the report submitted by the officer reported upon. Part IV of the ACR containing five questions is to be filled up by the Accepting Authority and basically delves upon promotional aspects as to whether the officer is fit to be promoted to a higher grade or not.

Part II of the ACR proforma deals with the opinion given by the immediate superior authority of the officer reported upon. This part is divided into 16 questions dealing with the integrity aspects, state of health, the daily work done by the officer, the performance of the officer, special achievements if any, disposal of pending cases, the general assessment etc. The Assessment given by the Reporting officer under question number 8 is again further divided into 5 Groups. Group A deals with the questions on workload management and basic temperament of the judicial officer, by querying on the punctuality in attending and leaving the Court/Office, control over the court proceedings, relationship with the Bar and other officers and the capacity to motivate, to obtain willing support by his/her own conduct and inspire confidence in the subordinate staff. Group B deals with issues such as quality of judgment, timeliness in delivering judgements and fluency. Group C deals with the ability to manage the workload in an efficient manner by seeking explanation on the disposal of cases vis-à-vis the pendency of the cases. Group D deals with special marks and the lastly Group E (meant for fulltime Secretaries of Legal Services Authority as a substitute for questions in Group-B and Group-C) deals with the legal service involvement and contribution of the judicial officer which includes legal aid and assistance, implementing innovative work or scheme, conduction of Lok Adalats, training and awareness programmes, compensations provided to the victims and institutional visits.

Manipur

The ACR proforma of Judicial officers for the state of Manipur starts with the yearly calendar which queries on the casual leave, maternity leave, earned leave or any other leave taken. The duties related to the attending of seminars, conferences, trainings etc. are to be filled in by the judicial officer reported upon. Whether the court work was paralyzed due to strike, bandh or full suspension of court work on account of death, the total number of Government holidays (restricted holidays, notified holidays and long vacation) and working days(both civil and

criminal) have to be filled in by the judicial officer reported upon in the initial part of the proforma. The personal data part contains fourteen questions and a table which has seventy-eight entries to be filled with regard to the judicial work done by the judicial officer. The next part of the proforma deals with the report of the Vigilance Registrar where categorically the report deals with the disposal of cases and whether any disciplinary proceedings are pending against the officer.

The administrative work done by the judicial officer and the review given by the immediate superior authority is dealt in the next part of the ACR proforma. It contains fifteen questions divided under four groups. Group A deals with questions on overall workload management and temperament of the judicial officer. Punctuality in attending and leaving the Court/Office, control over the court proceedings, relationship with the Bar and other officers and the capacity to motivate, to obtain willing support by his/her own conduct and inspire confidence in the subordinate staff and the administrative control over the work entrusted to the officer is dealt with in this group. Group B deals with questions such as regularity/promptness in delivering judgments, aspects of brevity and legal as well as factual reasoning. Group C deals with disposal of cases and Group D deals with questions on special achievements in the fields of legal aid, mediation, conciliation, integrity, state of health and overall assessment of the Judicial officer.

Odisha

Annual Confidential Report for Judicial officers in Odisha is termed as “Confidential Character Roll (CCR)” and it consists of six parts viz. Part I, II, III, IV, V and VI. Part I of the form is filled up by the judicial officers reported upon. Part II is filled up by the Chief Judicial Magistrates. Part III of the CCR is filled up by the Hon’ble Chief Justice and the Registrars in case of officers working in the Registry of the High Court. Part IV of the form is to be filled up by Judge-in –Charge of the District in case of officers belonging to the cadre of O.S.J.S (Sr. Br.) except the Registrars of the High Court by the District Judges in case of officers below the cadre of O.S.J.S (Sr. Br.) working under them / officers of the rank of O.S.J.S(Senior Branch) competent to write the CCR on deputation to Government in case of officers discharging judicial work. Part V of the CCR deals with the remarks of the Judges-in-Charge of the District in case of officers other than those belonging to the cadre of O.S.J.S (Senior Branch). Part VI of the proforma delves into the remarks of the Standing Committee

and the Full Court in case of officers other than those belonging to the cadre of O.S.J.S (Senior Branch). Part III containing eight questions seeks report on the state of health, special personality traits, report on the officer's qualities, report on the officer's abilities, report on knowledge and performances, aptitude, potential and integrity aspects.

Part II and IV of the CCR deal with the report given by the immediate superior officers on the subordinate officers. Part II contains four questions dealing on the quantity and quality of work, integrity aspect and the general information about the officer. Part IV contains eleven questions dealing with the conduct of business in the office, quality of judgement/order/award, capacity to motivate and to inspire confidence in subordinate staff, personal relation with others members of the Bar, public, subordinate staff, state of health, integrity aspects, promptness in pronouncing judgments, disposal of cases, punctuality and regularity and proper discussion of law and facts in the judgements pronounced.

Karnataka

Annual Confidential Report (ACR) for the state of Karnataka is divided into two parts – Part A and Part B. Part A has to be filled up by the judicial officer reported upon and Part B has to be filled by his/her immediate superior. Part A of the ACR consists of four questions where the queries are on the personal data of the judicial officer like name, designation, number of working days in the year, number of days during which the judicial officer works, the total number of leave taken (Earned leave/Commutated leave), the description of monthly work done by the officer etc.

Part B of the form containing twenty-five questions specifically queries on the quality of judgment or order given by the officer, his basic interactive capabilities with the members of the Bar, his/her superiors officers and subordinate staff, the reasoning and clarity aspect, industrious attitude, promptness in dealing with matters, reputation as to honesty, integrity and impartiality. An overall view of the officer also finds place in the ACR and special remarks also need to be given by the immediate superior. Dealing with various ambit of judicial management, it has to be noted that the indications against each query present in Part B of the ACR has to be indicated under five types of grading rather than marks which is an exception when it is compared with the ACR proforma of other states.

Tamil Nadu

The ACR for judicial officers in the state of Tamil Nadu is in the Form B of the proforma. Containing twenty five questions in totality, this Form of the ACR proforma includes indicators like quality of judgement, language, narration, clarity in thought, reasoning, knowledge of law and procedure, promptness in disposal of current and old cases, industrious, aptitude for hard work, readiness to take up responsibility, supervision and control on subordinate judges and on office staff, attitude towards superiors, subordinates and colleagues, judicial officer's dignity inside and outside the court, his/her reputation as to honesty, integrity and impartiality etc.

Chhattisgarh

The confidential report for Judicial Officers in Chhattisgarh is divided into six parts- Part I,II, III, IV, V and VI. Parts I and II pertains to the personal data of the judicial officer and asks about the baseline information about the officer reported upon. It includes the name of the officer, cadre and year of allotment, date of birth, present post, date of appointment to the present grade, period of absence from the duty, date of filing annual property returns, the targets and objectives , the quantitative work/ disposal done in that year, kinds of cases assigned to the officer, performance in implementation of Legal Aid programme and Lok Adalats, supervision, control and maintenance of the records etc.

Part III and IV contain thirteen questions in total and are to be considered for the purpose of the study. It includes indicators like the nature and quality of work, quality of output, knowledge of the sphere of work, leadership and management qualities, interpersonal relations and team work, relations with the staff and Bar, communication skills, state of health, integrity, the overall assessment in terms of his/ her strength and shortcomings, pendency of enquiry and departmental proceedings pending against the officer, if any.

Part V is the remarks given by the reviewing authority and is subjective in its queries while Part VI of the ACR proforma deals with the remarks given by the reviewing authority.

Madhya Pradesh

The proforma for recording Annual Confidential Report of Judicial Officers in the state of Madhya Pradesh has been divided into three parts – Part I, Part II and Part III. Part I of the form deals with the confidential report of the judicial officer and has to be filled up by the officers reported upon. It has inscribed in itself twelve questions on the personal data of the officer and also a table which deals about the statement showing the net disposal of the cases. The number of disposed off cases whether contested or non-contested, the total number of pending cases etc. are dealt under this tabular format of Part I of the proforma.

Part II is to be filled by the Portfolio judge in the case of a District Judge and by the District Judge in case of other Judicial Officers. It contains eight questions and a Grading section. The questions that are dealt under this part are regarding the quality of work, the quality of judgement, quantity of work that a judicial officer has done, capacity of management, leadership, initiative, planning and decision making, inert-personal relationship, state of health, integrity and a general assessment of the officer with reference to his/her judicial as well as administrative work and ability, reputation and character, the strengths and weaknesses etc.

Part III of the ACR is the remark of the Portfolio Judge where the queries are divided into four and the questions basically deal with the brevity aspect of the District Judge, his fluency in making conversations and art of writing judgments in English.

Maharashtra

The Annual Confidential Report (ACR) of Judicial officers in Maharashtra has been prescribed under five forms viz. Forms A to E for the following cadre of judges;

1. Principal District Judges and judges holding equivalent posts
2. District Judges and Sessions Judges/Ad Hoc District and Sessions Judges/ Ad-hoc District and Session Judges/ Judicial officers of Equivalent Cadre posted on other establishments doing work of judicial nature
3. Civil Judges Senior Division and Civil Judges Junior Division/ Judicial Officer of equivalent Cadre posted on other establishments doing work of judicial nature.

