



BASELINE REPORT ON CASE MANAGEMENT IN THE HIGH COURT AND DISTRICT JUDICIARY

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REPORT OF THE SUB-COMMITTEE OF THE NCMS

Case Management in the High Court and the District Judiciary with Information and Communications Technology Driven Strategy

Report of the Sub-Committee for Updation of NCMS
Baseline Report on 'Case Management System

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NCMS BASELINE REPORT

on

CASE MANAGEMENT SYSTEM

**REPORT OF THE SUB-COMMITTEE
HEADED BY HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE**

Each Hon'ble High Court determines and applies standards for Court Management for itself and the Courts under its jurisdiction as it may consider appropriate. This Report sets out suggestions gathered from various High Courts across the country, as well as suggestions from concerned subject matter experts and comparable global experience, on what may be considered minimum national common standards on Court Management Systems. The Report is purely advisory in nature and may be considered by the respective State Court Management Systems Committees of High Courts if they deem appropriate in accordance with the circumstances and needs of each State. It is a dynamic working document and will be revised and updated from time to time as needed based on feedback received from State Court Management Systems Committees of High Courts and NCMS experience and guidance. It is intended to facilitate a dialogue amongst National and State Court Management Systems Committees on minimum national common standards for Court Management Systems at a policy level. Suggestions from judges and subject matter experts are therefore welcome through the respective State Court Management Systems Committees. The contents of this report do not necessarily reflect the views of the Supreme Court of India, members of the NCMS Advisory Committee or members of the NCMS Committee in their individual capacity.

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Executive Summary

This report provides a detailed and strategic blueprint for advancing **case management systems** within the Indian judiciary. It **outlines policies, methodologies, and technologies to enhance judicial efficiency, transparency, and responsiveness through both short-term and long-term plans**. It considers High Court and the courts in the district judiciary as part of the digital interoperable ecosystem and provides a comprehensive strategy framework for enhancing case management of the entire court ecosystem.

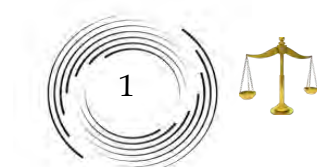
The concept of case management, is defined focusing on streamlining time and event management in lawsuits. Core values driving this system include responsiveness, public trust, efficiency, sustainability, and transparency.

Key principles include a judge-centric, service-oriented approach that prioritises justice delivery and adopts a whole-system framework. The report highlights the advantages of an IT-based Case Management System, which enhances transparency, efficiency, and information management.

Current practices are reviewed with an emphasis on improving transparency and information management. The IT-based strategy includes clear objectives, goals, and core components, with attention to planning, stakeholder involvement, and human resources, especially the role of the Manager (Case Administration).

The importance of having a structured implementation plan and timeline for modernizing case management, aiming for enhanced judicial efficiency and public trust is emphasised.

The report introduces the need for a comprehensive policy framework focusing on judicial data management. It emphasizes the need for a robust API

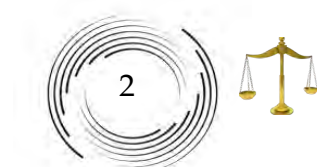


policy and integrates international best practices to develop an eco-system approach that leverages AI for improved data management and automation. It also discusses the need for a comprehensive artificial intelligence policy framework for judiciary specifically and public data generally, which focuses on a human first approach.

A judge-centric and service-oriented approach to case management is advocated for the High Court. The plan includes implementing automated case tracking, e-Summons, and an Automated Adjournment Request System. AI will enhance case management through automated case listing, document summarization, and prioritisation. These changes aim to streamline case flow, improve productivity, and ensure optimal handling of cases.

The report stresses a data-driven strategy for the District Judiciary, focusing on interlinking courts, evolving service standards, and incorporating AI. It covers the recruitment of Managers (Case Administration), formation of Case Management Committees, and involvement of lawyers and Bar Associations. Key aspects include improving case complexity assessment, distinguishing pendency from backlog and arrears, and enhancing data integration. In a realistic tone, the report proposes a short term as well as a long-term approach. While the short-term approach and the long-term approach may have some synergy issues, the proposed approach plans the short-term initiatives to merge with the long-term initiatives in a phased manner.

The short-term plan involves establishing performance metrics, adopting international best practices, and refining case flow management rules. Recommendations include differentiating between active and pending cases, addressing inconsistencies in case counting, and improving case tracking and management.



The IT-based long-term plan for case management in the District Judiciary aims to revolutionize judicial processes by leveraging technological advancements. This approach envisions a future where case management is streamlined through automation, improved data management, and enhanced interconnectivity.

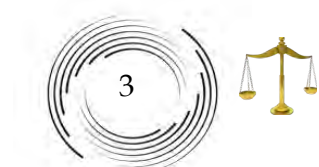
The future of case management is characterized by a shift towards more automated and data-driven processes. This transformation will address current inefficiencies and support the judiciary in handling an increasing caseload with greater accuracy and speed, at the same time focusing on bridging the digital divide.

The plan offers a multi-faceted perspective on case management, considering national, court, and judge-level perspectives. It outlines a structured approach to address challenges and implement solutions tailored to the needs of each perspective.

Timelines for implementation are detailed, providing a roadmap for the gradual introduction of new systems and processes. This phased approach ensures that changes are manageable and effectively integrated into existing frameworks.

The plan addresses the court and case management from a National Perspective, the Court Perspective and the judge perspective.

The national perspective includes key components such as objectives, existing scenarios, and the reasoning behind new methodologies. The focus is on impact-based evaluation and time taken for disposal, with strategies that include automated track management, caseload optimisation, and task redistribution. The establishment of new courts is also considered to manage increasing caseloads effectively.



From the court perspective, the plan addresses pendency and arrears, defining and quantifying these issues to develop effective strategies. It includes a detailed approach to filing management and case management dynamics, with steps for phased implementation of mandatory e-filing, evolution of the Case Information System (CIS), and standardization of case stages. The complete automation of case-flow, including an automated adjournment request system and system-induced calendaring, is a significant component of this section.

The judge perspective focuses on task identification and management, detailing core judicial tasks, associated tasks, and administrative work. It includes methods for quantifying tasks, dimensions of judicial performance, and both quantitative and qualitative evaluations. Innovations in judicial performance management are also highlighted.

Digital Courts and withering away of territoriality concept: Digital courts are a revolutionary concept whose key features, benefits, and an implementation roadmap are discussed in the report. The discussion includes transforming the litigation landscape and rethinking territorial jurisdiction in the digital age. The plan emphasizes decoupling courts from territorial constraints, optimising workload distribution, and enhancing judicial efficiency through statutory reforms. A draft digital court bill is also appended.

The report further delves into a systemic and technological strategies for long-term case management. Systemic corrections include the constitution of a traffic regulatory body, tools for calculating compensation under the Motor Vehicles Act, and pre-litigation mediation. Technological restructuring focuses on optimising bandwidth, establishing digital courts, and automating judicial work. The chapter on specific strategies also addresses machine-based scrutiny of e-filing, the creation of a judicial officer's home module, and the transition to

completely paperless courts. Human resources optimisation includes timely filling of judicial vacancies and optimum staff deployment.

The report further outlines the necessary human resource strategies and administrative structures required to improve case management efficiency at various levels of the judiciary.

A detailed examination of institutional strategies aimed at optimising case management within the judiciary is carried out. It highlights the need for a structured approach to manage judicial functions and streamline administrative processes effectively. The roles of the National, State, and District Case Management Systems Committees which are pivotal in overseeing and implementing case management improvements are discussed and proposals for recasting their responsibilities to tailoring the IT based strategy to the specific needs of each court is highlighted. The National Case Management Systems Committee provides a broad, strategic framework, while the State and District Committees focus on localized and practical aspects of case management.

The report provides a comprehensive framework for institutionalizing case management within the judiciary and focusing on human resources strategies, judicial administration. This plan is designed to enhance the efficiency and effectiveness of judicial functions through structured committees, clear administrative roles, and a well-defined administrative service.

It is advocated to create separate and distinct cadres of Manager (Case Administration) for case management, The roles and responsibilities of various managerial positions, including the Manager (Case Administration) and their roles at individual courts, district, and state levels. The administrative hierarchy is carefully defined to ensure clarity in reporting and decision-making processes. It also emphasizes the need to evolve a dedicated cadre of Managers (Case



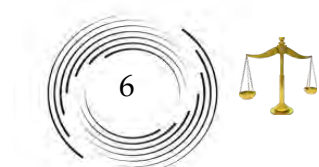
Administration) and outlines performance evaluation mechanisms to ensure accountability and effectiveness. The report also discusses the human resource strategies specifically for judicial administration. It begins with an introduction to the function of judicial administration and the modalities required for its effective operation. The role of the District Registrar is highlighted, illustrating its importance in managing administrative tasks and supporting the judiciary.

A discussion on specialized agencies for infrastructure, reinforcing the importance of dedicated support systems in maintaining judicial efficiency is also made.

The report then delves into defining the concept of court management services. Court Management Services encompass a broad range of functions designed to ensure the smooth operation and efficiency of judicial processes. These services are managed by the Manager (Case Administration) under the guidance of the presiding officer of the court. The role of the Manager is pivotal in streamlining court operations and enhancing the overall effectiveness of the judicial system.

Drawing inspiration from successful practices in the Income Tax Department and the Ministry of External Affairs, which have notably improved passport services, Judicial Case Management will adopt similar strategies to address existing challenges. This includes implementing exhaustive rules and practice directions, applying Six Sigma methodologies to refine case management, and introducing user-friendly interfaces to the Case Information System (CIS).

Structural changes will feature prominently in the overhaul of court management, focusing on stakeholder satisfaction. Key aspects will include the implementation



of time-slot based scheduling of cases, additional infrastructure to improve stakeholder experiences, and comprehensive capacity building programs. These efforts will be underpinned by a commitment to fairness and the provision of robust support systems for all involved parties.

The contours of Court Management Services are extensive and cover several critical areas. Pre-Litigation Counselling will offer essential guidance before legal proceedings commence. Litigation Handholding will support stakeholders throughout the litigation process, while Court Annexed Mediation will facilitate dispute resolution within the judicial framework. Post-Litigation Support will address residual issues following case resolution. Effective management of Court Footfall will ensure that the flow of individuals through the court system is handled efficiently, complemented by various Miscellaneous Functions to support overall court operations.

Key components of Court Management Services will also include maintaining effective communication and liaison with stakeholders, addressing grievances, and managing case schedule adjustments. This includes Intimation and Consultation for Adjournments and Remote Appearance and Signature Management. In scenarios where IT resources may be unavailable, the Manager (Case Administration) will strive to make alternative arrangements to maintain stakeholder satisfaction and comfort.

The Court Management Services will be significantly enhanced through best practices and strategic improvements. The Manager (Case Administration) will play a central role in implementing these changes, ensuring a more efficient, responsive, and stakeholder-focused judicial system.

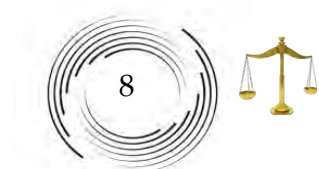
The long-term case management strategy for district courts includes several additional strategies to further enhance efficiency and effectiveness.



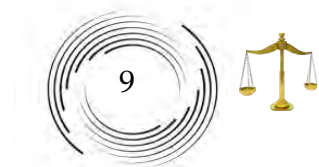
Standardization of judgment and order formats is crucial to ensure consistency and clarity across judicial proceedings. To align with the new case management regime, an automated performance evaluation system will be introduced, providing a robust mechanism for assessing and improving judicial performance. Centralization of document management will streamline access and management of court records, enhancing operational efficiency. Research support at the district level will be bolstered to provide essential insights and data-driven guidance for case management. Additionally, a permanent clog management mechanism will be established to proactively identify and address systemic issues, whether they pertain to specific cases or broader process inefficiencies, ensuring a smoother and more effective judicial workflow.

Integrating technology into courtrooms aims to enhance efficiency and convenience by transitioning from physical to digital systems. Digital district courts, focusing on appeals and revisions, will streamline judicial work, reduce footfall, optimise staffing, and enable virtual hearings. Effective design requires dedicated units within the Public Works Department and state court divisions, ensuring technology integration, accessibility, and future scalability. The digital courtroom design should prioritise user comfort, incorporate advanced court management and evidence systems, and support virtual reality for judicial processes. High Court IT teams will oversee software development, with national data sharing through the National Judicial Data Grid, while national hackathons can attract top talent for ongoing technological advancement. Planning for essential and futuristic audio-visual equipment is crucial for operational success.

Adopting an IT-based strategy for case management in the district judiciary will significantly enhance efficiency, accuracy, and transparency. By integrating digital tools and automating workflows, the system can streamline processes,



minimize errors, and manage case pendency effectively. Addressing the digital divide with accessible kiosks and user-friendly software is crucial. Though initial costs are involved, the long-term benefits – improved justice access, reduced costs, and greater system reliability – highlight the necessity of this approach. Properly implemented, IT-based case management will create a more efficient and equitable judicial system.



Chapter I

General Introduction

Chapter Summary

- Case management is a comprehensive system of management of time and events in a lawsuit as it proceeds through the justice system from initiation to resolution
- Case management should be based on the ideals of fair access to justice, expeditious proceedings, cost-effective work, efficient use of court resources; and fair and practical results suited to the needs of the parties.
- Due to difference in work and jurisdiction, there should be different strategies for the High Court and the district judiciary.
- An efficient court management system should be responsive, enjoy the public trust, efficient and transparent. These values are set on fairness, equality, integrity, and transparency.
- In addition, the case management policy for the high courts as well as the district judiciary should be judge-centric, service oriented, fairness, equality, integrity, and adopt a transparent, whole of system approach with thrust of service delivery.
- The basic idea of case management is that it should be people centric and service oriented and should aim at reaching people at the farthest end of the spectrum at the first instance itself.
- The proposed case management system should be transparent, having a defined roadmap, objectives, and goals.
- Since the proposed case management system is relying on artificial intelligence and its subsets, a defined artificial intelligence policy which is people centric, easy to use, transparent, secure, adaptable, interoperable, and capable of bridging the digital divide.
- Human resources strategy is also part of improving the case management strategy. Specialist officers for case management should be deployed as a separate cadre. A nomenclature distinct from that of court manager, viz Manager (Case Administration) is given to distinguish it from the failed experiment of court manager system.
- Developing a proper implementation plan and time line is also essential part of a successful case management strategy.

Concept of Case Management

Case management is a management practice which has been put to practice for more than a century in various sectors, especially health sector. Conceptually it is the practice of assessing, planning, implementing, monitoring, and evaluating the services that may be required in a sector. It refers to work done during the processing of data and procedures relevant to the case. Case management is a scientific technique used in several sectors including law.



Case management in the context of judicial system refers to a comprehensive system of management of time and events in a lawsuit as it proceeds through the justice system from initiation to resolution. The two essential components of case management system are the setting of a timetable for pre-determined events and suspension of the progress of the lawsuit through its timetable ¹.

As early as in 1990, the concept of case management is made part of the judicial process in the United States of America. The Civil Justice Reform Act, 1990 incorporated the following principles of case management:

- i. The differential treatment of cases that provides for individualised and specific management according to their needs, complexity, duration, and probable litigation careers.
- ii. Early involvement of a judicial officer in the planning and progress of a case, controlling the discovery process, and scheduling hearing, trials, and other litigation events; and
- iii. Regular communication between a judicial officer and the attorneys during pre-trial process.

Since then, case management techniques have been adopted in several countries. This has been done both through legislation ² as in the United States of America and through subordinate legislation. Singapore

¹ Lord Woolf, Access to Justice: Interim Report to the Lord Chancellor on the civil justice system in England and Wales (June 1995), p 30

² The United States of America is a prominent example of a country which has adopted the above method.

Rules of Court, 2021 ³ has set forth the following five ideals to be achieved through case management:

- i. fair access to justice
- ii. expeditious proceedings
- iii. cost-effective work which is proportionate to –
 - a. the nature and importance of the action
 - b. the complexity of the claim as well as the difficulty or novelty of the issues and questions it raises; and
 - c. the amount or value of the claim
- iv. efficient use of court resources; and
- v. fair and practical results suited to the needs of the parties.

These ideals are the most simplistic way of approaching the case management system. Any efficient case management system should attempt to reach these simple, realistic goals.

Due to difference in complexity and nature of the work, different approaches in case management should be taken in the High Court and the District Court.

Core values of a robust judicial system

A robust judicial system is set up on certain core values such as fairness, equality, integrity, and transparency. These values ensure that every individual

³ Singapore Rules of Court, 2021, accessible at <https://www.judiciary.gov.sg/civil/new-rules-of-court-2021/digest-2b>

access to justice, regardless of their social status personal circumstances. These values include:

- a. Responsiveness, which is arising from procedural fairness.
- b. Public trust, which arises from judicial independence.
- c. Efficiency, of which sustainability is also a key element.
- d. Transparency, which is also an aspect of fairness.

Details of these core values are as follows:

Responsiveness

Responsiveness to the realities of life and the capability of the system to scale itself up to meet situations threatening its core values is a key element in ensuring procedural fairness.

Fairness relates to the unbiased treatment of all involved in the matter, while equality ensures that the law applies equally to everyone. Procedural fairness is a value of robust judicial system as it ensures that every is treated equally a fair opportunity to their case.

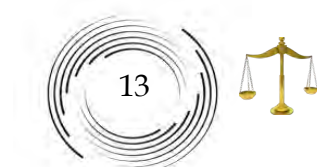
Public trust and judicial integrity

Judicial integrity implies adherence legal principles and ethical standards, safeguarding the independence and credibility of the judiciary.

Efficiency and sustainability

Efficiency relates to the ability of the system to be effective and useful to all the stakeholders.

The system must be internally and externally efficient. It should be capable of giving speedy and effective justice to the litigants and lawyers.



It should also be capable of measuring all the tasks undertaken by the judicial officers and court staff.

An efficient system will incentivise all tasks and dis-incentivise all shortcuts adopted by judicial and non-judicial officers while handling each case and measure their performance on a real time basis, without putting undue pressure, to adversely affect independence of judiciary.

Transparency

Transparency guarantees that the justice system operates in an open, accountable, and accessible manner, increasing public trust and confidence. It also implies that all the stakeholders, be it the public, the litigants, the lawyers, the trial judges, appellate judges, and the supervisory judges are kept in the know. A robust system will keep informed all about the processes and procedures at all stages.

Guiding principles of an ideal design of Case Management system

District judiciary plays a crucial role in mitigating conflicts, preserving the rule of law, protecting individual rights. Upholding these core values is crucial to strengthen the district judiciary and to uphold efficiency in providing quality case services to the citizens.

One of the most significant challenges that district judiciary faces is caseload management, which can be daunting and time-consuming.

Any design for an IT-Based Strategy for Case Management for the district judiciary should be focused on evolving an effective means to propagate the core values of a robust judicial system. Such proposal should increase the

responsiveness, sustainability, and transparency of the judicial system. The litigants and public should be capable of getting relevant information through the system at all stages of the case while protecting the privacy of individuals. An ideal strategy should aim at evolving a system which can consider every person approaching the system equally, by mitigating and if possible, eliminating socio-economic and cultural disadvantages including digital divide of any person who approaches the court for justice. The system should be self-accountable and capable of making each of the actors accountable. Each stakeholder should be capable of getting all relevant information. At the same time, privacy of individual should be respected, and the system will not retain, manage, or share data more than what is necessary subject to Digital personal data protection Act 2023.

The following shall be the additional considerations which shall be borne in mind while evolving such a system:

Judge-centric approach

The core principle in so strategizing is that the individual judge should have ultimate control of his workload. An ideal system will consider a judge as the focal point and all system and processes as tools to assist the judge in providing justice.

An ideal system should be able to promote judicial independence by providing judges with the tools necessary to manage their caseload more efficiently, so that they have the time to make legally sound independent judgments. The system should improve the responsiveness of the judiciary. At the same time the judges should retain the ultimate control over their case load. Judges should be able to prioritise their workloads based on realistic parameters. The system that is being evolved or any other stakeholder should not be allowed to interfere with the judicial independence.

It should promote sustainability and transparency of the judicial process by providing an accurate and efficient record-keeping system.

It should eliminate chances of bias, human error, and fraudulent behaviour. It should improve public trust by access to justice.

Thrust on justice delivery

The thrust on justice delivery must be the key focus of the case management system. By implementing modern case management tools, district judiciary as a whole and individual judges and non-judicial officers can enhance their overall efficiency and effectiveness in delivering quality justice delivery services. It should be able to improve case tracking systems, resulting in fewer and manageable delays, reduced case backlog, and improved communication between judicial offices and other stakeholders involved in the justice delivery system. The goal of any such case management system should be to provide a platform for citizens to access justice services and to improve overall trust the judicial system.