4. Judicial Officers in the Registry and other departments holding only Administrative Posts.

Each Form has three parts- Part I, Part II and Part III. Part I has been subdivided into Part IA and Part IB. Part IA deals with the bio-data of the judicial officer. Basically it contains information such as the name, date of birth, date of entry in service, probation time and marital status. Part IB deals with the queries of extended information on the officer to be reported upon and is to be filled up by him/her only. This part contains questions dealing with the educational qualifications of the officer, his/her home town, place of practice, present posting and date from which posted, the date of his last promotion and special features of the duties. Part II of the Form A to D is the feedback and self-appraisal form which has to be again filled up by the officer reported.

Part III is filled by the reporting authority and deals with disposal of cases, the behavior of the judicial officer with the colleagues, superiors, staff, members of the Bar, litigants, public, employees of other departments, the punctuality aspect, behavior of the judicial officer outside the court, the reputation aspect on his integrity , impartiality and character, remarks about his administrative work which also includes supervision and control over the staff, the physical verification of the cases, expedition in correspondence and in complying writs and orders of the superior courts, the judicial ability of the officer with regard to his knowledge of law and procedure, his capacity to marshal and appreciate evidence, reasoning, clarity, precision, language and lucidity.

Gujarat

The Annual Confidential Report for the state of Gujarat is systematically different from that of other states. The ACR proforma has been divided into four forms – Form 1, Form 2, Form 3 and Form 4. The District and Sessions Judges have to submit four reports on the judicial officers on probation. After the probation period is completed, the report is submitted in the Annexure G4 format as prescribed under the High Court Circulars.

Form 1

This is the first report that has to be submitted by the District and Sessions Judges at the end of six months from the date of appointment of the judicial officer. This part contains seventeen questions pertaining to the name of the officer, the period for which the report has been made, the period for which the civil Judge has watched the proceedings in Civil and Criminal Courts, whether the judicial officer has properly taken down the notes of the cases attended by him/her, opinion of the district Judge on the notes taken down, the knowledge of the judicial officer and whether he has read the civil and criminal manuals, the satisfaction of the District Judge on the Civil Judge as to whether he has acquired sufficient knowledge of the instructions contained in the Manuals, the interest taken by the judicial officer and familiarizing himself with the administrative/accounts and office work etc. Basically, there are queries in this particular section regarding his involvement in the judicial work. This part does not include any grading system nor does it have quantitative yardsticks to measure the same.

Form 2

This is the second report in the proforma and has to be submitted by the District and Sessions Judge on the completion of nine months from the date of appointment of the Civil Judge or at the time of transfer, whichever is earlier. This part contains fifteen questions pertaining to the basic information like the name of the officer and the period for which the work was under observation, and more specific questions on the ability, initiative grasp, drive resourcefulness, knowledge of law and procedure, willingness to acquire knowledge on law and procedure, quality of judgments, judicial qualities, administrative capacity, knowledge of administrative work and office routine, knowledge of civil and criminal manual and accounts code, disposal of cases, punctuality and diligence, integrity, character, conduct, attitude towards Bar and public, etc. of the judicial officer reported upon.

No quantitative yardsticks or no grading systems are assigned in this part like Form 1 to quantify the information of the judicial officer.

Form 3

This part of the ACR proforma is used by the District Judge to submit report on the Civil Judge who has completed 15 months (Form III) of probation successfully and the same proforma is used when the Civil Judge completes 21 months (Form IV) of successful probation. The questions in both the forms same but as a mandate, two reports have to be submitted on the completion of 15 and 21 months respectively (same proforma has to be used for both the reports). This part contains twenty-eight questions pertaining to the basic information and some in-depth information as well. Questions pertaining to integrity, personality, state of health, initiative, tactfulness, diligence and industry, politeness and courtesy, relationship with colleagues, maintaining judicial aloofness, ability, initiative grasp, drive resourcefulness, knowledge of law and procedure, willingness to acquire knowledge of law and procedure, quality of judgments, judicial qualities, administrative capacity, knowledge of administrative work and office routine, knowledge of civil and criminal manual and accounts code, disposal of cases, punctuality and diligence, integrity, character , conduct, attitude towards Bar and public, etc. are questioned upon. Like the other annexure, this part of the proforma does not give quantitative yardsticks nor adopts grading system for quantifying information.

Form 4

The Annual Confidential Report in respect of the Civil Judges who have successfully completed their probation for the state of Gujarat is divided into four parts and is in Form IV of the Annexure G4 of the proforma. Parts I and II of the form specifically deal with the personal information of the judicial officer and has to be filled up by the officer concerned. Particular entries on name, designation, present station, date of birth, period of absence from duty on account of leave or training, date of filing the annual property return, handling of old matters in order of seniority, overall disposal of cases, disposal of heavily contested matters, punctuality and regularity, recording of evidence, overruling of objections, application of principles of evidence, discussion of law and facts in the judgments and orders, capacity to understand, discern and apply ratio of decisions of the Supreme and High Court, and knowledge of basic principles of account keeping etc. Part IV contains submissions by the Reviewing authority.

Head I of the part has 35 marks allotted to it and the submissions would be quantitative but it does not have specific indicators as to how these marks have to be allocated. Head II containing 6 parts has quantitative indicators from Part 1 to 5 but Part 6 is subjective in nature and the grading format is adopted.

Part III of the proforma concerns the subject matter of the study because it is filled by the reporting authority and consists of twenty seven questions. This part of the proforma is divided into two heads: Head I and Head II. Head I deals with the comments on the previous parts of the proforma and the reporting authority has to specifically agree or disagree on the responses given by the officer himself. Head II is divided into six parts: Part 1, 2, 3, 4, 5 and 6. Part 1 deals with the Character related queries like the officers integrity, judicial aloofness, mixing with his company etc. Part 2 deals with questions on personal characteristics and queries on the personality, state of health, general knowledge, clarity of thought and expression, initiatives, tactfulness, diligence, politeness, courtesy and relationship with colleagues. Part 3 deals with administrative capabilities, control over the staff, knowledge of the administrative rules, interest in office work, treatment of the members of the staff, treatment of the members of the Bar, performance as a Master Trainer or ICT trainer, his/her interest in Legal services and mediation etc. Part 4 deals with the knowledge of law that whether he/she has sufficient understanding and grounding in law, his reading habits and his/her art of keeping abreast with the recent case laws etc. Part 5 deals with method of writing judgment, discussion and appreciation of evidence, language, presentation and precision in writing the same.

Part 6 of Head II deals with the reporting officer's overall assessment and grading of the Judge reported upon and is divided under five heads : Outstanding, Very Good, Good, Fair and Poor. This part also deals with whether the officer is fit for promotion or not.

New Delhi

The ACR proforma for the Delhi High Court is divided into four parts – Part I, II, III and IV. Part I deals with the personal data of the judicial officer and contains eight questions querying on the name, date of birth, date of continuous appointment to present grade, present posting and the date from which posted, period of absence from duty, special features of his duty and the date of filing the Annual Property return. Part II of the ACR contains ten

questions dealing with the extended personal data of the judicial officer like academics and professional achievements during the year, any articles/books published, attendance in seminars/conferences/ training programmes, steps taken to dispose of pending cases which are more than 7 years old, steps taken to dispose of cases of persons who are more than 65 years of age etc.

Part III of the ACR which is the remarks of the Inspecting judges or the report of the immediate superior officer is to be considered for the purpose of the study. It contains ten questions in total delving onto the knowledge of law, impression during inspection that is how the officer conducts his court, his behavior, clarity, precision, ability of writing and dictating judgments properly, areas in which counselled during inspection, grading of judgements, efficiency, judicial reputation aspects in totality. Remarks of the Full Court are dealt with in Part IV of the ACR.

Uttar Pradesh

The confidential report of the judicial officers in Uttar Pradesh is titled as “*Annual Confidential Remarks*”. It contains twenty-six questions in total. It is a single-fractioned ACR proforma where it starts with the name of the officer, the length of his service, post held during the year under report. The reporting authority on the judicial officer has to prepare the report upon the questions in the ACR which includes in its first place the remarks of the District Judge regarding the integrity of the officer, the impartiality and fairness of the judicial office, the composure and temperament of the officer, the aspect of his private character, control over his judicial responsibilities like proper fixation of cause list, avoidance of unnecessary judgements, disposal of old cases, granting/refusal/retaining of interim orders or injunctions for justified and sufficient reasons and number of cases remanded on substantial grounds. Marshalling of facts, appreciation of evidence, application of law while delivering and writing judgment also form a basic query in the ACR. The temperament and the ability to manage workload efficiently is determined in the ACR by the questions asked on the relations the officer shares with the members of the Bar, behavior with the brother officers, the officers’ amenability to the advice of the District Judge and other superior officers, his behavior towards women, the respect and sensibility exhibited towards them (*query on respect to women was inserted in 2007*), the punctuality and regularity aspect, state of health and special remarks.