Service oriented approach

While taking a judge centric approach and giving thrust to justice delivery, a service approach will be adopted. The pith of service approach is to consider the judicial process as a service. The beneficiaries are the public and litigants. The entire process should be tuned to provide speedy and efficient service to the beneficiaries.

Whole of system approach

A whole of system approach should be adopted for evolving a system. A macro view of the whole justice delivery system should be kept in mind. Further all aspects of the judicial system should be integrated to the case management

system. Efforts of all parties involved in the case management process, including, court staff, lawyers, judges and other stakeholders should be simplified, accelerated through the system, and counted to make the system better. All the limbs of the justice delivery mechanism should be made accountable. All stakeholders in the justice delivery mechanism should be able to get justice.

Benefits of an IT based Case Management System

The following are the perceived advantages of an IT based case management system in bullet points:

-  automation of routine tasks can lead to more streamlined processes, saving time and reducing costs.
-  by enabling and utilising platform independent communication channels for communication between different stakeholders, information can be shared seamlessly, leading to improved collaboration, allocation resources, and decision-making.
-  improved data collection.
-  improved ability for data analysis and interpretation.
-  improved transparency and accountability.
-  greater ability to lay down standards and for compliance with regulations and standards.
-  improved efficiency, effectiveness, and overall productivity.

Fundamental premise in case management

The basic idea of case management is that it should be people centric and service oriented. Any case management initiative should be envisaged to ensure access to the poorest of the poor, illiterate, under-privileged (in all respects) person



with no basic amenities (such as food, housing, and clothing). If such person could get benefit and access to justice through the proposed case management system persons in all the higher strata of the society will also automatically get benefited. On the other hand, if initiatives are proposed in such a way that providing access to justice such a person will happen as the last step, the chances are higher that one would never reach the last step. All the proposals in this document must be read in the perspective of ensuring the last mile connectivity initially.

Current Practices in Case Management

The current practices in case management are heavily dependent on paper-based systems. Currently targets are computed based on unrealistic parameters. Current target system would only lead to propagating pendency. Computation of targets is also manually done, leading to human errors. It is also difficult to analyse the data so collected. Paper based decision making and data makes tracking and sharing challenging. The case file is paper based, and the case flow is also managed manually. It is prone to errors, misplacements, and time-consuming, it is difficult for case managers to provide timely and efficient service to the litigants and lawyers.

Transparency in Case Management

One of the fundamental elements of an efficient case management system is its transparency. Transparency refers to the ability of the IT based system to make available seamlessly the case details and case updates to relevant parties, including the judge lawyers, and litigants. Transparency ensures that all parties have access to accurate and up to date about their cases. Transparency promotes accountability, openness, and trust in the judicial process, thereby enhancing the overall effectiveness of the judiciary as a service.

From a performance analysis system point of view, transparency means making available all the details regarding Key Performance Indicators, Computation of Base Points (BP) and Weightage Points (WP), qualitative and quantitative performance indicators (QuPI & QnPI), Discounted Points (DP), discounting process and rationalisation procedures, performance parameters and data in the profile of individual judge and to the District Judge/Chief Judicial Magistrate and Portfolio judge. With access to this crucial data, they can take appropriate action to ensure that each judge's performance is up to the mark. The availability of this data will improve overall performance across the board and enhance the judiciary's efficacy.

Apart from the availability of data, availability of a review mechanism to raise grievances and address concerns is of utmost importance.

DCMSC shall hear appeals for the decisions of Individual Courts regarding aspects of court management. SCMSC shall in turn hear appeals for the decisions of DCMSC.

The availability of a review mechanism allows the supervisory authorities in Case Management to monitor and evaluate the performance of the case management system and to make necessary modifications to enhance its overall effectiveness. It also enables timely identification and resolution of any bottlenecks or issues arising from the system, thereby improving the quality of services provided to litigants. The review mechanism further helps to ensure transparency and accountability in the justice, giving stakeholders confidence in the fairness and impartiality of the system.

Adopting Approaches to Information Management in case management

The sheer volume of data that is generated throughout the judicial process can be overwhelmingly disorganised if not managed properly.

Information management solutions that streamline the case management process shall be put in place.

Specific data management approaches ranging from centralised databases to document management systems that provide easy access to critical information for stakeholders shall be adopted. By adopting such robust approaches to information management, trends can be identified and decision making based on data-driven insights rather than presumptions can be fostered.

Defining the Objectives and Goals of the IT-Based Strategy

Defining the objectives and of an IT-based strategy for case management in district judiciary is necessary for its successful implementation. The objectives and goals should clearly outline the purpose and desired outcomes of the strategy.

The broad goals and objectives of the proposed IT based strategy for case management are as under:

Goals	Objectives
Efficient Case Management	Efficient management of data within the judicial process by putting available resources to optimum use
Redundancy Reduction	Identifying and curbing available opportunities for redundancy and ensuring task-based monitoring of the services provided by key stakeholders,

Goals	Objectives
	thereby ensuring that each task undertaken by them is identified and measured and disincentivize redundancy.
Case Pendency Management	Defining pendency, identifying factors leading to pendency and managing pendency by automation and incentivising disposal within the mean period required for such disposal.
Justice Service Quality Improvement	Reducing procedural errors through standardisation, automation, AI based predictive text suggestions and templatization thereby enhancing quality of decision making and avoiding chances of appellate intervention
Justice as a service	Recognising judicial process as a service and implementing systems to ensure a robust process to enhance service capabilities of the system
Improvement of overall efficiency of the judicial system	Evolving a whole system approach and ensuring the improvement of the whole system efficiency
Improving access to justice	The improvement in the processes should be leveraged to improve access to justice by tiding over digital divide and socio-economic and cultural disabilities

A well-defined set of objectives and goals guide the development of the strategy and enable stakeholders to measure its progress and impact. It is also important to ensure that the objectives and goals are achievable within the context

of the district judiciary's existing resources and infrastructure. By clearly defining and communicating the objectives and goals of the-based strategy, all stakeholders can work together towards common goal of improving the delivery of justice in the district judiciary.

Core Components of an IT-Based Strategy for Case Management

It is important to ensure that the Case Management system remains useful and user-friendly, allowing for and efficient navigation by court staff, judges, and external parties.

To start with, it is essential to identify the core components of the Case Management System. This is a systematic process which includes,

- ⚖️ planning and implementation of such a strategy
- ⚖️ Institutionalising the case management mechanism
- ⚖️ Creating a mechanism for continuous performance appraisal of judicial stakeholders
- ⚖️ Ensuring transparency
- ⚖️ Creating systems for data management and analysis in tune with the Data Protection requirements and providing adequate capacity building for all stakeholders.

Thoughtful consideration and implementation of the core components provides a solid foundation for effective case management in the district judiciary. Additionally, the strategy must include provisions for training and support, as well as security measures to safeguard sensitive information.

Planning and Designing

Planning and designing an IT-based strategy for case management in district is a critical component for successful implementation of an effective case management system.

The planning involves identifying the key stakeholders and determining their information needs. It also requires mapping out the current workflow and identifying areas where IT processes can enhance efficiency and effectiveness.

The Stakeholders

The stakeholders include judges, non-judicial support staff in the court, lawyers, advocate clerks, litigants and public.

Judges include the superior officers of the district judiciary, District Court Management System Committee, Registry of the High Court, and the Portfolio judge. The judges should have unlimited access to information pertaining to every case in their court at all times. The superior officers shall have access to statistical data regarding the cases of the courts under the administrative jurisdiction. The access of other stakeholders needs to be restricted. A case management policy should be framed, defining access restrictions and non-restrictions.

In addition, designing an IT-based strategy involves selecting appropriate hardware, software, networking solutions that can support specific needs of the district judiciary. A well-designed IT-based strategy can streamline case management, data collection and analysis, enhance communication among court personnel and other stakeholders. By carefully planning and designing an IT-based strategy, district judiciary can improve the of justice delivery and provide better service.

Human Resources for case management

An optimum mix of people, processes and policies is a must for effective case management. Currently much of the productive time of a judge is spent on peripheral issues related to a case, which are essential to ensure that justice is given to all the parties involved but which do not form part of the core decision-making process. It is imperative that a part of the judicial work, which is currently being done by judges at all levels should be delegated to a specialist officer who has expertise and experience in managing people and processes.

Manager (Case Administration)

The concept of Case Manager was introduced as a specialist to do case management activities, reduce the administrative burden of judges, and improve the management sphere within the judiciary. It was introduced by the 13th Finance Commission in 2010. Rs. 300 crore was set aside for this post and distributed amongst different states. In 2015, the Central government discontinued the funding for the post and states were required to fund the post on their own. This led to several issues. Court Manager positions were introduced in the high courts and the district courts. Court managers with highly qualified MBA degrees were expected to work with judges, helping them in their day-to-day administrative tasks.

Even after a decade, the system of court managers could not bring about the desired results. This was because of a multitude of reasons.

First and foremost, as the Court Managers were appointed on an ad hoc basis, they were seen as an outsider. While on paper, they had broad roles and responsibilities, they continue to function in the background with little or no authority.

Further the duties laid down by the centre and states overlap with other staff of the court. This led to lack of clarity about their role in individual courts and affected their effectiveness.

As the court managers were appointed in district courts alone, at least in some places, they tried to act as super judges over other judges in the district judiciary, which also contributed to the failure of the Court Manager system.

The concept of case management is court specific. However, by appointing a court manager in districts, the court centricity was given a go by, resulting in the failure of the system to be effective.

The system of specialist court managers was borrowed from the experience of other jurisdictions. Countries such as the USA, Australia, South Africa and the UK employ court managers or administrators to carry out administrative functions. They form a link between the people and the judiciary, managing all the administrative workload.

The concept of a specialist who will manage the unproductive workload of the district judiciary is still relevant. However, as Case Managers is a failed experiment, there is a need to reinvent the system. To denote that Case Managers proposed in this document is not the same as Court Managers introduced in India in 2010, the name of the post must be changed from Court Managers. Several other names such as Case Manager, Case Assistant, Case Administrator, Court Administrator are suggested. However, the designation Assistant will reduce the importance of the post, while the designation of administrator will make it appear that such officers are above judges. The position must be appropriately designated so that proper talent can be attracted without letting the post be given more importance than is due.

As the nomenclature given to the post should at the same time reflect its importance, and its subordination to the judges in the district judiciary at all levels, it is proposed that the post be called Manager (Case Administration).

Role of Manager (Case Administration)

The primary role of Manager (Case Administration) is to optimise productivity in judicial proceedings, ensuring that cases presented for adjudication are thoroughly prepared. This minimises adjournments and ensures the effective use of judicial time. A proactive Manager (Case Administration) will be a linchpin in the transformation of India's legal landscape.

Defining Manager (Case Administration)

A Manager (Case Administration) is a seasoned professional tasked with coordinating diverse facets of a case. Their responsibilities encompass procedural adherence, efficient communication, process completion, and ensuring cases are primed for final hearings.

Responsibilities and Powers of a Manager (Case Administration)

The Manager (Case Administration) will be responsible for the following activities in the judicial process before the High Court.

✦ **Presentation and Compliance Management:** The Manager (Case Administration) will

- resolve presentation-related non-compliances.
- address presentation delays and re-presentation requirements.

✦ **Efficient Coordination:** The Manager (Case Administration) will orchestrate the entire litigation process, by ensuring smooth interaction among involved parties, documents, and evidence.

- ⚡ **Timeline Oversight:** The Manager (Case Administration) will develop and manage a well-defined case timeline, setting task deadlines and milestones to maintain momentum. Such timeline management will be on a case-to-case basis and on a court basis.
- ⚡ **Document Handling:** The Manager (Case Administration) will manage collection, organisation, and accessibility of case-related documents, streamlining retrieval and filing.
- ⚡ **Court Docket Management:** The Manager (Case Administration) will monitor court dockets and scheduling, preventing delays due to missed hearings or scheduling conflicts.
- ⚡ **Communication Facilitation:** The Manager (Case Administration) will act as a communication bridge among litigants, advocates, witnesses, and experts, fostering effective information flow.
- ⚡ **Problem-Solving:** The Manager (Case Administration) will be responsible for addressing unforeseen challenges promptly, minimising disruption to case progression.
- ⚡ **Settlement Facilitation:** The Manager (Case Administration) will assist in facilitating settlement negotiations and recommends alternative dispute resolution (ADR) avenues.
- ⚡ **Progress Monitoring and Reporting:** The Manager (Case Administration) will regularly monitor case progress, taking proactive measures to prevent delays.
- ⚡ **Data-Driven Insights:** The Manager (Case Administration) will analyse case data and trends to identify delay patterns and formulate strategies for future mitigation.

The broad strategies iterated in this document, for both the High Court and the district judiciary is based on the above concepts.

The High Court and district judiciary should be viewed as part of a larger ecosystem in which case management operates. Hence, it is imperative to have a discussion on the case management in the High Courts. Further lack of coordination between the case management strategies in the High Court and district judiciary may seriously affect the efficiency of case management in the district judiciary, as appeals from the decisions of the district judiciary are handled at the High Court level. Hence, the case management for the high court is an integral element of any strategy for case management.

As the nature of judicial and related work differ in the High Courts and the district courts are different, this document evolves separate strategy for the case management in the high court and the district judiciary.

Developing an implementation plan and timeline

Developing an implementation plan and timeline is a crucial aspect of successfully implementing a case management strategy in the district judiciary. This process involves breaking down the strategy into achievable goals and tasks, identifying the resources personnel necessary to complete each task, and establishing a timeline for completion. The plan must also include a system for monitoring and evaluating progress, as well as contingency for handling any unforeseen issues. A well-developed implementation plan and timeline shall be evolved by SCMSC, which can provide clarity and direction for stakeholders involved in project, ensuring that everyone is working towards the same goal and the implementation on track. This would also involve developing appropriate software which can speak to data in CIS and apply the big data analysis techniques

and Artificial Intelligence tools for an efficient, real-time, dynamic, and realistic performance analysis for all judicial officers in the state.

The procurement, deployment, and management of appropriate hardware with sufficient configuration, including server capacity to do such complex and big data calculation is another challenge. SCMSC shall develop a software and hardware policy for case management systems and shall ensure that the funds are made available in a timely fashion and without executive bottle necks. It shall be ensured that the hardware procured can manage big data analysis of all the cases in the system on a real time basis without lag. The deployment of the systems shall be done under the supervision of the DCMSC.

The way forward

A carefully planned IT-based strategy for case management is essential for improving judicial efficiency. By institutionalizing a robust case management system, ensuring transparency, and leveraging modern technology, the judiciary can optimise case processing and decision-making. The role of a Manager (Case Administration) is pivotal in this transformation, helping to streamline the process and alleviate judges' administrative burdens. Collaboration between High Courts and district courts, coupled with continuous performance appraisals, will ensure the system's success in the long term.

Chapter II

Policy framework for Judicial Data Management

Chapter summary

- **Data Management Importance:** Effective data management is crucial for implementing IT-based case management in the district judiciary.
- **Data Protection:** Best standards for data protection and management must be defined, considering court data as personal data of litigants.
- **Interoperability:** Integration of data across judicial, governmental, and service provider databases is necessary to reduce delays.
- **API Standards:** Clear API standards for data interconnectivity should be defined to ensure system communication.
- **Data Security:** Efficient password policies and mechanisms to protect data confidentiality and security are essential.
- **Data Retention:** High Courts should retain digitized case records and set up Disaster Recovery Servers.
- **Policy Considerations:**
 - Balance public access and privacy concerns.
 - Employ a data field-based approach rather than document-based approach.
 - Establish a regulatory body with judiciary representation.
- **Application Programming Interface (API) Policy:**
 - Enables efficient access to judicial information.
 - Promotes transparency and accountability.
- Raises privacy concerns, necessitating careful regulation.
- **Open Data Principles:** Accessibility, machine readability, completeness, non-discrimination, and common standards.
- **Artificial Intelligence Policy:**
 - AI should augment human intelligence, not replace it.
 - Ensure transparency, fairness, and ethical use.
 - Implement people-centric, inclusive, and easily usable systems.
 - Maintain adaptability and interoperability with other justice administration systems.
- **Continuous Evaluation:** Regular review and updating of data management practices and AI systems.
- **Capacity Building:** Conduct awareness campaigns and educational programs for stakeholders.
- **Ecosystem Approach:** Foster collaboration between public and private entities while maintaining judicial integrity.
- **Budgetary Allocation:** Ensure adequate resources for hardware, software, and capacity building programs.



Introduction

Effective data management and analysis are crucial in the implementation of an IT-based strategy for case management in the district judiciary.

It shall be ensured that best standards are defined for data protection and management. Since the court data is also personal data of the litigants, developing clear guidelines of data entry and data management is essential.

A significant factor contributing to delays in the judicial process is the non-availability of data within a reasonable timeframe. To address this, the policy must ensure the interoperable integration of data across all judicial, governmental, and service provider databases, enabling seamless and real-time access. This can be achieved by defining clear API standards for data interconnectivity, ensuring that diverse systems can communicate with each other in a synergetic manner. Such an approach would eliminate entry and access barriers to data, streamlining the flow of information across platforms and reducing delays caused by manual retrieval or system incompatibilities. By removing these barriers and standardizing access, the judicial process would be greatly accelerated, fostering a more efficient and responsive legal system.

Efficient password policies shall be put in place to avoid chances of physical tampering of data.

Creating efficient mechanisms to protect data confidentiality and security, and having a backup policy is a must for any digital strategy. It is proposed that SCMSC shall lay down such standards and ensure that the big data analysis and AI tools employed do not interfere into any constitutional right guaranteed to the

litigants. Such policies shall be published and made available in the e-filing and court website.

Robust data management practices and reporting capabilities can improve and accountability while reducing the likelihood of errors or information gaps. Only an efficient combination of automated case management tools and sound data management principles can help the district judiciary systems improve efficiency, accuracy, and overall performance.

The data management and retention strategy shall be reviewed from time to time by the SCMISC with the assistance of experts, and such review shall be conducted at least once in 2 years.

Each High Court may take steps to retain data pertaining to digitized case records of the district judiciary and the high court in an independent server installed in the High Court, or at such other place as the High Court may select. Each High Court should also set up a Disaster Recovery Server (DRS) within the State at a different location from the main server.

Policy Considerations for judicial data management

The judicial data regulation should balance public access and privacy concerns, employing a data field-based approach rather than a document-based one to mitigate privacy risks. It emphasizes the need for a regulatory body with majority representation from the judiciary, consisting of retired judges and privacy experts, to oversee data processing and usage. Additionally, it highlights the importance of recognizing individuals' roles in the justice system and imposing obligations on external actors accessing judicial data to protect personal information.

Key points to ensure in judicial data sharing include:

1. **Purpose Limitation:** Data must be processed for clear, specific, and lawful purposes, with restrictions on profiling and surveillance.
2. **Data Accuracy and Security:** Fiduciaries must maintain accurate data, implement security measures against misuse, and notify individuals of any breaches.
3. **Access Model:** Develop a model that defines who can access data, the method of access, and conditions on use, ensuring compliance with existing laws and privacy protections.

Application Programming Interface Policy

An Application Programming Interface (API) is a set of standardized instructions that allows different software systems to communicate and interact with each other.

In the context of judicial data, APIs are significant because they enable efficient and structured access to large volumes of judicial information, facilitating transparency and accountability while allowing third parties to develop applications that can analyse and utilize this data. However, the use of APIs also raises privacy concerns, necessitating careful regulation to protect sensitive information while promoting open access to judicial records.

The Vision Document for Phase III of the eCourts Project entitled “Digital Courts: Vision and Road Map-Phase III of the eCourts Project, eCommittee, Supreme Court of India”⁴ has laid down that the phase III of the eCourts project will focus on creating a seamless interaction and data exchange between different

⁴ “Digital Courts: Vision and Road Map-Phase III of the eCourts Project, eCommittee, Supreme Court of India, <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/04/2023042088.pdf>

ecosystem actors. To achieve this, open APIs will be provided, enabling systems to communicate with each other effortlessly. Standards, specifications, and certifications will be established to guide the development of solutions, ensuring consistency and quality. Modular platforms will be designed for various services like e-filing, summons delivery, digital hearings, and virtual courtrooms. This modular approach allows for flexibility and agility, enabling easy updates and changes based on feedback or advancements in technology. A key benefit of this infrastructure is that it allows different actors, including High Courts, to configure solutions and services tailored to their specific needs, without requiring uniformity. This approach promotes customization and adaptability, paving the way for a more efficient, intelligent, and user-friendly judicial system.

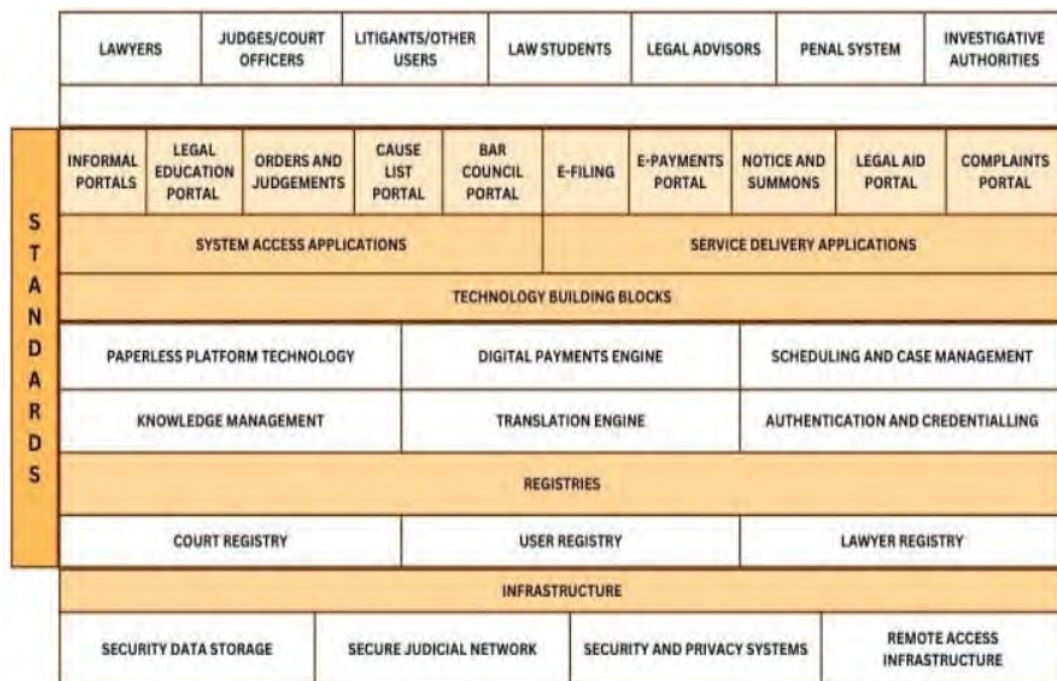
According to the vision document the digital data infrastructure for the judiciary should be based on the core principles of trust, empathy, sustainability and transparency ⁵. The vision document also advocates adopting a whole of system approach and to build strong adoption framework and robust governance framework. The vision document further advocates adopting a platform approach which is central to:

- ⚖️ support configuration of services to diverse and evolving needs of users (courts, lawyers, citizens and other government systems) without needing to be uniform or standardised.
- ⚖️ create the infrastructure that can enable many solutions or services to constantly evolve collaboratively from the ecosystem.

⁵ Id at p. 28.

- enable other pillars of the justice system (namely prisons, police and legal aid authorities) to interface with the judicial system – through open standards, specifications and APIs.
- enable participation and wider adoption of the digital infrastructure, services, and solutions by all segments of society.
- make data such as pleadings, arguments, and judgments from the judicial system publicly accessible, subject to privacy regulations. Basis a uniform set of rules, such information and data can be used such that it benefits the data principal, i.e., litigants, data controller, i.e. Registry, and potential data users, i.e. academics, researchers, technologists, and professionals who can leverage machine learning and AI to build solutions on this data.

The Vision document also provides a pictorial depiction of the platform approach which is reproduced for easy understanding:



The vision document further advocates that implementing open technology and data sharing in courts enhances transparency and enables evidence-based policy making. A data governance framework ensures privacy, security, and judicial integrity. Interoperable interfaces (APIs) facilitate seamless data exchange between stakeholders, enabling co-creation of services and improved efficiency. This empowers various stakeholders, including citizens, lawyers, and government departments, to access data and develop innovative solutions, such as automated filing and document management tools.

The vision document further advocates that to foster trust and collaboration, it's essential to establish standards, specifications, and certifications that ensure seamless coordination and data exchange across various stakeholders. This includes:

- 🔑 **Standards:** Common vocabulary and experience for data, processes, and technology to enhance transparency, interoperability, and efficiency.
- 🔑 **Specifications:** Uniformity and quality of technology, such as open API specifications and taxonomy specifications, to enable meaningful data exchange.
- 🔑 **Certifications:** Verified capabilities of actors using the platforms, ensuring trust, governance, and accountability.

These measures promote:

- 👉 Interoperability and collaboration among stakeholders
- 👉 Efficient and intelligent delivery of services
- 👉 Scalable, agile, and sustainable digital infrastructure

👉 Data-driven insights for judicial performance, accountability, and informed lawmaking

The vision document recommends that by adopting these standards, specifications, and certifications through a collaborative process, we can create a robust and trustworthy digital courts ecosystem.

The Vision document also advocates the following guiding principles for the data architecture:

- ⚖️ *Privacy and Security by Design*: Ensure data protection and privacy through minimal data collection, anonymization, and tier-based access.
- ⚖️ *Open and Interoperable*: Promote transparency and interoperability through open-source code, open data, and open standards.
- ⚖️ *Accessible and Inclusive*: Ensure user-friendly design, compatibility, and affordability for all users, regardless of socio-economic background.
- ⚖️ *Reusable and Extensible*: Incorporate modular architecture for repurposing and extending elements.
- ⚖️ *Agile, Data-Driven Development Method*: Build incrementally, leveraging analytics and user feedback.
- ⚖️ *User-Centric Design*: Incorporate diverse user needs, provide training and support, and ensure transparency.
- ⚖️ *Scalable*: Design for future growth, accommodating new systems and capabilities.

-  *System-Wide Perspective*: Integrate courts, tribunals, and related agencies.
-  *Resilient*: Develop adaptable solutions for complex challenges.
-  *Commoditised and Heterogeneous*: Choose commoditised technologies for reliability and scalability.
-  *Unified Not Uniform Development*: Outline national design specifications while allowing for local flexibility.

Existing Policy framework

India already has a National Data Sharing and Accessibility Policy, 2012 (NDSAP), and an Open API Policy for e Governance (National Data Highway).

The National Data Sharing and Accessibility Policy (NDSAP) is a comprehensive framework designed to facilitate the sharing and accessibility of non-sensitive data generated by various government entities, utilizing public funds. This policy applies to all Ministries, Departments, subordinate offices, organizations, and agencies of the Government of India, as well as State governments. The primary objective of NDSAP is to promote data sharing and enable access to government-owned data, thereby supporting national planning, development, and awareness initiatives. By facilitating the sharing of non-sensitive data, NDSAP aims to enhance informed decision-making, drive development, and foster awareness. The Implementation Guidelines of this policy postulates the following principles as part of Open Government Data (OGD) policy:

1. **Accessibility**: Data should be easily accessible to the public in open formats.
2. **Machine Readability**: Datasets must be machine-readable to facilitate use and reuse.

3. **Completeness:** Datasets should be as complete as possible, reflecting the entirety of recorded information.
4. **Non-discrimination:** Data should be available to all users without discrimination.
5. **Common Standards:** Use of commonly owned standards for data collection and transfer to ensure interoperability.

The Government of India has an API sharing policy. It is annexed as **Appendix I (a)**. Similarly High Court of Kerala also has an API sharing policy which is annexed as **Appendix I (b)**.

However, these guidelines and API sharing policy primarily focus on data generated using public funds by government organizations and institutions and data generated, collated or controlled by private organisations or individuals are not covered within this policy.

International Scenario

European Union have a General Data Protection Regulation (GDPR) which serves as guidelines for data protection in EU in the same way as Digital Personal Data Protection Act, 2023.

Article 23 of the General Data Protection Regulation (GDPR) allows for restrictions on certain data protection rights and obligations, but only in specific circumstances. Member States can introduce domestic legislation to restrict the scope of certain GDPR obligations and rights, but only if the restriction is necessary and proportionate to achieve a specific goal.

The restriction must be aimed at achieving one of the following objectives: national security, defence, public security, prevention, investigation, detection, or

prosecution of criminal offences, protection of the data subject or the rights and freedoms of others, or enforcement of civil law claims.

For instance, a Member State may limit access to personal data for national security purposes or restrict data subject rights for law enforcement investigations. However, any restriction must be proportionate, necessary, and respect the essence of the data protection rights and freedoms. This ensures that any limitations on data protection rights are justified and do not undermine the fundamental principles of the GDPR.

Art. 23 (1) (d) of GDPR deals with the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; and Art. 23 (1) (f) of GDPR deals with the protection of judicial independence and judicial proceedings.

Similar guidelines exist in other jurisdictions as well ⁶. S. 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (S. 91 of Code of Criminal Procedure, 1973) permits courts to direct production of documents. Sections 96 and 97 read with Sections 102 to 106 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 93, 94, 99 to 101 of Code of Criminal Procedure, 1973) provides for search and seizure of property including documents. In the context of inclusion of electronic and digital record within the definition of documents, the Indian law also permits pulling of electronic records directly between servers of the holder of the data and

⁶ US Stored Communications Act (SCA), 18 U.S.C. § 2703; Article 15, Directive 2014/41/EU (European Investigation Order) that allows cross border access to electronic records; Article 18, Regulation (EU) 2018/1807 (e-Evidence), enables authorities to request electronic evidence directly from service providers; Telecommunications (Interception and Access) Act 1979 (TIA Act) of Australia allows for interception and access to telecommunications data and Australian Security Intelligence Organisation Act 1979 (ASIO Act) enables ASIO to request data from service providers. Further Section 487.012, Canadian Criminal Code allows for the production of electronic records.

the courts. However, an efficient procedure and methodology are to be set up to ensure the delays in getting the data available to the judicial process. This would require a proper policy framework that permits software that are used in the judicial process to communicate with the databases that contain electronic form evidence so that it can be brought into the judicial system to be used for the adjudicatory process without delay.

Further proposals for judicial data policy

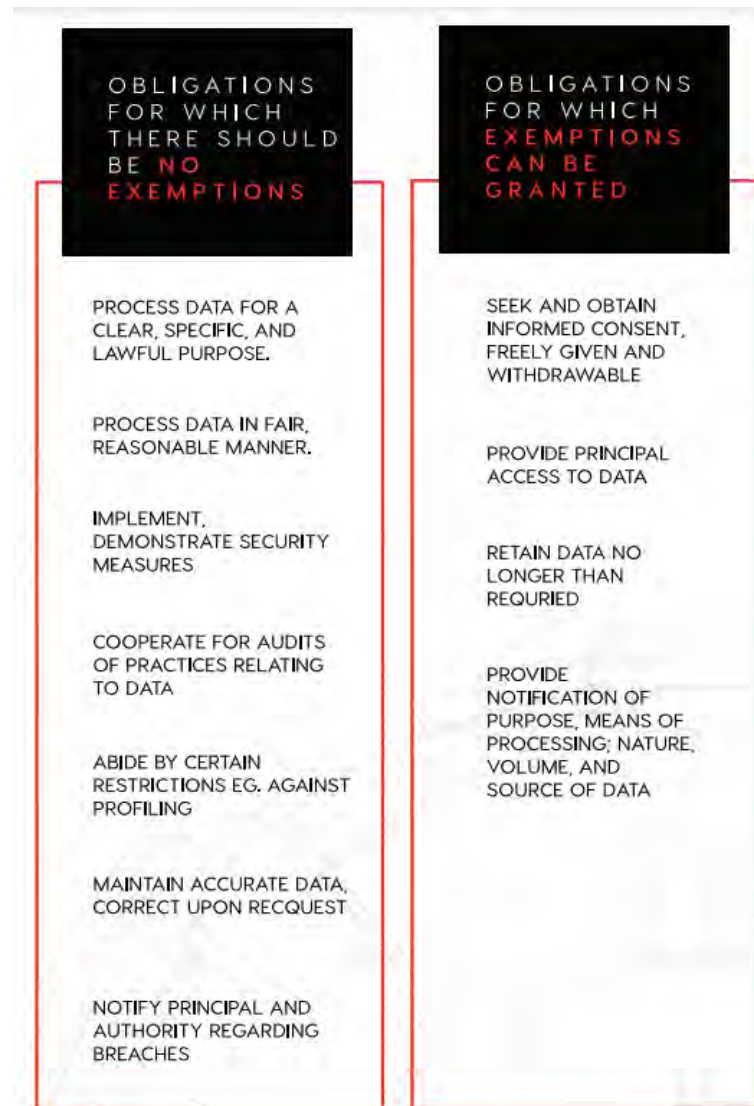
A paper entitled “*Judicial Data Regulation: Discussion Paper II-Regulatory Framework for Data Protection and Open Courts July 2021*” by Daksh ⁷, argues that the framework for judicial data should include:

- ✦ ***Balancing Privacy and Transparency:*** Clear guidelines that objectively balance public access to judicial data with privacy concerns, considering the sensitivity of the information and the context of its use should be established.
- ✦ ***Stakeholder Involvement:*** The judicial data policy formulation process should involve various stakeholders, including court users and the general public, to address their specific needs, rights, and obligations.
- ✦ ***Role-Specific Regulations:*** The judicial data policy framework should recognise the different roles within the justice system (e.g., victims, defendants, law enforcement) and tailor the data handling protocols accordingly, ensuring that personal information is treated appropriately based on its context and sensitivity.

⁷ <https://www.dakshindia.org/wp-content/uploads/2022/02/Judicial-Data-Paper-2-4.pdf>

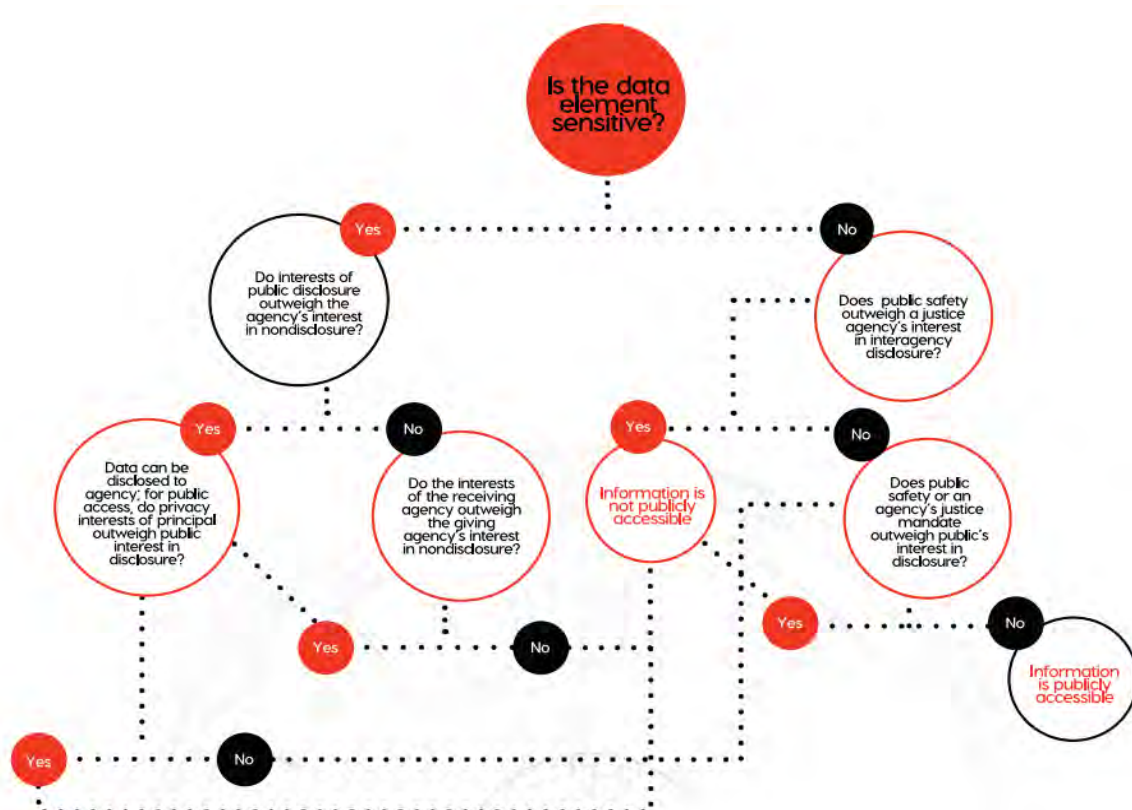


The paper succinctly puts forth the data processing requirements and exemption regime in a pictorial representation as follows:



The paper distinguished the judicial data into (i) Open data, (ii) Personal data and (iii) Sensitive personal data and differential treatment for these different sets of data.

The paper also pictorially represents the parameters to distinguish data as sensitive or open as follows:



As per the paper, the following are the following steps to be followed in framing an appropriate policy framework:

- ✦ Balancing sensitivity of data fields against precedent value and overriding public interest to arrive at a proper classification of data as open data, personal data or sensitive personal data.
- ✦ Ensuring granularity of data and defining differential parameters to data access for different data sets even within a case.
- ✦ Defining obligations of data fiduciaries to ensure that use of data does not violate any rights.
- ✦ Providing regulatory autonomy to judicial processes as recognised in all major jurisdictions by appointing a dedicated regulatory body to formulate privacy regulations for the judiciary, involving stakeholders in policy

formulation process through a process of involving and consultation in the process.

- ✦ Map the information flow and classify the data elements
- ✦ Draft a model policy and access policy
- ✦ Implement 'privacy by design' in the development of information systems for the judiciary.

Eco-system approach

A robust judicial data policy framework should foster and develop a technology eco-system that would ensure maximum productivity and efficiency of data. Public players such as the Bar Council of India, Bar Associations, Universities, research institutions and even private players should be capable of working along with the judicial institutions to develop the best data management and presentation tools.

Allowing private players in judicial technology development offers several advantages:

- ✦ **Innovation and Expertise:** Private tech companies bring cutting-edge innovation and specialized expertise, accelerating the adoption of advanced technologies like AI, machine learning, and blockchain for judicial processes.
- ✦ **Faster Development and Deployment:** The involvement of private players often leads to quicker development, testing, and deployment of technological solutions due to their competitive nature and efficiency in project execution.

- ✦ **Cost Efficiency:** Private firms can offer cost-effective solutions through economies of scale and competition, reducing the financial burden on the judiciary for technology implementation and maintenance.
- ✦ **Customization and Flexibility:** Private developers can tailor solutions to specific needs, providing more flexibility in designing platforms and systems that fit the unique requirements of different courts and legal institutions.
- ✦ **Ongoing Support and Maintenance:** Private firms can provide continuous technical support, regular updates, and maintenance, ensuring that judicial technology systems remain current and secure over time.
- ✦ **Scalability:** Private sector involvement enables the creation of scalable solutions that can grow with the expanding needs of the judiciary, accommodating increased case volumes and integration with additional services.
- ✦ **Collaboration and Partnership:** Public-private partnerships foster collaboration, bringing fresh perspectives and ensuring that the judiciary stays updated with global technological trends and practices.
- ✦ **Reduced Bureaucracy:** Private sector involvement often reduces bureaucratic delays in procurement and implementation, speeding up the adoption of new technologies in the judicial system.

However, when allowing private players in judicial technology development, certain cautions must be taken to protect judicial integrity, security, and public trust:

- ⚖️ **Data Privacy and Security:** Strict measures should be implemented to ensure that sensitive judicial data is safeguarded. Private players must

adhere to stringent data protection standards to prevent breaches, unauthorized access, or misuse of confidential information.

- ⚖️ **Regulatory Compliance:** Private firms must comply with legal and regulatory frameworks, including data protection laws and judicial codes of conduct, ensuring that their technology solutions align with judicial values and constitutional principles.
- ⚖️ **Vendor Lock-In:** To avoid dependency on a single vendor, contracts should emphasize the use of open standards and modular solutions that allow flexibility for future upgrades or changes, preventing long-term monopolistic control.
- ⚖️ **Transparency and Accountability:** Clear transparency mechanisms should be in place to monitor the development process, decision-making, and operations of private players, ensuring accountability in handling judicial data and processes.
- ⚖️ **Conflict of Interest:** Safeguards should be established to prevent conflicts of interest, ensuring that private players do not have undue influence on judicial operations or case outcomes.
- ⚖️ **Ethical Concerns:** Technologies developed by private players should adhere to high ethical standards, especially when involving AI or machine learning, to avoid biased algorithms or decisions that could affect justice delivery.
- ⚖️ **Quality Assurance and Testing:** Judicial technology must undergo rigorous testing for accuracy, reliability, and security. A robust validation process should be established before implementation, with continuous monitoring and quality assessments.

-  **Oversight and Governance:** A governance framework should be in place to oversee the role of private players, ensuring alignment with judicial goals and the public interest. Courts and judicial bodies must maintain control over core judicial processes.
-  **Continuity of Service:** Agreements with private players should ensure continuity of service, including fallback measures in case of technical failures, financial instability, or withdrawal of the private provider from the contract.
-  **Cost Transparency:** Ensure that financial arrangements are transparent, with clearly defined costs and no hidden fees that could result in unforeseen financial burdens on the judiciary.