B. Contents of the ACR Proforma

For analyzing the contents of the ACR Proforma, the focus is only on that part of the ACR Proforma in each State which is filled by the immediate superior of the judicial officer whose performance is being assessed. The part of the ACR Proforma which is filled up by the reporting officer usually represents the most substantial and direct assessment of the performance of a judicial officers. The Reviewing/Accepting authorities in relation to the ACR Proforma are generally not expected to be directly aware about the overall performance of a judicial officer. Analysing the content of the ACR Proforma facilitates an understanding of the various parameters on the basis of which the performance of judicial officers is being assessed.

After perusing the contents of the ACR Proforma in all the States, the questions in the ACR Proforma have been distributed into the following broad categories;

1. Category 1- **Knowledge of Law**
2. Category 2- **Character Traits**
3. Category 3- **Temperament**
4. Category 4- **Communication skills**
5. Category 5- **Workload Management.**
6. Category 6- **Others**

These categories reflect the range of parameters on the basis of which the performance of a judicial officer is assessed. The identification of these categories is based on the scrutiny of the questions and issues covered in the ACR Proforma of various States.

The first category i.e. **“Knowledge of law”** encompasses attributes of factual and legal reasoning of the subject matter concerned, appreciation of facts, application of law, clarity of conclusion, capacity to marshal, appreciating evidence etc. It includes both the ability to interpret the law and to apply legal principles to the facts of different cases.

The second category dealing with the “**Character Traits**” basically deals with the attributes of independence and integrity. The various issues and questions in this category deal with the honesty, impartiality, fairness and other such attributes in judicial officers which are deemed indispensable for a due discharge of duties.

The third category “**Temperament**” includes attitudinal and behavioural aspects of the conduct of judicial officers. It includes issues of courteous dealings and general demeanor of judicial officers. The relationship with the officers of the Bar, public, staff, relationship with the litigants, behavior with his colleagues and superiors, behavior outside the court etc. are included in this category. Questions on temperament of judicial officers included in the ACR proforma in different states include the attributes of patience, open-mindedness, courtesy, tact, courage, understanding, compassion, humility etc.

The fourth category deals with the “**Communication Skills**” of judicial officers. Different states have different criterion for assessing the succinctness, compendiousness and economy of language used by the judicial officers whether during interaction or while writing a judgement. Wherein the ACR proforma in Maharashtra heads it under *clarity, precision, language and lucidity*, the ACR proforma of Assam assesses it under the heading of *brevity*. Basically this section of the study takes a sweep on the ability of a judicial officer to express himself/herself clearly and concisely, whether orally or in writing.

The fifth category of “**Workload Management**” deals with the capacity of a judicial officer to manage his overall workload, judicial and administrative. Punctuality in attending and leaving Court or Office, control over court proceedings, timeliness in delivering the judgments and orders, the ability to dispose of the cases promptly, disposal of the pending cases, the quantity of work done etc. are the points that are included in different ACR proforma of different states to assess this categorical exposition.

The sixth and the last category “**Others**” includes all other miscellaneous and diverse indicators of attribute assessment of judicial officers those are not included in the abovementioned five categories. Attributes like general overall assessment of the officer with reference to his/her judicial, administrative work and ability, strength and shortcomings those are not included in other parts of the ACR, state of health, contribution to the legal services, legal aid and assistance, any innovative work or scheme implemented by the judicial officer,

participation in Lok Adalats, conduction of training and awareness programmes, provision of compensation to the victims, timely visits to Jails/short stay home/ institutions etc. are included in this category.

Best Practice

Assam

The distribution of the contents of ACR Proforma in Assam is as follows;

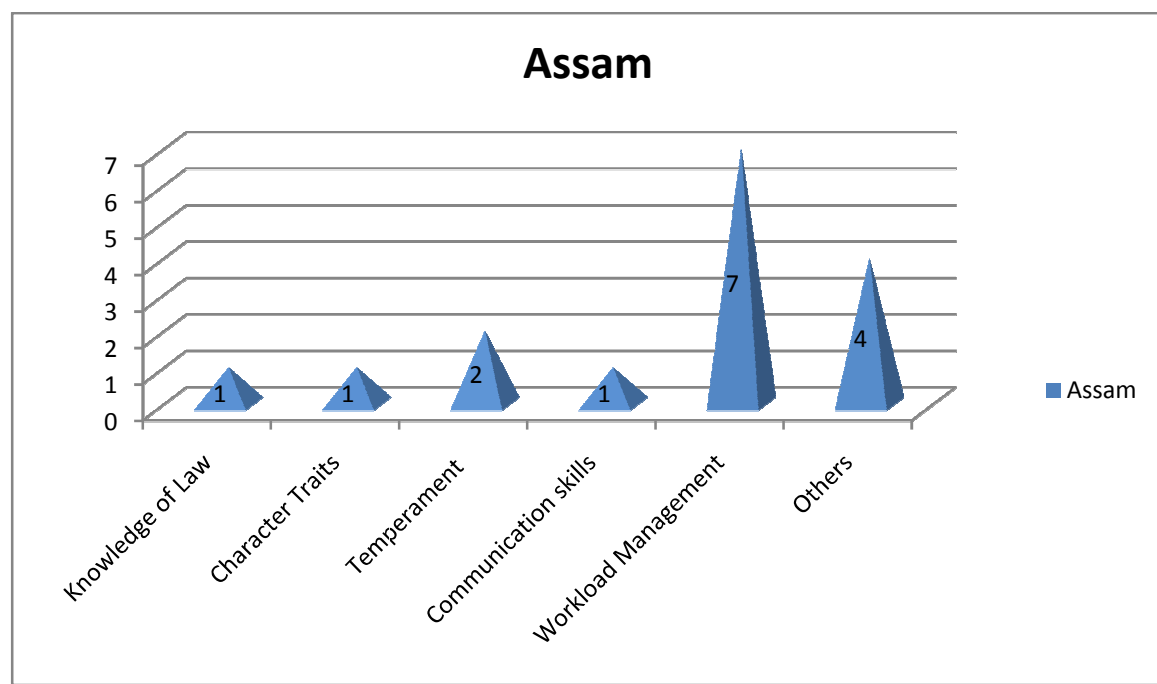


Figure 27 Contents of ACR in Assam

Manipur

The distribution of the contents of ACR Proforma in Manipur is as follows;

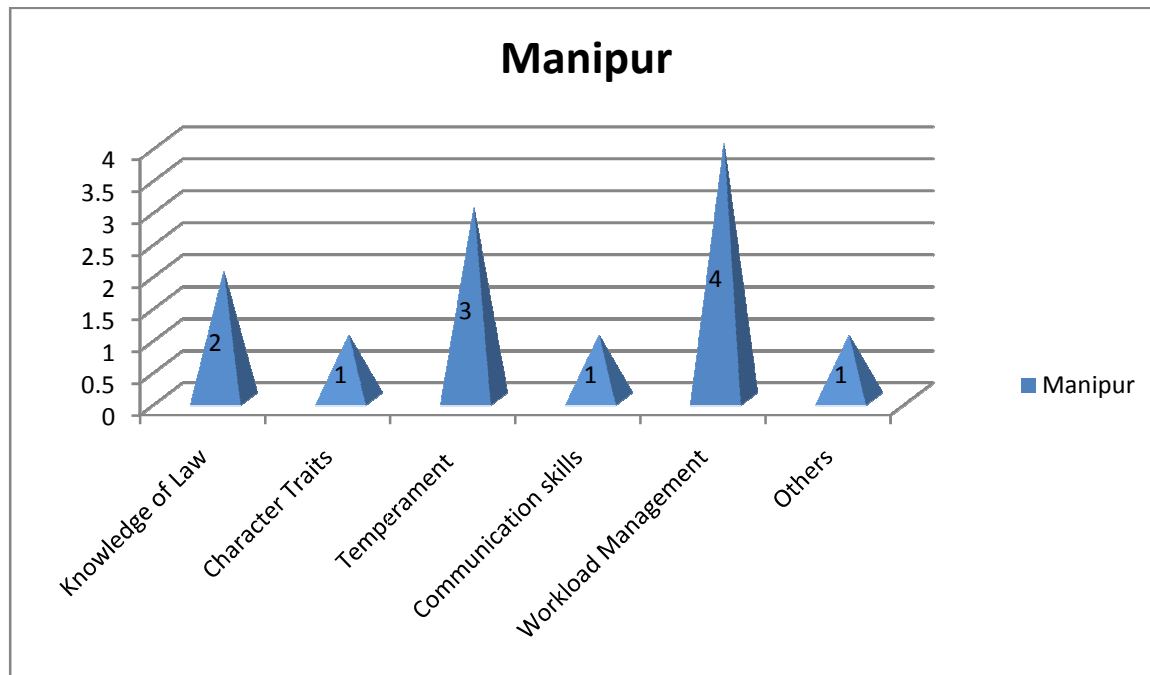


Figure 28 Contents of ACR in Manipur

Odisha

The distribution of the contents of ACR Proforma of Judicial Magistrates in Odisha is as follows;