Contours of a judicial data policy framework

To enhance judicial efficiency, transparency, and privacy, a robust digital data policy should be established, based on the following principles:

-  **Standardized Data Formats:** There should be national data standards, as Adopt widely accepted data formats and semantic versioning to ensure compatibility and backward compatibility.
-  **Controlled access to data for judicial processes:** Whenever necessary, the law enforcement agencies and the judicial institutions could mine and access all the data available with government or public institutions, and even private institutions, having due regard to the right to privacy, keeping within the contours of ‘procedure established by law’ as laid down in Article 21 of the Constitution of India.
-  **Eco system approach:** The all the open data of governmental and judicial data should be interoperable, not only within the governmental agencies but

also to any entity which wishes to use the data to develop an ecosystem for judicial data.

- ✦ **Privacy and Security by Design:** The data protection should be prioritised in judicial data through minimal data collection, anonymization, and tier-based access controls. Compliance with privacy regulations should be ensured. Secure protocols to protect sensitive information should be implemented. Strict but practical data protection measures, including encryption, secure access controls, and compliance with legal and regulatory requirements should be implemented.
- ✦ **Centralized Data Management:** A secure, centralized repository of judicial data may be created. The said repository should be accessible through standardized APIs, enabling seamless data retrieval from various service providers and government databases
- ✦ **Open and Interoperable data:** A comprehensive data governance framework which ensures that data from all databases can be pulled to the judicial database using APIs should be put in place similar to GDPR and Promote transparency and interoperability by leveraging open-source technologies, open data, and adhering to open standards. This ensures flexibility and compatibility across diverse platforms and services, allowing seamless data exchange.
- ✦ **Error Handling and Support:** Clear error handling protocols, comprehensive documentation, and responsive support should be implemented.
- ✦ **Fair Access and Rate Limiting:** Fair access and rate-limiting quota systems should be established to ensure equitable access to resources.

- ✦ **Monitoring and Compliance:** API performance, security, and usage data should be monitored to optimise functionality, ensure security, and plan for capacity.
- ✦ **Dispute Resolution:** A clear dispute resolution framework should be established to address conflicts related to API usage or data accuracy.
- ✦ **Change Management:** Updates and changes should be clearly and succinctly communicated to all stakeholders in advance to avoid disruptions.
- ✦ **Collaboration and Governance:** A culture of collaboration and consistency should be fostered through a national governance model.
- ✦ **Testing and Validation:** Thorough testing and validation of API integrations shall be ensured to guarantee reliability, accuracy, and compliance.
- ✦ **Licensing and Terms of Use:** Clear licensing terms and usage conditions to should be defined and implemented ensure compliance with legal and regulatory frameworks.

By adopting these principles, the judicial system can create a secure, interoperable ecosystem that enhances efficiency, promotes transparency, and respects privacy.

This apart, there should be an artificial intelligence policy framework to ensure that the use of artificial intelligence in judicial processes.

Artificial Intelligence policy framework for case management

Artificial Intelligence(AI) is not a single technology ⁸. It is an umbrella term for a spectrum of tools including machine learning, deep learning, neural language processing, computer vision, robotics etc. It is a field which is continuously evolving since algorithms were used. Decision support systems have been using artificial intelligence and machine learning for some time. In USA, there were accusations of racial bias in the Artificial intelligence-based decision support system used in the State of Florida named COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) ⁹. The COMPAS issue flagged in USA is an eye opener in using Artificial Intelligence-based tools as an end to all the maladies affecting the criminal justice system.

Understanding artificial intelligence, machine reading and similar scientific advancements as one of the several tools, to augment human intelligence and maturity without giving space for replacement of such intelligence and maturity is the key to adaptation of artificial intelligence to support judicial decision making in India.

It is therefore strongly recommended that an artificial intelligence policy for judicial decision support system should be put in place. Similarly, it would be advisable to have a software architecture policy and a data security policy for the judicial data. Before moving on to the use of technology tools, which may involve use of discretion, awareness campaigns and educational programs shall be conducted to inform the public, legal professionals, and other stakeholders about the use of artificial intelligence tools in the judiciary, its capabilities, and its

⁸ Leslie D'Monte, Jayanth N. Kolla, "AI Rising: India's Artificial Intelligence Growth Story", Jaico Books, 2023, p. 10

⁹ <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>

limitations. A culture of understanding and trust regarding the integration of artificial intelligence tools in decision-making processes, should be fostered through such programmes, ensuring that such tools remain restricted to an aid in the human decision-making process, rather than acting as its substitute. Legal experts, ethicists, and technology specialists in the development, testing, and ongoing evaluation of artificial intelligence tools and systems used in the judiciary to ensure legal accuracy, fairness, and adherence to ethical standards.

Contours of AI Policy for judiciary

The software and Artificial intelligence policy shall be based on the following fundamentals:

- ✦ **People-centric**: All judicial decision-making support systems including artificial intelligence tools deployed should be oriented towards easing the job of judges and supporting staff. People should not have to work more for the systems, but it should be vice-versa.
- ✦ **Inclusivity and accessibility**: Ensure that judicial decision-making support systems including artificial intelligence tools deployed are designed to be inclusive, considering the diverse population in India, including those with varying levels of technological literacy and accessibility needs, and features that accommodate different languages, dialects, and literacy levels shall be implemented to make the technology accessible to a broader audience.
- ✦ **Ease of use**: All such systems should be employee friendly and easy to use and learn. It should be oriented towards data and document management, which is the core judicial priority. Complexities in use of such software should be strictly avoided.

- ✦ **Transparency:** Any software-based system deployed for support of judicial decision-making process should be capable of being audited by experts in all manners, be it the architecture, the algorithms, the tables, or the interface. Intellectual property concerns should not be allowed to override the transparency and utility of the programmes and there should be an appropriate balance between these concerns. Robust data privacy measures shall be implemented to safeguard sensitive information, ensuring compliance with existing data protection laws. The terms of data usage shall be clearly and obtain informed consent from individuals whose data is utilized by artificial intelligence and other technology enabled judicial decision-making support systems.
- ✦ **Secure:** At the same time these systems should be deployed upon the understanding that the data used by these systems is managed in trust. This would mean that the system should be capable of resisting external interference or intrusion, thereby safeguarding data from being misused.
- ✦ **Adaptability:** The decision support systems including artificial intelligence tools should be customisable, depending on the changing needs of various states and scenarios.
- ✦ **Interoperability:** The decision support systems including artificial intelligence tools should be interoperable with the software's deployed by the other justice administration departments and they should ensure compatibility with evolving technological infrastructure. For this purpose, there should be standardization of data formats across different courts to facilitate seamless data exchange. This would enhance the efficiency of the system and reduce potential complications arising from varied data structures.

- ¶ **Digital bridge:** Such systems should be capable of bridging the digital divide, so that the last mile of digital capacitation is achieved first.
- ¶ **Data Security:** The data pertaining to cases should be adequately secured, with appropriate data backup procedures and the data of the district courts shall be at all time under the direct control of the respective High Court exercising supervisory control over the district judiciary.
- ¶ **Continuous Monitoring and Evaluation:** Mechanisms should be put in place for continuous monitoring, auditing and evaluation of performance all judicial decision support systems including artificial intelligence tools ensuring that they remain effective, unbiased, and aligned with evolving legal standards. Adequate channels shall be established to obtain feedback from the judges, legal professionals, and other stakeholders regarding the usability, effectiveness, and ethical considerations of the technology enabled judicial decision support tools and the artificial intelligence policy framework should be periodically reviewed and updated to incorporate technological advancements and to address emerging challenges based on the feedback as appropriate.
- ¶ **Ethical use and accountability:** Clear guidelines should be laid down on
- o the ethical use of technology in the judicial system emphasizing the responsible handling of data, avoiding discriminatory practices, and addressing biases.
 - o accountability mechanisms to hold developers, vendors and users of technological tools responsible for any unintended consequences or misuse.

✦ **Budgetary allocation:** Adequate and ongoingly sufficient budgetary resources should be made available for development of resources, including the hardware (including server and networking components) software and periodical capacity building programmes (including development of learning materials) for all stakeholders.

The path ahead

Effective implementation of IT-based case management in the judiciary requires balancing data accessibility with privacy protection, ensuring interoperability across systems through standardized APIs, establishing dedicated regulatory oversight, fostering public-private collaboration while maintaining judicial integrity, implementing AI as a decision support tool, not a replacement for human judgment, continuous evaluation and adaptation of data practices and AI systems and building capacity through awareness and education programs.

By adhering to these principles, the judiciary can harness technology to enhance efficiency and transparency while upholding justice and protecting citizens' rights. Regular reassessment will be crucial to adapt to technological advancements and emerging challenges. This would also ensure that all entry and access barriers of judicial data will be removed.

Chapter III

Existing Efforts in measuring judicial workload

Chapter summary

Accurate computation of judicial caseload is a pivotal step in efficient case management.

High Courts in India, including Kerala, use a **unit system** to assign different values to cases based on complexity, helping standardize workload, evaluate judicial officer performance, and manage judicial caseloads.

While **periodic returns** submitted by the courts in the district judiciary to the High Courts provide insights into case pendency, they need to be interpreted cautiously as they categorize cases broadly and may not fully reflect the complexity and workload associated with different case types.

Although the unit system and periodical returns help understand caseload and judicial output, they have limitations, including oversimplification of case complexity, focus on quantitative measures,

subjective unit assignment, potential for data manipulation, and limited predictive capacity.

The Case Load Management Module (CLMM) model offers a more comprehensive, dynamic, and transparent approach to calculating caseload by considering case type, stage, and specific complexities, leading to fairer case distribution, improved resource allocation, and enhanced accountability in the judicial system.

While promising, the CLMM model needs further refinement to incorporate factors influencing case complexity throughout the litigation process, ultimately aiming for a fully automated, data-driven system that provides an objective and accurate measure of judicial workload for effective resource allocation and management.

Introduction

In the quest for efficient case management, accurate computation of caseload is a pivotal step. To achieve this, several approaches have been developed and implemented, each with its own strengths and limitations. This chapter delves into those existing efforts, examining their methodologies and identifying areas for enhancement.

Units System Used by High Courts

Many High Courts use a unit-based system to measure the disposal of cases. Different types of cases are assigned specific unit values based on their perceived complexity and time requirement. For example, a sessions trial may be assigned a higher unit value compared to a summary trial. This system is used to assess the performance of judicial officers and manage caseloads.

Various High Courts have different models of unit system. For example, the unit system prevalent in the High Court of Kerala, notified as per OM No. E6-30215/2021 dated 02.08.2002 of the Hon'ble High Court of Kerala and modified from time to time, the latest being OM No. E5-64750/2021 dated 03.03.2021 of the Hon'ble High Court of Kerala provides for a comprehensive unit system with differential units.

The Unit System aims to standardize the workload and evaluate the performance of judicial officers across different courts and case types in the district judiciary. Under the unit system prevalent in the High Courts, unit values are assigned to different types of cases to help evaluate judicial efficiency across various court levels. For example, under the unit system for the district judiciary in Kerala, each court level and judicial position has a specific unit target per month. For instance, District Judges have a target of 130 units per month, while Additional District Judges have 140 units, Motor Accidents Claims Tribunals 200 units, Principal Sub Courts 110 units, Additional Sub Courts 120 units, Principal Munsiff Courts 130 units, Additional Munsiff Courts 140 units, Chief Judicial Magistrate Courts 140 units and Additional Chief Judicial Magistrate Courts and Courts of Judicial First-Class Magistrates 150 units as monthly target. Additional 10 units will be given to all courts with administrative responsibilities. The unit allocation for cases varies based on complexity and nature. For example, a Sessions Case

under Section 302 of the IPC with up to 25 witnesses is assigned 12 units, and when the number of witnesses is between 25-50, 14 units are assigned. For such cases with witnesses above 50, 16 units are assigned. A Criminal Appeal against decision by Assistant Sessions Judge is assigned 6 units and against decision of Judicial First-Class Magistrates are assigned 4 units. While initially the system provided extra credits for disposing of older cases (more than five or seven years old) and bulky matters requiring additional time and effort (1.5 times the normal credit), after 2023, the said credit was taken away. The unit system primarily focuses on the disposal of contested matters, providing a standardized framework for assessing judicial officers' work across different courts and case types.

Periodical Returns and Pendency Figures

Courts maintain periodical returns that provide pendency figures, categorized by case type or category. These reports are submitted in a periodical manner to the respective High Courts. These figures also offer insights into the overall workload and the types of cases contributing most to the pendency. However, it is important to note that pendency figures alone may not accurately reflect the caseload, as every type of case is not the same.

Need for a better method

While, the unit system and the periodical returns provide a foundational understanding of caseload and judicial output, they have certain inherent limitations.

1. The Unit System, while offering a standardized measure tend to oversimplify the complexity of cases. Not all cases within a category require the same time and effort. For example, there would be cases in the same category, which, may take more time than other cases,

even when the number of witnesses and other factors remain the same.

2. Both the Unit System and periodical returns primarily focus on quantitative measures (number of cases disposed of or pending). They lack a qualitative assessment of the judicial process, overlooking aspects like the quality of judgments and the impact on stakeholders.
3. The assignment of unit values in the Unit System can be subjective and prone to biases. This might lead to an inaccurate representation of the actual workload and effort required for different cases.
4. The manual method of reporting the units achieved also has a potential of data fudging.
5. While pendency figures show the current workload, they offer limited predictive power for future trends. This makes resource allocation and strategic planning challenging.

To address these limitations, a more nuanced and comprehensive approach is needed.

The Case load Management Module Model

A new model for judicial case load calculation was introduced in the District Judges Conference held at the Supreme Court, in 2024. It is a comprehensive model for calculating caseload in courts. It incorporates weightage for various factors, including case complexity, time requirements, and judicial impact. This methodology aims to provide a more accurate and holistic picture of caseload, enabling better court management and resource allocation.

For ease of reference this method is referred to as the Case load Management Model (CLMM). A detailed outline, and a power point presentation of this model is given as **Appendix V**.

This method leverages a three-dimensional approach to determine the overall caseload of a court. By incorporating Case Type Load (TL), Stage Load (SL), and Complexity Factor (CX), this methodology aims to enhance efficiency, fairness, and transparency within the judicial system.

This model incorporates three key elements: Case Type Load (TL), Stage Load (SL), and Complexity Factor (CX). By considering these factors, the CLMM model aims to enhance efficiency, fairness, and transparency within the judicial system.

Case Type Load (TL)

Reckoning the Case Type Load (TL) offers a clear and structured way to quantify the complexity of different case types. By assigning scores between 1 and 10, TL ensures that each case type is appropriately weighed according to the time, effort, and judicial resources it demands. For example, a Session Case might have a TL of 10, reflecting its higher complexity, while a simpler civil appeal might be assigned a TL of 2. This calculation allows the court to assess its workload more accurately by factoring in the true complexity of the cases it handles, rather than simply counting the number of cases.

The computation of TL ensures recognition of the differences in the judicial effort required for various cases. This helps in distributing work more evenly and ensuring that resources are allocated based on the actual demands of each case type.

In the long run, the TL computation also offers broader benefits. It supports more informed decision-making regarding resource allocation, policy development, and even court restructuring. By accurately reflecting the varying complexities of cases, the TL system can contribute to improved efficiency, fairness, and transparency in the judicial process, ensuring that courts are better equipped to handle future caseloads.

Stage Load (SL)

The concept of Stage Load (SL) recognizes that the workload associated with a case varies throughout its lifecycle. Each stage, from filing to judgment, carries a different load, which is dynamically adjusted as the case progresses. SL values range from 0.1 to 1.0, with lower values assigned to the early stages of a case, such as filing and preliminary hearings, and higher values assigned to later stages, such as evidence presentation and judgment writing.

For instance, a case pending for appearance might have an SL value of 0.1, reflecting the minimal workload at that stage. As the case moves forward, the SL increases. When the case reaches the arguments stage, the SL may rise to 1.0, representing the peak workload for the court.

However, the SL does not always follow a linear, upward trajectory. Certain events during the lifecycle of a case can cause the SL to decrease. For example, in civil litigation, if a party to the case passes away and the legal heirs are not promptly brought on record, the case becomes unready for further proceedings. In such situations, the SL dynamically shifts to a lower value, reflecting the reduced workload for the court at that time. The case may need to be relisted for appearance, during which its SL could return to the initial lower level of 0.1.

This flexibility in SL adjustment allows the system to account for various real-life scenarios that affect the progress of a case. By continuously recalculating the SL based on the current stage and readiness of the case, the court's workload is more accurately represented. This nuanced and dynamic approach aids in better resource allocation and effective case management, ensuring that the workload remains proportionate to the actual status of each case.

Complexity Factor (CX)

The Complexity Factor (CX) ensures that the nuances and unique challenges of each case are accurately reflected in the overall workload calculation. While some cases may seem similar at a glance, their underlying complexities can vary significantly, and this variation can greatly affect the time and effort required from the court. CX helps capture these distinctions by assigning a score between 1 and 10, based on multiple factors such as the number of witnesses, the volume of evidence, the legal intricacies involved, and the overall complexity of the legal issues. A straightforward civil case with limited evidence and a small number of witnesses may have a low CX value, such as 1 or 2. On the other hand, a criminal case involving over 30 witnesses, intricate forensic evidence, or multiple defendants might be assigned a higher CX value, such as 5 or more, reflecting its greater demands on court resources.

Incorporating the Complexity Factor into caseload calculations allows courts to better understand and distribute their workloads. Cases that are more complex demand more judicial time and effort, and CX helps to quantify this, ensuring that such cases are properly accounted for in resource allocation. Without CX, there would be a risk of oversimplifying the judicial process, treating complex cases the same as simple ones, which could lead to unfair distributions of workload among judges and potential delays in case resolution.

The Complexity Factor adds a layer of precision to the CLMM model, making it possible to manage judicial resources in a way that truly reflects the demands of each case.

In the long run, by accounting for these case-specific complexities, the judicial system can ensure fairer case distribution, preventing any single court or judge from being overwhelmed by particularly challenging cases. Considering the complexity of cases and according complexity factor due importance in judicial caseload not only improves fairness and efficiency in case management but also supports the delivery of timely justice, ultimately leading to a more balanced and effective judicial system, as resources are better aligned with the real demands of the cases being handled.

Implications and Benefits

The CLMM model offers several advantages over the unit system and periodical returns.

First, it is more comprehensive. The CLMM model takes into account the complexity of the case type, the stage of the case, and the specific complexities of the case, such as the number of witnesses. This is in contrast to the unit system, which only considers the complexity of the case type, and periodical returns, which only provide pendency figures.

Second, the CLMM model is more dynamic. The stage load and complexity factor are adjusted as the case progresses, which ensures that the caseload calculation is always up-to-date. This is not the case with the unit system and periodical returns, which are static measures.

Third, the CLMM model is more transparent. The calculation of the caseload is based on clear and objective criteria, which makes it easy to understand and

track. This is not the case with the unit system and periodical returns, which are often based on subjective criteria.

Fourth, the proposal of CLMM is to apply algorithms and calculate case complexity from the data available in NJDG. This will ensure better accuracy of the data.

By explicitly considering case type complexity, stage-wise complexity, and case-wise complexity, the model fosters a fairer distribution of cases among courts. This prevents workload imbalances and ensures that cases are assigned to courts with the capacity to handle them efficiently. Additionally, the transparent calculation of caseload enhances accountability within the judicial system.

By providing clear and objective data on court workload, the CLMM model enables informed decision-making regarding resource allocation and court management strategies.

Future Refinements

While the CLMM model provides a comprehensive framework for caseload calculation by incorporating factors like Case Type Load (TL), Stage Load (SL), and Complexity Factor (CX), it potentially overlooks certain issues which reduces the complexity of the cases, such as settlement between the parties, witnesses turning hostile, appellate court orders such as quashing of FIR etc, and those which increases the case load such as procedural orders from appellate courts fixing time limits, remands etc. The method primarily focuses on pre-litigation complexities, overlooking potential issues during litigation, such as death or non-appearance of parties during evidence stage or parties reaching to a settlement during evidence stage. For example, a sessions case with large number of witnesses may lose its complexity on the eyewitness or victim turning hostile. Success level of mediation

or settlement is quite high in certain case types, say Motor Accident cases and Family matters. Even in certain type of criminal cases possibility of witnesses turning hostile is quite high. An in-depth analysis of the data of the decided cases will give an input into the appropriate matrix for leveraging these factors, which can be used as predictive models. The future refinements of the model should focus on all factors leading to complexity at all stages of the case, ensuring a more accurate reflection of the judicial workload. The data from the model can support the development of predictive models to estimate case duration and resource requirements, enhancing the court's ability to manage caseloads efficiently. Comparative analysis across different courts or jurisdictions could provide valuable insights for improvement. Continuous feedback from judges and staff will be crucial for evaluating and refining the effectiveness of the method. The full potential of the model can be realised only where a complete automated calendar management of courts run by an algorithm is in place.

Conclusion

Efforts to compute judicial workload have significantly enhanced our understanding of workload assessment and management.

The Unit System has established a standardized framework that is essential for evaluating workload and performance. Regular submissions of returns and pendency figures to High Courts have yielded valuable insights into overall workload and the distribution of case types, which are instrumental in identifying pending cases and potential bottlenecks.

The CLMM Model has further refined the calculation of workload by considering factors such as Case Type Load, Stage Load, and Complexity Factor.

This comprehensive approach allows for a more nuanced understanding of caseload dynamics.

Looking ahead, this document discusses a proposal to transition towards a fully automated, data-driven workload assessment system applicable to both the High Court and district judiciary. This initiative will have to be supported by a robust IT strategy. A dynamic method that can automatically adjust to changing needs while considering both qualitative and quantitative aspects of judicial work will be crucial. Such an approach aims to maintain objectivity, transparency, and efficiency in judicial workload assessment, ultimately providing an accurate measure of judicial workload. The workload computed using this method should be the base for assessing the growth needs of the judiciary including manpower and infrastructure requirements.

Chapter IV

Case Management in the High Court

Chapter Summary

- Case management in both High Courts and district judiciary have the same conceptual framework, though in actual practice there is a huge difference in the scope of case management due to the difference in work.
- Due to difference in work and jurisdiction, there should be different strategies for the High Court and the district judiciary.
- All non-productive judicial work can be assigned to Manager (Case Administration) in the High Court, who shall be a district judge.
 - The Manager (Case Administration) shall have a semi-judicial role, and shall take care of service defects, including any hearing and decision making that may be required with respect to such defects, dispose of interim applications and other such miscellaneous matters, so that the judges can focus on the disposal of the main matters, thereby optimising judicial productivity.
- In addition, an IT driven case management in the High Court shall be put in place, which involves (a) automated channelling of cases into different tracks, (b) automated impact-based acceleration and deceleration of cases, (c) automated adjournment request system with a defined adjournment policy, (d) enabling summoning of electronic records through e-summons, system enabled consultation, and (e) dashboard enabled communication of processes.

Data of cases in the High Court should be made capable of analysis and management with Artificial intelligence tools, so that automated summary of case documents can be generated, and interconnectivity between different types of matters can be mapped automatically. Further Short order templates can be generated automatically based on facts making use of artificial intelligence capabilities.

Importance of Case Management in the High Court

Concept of case management have equal importance in the High Court and District Courts. Both have the same conceptual framework. However, in finer details there is a huge difference between the scope of case management in the High Court and the district court.

The nature of cases that come up for consideration in the High Court and the District Courts are entirely different. This difference is reflected in (a) the

procedure involved for trial of cases, (b) the nature of documents produced, (c) court management and (d) the administrative work.

However, the pressing need for case management is there in both the high courts as well as the district courts. A sheer look at the statistics will reveal its necessity. As on 03.10.2023, a total of 6149595 case are pending in the high courts, of which 73.57% are more than one year old cases.

The case management in the High Courts is to be achieved by making available people and resources. Appointing specialists such as Manager (Case Administration)'s and deploying a software-based case management strategy is the appropriate method to manage the case load.

Manager (Case Administration) in the High Court

Currently a lot of productive time of judges are wasted on non-productive work. If one takes each case, taken up in the High Court an average of 2-3 minutes is spent on non-productive work. If 50 cases on an average is taken up on a day, the loss of productive time per day comes to 1.6 to 2.5 hours. To ensure that the time of judges are spent more on productive work, it is therefore highly essential that the non-productive work is assigned to some other officials in the courts. Ideally, such non-productive work should be assigned to a specialist official whose duty will be to ensure that the case files are maintained, and the procedural compliances are managed, so that the judges can focus on the job assigned to them- decision making- without having to worry about the administrative matters connected to any case.

Selection and recruitment of Manager (Case Administration)

A District Judge shall be appointed as Manager (Case Administration) at the High Court level. The Manager (Case Administration) shall have limited judicial

role. Drawing upon the expertise of a District Judge on deputation, the role of Manager (Case Administration) parallels and even surpasses that of a Judicial Registrar, infusing professionalism into case management, court hearings, scheduling, and adjournments.

The Manager (Case Administration) shall take care of service defects, including any hearing and decision making that may be required with respect to such defects, dispose of interim applications and other such miscellaneous matters, so that the judges can focus on the disposal of the main matters.

The primary role of a Manager (Case Administration) is to optimise productivity in judicial proceedings, ensuring that cases presented for adjudication are thoroughly prepared. This minimises adjournments and ensures the effective use of judicial time. In addition, the Manager (Case Administration) will also be assigned other responsibilities as iterated above.

As a forerunner of the above model, the full court of the Hon'ble High Court of Kerala has recently approved the creation of post of Registrar (Court and Case Management) and gazette notification will be published soon. The rules approved by the Hon'ble High Court of Kerala regarding the role and functions of Registrar (Court and Case Management) is appended as **Appendix II**.

IT-driven case management in the High Court

Automated tracking of cases

The cases can be channelled to different automated tracks.

The track system will help to identify and provide appropriate differential treatment in handling of urgent matters, not so urgent matters, ordinary matters etc.



The acceleration and deceleration of the cases through the track can be based on several factors which affect the movement of the case through the system.

Impact based acceleration of cases

The cases in tracks can be assessed of their impact as (a) cases of national importance (b) cases of commercial importance (c) cases of social importance (d) cases which have impact on various cases pending in the High Court or in the courts in the district judiciary (e) cases which have only individual importance, and (f) cases which have least importance. The system logic should be set as to identify the impact based on the data, pleadings and documents submitted by the parties and give suggestions to the filing scrutiny officer to track the case to appropriate channel. Applying human intelligence, the filing scrutiny officer will have to divert the cases to appropriate tracks. Whenever a new situation arises to change the track, either the system logic with artificial intelligence support or through human intervention, the cases can be retracked.

Automated Adjournment Request System

An automated adjournment request system shall be put in place. Such a system will enable parties or counsel to request adjournments before specified times, without need for the case to be called in the court. Such a system will provide an option for opposing parties to voice objections prior to the designated date, so that a decision can be taken well in advance whether to grant an adjournment or not. Such a system will empower the Manager (Case Administration) to decide on adjournment requests, promoting efficiency and ensure smooth progression by prioritising waitlisted matters.

Adjournment policy

To further smoothen the process of adjournments, and to avoid conflicts on adjournment management by case manages an adjournment policy shall be laid down for adjournments by the Manager (Case Administration) and the bench.

The policy shall inter alia include that reason for every adjournment must be recorded. Though at present only the broad contours of adjournment policy can be laid down, so that each high court can decide its own policy, it is suggested that in such a policy, ideally, party's right for adjournment must be limited to 3, beyond which cost should be mandatory.

An incremental cost table, fixing an additional cost for each adjournment after the right for adjournment ends shall be laid down factoring in the systemic costs shall be laid down, published, and implemented.

Seamless data integration with CIS of district judiciary

There should be seamless interconnectivity between the case information systems at the High Court and the trial courts. In most cases, delay occasion due to transmission of physical records from trial courts to High Court. Even after disposal of the case by the High Court, some time may take to transmit back the case records to trial courts. This causes delay in the trial court. Hence the following suggestions are put forth:

- a. The practice of calling physical records for appeal shall be stopped completely. If physical verification of any particular record is unavoidable in the peculiar circumstances of the case, only such document shall be physically required in the appellate courts.

- b. The High Court or for that matter all appellate courts shall handle appeals or revision or even writ proceedings in cases pending before other courts completely based on digital records.
- c. The complete data and records in the trial courts shall be maintained digitally.
- d. The High Court and the appellate courts shall be enabled to pull data and records, including judgments and decrees from the Case Information System as and when required to the High Court database.
- e. Stay of proceedings shall also be automatically applied to the trial court case flow. Once a case or particular proceedings are stayed, the order will automatically attach to the trial court case flow system and the case, or the stayed proceeding alone shall move automatically using system logic from the live track to the stayed track. It will get back to live track once the stay of proceedings is lifted without need for any further human intervention.
- f. As a transition measure, all the cases in which appeals are pending shall be digitised.

A 'One data policy' as recommended for the trial courts shall include the cases that come in appeal or other proceedings before the High Court. The system itself will catch all the data that has been input once into the system, without need for further input of the same data at any further point.

Summoning of electronic records through e-Summons

Electronic summoning of documents can help to get the documents, especially electronic records from any system which is integrated to the High

Court system on the click of a mouse. Where the systems are not so integrated, such pulling of data through an intermediary system such as that of the investigating agency is also possible.

The data in the High Court Case management system should be able to push and pull data and documents from the data bases of various stakeholders. In certain cases, the electronic files and contracts can be produced in courts by pushing the data from the server where such electronic records are stored to the court servers through the particular case data.

System enabled consultation

Date of hearing shall be fixed through system-enabled consultation with the lawyers appearing for both sides. Both sides can prefer 2 or 3 dates of their convenience, and the system will allot a time slot for hearing based on the input received.

Service of notice and communication systems

Dashboard enabled service of notice shall be enabled for service of notices to high volume litigants such as the government, the corporates, and other entities like insurance companies.

Two-way communication modules like MISAGO shall be set up through Advocate General's office to the respective police stations so that communications between the government counsels and the respective departments especially the police in the matter of bail applications and other criminal matters for getting reports and case diary is seamlessly done to avoid delay.

E-post shall be widely used for service of notice to other litigants.

Integration of Artificial intelligence in data analysis and management

Artificial intelligence should be utilised in the data and documentation analysis extensively.

Intelligent and automated case management using Artificial Intelligence

The case management process can be improved using artificial intelligence. Instead of antiquated method of manual case management, machine intelligence can be used to set the dynamics in case management.

As dealt extensively in the section dealing with IT based case management for district judiciary, a balance should be struck between the need for automation and judicial discretion. The automation of case management in the High Court should at the same time capitalise on the technological possibilities and the intricacies of human intellect.

The nature of cases being handled in the High Court and the district judiciary differs vastly. Hence, the case management techniques followed in the district judiciary may not be useful in the High Court.

Steps in intelligent listing

Step I-Categorising cases:

The first and fundamental step in the case management in the High Court is the decide the priority of the cases. This is a most simple task, but the priority is a matter of judicial discretion and cannot be regulated by algorithms. At the same time, the movement of cases in the courts in various tracks can be regulated using algorithms. However, in order to decide the algorithms, it is essential to evolve a definite criterion based on which algorithms can work. For this purpose, it is essential to categorise cases into different types or silos. A different criterion will

be applied to each silo or category of cases. Generally, there will be four categories of cases:

1. *Summary matters*: Cases which can be disposed on a summary hearing or which need not have any elaborate hearing process.
2. *High priority cases*: Cases which cannot be disposed of on a summary hearing, but which are of high priority, owing either to the importance of the subject matter. These are cases, which needs to be listed in a high priority, and will be listed either on a day-by-day basis or at the earliest, depending on the number of cases a judge has stated to have capacity to handle in a day.
3. *Medium priority cases*: Cases which are not high priority, and not low priority belong to this category. These cases will be listed behind high priority cases, but before normal priority cases, and will be taken up, depending on daily hearing capacity of the judge.
4. *Normal priority cases*: These are cases, whose flow will take the normal course. These cases will be listed as last in the priority and will be taken up, depending on the hearing capacity of each judge on a day.

Step II: Deciding priority of each case

Immediately on filing of a case, the filing officer or system algorithm will tentatively assign a category to each case, depending upon the nature of the case. For the start, this can be done using a checklist, but ideally, the system should intelligently learn using machine learning capabilities to categorise cases using artificial intelligence.

When a case is put up before the judge, the judge will confirm the categorisation. However, the judge will not be restricted in moving a case from

one priority category to another seamlessly. Further such a decision will be a dynamic decision, and the judge should be able to change the priority order. The judge should also be able to take a case from normal priority to any other priority at any stage and vice versa in a hassle-free manner.

Step III: Deciding the daily volume

The judge should also be able to decide how many cases of a particular type can be handled on a particular day, the decision being based on both subjective and objective parameters.

Step IV: Automated case flow movement within tracks based on the categorisation

Based on the decision of the judge regarding priority, and daily volume such judge can handle, the cases will be put into different tracks by the Case Manager.

The flow of the case within different tracks will be automated based on an algorithm, which will be set based on various parameters including priority, longevity of pendency, importance of subject matter and other like concerns.

The case manager as well as the judge should be able to change the priority of each case, decide the number of matters which can be listed on a particular day, and decide how many matters of each subject matter should be listed on such a day. In short, the system would be automated, but the break and the accelerator shall remain with the judge and the case manager.

Automated summarisation of case documents

Utilising the capabilities of artificial intelligence, the system should be able to generate a summary of facts from the data and documents uploaded. This way the judges will be able to go to the crux of the matter directly.

It may also be possible to generate automated summary of depositions in appellate matters from the depositions uploaded. For this the trial courts may be

required to upload all the depositions in a typed format. If required AI can be used to obtain a rough translation of the depositions in any desired language.

It may be further possible to use the potential of Artificial intelligence to get a chat-based query builder, where the judges can get all requisite details from the uploaded documents in a case using real time chat instead of search using keywords.

Automated mapping of interconnectivity between matters

The system should be able to parse the case files and find out from the available data, the interconnectivity between various matters based on various parameters such as similar parties, similar subject matter etc. pending before the court and give alerts to Manager (Case Administration). The Manager (Case Administration) should then be able to get appropriate orders to list the matters together. This will help to connect different matters which can lead to expedited disposals. It is also possible to keep similar matters in the same track, even if they cannot be disposed of together, so that the court can consider similar matters at least simultaneously, thereby consolidating research on such matters.

Automated short order templates

Automated short order templates may be automatically generated based on facts.

This can be presented as predictive texts. The court may either accept them or modify them.

Stay orders at the High Courts can be processed using automated templates, by providing just the variable input. This will save much time.

It is also possible to create order creation forms. Data can be input into the respective fields, and the system will collate the data including headers and appendices and generate the judgement, without need for further human effort.



Chapter V

Case Management in the District Judiciary

Chapter Summary

- Both short-term and long-term strategies shall be developed for implementing case management in the district judiciary.
- The core of the case management strategy should be that the control of the court shall always vest in the judge, and all other aspects including the technology and human resources shall only be a tool to ensure streamlined control by the judge.
- The data should be at the heart of the case management system and efforts should be to harness the data to ensure set performance standards, develop an implementation plan, regularly monitor performance, evaluate functioning, and revisit the metrics.
- The data in courts should be truly interlinked to ensure seamless vertical and horizontal integration of data between courts.
- One of the foremost steps in case management strategy is the recognition of judiciary as a service and evolving service standards to ensure accessibility, equity, timeliness, and professionalism in the output of judicial system.
- Artificial Intelligence and its subsets such as machine learning, deep learning and large language processing shall be recognized as a tool, which can be harnessed to improve efficiency and service standards of the judicial system.

Introduction to Case Management in the District Judiciary

In 2012, the Supreme Court in consultation with the Ministry of Law and Justice, constituted the National Court Management Systems Committee (NCMS) for the country to enhance the quality, responsiveness, and timeliness of courts. The NCMS was established to oversee six main elements:

- 1) A National Framework of Court Excellence (NFCE) that will set measurable performance standards for Indian courts.
- 2) A system for monitoring and enhancing the performance parameters established in the NFCE.



- 3) A system of Case Management to enhance the user-friendliness of the Judicial System.
- 4) A National System of Judicial Statistics (NSJS) to provide a common national platform for recording and maintaining judicial statistics from across the country.
- 5) A Court Development Planning System that will provide a framework for systematic five-year plans for the future development of the Indian judiciary.
- 6) A Human Resource Development Strategy to set standards on the selection and training of judges of subordinate courts.

A NCMS Baseline Report prepared by Hon'ble A.M. Khanvilkar was prepared, submitted, and adopted in the CJ's Conference in 2015. The report focussed on achieving minimal common national standards and reiterated the need for clear segregation of cases into 'tracks' and emphasised the need to create a case management information system (CMIS).

At the core of the report was the principle that the control of the court proceedings must vest in the judge.

Flowing from this is the expectation that a judge is expected to draw a schedule for ensuring timeliness in case processing.

The report recommended the creation of a Case Management Information System (CMIS) to harness the power of technology.

The report recommends designing a prototype of CMIS which will be capable of analysing the real time progress of a given case in comparison with the court-wise development plan, pendency management system and individual case

management. It suggested that all court records should be digitised and integrated with CMIS.

For criminal cases it also recommended the interconnection of courts, prisons, and police stations by network.

The report recognised the role of human resources planning to implement case flow management. It suggested that the staffing pattern should be based on number of cases and not as per the present pattern of per judge establishment ratio. The alternative suggested was to assign a proportionate number of judges in the context of total pendency and to assign the pendency of special cases to a given court. The judge to case ratio and the staff to case ratio should be keeping in mind the contemporary and future requirements.

Regarding criminal trials, the report recommended:

- Increase in the number of judges in the criminal courts.
- An enhancement of technological and infrastructural facilities.
- Police reforms for the administration of justice in criminal cases.
- Capacity building of the office of Public Prosecutors.
- Routine production from prisons on video conferencing.
- Establishment of separate cells in the local police stations to ensure service of summons.
- Plea bargaining in appropriate cases.

With the increasing number of cases filed in district courts, the need for a more effective system for case management becomes crucial.

A robust case management system is premised on having a solid foundation of data and the willingness to measure performance accurately and periodically. The process of measuring performance and managing case flow begins by establishing that the data captures and entered is accurate and getting a clear understanding of how it can best be used in practice. Attention must be directed to identifying the relevant metrics, compiling the relevant data, distilling it and effectively presenting it. Data entry procedures need to be designed *and* implemented to ensure valid and reliable data is being entered promptly. Courts should implement periodic audits to alert court staff members to the importance of accurate data entry and help increase awareness throughout the court on improvements to data quality. The collection of data and calculation of performance metrics depends a lot on the *willingness* of judges to implement such a system.¹⁰

Data driven strategy

The case management should essentially be a data driven strategy. Data should be used to:

- ✦ set performance standards,
- ✦ develop an implementation plan,
- ✦ regularly monitor performance,
- ✦ evaluate functioning, and
- ✦ revisit the metrics.

The sources and methods of collecting data would vary depending on the extent of implementation of Case Information System (CIS) and other such

¹⁰ Brian Ostrom and Roger Hanson, “Achieving High Performance: A Framework for Courts”, p. 67

systems. Data available through such systems should be supplemented through manual means to ensure their completeness and accuracy.

Interlinking of courts

In order to properly harness the data to its fullest potential, it is of utmost necessity that the data in the courts are truly interlinked. While it has always been the goal of the Case Information System to have a vertical and horizontal integration of data, factually the data in each court remains limited in its domain and is not speaking to each other. As a result, there is multiple data entry requirement of the same data at different levels. This must stop. Instead, data in each court should be seamlessly interconnected throughout the system and the data in one court should be capable of speaking to and take from data in another court, throughout the hierarchy. The data in one court can be pulled to and pushed from another court to be integrated with the existing data. This type of true interlinking will enable to have an integrated data management system and proper analysis of the data. It will also ensure avoidance of multiple data entry of the same data.

Evolving service standards for the judiciary

One of the fundamental requirements in ensuring an effective case management is the recognition that judiciary is a service and the evolution of proper service standards for the judiciary. These standards should ensure:

- a. accessibility in terms of physical and language access to court systems,
- b. equity which involves impartiality and objectivity in its processes and inclusivity

- c. timeliness in case processing and communications, including prompt response to inquiries and
- d. professionalism, which encompasses ethical judicial conduct and performance standards including clean and concise decision-making, and legal and procedural knowledge and professional management of pendency.

Artificial Intelligence as a tool

Artificial Intelligence and its subsets such as machine learning, deep learning and large language processing shall be recognized as a tool, which can be harnessed to improve efficiency and service standards of the judicial system. The capabilities of Artificial Intelligence should be used, not as a replacement of human capabilities, but as a supplement to it to ensure effectiveness and efficiency in the system.

Currently, no scientific case management system is in place for district court. The current Case Information System used for district judiciary is at its core, a Management Information System. To make it more effective, it must be reoriented as a document management and a case flow management system which can employ modern tools such as artificial intelligence and machine learning.

We should be capable of thinking at least twenty-five years ahead of our times. One should realise the technology is fast evolving that what we consider good now may become obsolete with the advancement of technology, perhaps five years ahead. Hence, it is important that we realise that given the current rules and system capabilities, it will take some time to implement a complete re-orientation of the processes.