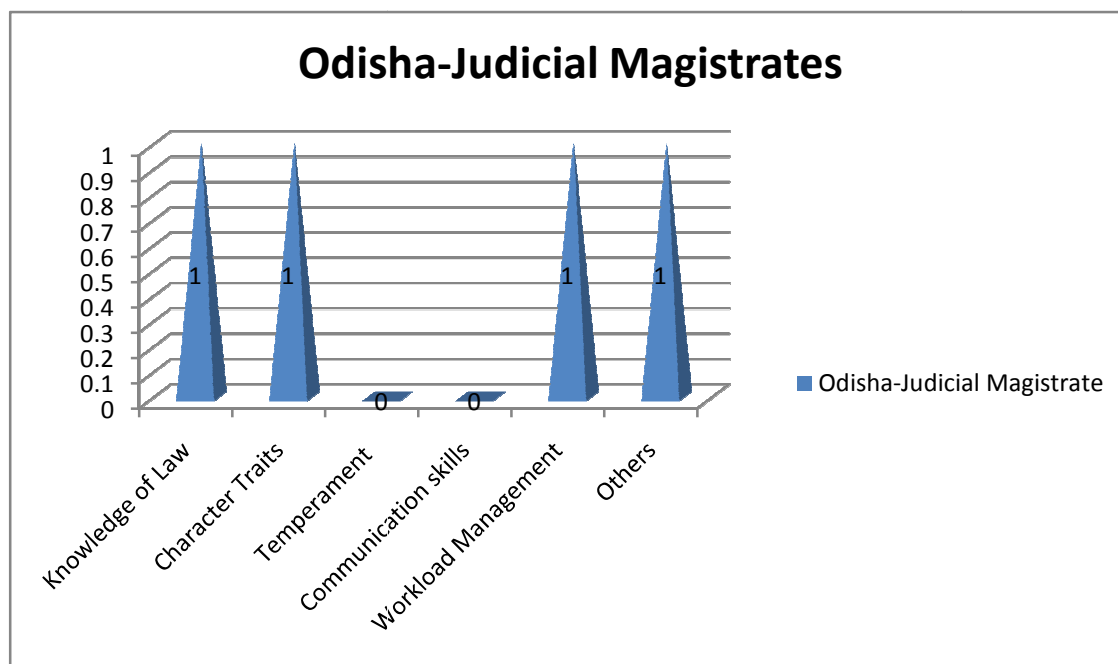


Figure 29 Contents of ACR in Odisha-1

The distribution of the contents of ACR Proforma of officers in Cadre of O.S.J.S (Sr. Branch) in Odisha is as follows;

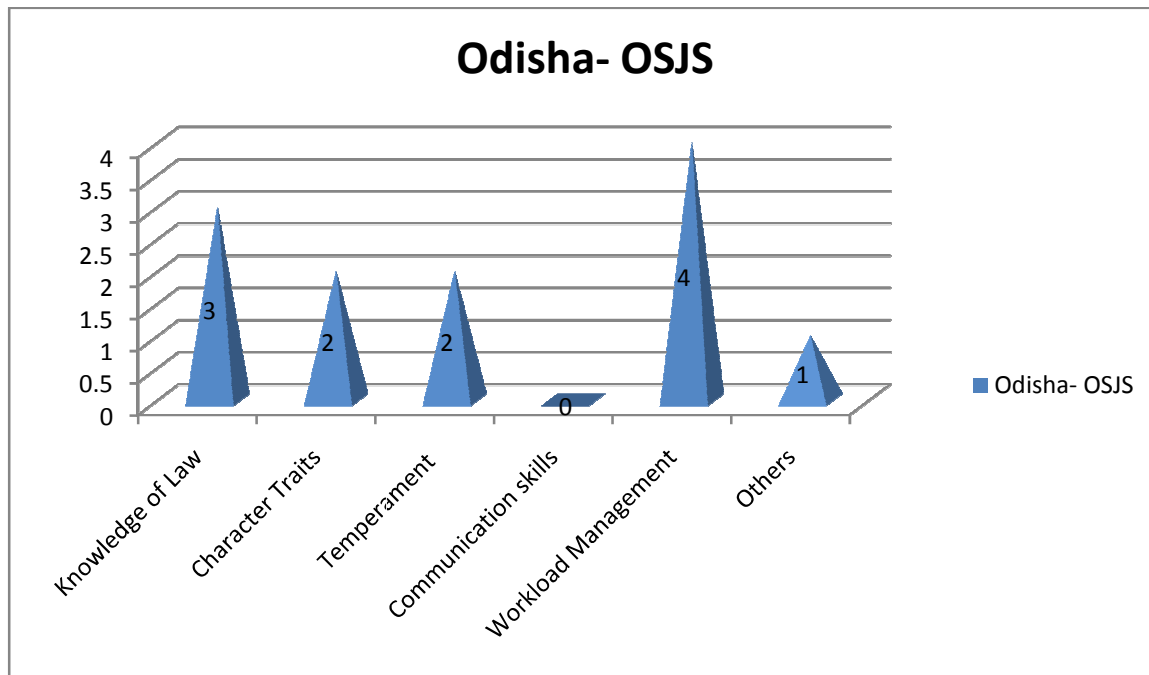


Figure 30 Contents of ACR in Odisha-2

Karnataka

The distribution of the contents of ACR Proforma in Karnataka is as follows;

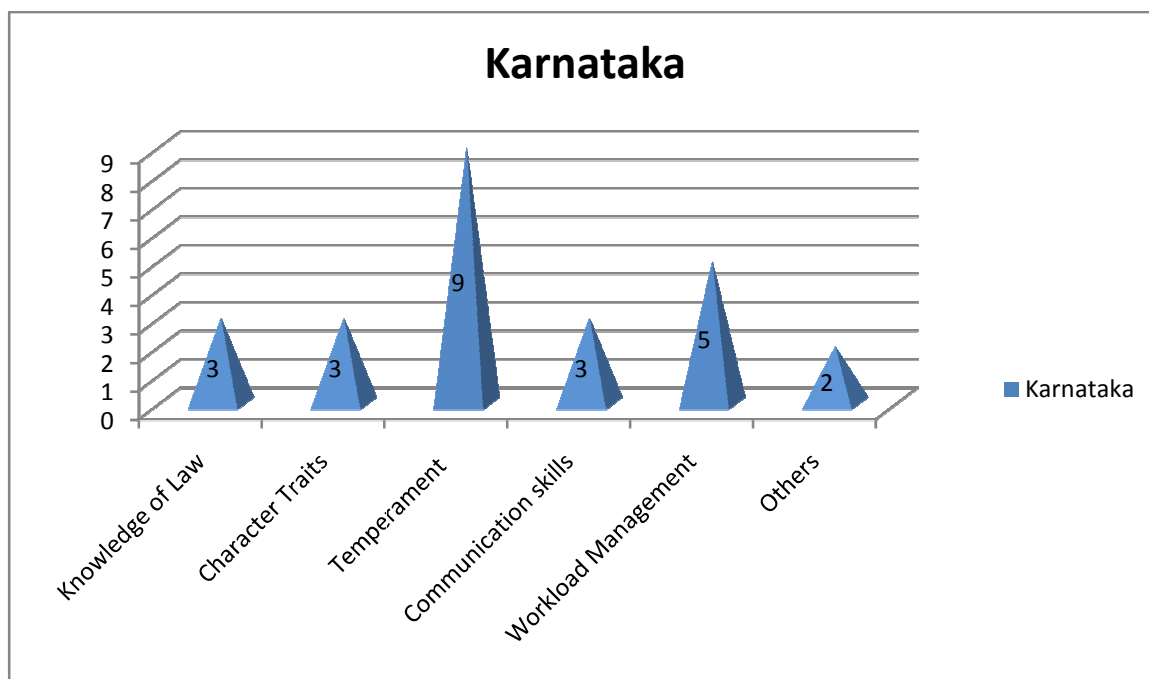


Figure 31 Contents of ACR in Karnataka

Tamil Nadu

The distribution of the contents of ACR Proforma in Tamil Nadu is as follows;

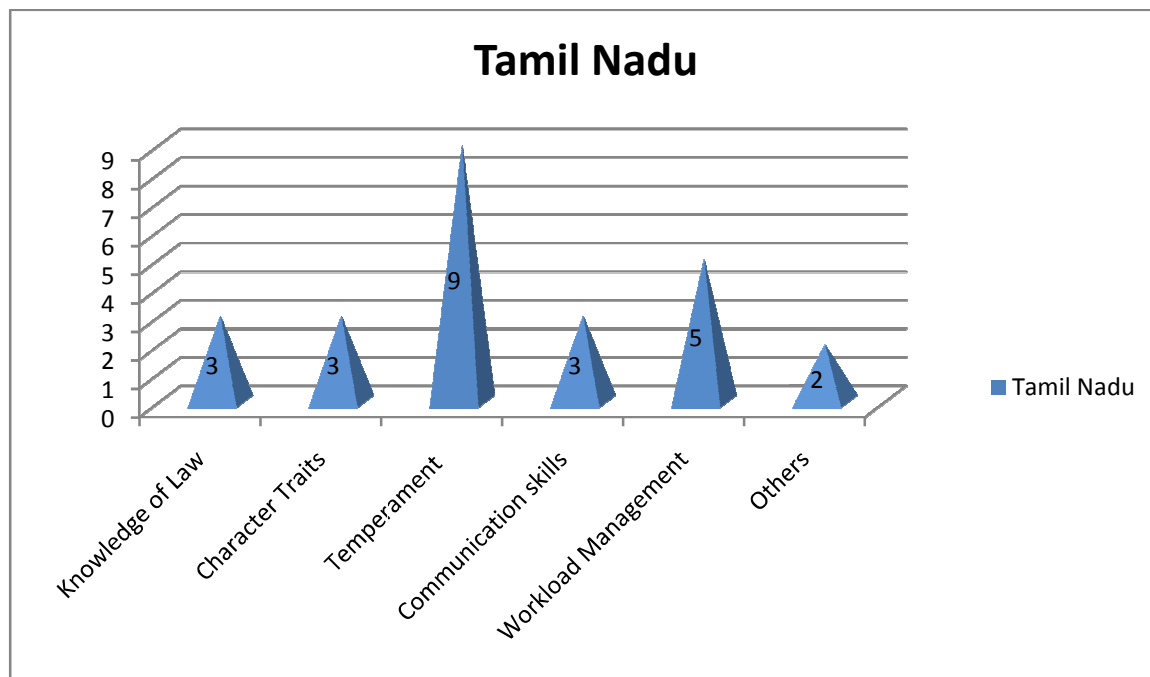


Figure 32 Contents of ACR in Tamil Nadu

Chhattisgarh

The distribution of the contents of ACR Proforma in Chhattisgarh is as follows;

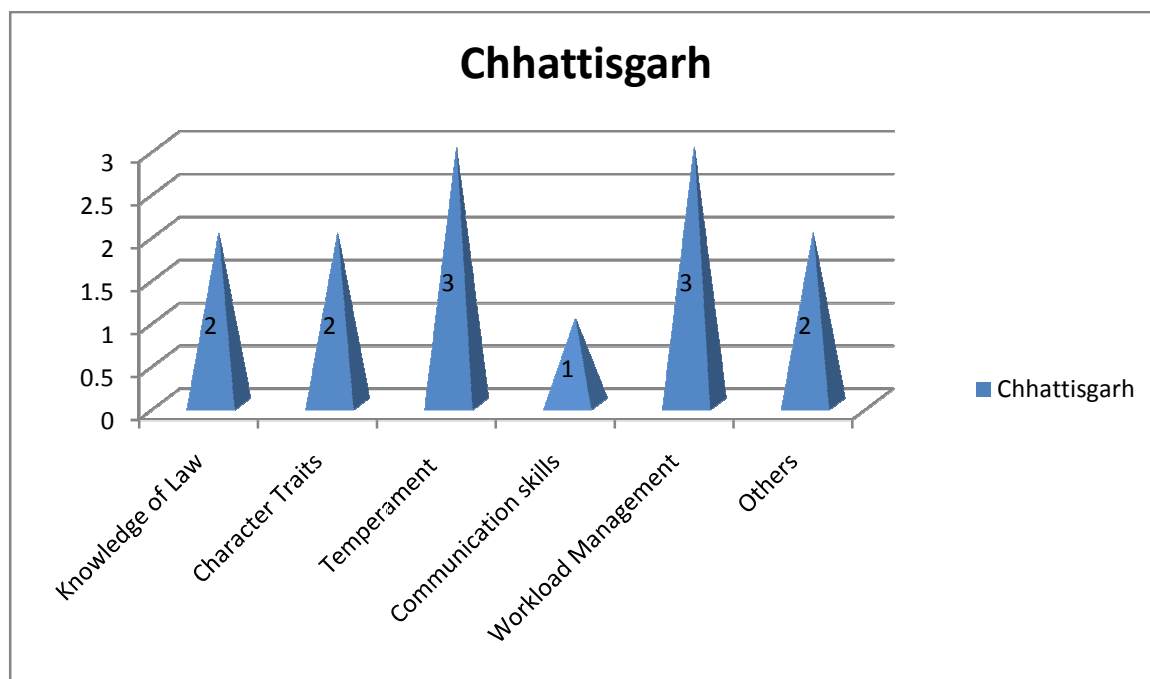


Figure 33 Contents of ACR in Chhattisgarh

Madhya Pradesh

The distribution of the contents of ACR Proforma in Madhya Pradesh is as follows;

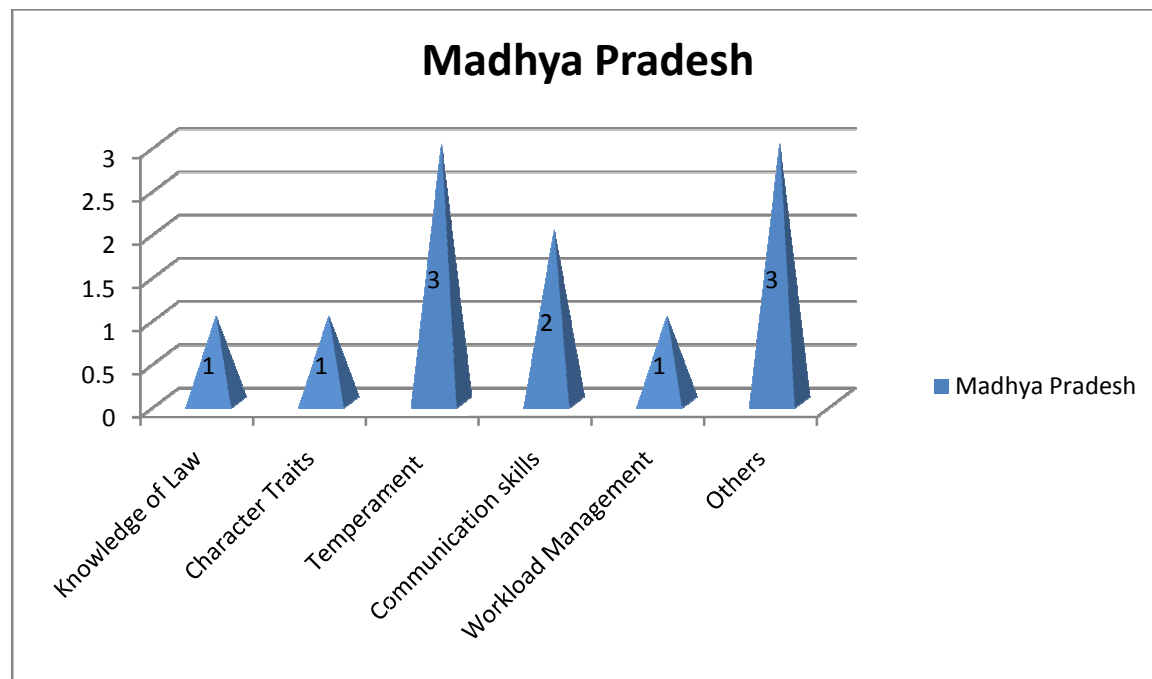


Figure 34 Contents of ACR in Madhya Pradesh

Maharashtra

The distribution of the contents of ACR Proforma in Maharashtra is as follows;

The distribution of the contents of ACR Proforma of Principal District Judges in Maharashtra is as follows;

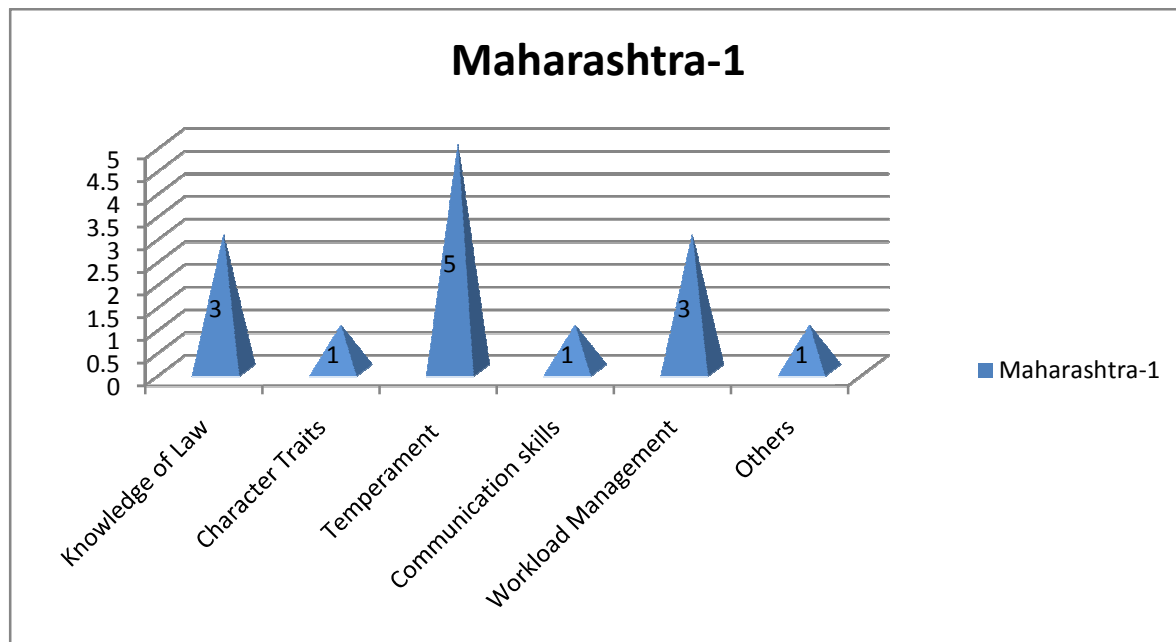


Figure 35 Contents of ACR in Maharashtra-1

The distribution of the contents of ACR Proforma of District and Sessions Judges and Civil Judges (Senior and Junior) in Maharashtra is as follows;