Since a complete reorientation takes time, it is essential that a short-term as well as a long-term plan is suggested. While the short-term plan is a transitional measure, which will focus on leveraging the existing systems for better productivity, the long-term plan will focus on the overhaul of the entire system. There are some pre-requisites for the long-term plan to be implemented.

Both the short term and long-term plan suggests introduction of specialists, and this name will be used throughout this document to denote the specialist officials.

The succeeding chapters focuses on the short-term and long-term plans in detail.

Chapter VI

Short-term Plan for Case Management in District Judiciary

Chapter Summary

- The short-term plan focuses on shift based on complexity of cases and ensuring data collection and management at the initial point.
- The matrix used of performance management and court and case management should be properly aligned, which includes clearly defined parameters to measure case complexity, moving from generic case types to defining sub-types for complexity evaluation, and distinguishing between pendency, backlog, and arrears, drawing from international experiences.
- Standard Operating Procedures should be put in place to identify cases involving same party and same subject matter.
- There can be a distinct cadre of Manager (Case Administration), who are responsible for case management.
- In the transitional phase, temporary appointments as managers (Case Administration) may be resorted to.
- Data analytics and tools should be integrated with the case management system. This would involve standardisation and consistent categorisation of case types for better transparency.
- The data should be made capable of analysing historical data, identify patterns and automate routine tasks optimising the case management process and freeing human resources for more complex task. This would involve pruning of inefficient CIS data, standardisation and templatization of orders and judgment writing formats, phased implementation of algorithms leading to machine led alerts and processes, and evolution of online dispute resolution platforms.
- Further, capturing data at e-filing stage itself with well-defined and simple data fields, optimisation of network bandwidth and connectivity, automation of judicial work, automated case tracking and management along with integrated implementation of all NCMS sub-committee recommendations, development of vision documents by all High Courts and updating of baseline reports, would also be part of the short-term strategy of case management.

Performance Metrics

There is a need for bring in close alignment between the metrics used for performance evaluation and those used for court and case management. Quantifiable metrics for the performance measures are available to be collated in some cases, for example, Case Clearance Rate are available on some court



websites. A few other metrics may not be available and may require the respective courts to calculate the same (such as On-time Case Processing). These may be incorporated into the existing ACR mechanisms. Some of the quantifiable performance measures are as follows:

Metric	Measurement Methodology	Proposed Formula
Case Clearance Rate	Measures the number of cases disposed of within a specified time frame as a percentage of the total number of cases instituted within the same time frame.	Cases disposed/ cases filed * 100 Ideal: 100 or more
On-time Case Processing	Measures timely disposal of various case types. This is to be calculated basis the ideal timeframe suggested as per detailed case types – for instance partition suits and recovery of money civil suits will have different ideal timeframes. *NCMS Report recommends also referring to the statutory provisions to ensure the timeframes adhere to existing legal provisions	Disposal time/Ideal disposal time * 100 Ideal: 100 or less
Duration of Pre-Trial Custody	Number of persons suffering under-trial detention may be categorised against period of detention and case type	Date of release – Date of admission in prison (in days) Ideal: the fewer days the better
Disposal days	The number of calendar days taken to dispose cases *Average disposal days can help inform the ideal timeframe for the case types to help in arriving at the parameters for On-time Case Processing	Decision date –filing date Ideal: the fewer days the better



Metric	Measurement Methodology	Proposed Formula
Pendency days	Average number of calendar days for which cases are pending in the court	Date of obtaining data – filing date Ideal: the fewer days the better
Overage rate	Overage rate measures the extent to which a court's pending caseload lags past the guideline times for disposal	Number of cases pending beyond the guideline/Total number of cases pending *100 Ideal: 10 or less
Traffic intensity	The average time required to dispose of the inflow of cases compared to the capacity of the court	Average number of incoming cases /capacities of court to dispose an average number of cases Ideal: 1 or less

The evaluation will be transparent. The tasks completed and points earned in each of the three performance evaluation limbs will be shown in the dashboard of the individual officer on a real time basis. Dashboards of administrative heads and portfolio judge will get a real-time overview of the data of all the reporting officers.

There must be a two-tiered grievance redressal and appeal mechanism for performance evaluation. Any officer who has a dispute regarding technical parameters shall appeal to the State Court Management Systems Committee (SCMSC) and any officer who has a dispute regarding any aspect other than technical parameters can appeal to the portfolio judge. The appeal can be raised through the system, and the SCMSC or the Portfolio Judge shall dispose of the



complaint within 10 working days. Any corrections approved in appeal shall be made in the system by the State Court Administration Manager.

The above performance evaluation system could be implemented over time based on developments in technology systems to accurately capture all data elements required.

Parameters for case complexity

The need for deciding complexity of a case

The NCMS Baseline Report on Case Management emphasises the need to evaluate the complexity of a case so that accurate differentiated case management can be carried out. This is required because in every case, the needs, complexity, duration, and litigation paths of that individual case has to be considered for it to be prioritised for effective use of judicial time. The life cycle of every case must be based on its complexity, which might also change over time. The report suggested that this may be possible by developing software that will factor in all these aspects on a case-to-case basis at the micro level and for the planning of clearance of pendency of the Court at the macro level. ¹¹

Currently, disposal timelines for different types of cases have been prescribed under the Case Flow Management Rules that have been enacted by various High Courts after the recommendation of the Jagannadha Rao Committee. ¹² Rules of each state provide for different case types to be differentiated into various tracks. Consequently, there are timelines within which

¹¹ NCMS Baseline Assessment on Case Management, p. 22

¹² Jagannadha Rao Committee, 'Consultation Paper on Case Management', available at http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf (last visited on August 22, 2023)

each track - for example in some states, 6 months to one year for Track I, 12 months for Track II, and 24 months for Track III. Due to the lack of a scientific approach in evaluating the judicial time required for different cases, it is suggested that for evolution of differentiated case management, complexities of individual cases must be evaluated using the framework suggested below.

The need to move from case type to dispute/sub-type

Due to the issues in assigning a weight to similar case type as is being done in the Case Flow Management Rules, it is suggested that the cases be categorised further into dispute types or sub-case types. This is because cases types as currently used in CIS are not homogenous due to their overarching nature and differ widely in nature of evidence, number of witnesses, judicial time required, etc. While the NCMS report suggested that the same case types must be prioritised and assigned the same track within the same case type,¹³ considering the complexity of evaluation, the report also pointed out that it is necessary to prioritise cases and not generalise it on the basis of court time or case type or tracks.¹⁴ This can be shown by the following illustrations:

Illustration 1: All money suits are not similar. For instance, in a case where a bank is attempting to recover money owed by a customer on a credit card, the case is rather straightforward and will move quickly through the judicial process. But another type of money suit involving recovery of money flowing out of a contractual obligation and interpretation will involve more evidence and witnesses and will take on a very different path than the other.

¹³ Supra Note 2 at 16

¹⁴ Supra note 2 at 22

Illustration 2: All suits for possession do not take up the same amount of judicial time. For example, a suit against adverse possession would be more complicated and would consume more time than a simple tenant possession.

Illustration 3: All capital punishment eligible cases are not alike and will not take the same amount of time. For instance, the murder of a single person and a case of terrorism are both liable for capital punishment. Both these cases would involve very varied kinds of evidence and the number of witnesses would be significantly higher in the terrorism offence. There would also be different amounts of time required in leading sentencing evidence in both these types of cases.

Illustration 4: Cases involving sexual offences could be of various types involving completely different timelines. For example, it could mean a rape or gang rape involving different sections of the IPC. In a gang rape, with a higher number of accused persons, the time taken by the individual lawyers will be naturally higher than a case with a single accused person.

Illustration 5: Offences tried by special courts cannot be bunched together. For instance, the timeline for a POCSO case cannot be the same as an NDPS case. A POCSO case, especially if it involves a survivor, is required to be disposed faster while an NDPS case usually takes a long time due to the complex questions of fact, physical and forensic evidence involved.

An example for the need for following dispute type of sub-case type can be shown in one demarcation commonly seen in several Case Flow Management

rules of states for criminal trials, which delineates “capital punishment, rape, and cases involving sexual offenses or dowry death” into Track-I. For example, there could be a case of rape and attempted rape, both of which will have very different timelines owing to the number of witnesses, scientific evidence, witnesses turning hostile, etc. It might be better for judicial efficiency if the judicial officer is then given the discretion to not limit the tracks to a case type of rape but a further classification to attempt to rape.

International practices

Many countries use the case weight approach to decide the complexity of cases. The case-weights approach evaluates the intricacy of various case categories, recognising that each type of case varies in terms of the judicial time and effort necessary for processing. In some of the countries that use the case weight approach, a point-based system is used to represent the complexity of a case. Countries that have embraced this method have gone on to modify it further by incorporating various factors that contribute to the intricacy of the case.¹⁵

In Moldova, the complexity assessment of a case comprises two components: a fixed portion termed the “nomenclature of complexity levels,” and a variable element. The fixed segment corresponds to the core subject matter and receives a complexity score ranging from 1 to 10, which is determined based on the merits and remains constant throughout all procedural stages. The variable component pertains to ancillary subject matters, such as the number of parties, trial bundles, witnesses, passed orders, case resolution through mediation, etc. In case of additional factors of complexity during the proceedings, the electronic case management system will automatically amend the case weight score. Therefore,

¹⁵ European Commission for the Efficiency of Justice, Case Weighting in Judicial Systems (July 2020)



there is an initial score, an intermediate score, and a final score (complexity), when the case is disposed by the judge. For example, if the case is disposed by a full judgment, the score of the primary subject matter is multiplied by 0.20 (20%), if it is disposed by a dismissal order, it is multiplied by 0.75 (75%).

Turkey employs an automated approach within the UYAP (National Judicial Network System) to assign points to factors that enhance case complexity. For instance, in criminal cases, the points are assigned based on variables such as the count of involved parties (suspect, defendant, victim), the number of recorded offences, the status of the suspect's arrest, and whether the victim is deceased. Similarly, in civil cases, factors such as the number of parties, dispute nature, and provision of legal aid are considered.

In Bulgaria, the complexity assessment involves a formula incorporating two elements. The first element is a "weight coefficient" assigned to four case groups: civil, commercial, criminal, and administrative. The second element is a "correction coefficient" applied to cases with elevated complexity indicators, encompassing elements like an above-average count of parties, evidence, expert witnesses, multiple causes of action, etc.

North Macedonia employs a checklist of case-related indicators to gauge case complexity. These indicators include the legal domain of the case, number of involved parties, crime type and associated punishment, volume of evidence, monetary value of the case, estimated processing hours, and involvement of foreign individuals.

In Romania, case complexity is individually calculated for each case, not based on case type. The ECRIS algorithm calculates complexity by considering both the "main object of the case" and the "secondary object of the case." The main object refers to the case type or cause of action, while the secondary object

represents further sub-categorisation. Complexity is then determined based on the number of parties engaged in the case and the case volume.

Suggested framework

a) The complexity of each case will depend on a fixed and variable component. Based on the dispute type in each case, as discussed above, the fixed component referring to the dispute type and subject matter will be scored on an integer between 1 to 10. These markings could either be done by the presiding judge or another “administrative” judge ¹⁶(proposal for specific personnel namely Manager (Case Administration)’s to be recruited for this role has been discussed in the section below) not assigned to this case who only evaluates complexity and assigns it a track. The variable component can be decided according to additional parameters that affect timelines which will be different for civil and criminal matters, as non-exhaustively illustrated below. It can be decided by different High Courts depending on local issues. The role of this “judge” involved in such case management would also encompass conducting meetings with relevant stakeholders such as lawyers to consult with them on the timelines to be adhered to before the trial begins or when complexities arise to ensure that the flow of the case happens smoothly and effectively. Any grievance that parties have with regard to tracks their cases have been assigned to could be solved with a complaint being filed on the administrative side so as to avoid creating further cases by way of appeals.

b) Possible parameters adding complexity in civil matters- number of parties, number of documents, statutory timelines, pecuniary

¹⁶ NCMS Baseline Assessment refers to the appointment of a Consultation of Management judge to take care of consultation with lawyers of both sides and adherence to timelines

value, public interest, litigation history of the plaintiff, amendments to the plaint, substitution of legal heirs, scientific evidence, number of bundles in the case, order of a higher court, etc. Although complexity could change over time, complexity in civil matters could be mostly known at the time of filing of plaint and filing of response by Respondent.

c) Possible parameters adding complexity in criminal matters- number of witnesses, cases in which bail has not been granted, number of witnesses, statutory timelines, cases affecting law and order or sovereignty, evaluation of competency of accused (mental health or juvenility claims), witnesses turning hostile, scientific evidence, order of a higher court, etc. Although complexity could change over time, complexity in criminal matters could be mostly known at the time of filing of chargesheet and framing of charges.

d) Based on changing circumstances in cases, such as a change in the number of witnesses or death of parties, the judge evaluating complexity should be allowed to change the values and shift tracks as needed. Some of the case management Rules in India already enable the judge to shift the case from one track to another, depending upon the complexity and other circumstances of the case.¹⁷ If an electronic case management system is employed to keep track of these cases, the system can amend the score by default. (like in the case of Moldova as shown above)

¹⁷ Part I, Rule 3 Trial Courts and First Appellate Subordinate Courts (Under the Gauhati High Court) Case Management Rules, 2007; Part 1, Rule 3 Bihar (Cases Flow Management in High Court) Rules, 2008; Part 1, rule 5 Bihar (Cases Flow Management in Subordinate Courts) Rules, 2008; Part I, Rule 4 The Jammu and Kashmir High Court Case Flow Management Rules, 2010; Rule 158 (3), High Court of Chhattisgarh Rules, 2007; Chapter VII-A, Rule 3 Case flow management rules for trial courts and first appellate subordinate courts, High Court of Chhattisgarh Rules, 2007; Rule 3, Vol. V. 1 Ch. 4-I [1] Model Case Flow Management Rules in High Court Punjab and Haryana High Court Rules, 2007



e) This framework may be used from the time of the institution of the case until its disposal. In case there are any interlocutory proceedings that affect the trial, the running of time may be suspended under these standards.¹⁸ For instance, the following illustrations show when such time may be excluded from calculation:

- The filing of an interlocutory appeal
- Bankruptcy proceedings during pendency of a civil matter
- Failure to appear and issuance of a warrant for a criminal defendant

Distinguishing between pendency, backlog, and arrears

It is important to arrive at a consensus on various metrics to be used in the case management framework. These metrics are not statutorily defined, and hence there is room for discussing, debating, and formulating the most appropriate definition. Tracking of these metrics allows for regular monitoring of progress and possible course correction.

The 245th report of the Law Commission of India titled Arrears and Backlog: Creating Additional Judicial (wo)manpower, examines the question of adequate judicial strength, for the subordinate judiciary. In the report, 'arrears' is understood as a further subset of 'delay' where the case has taken a longer time and no 'valid reasons' explain the same. It states, "*Some delayed cases might be in the system for longer than the normal time, for valid reasons. Those cases that show unwarranted delay will be referred to as arrears.*"

¹⁸ National Centre for State Courts, Model Time Standards for State Trial Courts (August 2011)

Thus, a pending case will qualify to be an arrear if it meets these two conditions: -

- a. It is in the system for longer than the normal time that it should take for a case of that type to be disposed of.
- b. There is no 'valid reason' for it to be in the system for more than the normal time.

The report explains delay as occurring when a case of a particular type takes longer than the 'normal time' it should take for disposal. Backlog is a more collective term and refers to the accumulation of cases from one time period to the next due to the system's inability to dispose of cases at an equivalent rate to the institution of fresh cases. If the backlog consistently grows over time, it indicates that not only is the number of active cases increasing, but also that this increase is happening at an accelerating pace.

The 245th Law Commission Report suggested that pendency should be defined as "*all cases instituted but not disposed of, regardless of when the case was instituted.*"

Pendency, especially of fresh cases, is not necessarily a negative phenomenon. As levels of prosperity, economic progress, literacy, and awareness increase, more people will approach courts to resolve their disputes. Every case requires a defined and "acceptable" case life so that justice is not hurried and buried.¹⁹

¹⁹ Centre for Research and Planning, Supreme Court of India, Subordinate Courts of India: A Report on Access to Justice (October, 2016)

In 2009, the 230th Law Commission Report broke from this approach and stressed that while there should be some time frame to qualify a case as pending, it shouldn't be a standard for a particular case type. While setting time standards is essential, it will vary not only by case type, but also depending on the disposal-capacity of a particular court.

Thus, it is necessary to distinguish clearly between pendency which is a mere measurement of the number of pending cases and backlog which refers to the measurement of cases which are pending beyond the normal disposal time for that category of cases. It is backlog which warrant attention and perhaps specific actions from the court.

Challenges in 'counting' pendency, backlog, and delay

Using a case as a unit

While the 'number of (active) cases' seems like it should be a straightforward metric, some high courts consider interlocutory applications as distinct cases while others do not. Similarly, committal proceedings, traffic, and police challans, etc may also be counted as separate cases; thereby leading to inflation of actual case units active within the system. This was observed by the 245th Law Commission Report.

Inconsistent trends

Pendency reported as on a particular date may contain inconsistencies or errors when viewed alongside data reported in previous or later reports. In one instance, cases instituted were reported as negative in order to balance the backlog cleared within the year. Therefore, in order to ensure concurrent reports may be

tallied, the 245th Law Commission Report recommends a particular formula for calculating pendency. This has been adopted as a data reporting practice in some courts and is a legislative mandate in commercial courts.

Aggregate pendency vs. case types

Counting overall pending cases may not be the most useful measure without a deeper understanding of which case types contribute to pendency the most. Increasing backlog over time may in truth be attributed to particular case types and strategies to reduce pendency would be greatly benefitted if they were informed by data disaggregated by case categories and case types.

Distinction between active and pending cases

While some work has been done to distinguish between pending and backlogged cases in the Indian context, it is less clear whether all active cases should truly be considered pending. This nomenclature shift relies heavily on setting benchmarks or indicative time-frames for how long a case of a particular type should take to be disposed. This has been recommended in judgments delivered in the *Imtiyaz Ahmad* case, however such standards have not yet been conceptualised.

How to calculate days

There is a debate about whether pendency should be calculated using calendar days vs. working days of the court. While calculating pendency using calendar days is straightforward, it can be misleading because it encompasses weekends, holidays, and court vacations – periods when the court is inactive. On the other hand, focusing solely on working days tends to present a more

favourable outlook for the courts, as it reflects delays within the court's control. However, viewed from a litigant's standpoint, calendar days hold greater relevance. For them, holidays and vacations don't alleviate the burden of their case's pendency.

Another point of contention is whether to commence the calculation of pendency from the date of filing or the date of registration, which signifies that the case has passed initial scrutiny and is scheduled for its first hearing. Additionally, it is worth considering the manner in which pendency is represented, whether through averages or medians. Averages offer insight when data adheres to a normal distribution. Conversely, in situations where the dataset is skewed or contains outliers – as is often the case with data related to case durations – the median might be a more appropriate choice.

International experience

In the US, the understanding of delay has evolved over time. In the literature on court delays published before the 1970s the word delay was considered self-evident and was rarely defined. In the mid-1970s, the Law Enforcement Assistance Administration in the U.S. Justice Department instituted a Court Delay Reduction Program, which made a distinction between “acceptable delay” and “unacceptable delay: “Acceptable delay” was defined as that span of case processing time, between critical events considered to be reasonable or “tolerable” in the jurisdiction. “Unacceptable delay” was defined as that amount of time. . . which exceeds tolerable time spans. The ABA's National Conference of State Trial Judges in 1984 came with the following definition of delay: “Delay is declared to be any elapsed time beyond that necessary to prepare and conclude a particular case... From the commencement of litigation to its conclusion, whether by trial or

settlement, any elapsed time other than reasonably required for pleadings, discovery and court events, is unacceptable and should be eliminated".²⁰

The Conference also suggested the following standards for measuring timely disposition for general civil cases and felonies:

1. General Civil-90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months of such filing; and the remainder within 24 months of such filing except for individual cases in which the Court determines exceptional circumstances exist and for which a continuing review should occur.
2. Criminal Felony-90% of all felony cases should be adjudicated or otherwise concluded within 120 days from the date of arrest; 98% within 180 days and 100% within one year.

People and Practice

People

Recruitment of Manager (Case Administration)

As per the framework for deciding complexity discussed above, cases must be prioritised and moved into appropriate tracks. The timelines as discussed between all stakeholders (judge, parties, lawyers) will also have to be supervised and adhered to. As it requires looking into the specific circumstances of each case and, it would be assumed that the presiding judge would oversee the same. But it must be seen that the judge would already have a considerable workload with

²⁰ David C. Steelman, What Have We Learned About Court Delay, "Local Legal Culture," and Case-flow Management Since the Late 1970s? The Justice System journal, Volume 19, Number 2 (1 997), p. 147

judicial work as well as other administrative work. Notably, there have been reports highlighting a shortage of judges in India, posing challenges to effectively fulfil all the necessary legal duties. Introducing additional tasks, such as the one under discussion, to the judge's existing workload could potentially amplify the existing issues.