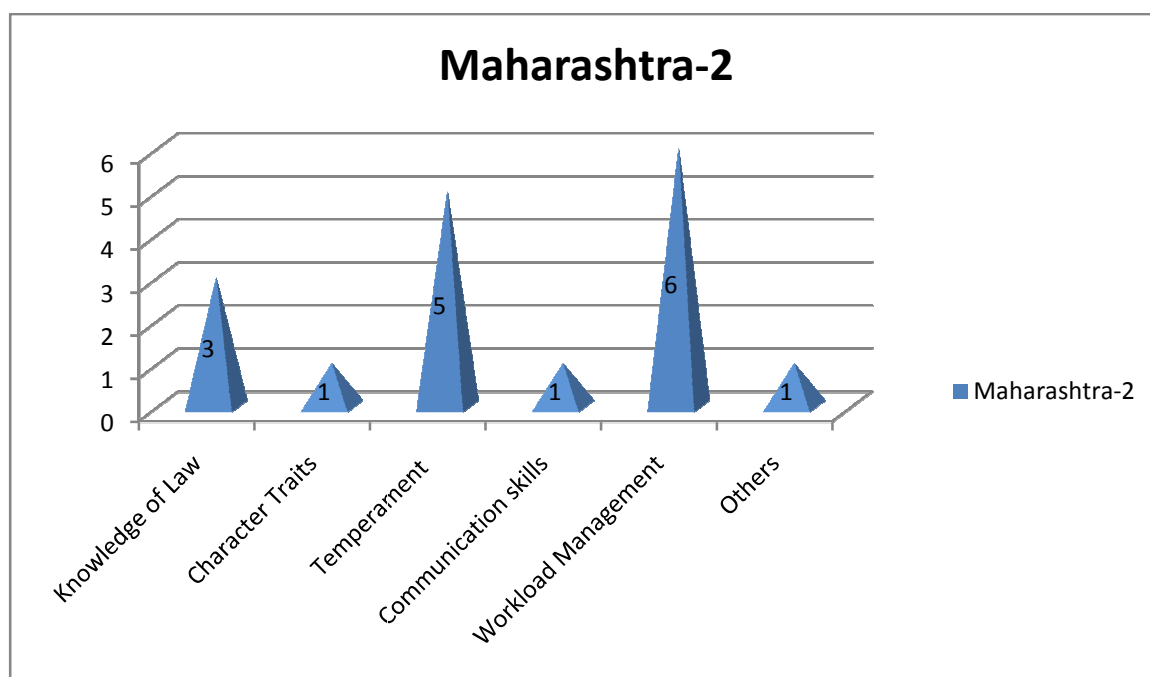


Figure 36 Contents of ACR in Maharashtra-2

Gujarat

Forms 1, 2 and 3 in the ACR proforma of Gujarat deal with the performance assessment of the judicial officers on probation. Forms 1, 2 and 3 are applicable when the officer has completed 6 months, 9 months and 15 months in service. The distribution of content in the ACR proforma as provided in Forms 1, 2 and 3 is as follows;

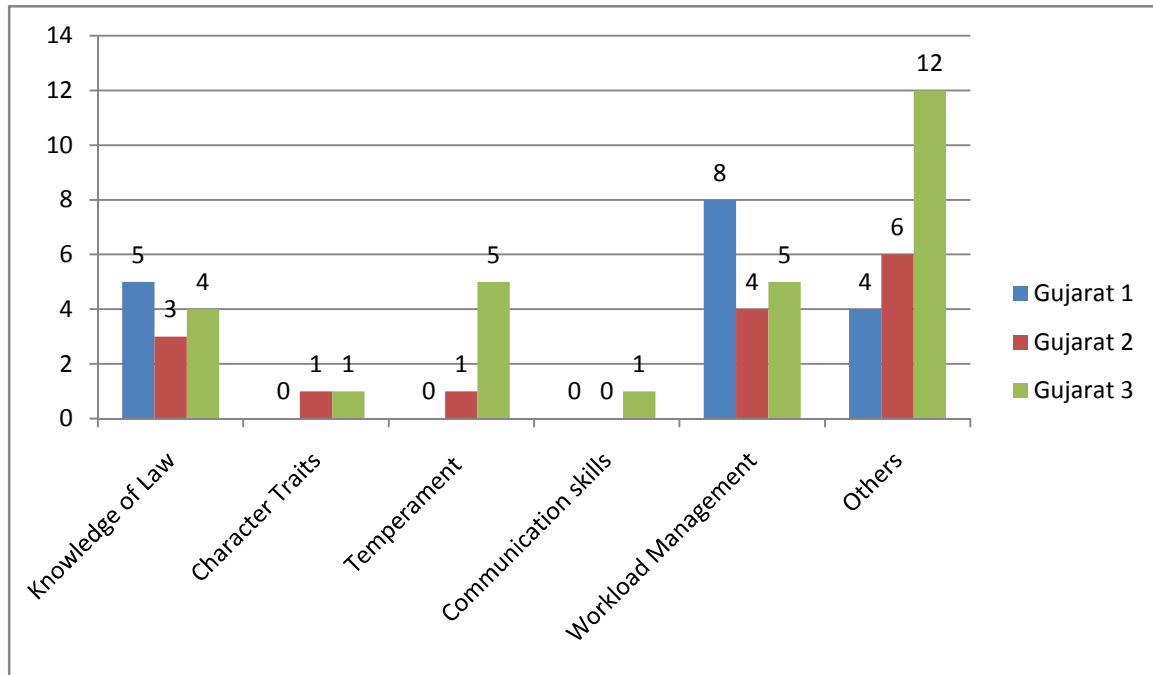


Figure 37 Contents of ACR in Gujarat-1, 2 and 3

Form 4 in the ACR proforma of Gujarat deals the performance assessment of all other judicial officers. The distribution of content in the ACR proforma as provided in Form 4 is as follows;

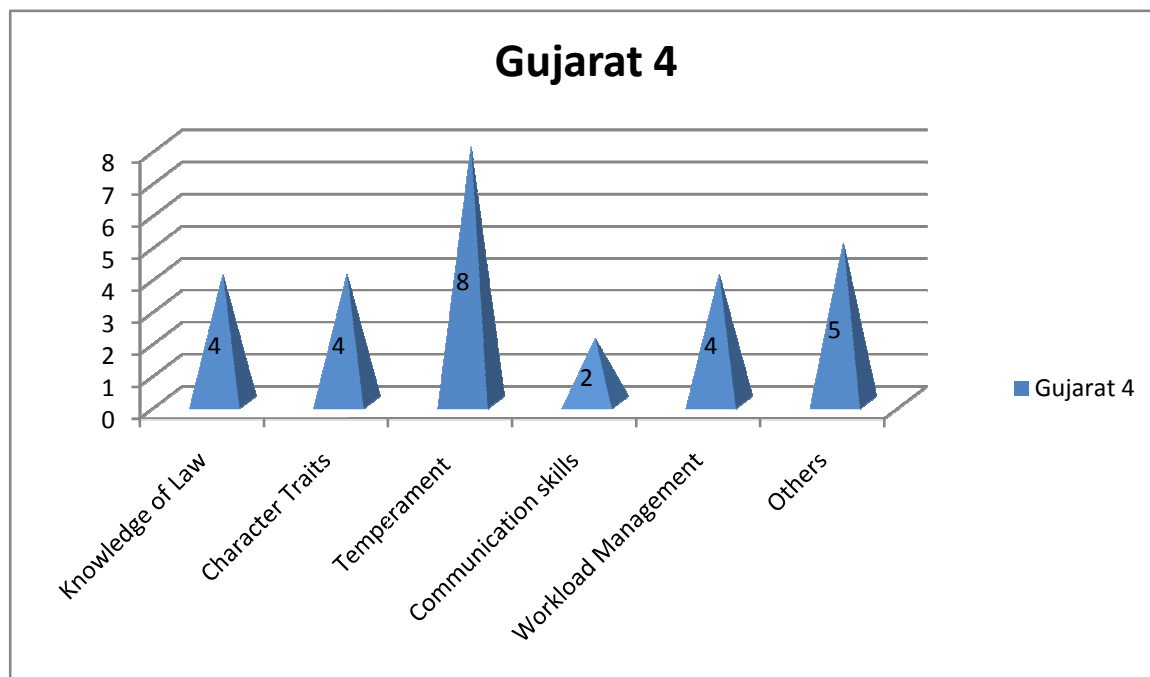


Figure 38 Contents of ACR in Gujarat-4

New Delhi

The distribution of the contents of ACR Proforma in New Delhi is as follows;