Contemplating this scenario and weighing the potential consequences, it is proposed that a specific group of persons termed 'Manager (Case Administration)' be appointed and tasked with complexity categorisation based on the framework developed by each High Court and related procedural tasks in a case as may be delegated. Their roles would be related to studying the complexity of the case type initially, and thereafter continuously monitoring the case for emerging complexities, fixing values as per parameters set and assigning and changing tracks as appropriate. They would also be in charge of consulting with the relevant parties/lawyers and ensuring that the timelines within each track are adhered to and procedural tasks related to the same are conducted on time. The Manager (Case Administration)'s role is envisaged to be a short-term appointment wherein during which no individual shall be reappointed or granted an extension of service through any means following a one-year tenure. This will help provide flexibility for the system- court requirements can be calculated dynamically and changed. It would also be helpful in ensuring that there is a reduced risk of entrenchment as well as manipulation of the system by these persons and increase public confidence.

In order to guarantee the tangible efficiency with the recruitment to the post of Manager (Case Administration), it is critical to compute the number of officials recruited as Manager (Case Administration) is specific to each court complex at the district level. Factoring in the need for legal resources within a district or



consolidated physical court units facilitates the appropriate distribution of these resources. This method not only tackles assorted jurisdictional concerns but also offers leeway in the assignment of these managers.

By looking at the needs of each court, the envisaged framework precisely assesses workloads and the necessary personnel strength. To ensure that there is a balanced workload between Manager (Case Administration) and optimisation of this resource, it is proposed that the number of Manager (Case Administration)'s required in each court complex be decided as per the filing rate in each individual court. Basing it on the filing rate and therefore the specific demand in each court will lead to optimised case management, timely processing of cases, balanced workload, and improved coordination between stakeholders. It is important to note that calculating the number of Manager (Case Administration)'s required on the basis of filing rate rather than pendency will lead to proactive resource allocation, enhanced planning and help to avoid further backlog.

As people who must be appointed to the role require a grasp over the law, its procedural aspects as well be able to communicate and coordinate with relevant stakeholders, they could be recruited from a pool of persons qualified in law or management. These are non-exhaustive suggestions, and this could be decided by each individual High Court as per its local requirements as well as availability but as their roles would have a direct impact on the movement on cases, it would be crucial to ensure that these persons work independently and with no personal bias.

Case Management Committees and Role of Lawyers and Bar Associations

As discussed in the NCMS Baseline Assessment on Case Management, a case management programme can be truly effective only with continued supervision by committees constituted at different levels.²¹ Such committees could be formed attached to court premises- at taluka court level, respective district and at the High Court. For the proper functioning of these committees and to ensure diverse representation, it would be crucial for stakeholders from different areas be involved in the process. It could also be decided by the committees to induct experts in the field of case management/statistics and management procedures into the committees to understand the issues in each court and to suggest remedial measures. Active participation of all parties in such committees can be used to conduct periodic performance audits of the Manager (Case Administration)'s and their effect on the case flow management in individual courts to make required changes to the system.

To consider the possibility of implementation of the Manager (Case Administration)'s and case management committees, it could possibly be piloted initially in a few High Courts, district and taluka-level courts and be scaled up after considering its workability and implementation-related challenges.

Practices

Amendment to Case Flow Management Rules

Case Flow Management Rules as prepared by different High Courts require revisiting. For example, as discussed above, most courts club together cases with

²¹ Supra note 2 at 76

completely varying complexity together such as capital punishment, rape, and cases involving sexual offenses or dowry death together and put them all into the same track without an understanding not only of the unique complexity of each case type but also the individual complexities of each case. For effective adjudication as well as optimal case management and flow, it is essential that Case Flow Management rules of all states are given a fresh look from the perspective that different dispute types as defined above require different judicial times and that the present version of rules would only lead to creation of further issues and less efficient use of resources in the system. They are required to be revised based on empirical research on specific timelines taken by specific case types in specific jurisdictions which can vary as well as usual complexities that can arise. Tracks should also be revised appropriately along with revision on case types so that they can be made implementable, and timeline can be adhered to.

Multiplicity of cases

In many cases, it may be seen by judges that cases are being filed around cases involving either the same party or maybe the same disputed property. This could also be done by parties as a part of forum shopping. This leads to a multiplicity of proceedings and causes a further backlog of proceedings. Standard Operating Procedures must be evolved about this issue through which judicial officers must be able to get information on cases that are connected to each other and thereafter either dismiss the relevant cases or impose costs on the parties. Technology also may be used to identify such redundant or infructuous cases so that they can be removed from the system.

Special Courts

The baseline assessment on Case Management suggests that the number of special courts must be decided on the basis of the principle of proportionality of pendency of cases in that court, availability of judges and inter se prioritisation.²² It has been seen over the time of functioning of special courts across the country that the workload of special courts and regular courts is not being managed appropriately leading to either redundancy of special courts or overload of work on special courts leading to them not being able to provide effective and tailored attention to special types of cases as envisaged. The disparity in the allocation of cases in special courts was noticed by the Bombay High Court in a case.²³ The difference in allocation was stark- one special court had 1228 cases while the other had 116. It also noted that in a special POCSO court which had a pendency of 240 cases, the testimony of the survivor which is to be recorded immediately had not been recorded for 8 years, changing the course of the trial and hampering the quality of justice meted out. According to NCRB data, about 81% of the 26,965 cases completed by fast-track courts in 2019 took between one and 10 years for the trial to be completed.²⁴

For special courts to function the way they were envisioned, the way cases are allocated to them, judges are chosen, training in particular areas is given as well as how to implement case flow management are to be revisited in a way that enables changes in allocations and timelines. The number of cases allotted to

²² Supra note 2 at 64

²³ *Mr. Azaruddin Nihaluddin Mirsilkar @ Raju Sharma v. State of Maharashtra & Anr.*, Bail Application No. 466/2021, order dated 1 August 2022

²⁴ National Crime Records Bureau Report(2019), available at https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2018A.5_1.pdf (last visited on 21 August, 2023)

special courts cannot be the only basis of allocation and distribution of cases. As these courts are set up for a specific type of cases or to dispose specific cases within a statutorily mandated timeline, it is important to understand the specific judicial time required to be spent on that particular kind of cases with its unique complexities and not simply treat the allocation of the case as a matter of number of cases distributed to a judge. For instance, the judicial time required for 50 NDPS cases usually involving a large number of technical witnesses and scientific evidence would not be the same as the time required for 50 regular criminal matters. Additionally, the time required for sensitive and private hearings mandated under The Protection of Children from Sexual Offences Act balanced with its statutory timelines would be very different from the time required for a similar number of cases being handled by a Land Acquisition court. Hence, while working on allocation, it is pivotal to take into account not only the complexity of that particular case type but also individual complexities of cases as discussed above.

To assuage these concerns, it is essential that the workload of each of these be scientifically ascertained and consequent balancing be done so that courts can function effectively. The method described above in the report regarding ascertaining the complexity of cases is to be applied thoroughly to arrive at an accurate understanding of the judicial time to be spent on these kinds of cases with possible additional complexity parameters such as statutory timelines, time taken to afford statutorily mandated protection and sensitivity to survivors/dependents.

Another issue causing delay in the movement of cases is that judges are posted to specific special courts that are very niche and unique in their areas might not already have relevant experience or expertise in the area. A rethinking is

required at the SCMS/High Court level to frame SOPs relating to allocation of judges to special courts to ensure that allocations are based on relevant experience. It could also be ensured that if judges of relevant experience are not available, training be given to the judges being allocated at judicial academies before they are posted to the special court so that they have the adequate knowledge about the specific practice area.

As discussed above, Manager (Case Administration)'s are to be employed at district court levels to decide complexity of cases as well as to monitor their movement into different tracks. With them following the life cycle of cases which can thereby inform the practice of allocation of judges to special courts, this could allow for a dynamic approach at evaluating the changing caseload of judges in special courts. If it is noticed that a special court judge does not have enough caseload, they could also be permitted to dispose of other matters to be handled by regular courts which can help to reduce the pendency or backlog in those courts. SOPs empowering judicial officers to do the same could be framed by High Courts.

Technology

Integrating data analytics and tools in the Case Information System

The continuous evolution of the CIS should involve leveraging data analytics tools to analyse and enhance the efficiency of the system. They can analyse historical data, identify patterns and automate routine tasks optimising the case management process and free human resources for more complex tasks. Standardisation and consistent categorisation can further enhance transparency and understanding across cases. These data analytics-driven processes should aim

to optimise case management, streamline procedures, and improve decision-making.

Some aspects of it are as follows:

Pruning of inefficient data in CIS

The algorithms can analyse historical data stored in the CIS to identify patterns of inefficiency or redundancies. This can help in flagging redundant or obsolete data for removal and improve the overall quality and relevance of the case data.

Standardisation and Categorisation of Stages of Cases

Data analytics can assist in identifying commonalities among different cases and help define standardised stages in the case lifecycles. This can help in consistent tracking, reporting and comparison of cases, making the process more transparent.

Standardisation and templating of Orders and Judgment Writing Format

Templating tools can assist in generating standardised order and judgement. This will improve efficiency in document creation, reduce manual effort, and ensure adherence to predefined formats.

Phased implementation of algorithm

Machine led alerts and processes can be introduced in the CIS in stages, starting with routine and repetitive tasks. Gradual implementation can help minimise disruption and allow stakeholders to adapt to the new workflows.

Hybrid Courts

A hybrid court should be developed that integrates traditional in-person courtroom procedures with digital tools and online platforms to manage cases more efficiently, enhance communication and provide greater accessibility to legal processes. A digital case management system can assist in creating a hybrid court by leveraging a variety of technologies to streamline operations, enhance communication and improve accessibility.

Virtual Hearings and Video Conferencing

Video conferencing platforms can be used for conducting virtual hearings, allowing the participants to join remotely. These platforms can also integrate with tools for sharing documents and evidence during the virtual proceedings.

Online Dispute Resolution

ODR platform can help resolve disputes through negotiation or mediation. The platforms can become digital communication channels for parties to engage in settlement discussions.

Guidance on Implementing Case Management

The following recommendations are a high-level guidance on how SCMSs or High Courts can start implementing case management. Specific SOPs must be developed by High Courts/SCMS based on the recommendations herein for effective implementation.

Data

Complexity of cases

- Life cycle of cases should be based on their complexity. When the case is filed, the specific case type should be identified. As the case progresses, its unique complexities along with the case type should decide the combined complexity of the case which will be the basis of it being assigned a track.
- The tracks cases are assigned to should be flexible and they must be changed along with complexities that emerge over time.
- A framework to develop complexity should be developed by each SCMS. In civil cases, other than the specific dispute type as discussed above, it could consider the number of parties, number of documents, statutory timelines, pecuniary value, public interest, litigation history of the plaintiff, amendment to plaint, substitution of legal heirs, scientific evidence, number of bundles in the case, order of a higher court, etc. Although complexity could change over time, complexity in civil matters could be mostly known at the time of filing of plaint and filing of response by respondent. In criminal matters, parameters to consider could include number of witnesses, cases in which bail has not been granted, number of witnesses, statutory timelines, cases affecting law and order or sovereignty, evaluation of competency of accused (mental health or juvenility claims), witnesses turning hostile, scientific evidence, order of a higher court, etc. Although complexity could change over time, complexity in criminal matters could be mostly known at the time of filing of chargesheet and framing of issues.

People

- Manager (Case Administration)'s are to be employed at the court complex level to carry out complexity categorisation based on the framework developed and carry out procedural tasks in a case as may be delegated.
- The number of Manager (Case Administration)'s required at each court complex level could be determined by the filing rate for optimised case management, timely processing of cases, balanced workload, proactive resource allocation and improved coordination between stakeholders.
- Manager (Case Administration)'s could be drawn from the following non-exhaustive pool depending on the situation in each district. Lawyers who opt for this could be given some extra marks as appropriate if they appear for a judicial officer's examination.
- Appointment of Manager (Case Administration)'s should not be for more than one year with strictly no option to be reappointed to reduce the risk of entrenchment and manipulation of the system and to increase diversity and public confidence.
- As suggested in the NCMS baseline assessment report, there should be taluka, district and High Court level committees composed of members from the bar and experts to carry out the implementation of the case management framework as well as Manager (Case Administration)'s. They should conduct periodic assessment and carry out remedial measures.
- Exploring the feasibility of introducing Manager (Case Administration)'s and management committees could begin with a pilot in select High Court, district, and taluka-level courts. After assessing its effectiveness and addressing implementation challenges, the initiative could be expanded.



Practices

- Case Flow Management Rules drafted by High Courts should be revised based on empirical research, taking into account differing judicial times required for adjudicating different case types as well as their unique complexities. Tracks, as provided now, should also be revised to make them implementable and increase flexibility based on practical realities.
- SOP's must be developed to provide guidance to empower presiding officers in cases where parties file cases in multiple forums or times, creating duplicity of proceedings. Judges must be given the option to either dismiss cases or impose costs.

Work Allocation for Special Courts

- a. The work allocation for special courts and regular courts must be done scientifically on the basis of an in-depth understanding of the time required for conducting these cases as well as to keep to the spirit of special courts.
- b. Work allocation for special court judges is to be done based on expertise in the relevant area so as to avoid further delays. Training could also be ensured at judicial academies before they are posted.
- c. Special courts judges could be empowered to dispose of other regular matters if it is found that there is not enough caseload for them.

Technology

Data Capture at the e-filing Stage

e-filing driven by advancements in technology can bring a paradigm shift in the way legal documents are submitted, processed and managed. This can be done by fully utilising the features of the Case Information System (CIS) or creating tailored digital solutions where needed. CIS 3.0 enables e-filing of cases by an Advocate or party-in-person. This e-filing process under CIS 3.0 requires 6 digital forms to be filled up: Petitioner form, Respondent form, Extra Information, Act/Section, Extra Party, Upload document.²⁵ These forms capture a wide range of data, including case details, parties involved, relevant dates, case types, legal information.

This wealth of information, when captured accurately and comprehensively, forms the foundation for informed decision-making throughout the case's lifecycle. One of the primary benefits of data capture at the e-filing stage is the rapid and seamless transmission of case-related information and expediting the communication process.

Further, capturing of this information at the e-filing stage, reduces the administrative burden on the court staff to input this information. Also, it ensures accuracy of data as the legal practitioners or parties would be in the best possible position to present legal information with respect to their case.

²⁵ eCommittee Supreme Court of India, Case Management through CIS 3.0, available at https://ecourts.gov.in/ecourts_home/static/manuals/Case%20Management%20through%20CIS%203.0.pdf (last visited on 21 August 2023)



Well-Defined Data Fields

As has been discussed above, the complexity of the cases depends on the jurisdiction, parties, legal principles, and several other factors. Therefore, the data fields should be defined so that these nuances are captured facilitating effective categorisation of cases based on complexity. This categorisation can then allow for the appropriate allocation of resources, assignment of judges and efficient scheduling of hearings. Under CIS 2.0, only broad categorisation of Civil and Criminal was available. CIS 3.0 has enhanced this data capture by providing for categorisation as per 'Case Type'.

The data fields should also be structured in a manner so that it helps streamline case administration and enhance transparency by ensuring that relevant case information is accessible to all stakeholders. Further, the data captured should also be such that it can be harnessed for future insights and analytics.

Network Bandwidth and Connectivity

It should be ensured that there is optimal network bandwidth allowing for seamless communication and data transfer. The district judges should have the flexibility to switch to more efficient network service providers that enhance connectivity. All officers should be equipped with wired connections at home and backup 5G connections on mobile phones.

Automation of Judicial Work

- System-induced calendaring system should be used for case scheduling.

- All courts should transition to a paperless environment to eliminate the need for physical documentation.
- The order sheets should be digitised and automated transcription tools should be used to enhance data collations.
- The depositions and statements should be recorded digitally to reduce manual transcription efforts.
- Standardised judgment and order templates should be integrated with predictive text tools to reduce manual effort.
- There should be a Home Module in the CIS to give the Judicial officers remote access to court records and the ability to perform judicial tasks outside court premises.

Automated Case tracking and management

Case categorisation based on complexity can flow through automated tracks, reducing manual intervention. Automated track management can ensure consistent progress and timely interventions.

Institutions

Collaboration between Rules Committee and Computer Committee

The success of effective case management hinges on the collaboration between the State Court Management Systems Committee, Rules Committee and the Computer Committee at each High Court. The Rules Committee plays a critical role in shaping the procedural guidelines and rules that govern the practices of the courts for case management. On the other hand, the Computer Committee is responsible for developing and maintaining the technological infrastructure that

supports case management. This includes e-filing systems, maintaining online records and communication channels. These committees need to work in tandem so that the balance between the legal integrity of the procedures and the technological efficiency is maintained.

Integration of all NCMS Sub-Committee Recommendations

A case management system cannot operate in isolation from the other functions. The running of the case management system is dependent on the human resource development plan, the infrastructure facilities and also the performance standards to help in measuring the efficiency of the system. The Court Development Plan committee is going to prepare a framework for systematic five-year plans for the future development of the Indian judiciary. The integration of the recommendations of all the sub-committees is essential while crafting this 5-year vision. By consolidating the recommendations, the 5-year vision will be well-rounded, addressing a wide range of challenges and leveraging the collective expertise of the sub-committees.

SCMS or other Committees of the High Courts

The active participation of each state specific SCMS or any relevant committee of the High Court is essential in crafting the five-year plan. These committees possess a deep understanding of the local legal landscape, regional challenges and the specific needs of their jurisdictions. The involvement of the state-specific committees in the planning process helps to tap into the on-ground insights and ensure that the systems are aligned with the realities of each region. This localised approach can also help foster a sense of ownership and

accountability among the State specific committees and make implementation faster.

Vision Document

Individual district courts and High Courts should develop a forward-looking vision document outlining a 5-year plan for implementing the case management framework as well suggested changes in other areas, such as Human Resource Management. Periodic reviews of this document are essential. Amendments to rules, SOPs, and necessary adjustments should align with the vision document, ensuring effective and adaptable implementation.

Monitoring Mechanism

Regular monitoring is necessary to prevent deviations from the intended trajectory and to maintain alignment with the 5-year plan. These assessments should be conducted every two years by the SCMS or other relevant High Court Committees. This would enable monitoring of the progress, identification of any emerging challenges or obstacles, and making necessary adjustments. Promptly addressing deviations and recalibrating the efforts by updating the Baseline Report will ensure that the system remains on course to achieve its long-term goals.

Updating Baseline Report

The practice of updating the baseline report every two years is a dynamic learning process that promotes continuous improvement. The baseline report is a foundational document outlining the initial goals, benchmarks, and strategies. The regular updates help us track not just the progress but also incorporate new insights, best practices and lessons learned from the implementation efforts of

various High Courts. This iterative approach allows refining of the plans based on real-world experiences, leverage successful approaches from other jurisdictions, adapt to new technological developments and evolving challenges.

Chapter VII

IT based Long-term Plan for Case Management in the District Judiciary

Chapter Summary

- Long-term plan for Case management in the district judiciary envisages a completely data driven case management system. It should be dynamic and reflective of the core values of the judicial system.
- Court management in the district judiciary will be based on three distinct perspectives- national, court and judge perspectives.
- National perspective would be policy related and would determine aspects such as prioritisation and tracking of cases, establishment and management of courts including temporary courts and digital courts and redistribution of work amongst courts.
- National perspective will have two key components: establishing new courts and prioritising cases.
- Two distinct methodologies for achieving the components of national perspective are proposed.
- The first method involves an impact analysis of different type of cases. Differential weightage scores will be assigned to each case based on its relative impact. Cases will be put to automatic tracks based on its impact. System based impact analysis would be done for each court and distribution and redistribution of judicial work will be done based on such analysis.
- The second method involves dynamic application of time taken for disposal of each pending case and cumulatively assessing the impact on the backlog in such court.
- Based on an impact categorisation of cases, the optimum workload a court can handled will be calculated. There will be a higher (alarming point) and lower tipping points and cumulative tipping points of various types of cases, which will indicate the need for redistribution of work. The lower tipping point can be the starting point for decision making to establish new courts and courts will have to be invariably established before reaching the alarming point.
- Strategies in the National perspective include automatic track management, case load optimisation, redefining territorial jurisdiction, establishment of digital courts, and redistribution of workload.
- The “court timeline” for each category of cases will be defined and determined under the Court Perspective. Cases will be categorised by its nature and case types for fixing the “court timelines. The “court timeline” will be fixed by algorithm, which will be dynamic and vary depending upon the variation in the parameters. Any case disposed by a judge within the court timeline will not be considered as backlog. But when the court timeline is exceeded, a case will be categorised as backlog. Adhering to the court timeline will be regarded as a task for the judge in the judge perspective.
- Strategies in the Court perspective include filing management, case management dynamics and moving to a completely automated case-flow management.