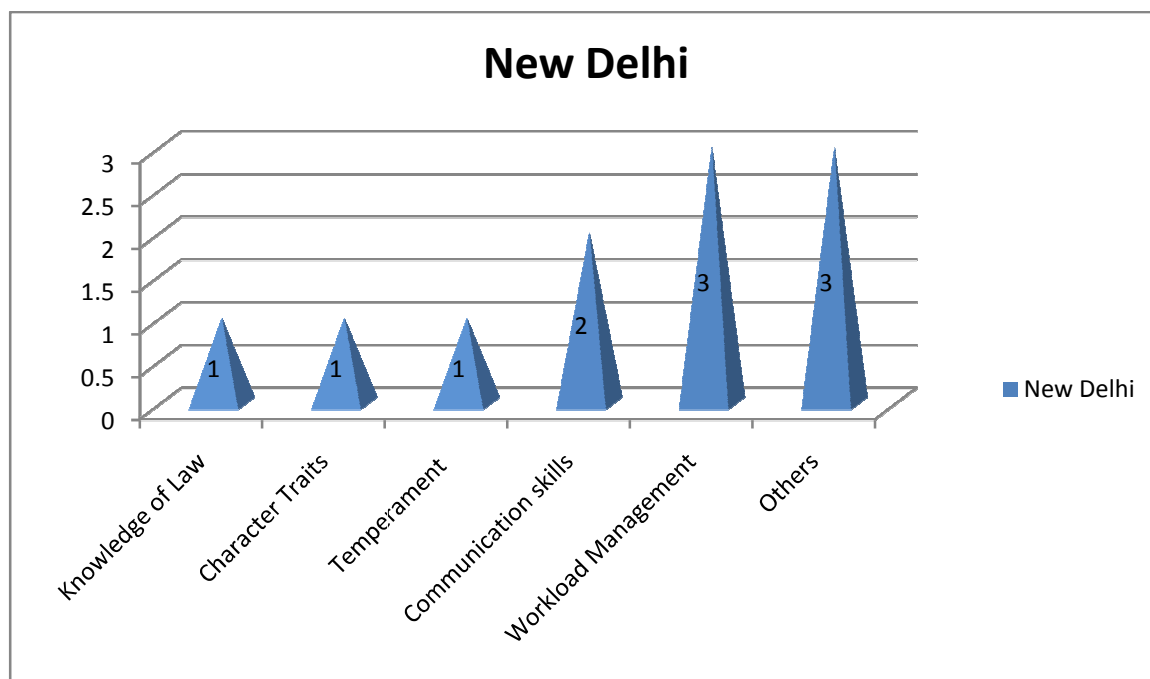


Figure 39 Contents of ACR in New Delhi

Uttar Pradesh

The distribution of the contents of ACR Proforma in Uttar Pradesh is as follows;

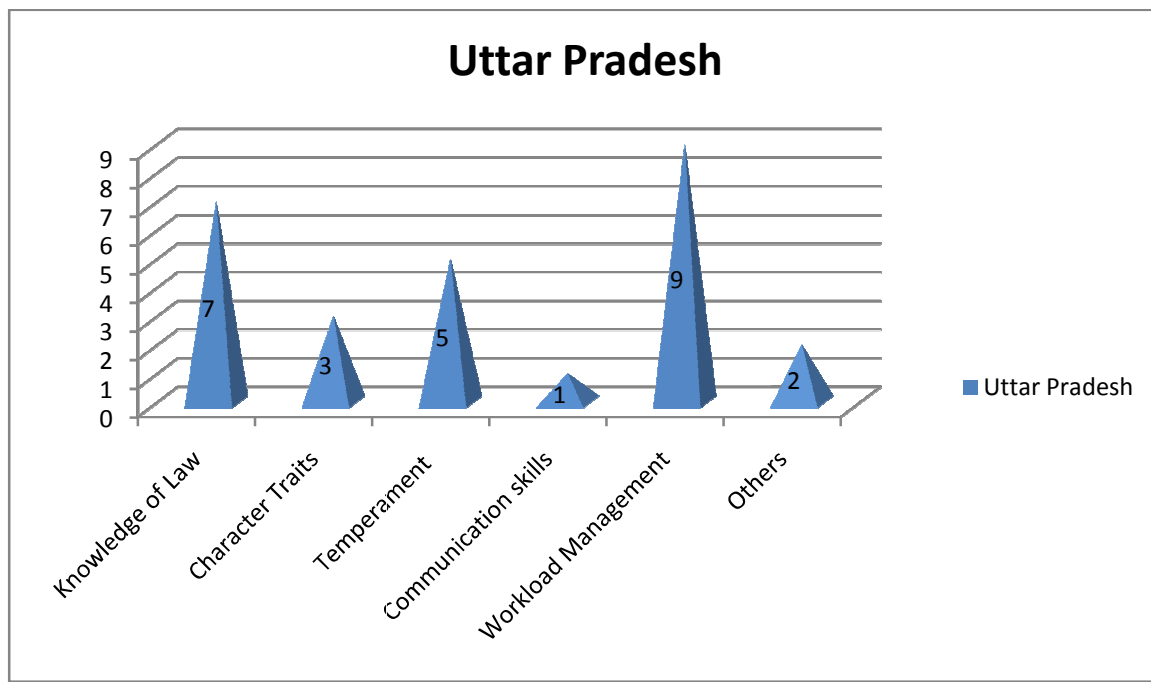


Figure 40 Contents of ACR in Uttar Pradesh

Comparative Distribution of ACR Contents

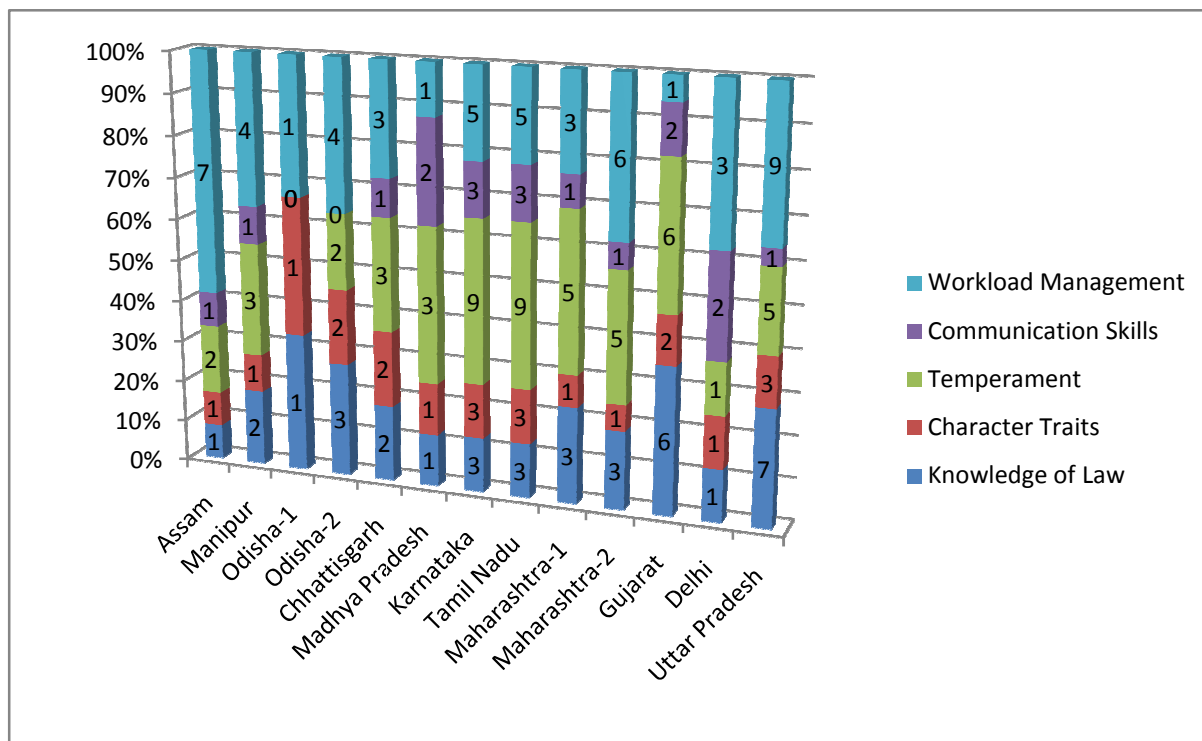


Figure 41 Comparative Distribution of ACR Contents

C. Rating Scheme in ACR Proforma

In majority of the States, a rating scheme has been specified for the evaluation of the judicial officers. After the assessment of the judicial officers on the parameters set forth in the ACR proforma, they are given a rating such as Good, Average, Outstanding etc. There is variation in the scale of ratings and also in the description of ratings. For example, while in Assam, there is a 4 point rating scale, in Manipur there is a 5 point rating scale. Even in States which have a rating scheme of similar points, there are variations in the description of the ratings. In Odisha, the 5 point rating scale has ratings of Poor, Average, Good, Very Good and Outstanding. In Karnataka, the 5 point rating scale has ratings of Unsatisfactory, Satisfactory, Good, Very Good and Excellent. The nature of this variance is best exemplified by the following tables;

Table 41-States with 5 Points Rating Scale in ACR

State	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5
Manipur	Below Average	Average	Good	Very Good	Outstanding
Odisha	Poor	Average	Good	Very Good	Outstanding
Chhattisgarh	Below Average	Average	Good	Very Good	Outstanding
Karnataka	Unsatisfactory	Satisfactory	Good	Very Good	Excellent
Tamil Nadu	Below Average	Average	Good	Very Good	Excellent
Uttar Pradesh	Poor	Average	Good	Very Good	Outstanding
Gujarat	Poor	Fair	Good	Very Good	Outstanding

Table 42-States with 6 Points Rating Scale in ACR

State	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5	Rating 6
Madhya Pradesh	Poor	Average	Good	Very Good	Excellent	Outstanding
Maharashtra	Below Average	Average	Good	Positively Good	Very Good	Outstanding

Assam has a 4 points rating scale of Average, Good, Very Good and Outstanding. In New Delhi, no rating scheme has been specified in the ACR but the fifth question of the Part III speaks about grading of judgments and is divided into four ratings – Below Average, Average, Good and Very Good.

Best Practice

In terms of the range of the rating scale, the best practice can be seen in Manipur, Odisha, Chhattisgarh, Karnataka, Tamil Nadu, Gujarat and Uttar Pradesh which have a 5 point rating scale. A 5 point rating scale provides a reasonable range to categorise the different performance levels of judicial officers. A 5 point rating scale provides the facility of a Middle rating of satisfactory performance with two ratings dedicated for below satisfactory performance and two ratings dedicated to above satisfactory performance which provides an even distribution of gradations.

i. Quantitative Yardstick

While a rating scheme has been prescribed in each State, there is no quantitative yardstick for determining the applicability of a rating in most of the States. Only in Assam, Manipur and Maharashtra, there is a clear demarcation of marks for different criteria of assessment in the ACR Proforma and the ratings awarded to a judicial officer are based on the cumulative marks awarded to him/her.

The scheme in these four States has been outlined below;

Table 43-Quantitative Yardstick for ACR in Assam

Assam	Gradation Points
Average	Below 60
Good	61 to 74
Very Good	75 to 89
Outstanding	90 and above

Table 44-Quantitative Yardstick for ACR in Manipur

Manipur	Gradation Points
Below Average	Below 60
Average	60 to 89
Good	90 to 109
Very Good	110 to 125
Outstanding	126 to 150

Table 45-Quantitative Yardstick for ACR in Maharashtra

Maharashtra	Gradation Points
Below Average	Below 40
Average	41 to 50
Good	51 to 60
Positively Good	61 to 70
Very Good	71 to 80
Outstanding	Above 80

Table 46-Quantitative Yardstick for ACR in Gujarat

Gujarat	Gradation Points
Poor	Below 40
Fair	40 to 50
Good	51 to 60
Very Good	61 to 75
Outstanding	Above 75

Comparative Distribution of Weightage of ACR Contents

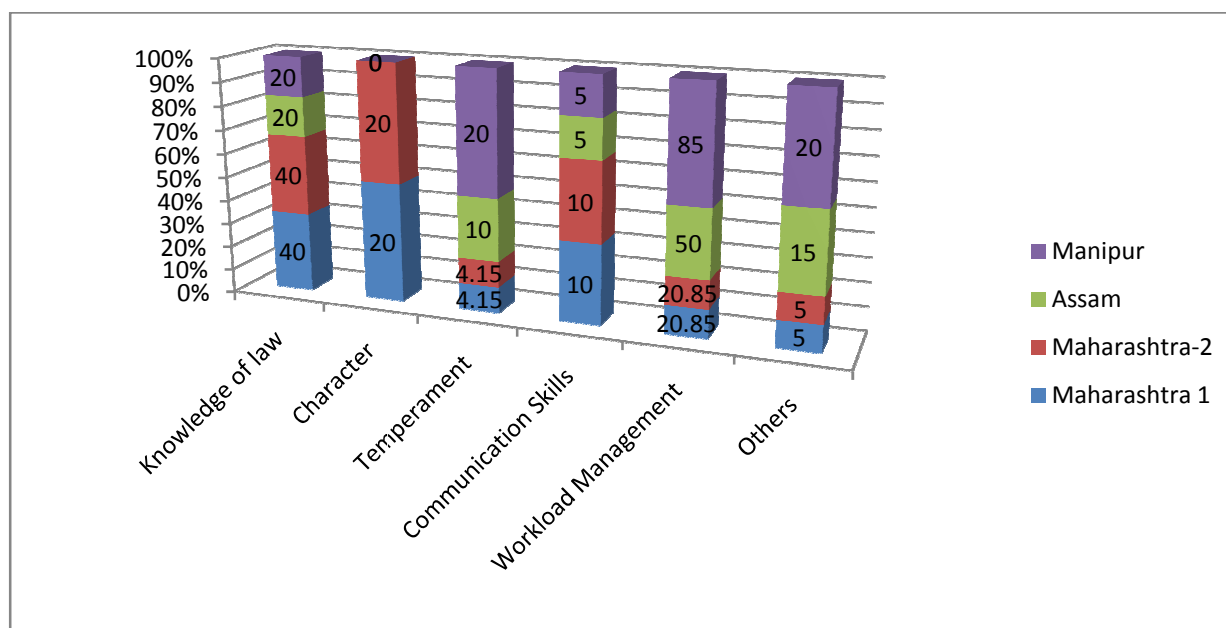


Figure 42 Comparative Distribution of Weightage of ACR Contents

In Gujarat, marks have been allotted not to specific questions but sub-categories of questions as outlined in the proforma. Thus, it was not possible to calculate the distribution of the marks as per the categorisation of questions which was applied for other states. Thus, an assessment of the self-appraisal report of the judicial officer is assessed for 35 marks. There are 9 questions under the heading of Personality Traits which in total are worth 20 marks. Similarly, 15 marks are allotted in total for 9 questions listed under the heading of Administrative Capacity. 15 marks are allotted for the subcategories of Knowledge of Law and Method of Writing Judgement. It is a remarkable feature in Gujarat that no marks have been allotted for assessing the sub-category of 'Character' which has 4 questions.

Best Practice

In terms of hierarchical distribution of marks for different categories of questions in the ACR proforma, the best practice can be seen in Maharashtra. The qualitative assessment of the legal knowledge of judicial officers has been earmarked with maximum weightage. In Assam and Manipur, maximum weightage has been given to question pertaining to workload management (disposal records, administrative duties etc). While maintaining a reasonable disposal record should be an obvious priority, it is submitted that a disproportionate weightage to the quantitative output of judicial officers is more likely to subvert the ends of

justice. If a judge is delivering greater number of judgements with a weak knowledge of law, it would mean that a great many people are likely to suffer injustice due to this.

In terms of choosing appropriate questions which should have quantitative measurements, the better practice can be seen in Assam and Manipur and Gujarat. While it may be desirable to have a quantitative measurement of all the aspects of performance, it is inevitable that certain qualities are not capable of being quantitatively measured. Thus, in Assam, Manipur and Gujarat though there are questions pertaining to the integrity of a judge, the same has not been attributed any quantitative weightage. There does not seem to be a way by which the integrity of a judge can be objectively verified and different degrees of integrity awarded different marks.

Apart from the questions of integrity, it may at times be valid to argue that there cannot be objective assessment of quantitative measures in relation to certain questions or that even if it is possible, the same cannot be implemented due to practical or logistical challenges. In such a situation, it may be preferable not to allot any quantitative weightage to such questions as the marking is bound to be a product of unguided discretion. In the alternative, the weightage in relation to such questions should be marginal.

i. Assessment Technique

Even in the States where a quantitative yardstick has been prescribed for different ratings by specifying the marks to be awarded under different parameters, there is usually no clarity on the assessment technique to be employed for such parameters. For example, when 5 marks are to be awarded for the behaviour of a judicial officer towards lawyers, there is no clarity on what parameters the marks are to be awarded. There are no guidelines on when a judicial officer will be awarded 4 marks and when 3. There are no guidelines as to how the judgements of the judicial officers will be evaluated. How many judgements will be evaluated and of which category? How many marks will be given for legal reasoning? How many marks for factual narration? How many marks for application of legal principles to a factual situation? Without clarity on such issues, the process of assessment is likely to be characterised by a highly individual and subjective disparities.

In the absence of any institutionalized guidelines on the evaluation parameters, any appraisal exercise has the possibility of being abused. It would be possible for a superior officer to be guided by personalized considerations and manipulate the parameters of evaluation as and when it suits him/her.



Best Practice

Assessment technique has been provided for marking disposal of cases in Maharashtra. It has been mandated that the marks to be given are linked with the quantitative benchmark earned by the officer. Thus, an officer gets 5 out of 5 for having earned the highest rating of 'Excellent', 2 marks for Very Good, 3 marks for Good and 2 marks for Adequate. These marks are awarded for disposals achieved in every 4 months.