- Judge perspective would include a task-based case management and performance evaluation system, which will reflect the core values of case management. It will be judge centric. Task of a judicial officer will be segregated as core task and associated tasks and differential scores will be assigned. The performance assessment of the stakeholders in the judicial system will also be system based, dynamic and without artificial parameters, but data driven.
- There should be defined timelines for short-term and long-term court management goals. The short-term goals should be achieved within 5 years from the date of rolling out and will be a preparatory to implementation of long-term objectives.

Introduction to the IT based long-term plan in Case Management

In addition to and in substitution of the above short-term plan, there should be an appropriate long-term plan also for case management.

In the long-term plan envisioned, the systems would be completely data driven. It should be dynamic and reflective of the core values of the judicial system.

Future of Case Management for the District Judiciary

Technology will be useful in streamlining the process of filing, processing, and tracking cases. With the help of technology, seamless sharing of information between different stakeholders will become possible. Advanced technological innovations including block chain and Artificial Intelligence (AI) can be harnessed to have a realistic and data-based evaluation of judicial performance. This will help to avoid hypothetical and skewed target management.

A whole of system approach has been adopted while putting forward this strategy.

The district judiciary's ability to respond quickly, remain viable, and be transparent will all be improved by converting to an ICT-driven case management strategy. The synergy between various stakeholders will be enhanced. Thereby the

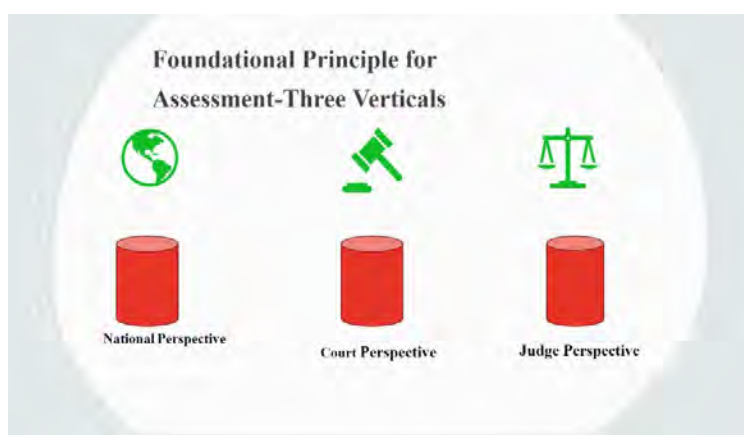
public trust in the judicial system can also be enhanced. Standardisation of the processes will minimise the possibility of errors and thereby reduce chances of appeal on technical grounds. This will in turn have an impact on the caseload. A realistic and individualised treatment with the assistance of ICT and AI for evolving a three-dimensional strategy based on systemic, court specific and judge specific parameters will ensure justice to all the stakeholders.

Streamlining the processes and optimum use of human resources are its other advantages. Additionally, IT-Based Strategy for Case Management can help in decision-making by providing a comprehensive analysis of pendency and caseload. In summary, the implementation of IT-Based Strategy for Case Management can significantly improve the judicial system efficiency and reduce the backlog of cases.

Perspectives of Case management

The court management in the district judiciary will be based on three perspectives.

- National perspective
- Court perspective
- Judge perspective



Each of these perspectives are discussed in separate parts.

Timelines of implementation

It is ideal that there are definite timelines for implementation of the short-term and long-term goals. Ideally implementation of the short-term goal should start as early as possible, and it shall be completed as phase I within 5 years from 2023. While preparatory work for the long-term plan can commence right away, it shall be rolled out as the system matures through the short-term case management strategies.

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Part I

National Perspective

All policy decisions in case management like prioritisation and tracking of a particular case type, establishment of additional courts, temporary fast track courts, digital courts, and redistribution of work among courts will be based on the national perspective.

The national perspective will be broadly based on the impact of cases.



Key Components

The national perspective will have two key components:

- Establishing Courts
- Prioritising litigations

Objective

The national perspective is for making policy decisions regarding case management. The policy decisions would *inter alia* include the strategy for

managing establishment and management of courts. Redistribution of workload from amongst courts is also an element of the national perspective.

Existing scenario

A survey was conducted amongst the High Courts in the country regarding the policy framework for establishing the courts. The result of the survey is annexed as **Appendix III**. The survey revealed that in most of the states there exists no policy for establishment of the courts. In the states wherein a defined policy exists, the policy is based on the report of the committee comprising of the Hon'ble Mr. Justice B.C. Patel, Chief Justice of the Delhi High Court, Hon'ble Mr. Justice Devender Gupta, Chief Justice of the High Court of Andhra Pradesh and Hon'ble Mr. Justice Markandey Katju, Acting Chief Justice of the Allahabad High Court, regarding norms governing the judge-case ratio, which was adopted in the Chief Justices Conference-2004.

Reasoning for new methodology

The arrear situation in the country has grown multi-fold since 2004. The parameters adopted in the report to fix the number of cases each court can handle has become inapplicable. Moreover, the methodology adopted is simplistic in the sense that the optimum judge-case ratio in the report was fixed based on a uniform calculation of number of years a case would take to reach its logical conclusion.

The said calculation was the only scientific method in 2004 as there existed no accurate data or pendency figures. In the proposed IT based regime, a much more accurate calculation and prediction of longevity of any case is possible through complex AI assisted calculations.

Hence, this report proposes two distinct methodologies in the national perspective. These methodologies will be used for attaining both the key components of this perspective viz, establishing new courts and prioritising cases.

The first methodology is based on impact assessment of each type of case. Automatically this methodology is also a component of the performance evaluation of the judges. Since this report

Methodology I- Impact based evaluation

The cases pending before a court shall be divided based on the impact of the case in the society. Differential weightage is assigned to the case based on impact. It is difficult to specify the exact impact parameters as impact parameters may vary from time to time and depending upon social conditions. However, it is suggested that for a beginning, the following, among other parameters may be considered for assigning impact-based weightage.

- ✦ Cases with potential national or state level importance.
- ✦ Cases with potential social importance
- ✦ Cases with potential industrial or commercial importance,
- ✦ Cases with potential individual importance only

Cases with potential industrial or Commercial impact includes all matters relating to capital, processes, and personnel in such sector. However, only cases which are relevant to ease of doing business will be included. This category will not include money suits which only have potential individual impact.

A pictorial representation is as given below:



Differential points will be assigned to each task in each such category of cases.

Each type of cases has different impact in the social polity. Hence, it is necessary to measure the impact of each type of case in the judicial system. The impact of a particular type of case in the society is to be measured based on several factors. While, the constitutional and national importance is one factor, the average disposal time and complexity of such cases are also other relevant factors. In short, impact is a multi-dimensional aspect. It may also change with the changing contours of litigation and the society. Measuring the impact is not an easy exercise.

Each type of case will have a defined weightage score. This weightage will be further subdivided and applied to each task performed in such case in such court and the Impact based weightage scores will be automatically attached to the base points of such task.

An illustrative table of case categorisation and a tentative method of measuring impact is given in **Appendix IV**. This is only to be used as a guidance. The weightage given against each category of cases is purely provisional. Further empirical studies will be required to arrive at the appropriate weightage scores.

Appropriate modifications based on detailed study on the impact of different types of cases may be required before implementing the same. State level SCMS Committees shall, review the categorisation of cases and the points assigned to each category of cases based on relevant input. The input relevant to such categorisation may include analysis of pendency data and change in prioritisation, either by statute or any other relevant consideration. These points may be then adopted as part of the case management algorithm for evolving automated policy making alert mechanism for distribution and redistribution of judicial work and case management dynamics.

The impact categorisation will also have its natural impact on the court perspective. Cases will be categorised to different tracks based on the impact. Thus, cases with a potential national importance or commercial importance will be put on a different track than cases with potential individual impact only. However, such categorisation also does not mean that all types of cases which are perceived to have only potential individual impact will get least priority. There is further categorisation within different categories based on the complexity of each case and the average time that would be required to dispose of the case.

As the cases are automatically routed and put into different tracks based on the impact, the impact will also automatically form part of the performance evaluation.

System based impact analysis would be done for each court and distribution and redistribution of judicial work will be done based on such analysis. On a national perspective, impact analysis would mean that the assignment of impact points to each case would ensure accurate measurement of the case management dynamics.

Methodology II-Based on time taken for disposal

A more simplistic approach can also be adopted for identifying the points at which the policy decisions regarding establishment of new court and distribution of judicial work through prioritising and tracking of litigations are to be taken.

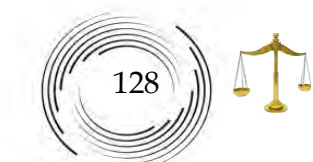
A preset time for disposal can be given for each case based on the system prediction using AI based evaluation of the historical data of similar type of cases in each court.

When a new case is filed, the predictive time will be shown to the litigant. This predictive period for disposal will be dynamic and will be attached to each case. When any factor which may prolong the case is attracted the period will be correspondingly increased. Similarly, on the happening of an event which will expedite the disposal of the case, the predictive time will be reduced. If the case is disposed within the predicted time, the case will not be considered as backlog. If the case is disposed beyond the predicted time, the case will be considered as backlog.

The dynamics is like the Backlog-balanced evaluation discussed above. However, in this methodology, a cumulative backlog calculation is done for different type of cases in a court by the system. This will be compared with the historical data regarding backlogs and pendency to determine whether the cases are generally prolonging beyond the normal period on account of systemic factors.

Methodology III-CLMM Method

The comprehensive model proposed in the District Judges Conference during 2024 discussed in detail as **Case Load Management Module (CLMM)** model in Chapter III for calculating caseload in courts will be the third



methodology. This method leverages a three-dimensional approach to determine the overall caseload of a court.

As already seen in the Chapter III, the approach suggested by the CLMM has several potential implications for improving the administration of justice. By explicitly factoring case type implication, stage-wise intricacies, and case-wise complexity, the CLMM model takes a multipronged approach to judicial caseload analysis. The transparent calculation also enhances accountability within the judicial system and provides valuable data to inform policy decisions and resource allocation.

But the method has some limitations as well. The method primarily focuses on pre-litigation complexities, overlooking potential issues during litigation. An in-depth analysis of the data of these cases will give an input into the appropriate matrix of these factors.

Comparative Analysis of the Methodologies

A comprehensive evaluation of the three methodologies reveals distinct strengths and weaknesses. Understanding these facets is crucial for developing an optimal approach to case management.

Methodology I, Impact-Based Evaluation, exhibits a significant strength in prioritising cases based on their potential social, economic, or legal ramifications. By ensuring timely attention to high-impact cases, this methodology fosters a responsive and effective justice system. However, the primary focus on impact may lead to an oversight of the workload associated with less impactful but numerous cases, potentially creating resource imbalances and delays.

Methodology II, Time-Based Disposal, demonstrates strength in its emphasis on efficiency and timeliness by focusing on the duration for case

disposal. This approach promotes a judicial process marked by speed and efficiency, aiming to reduce delays and pendency. If a uniform caseload is achieved using the CLMM method, in all the courts in a district or taluk, time-based disposal can also be uniformly fixed in such courts for each case types. Nevertheless, a potential weakness lies in its lack of differentiation between simple and complex cases, which may result in rushed judgments or unequal workload distribution among judges.

The CLMM Method showcases its strength in offering a standardized and objective approach to caseload calculation. By considering case type implication, stage-wise intricacies, and case-wise complexity, it fosters fairness in case distribution and judicial resource allocation. But as already pointed out it fails to take account of the post-trial complexities and potential issues during litigation.

Synthetic Method

A superior methodology can be derived by combining the strengths of all three methods and addressing their limitations. This unified approach leverages the strengths of the hybrid priority scoring system, extending its application to workload analysis and resource allocation.

The core of this algorithm lies in the priority score calculation, enhanced to incorporate workload and resource considerations. This comprehensive process integrates empirical analysis, judicial expertise, and data-driven methodologies. Initially, empirical analysis is conducted through historical data analysis to identify patterns and relationships between case characteristics and judicial resources. Additionally, surveys and feedback from judges, court administrators, and legal experts provide valuable insights into the relative importance of each factor. Judicial expertise is also sought through consultation with experienced

judges to understand their priorities and decision-making processes. Existing judicial guidelines and protocols for case prioritisation and resource allocation are reviewed to inform weight assignments and scores.

Data-driven approaches, such as regression analysis and machine learning algorithms, are utilised to analyse historical data and optimise weight assignments. Statistical models identify the most significant predictors of case complexity, impact, and time sensitivity. Initial weight assignments are refined through iterative analysis and feedback. To ensure the weights remain effective, periodic review and adjustment are conducted to reflect changes in judicial priorities, resource constraints, or new data insights. This continuous refinement maintains the Synthetic Method's efficacy in prioritising cases and allocating resources.

By integrating empirical analysis, judicial expertise, and data-driven methodologies, the Synthetic Method ensures that weights are informed, balanced, and effective in supporting the judiciary's decision-making processes. This calculation ensures timely disposal of cases, preventing undue delays and prioritising cases nearing or exceeding reasonable timelines. Continuous monitoring of case inflow, disposal rates, and priority scores enables predictive modelling to forecast future workloads and identify potential bottlenecks. The algorithm operates by assigning a priority score to each incoming case, considering impact, complexity, and time sensitivity. Cases are allocated to courts based on priority and current workload. As cases are processed, workload per court is dynamically updated and compared to predefined thresholds.

This unified algorithm offers numerous benefits, enhancing the efficiency of judicial operations. By streamlining case prioritisation, workload analysis, and resource allocation within a single framework, it optimises court productivity. The

algorithm's proactive identification of resource needs enables timely intervention, preventing potential backlogs and delays.

Moreover, the data-driven approach utilises analytics and predictive modelling for informed decision-making, ensuring effective resource management. Its adaptability allows customization based on specific court requirements, case types, and resource constraints.

Ultimately, this integrated methodology empowers the judiciary to proactively manage resources, prioritise cases, and ensure timely justice delivery while maintaining a delicate balance between efficiency and fairness.

Tipping point and alarming point

Tipping points are indicators that work reorganisation strategies will have to be identified and deployed.

The system will have to identify and set tipping points based on automated calculations of the quantitative and qualitative evaluation of judicial performance. To determine tipping points and alarming points in the synthetic method, the algorithm calculates the Workload per court by cumulatively scoring all cases assigned to each court. Thresholds are defined based on historical data, judicial resources, and desired case disposal timelines.

When a court's workload approaches the tipping point, it signals potential strain on resources and necessitates closer monitoring. Tipping points can be identified for each category of cases having different types of importance. The tipping point will be based on the volume of cases one court can optimally handle. This would be different for different types of cases. There can be a lower tipping point and a higher tipping point. The higher tipping point will be also called

Alarming Point. Exceeding the alarming point triggers an alert, indicating a critical need for additional resources, such as establishing a new court.

There can also be cumulative tipping points, where tipping points are based on different types of cases in the same court. Several permutations and combinations of tipping points of different types of cases are possible and will have to be worked out with the assistance of statistical and technological experts.

When the lower tipping point is breached, discussions between the state and High Court of the said state can start regarding the establishment of a new courts.

However, decision will have to be invariably taken before the higher tipping point (alarming point) is reached. Where it is felt that establishment of new court is not possible, appropriate case redistribution strategy may be adopted by the controlling officers. This would enable a scientific method for decision making regarding the establishment of new courts rather than following the current unscientific methods.

Where the backlogs have reached an alarming point as discussed above, appropriate discussions can be initiated for either redistribution of work or establishment of new courts.

Strategies in the national perspective

The following strategies can be adopted within the national perspective based on the evaluation of cases.

Automated track management of cases

Automated track management is system that utilises technology to track the progress of cases in a judiciary. Efficient case management requires cases to be divided into separate tracks based on set parameters. Parameters shall be set based



on the case, the average time taken for such type of cases in the system, the case load of each court etc. The tracks will further be sub divided based on the stage of a particular case in a particular court based on the same parameters. Thus, there shall be different parameters for each type of case in each court. Similar differential parameters shall be there for different stages of each court. The time frame will be different for contested and uncontested cases. The system will decide which case is contested and which case is uncontested based on whether written statement has been filed or whether in the written statement, the claim has been admitted etc. based on logic set in the system and with the help of AI.

An average time of disposal shall be arrived at by analysing the average time taken for disposal of each case in such track. Such average time shall be one of the parameters to decide the efficiency of the court, the judicial officer, and the court staff. The time frame is flexible. Artificial Intelligence system be used to analyse the work schedule of judges and various other factors affecting the progress of the case on a real time basis. The system would automatically reschedule hearing dates based on such analysis to ensure that the cases are not delayed. The use of Artificial Intelligence in case management can provide a more accurate assessment of the amount of time required for case, thereby reducing the chances of unnecessary adjournments. The time for each stage will be decelerated when a new Interlocutory application is filed. This will be without impacting the next date set by the system and the total estimated time frame for disposal, by adjusting the time for other stages. Similarly, when an interlocutory application is disposed of, or the respondent stops appearing, the total time for disposal of the case will be accelerated, without affecting the next date set.

In the case of *ex parte* cases, the case would be accelerated to a rapid automated *ex parte* decision track with template-based decision support system. This will enable the case to be disposed of rapidly.

The stages of the case will be divided into stages where a formal decision-making is involved and stages where only formal recording of facts (filing of written statement) are involved. Cases would move through stages where only formal recording of facts are involved move automatically through the track using templated orders based on system logic and set parameters. Only the cases in those states where a formal decision is required will be placed for consideration before courts.

Where the progress of the case gets affected by external factors such as a stay from superior courts, or non-appearance of a witness or party whose presence is unavoidable for disposal of the case (such as an accused), or such other factors as decided by DCMS and SCMS from time to time, the case would move to a stop track. The dates will be automatically generated and will not be put up for consideration before the court until the situation that necessitated stop track ends.

The cases in each track and the stages of each case within a particular track will be automatically moved from one stage to another, based on set parameters, with minimum human intervention. This automated approach helps to ensure that cases are efficiently managed, enabling faster resolution and better access to justice.

By automating the processes, the system can provide updates on cases in real-time, reducing the need for manual input and streamlining the workflow. This allows judges and lawyers access information about the case at any time, which leads to faster and more efficient case resolutions. The automated track system helps improve the management of court cases, reduces the burden on court, and

enhances the overall performance the judiciary. Dividing cases into different tracks and automating the movement of the cases within the tracks will ensure transparency. By making the predictive timelines and the actual flow of case within each track available to the parties and counsel, they can be put in proper perspective about the status of the case and their expectations about the disposal of the case can be managed. Acceleration and deceleration possibilities shall be indicated to the parties at the time of filing interlocutory applications and on happening or non-happening of specified events. This will assist the parties in making a reasoned decisions regarding the impact of the application on the progress of the case. Automated case flow management will also enable the quantification of judicial tasks in a clearer way.

If any party has any grievance regarding the process flow, it can be taken up before the court, which can decide the matter. A further review mechanism can be provided at the DCMS level.

Optimisation of Caseload

There should be optimisation and redistributed of caseloads and judicial work amongst courts. The Chief Judicial Magistrate/ District Judge/High Court should get software based monitored alerts regarding caseloads of all courts under them. Software based alerts should also indicate cases with high case load and suggest courts where such loads can be redistributed to optimise caseloads between courts in such district.

Task redistribution

Even while retaining the case in a particular court, it should be possible for the High Court or the District Court to redistribute certain intermediate processes in a case to another court in another district or within the district in another sub centre. Roll call management/intermediate hearings of the case which do not

require physical presence of parties or witnesses in the court, can be managed by temporary redistribution of the process flow with the assistance of an automated decision assisting mechanism.

Establishment of new courts

When any of these strategies do not work, then based on the data available, the recommendation for a new court will have to be made. This recommendation will be completely data driven and will be based either on the alarming point as discussed under Methodology I or based on the cumulative backlogs discussed under Methodology II above.

Part II

Court Perspective

In the court perspective, as distinct from the national perspective factors that affect the specific court is taken into consideration. The court perspective will determine how backlogs are calculated for the purpose of performance evaluation and for the redistribution of case load.

The “court timeline” for each category of cases will be defined and determined under the Court Perspective. Cases will be categorised by its nature and case types for fixing the “court timelines”. Parameters such as total pendency of cases of different nature, variables such as additional pleadings, number of witnesses, directions from the higher forum etc. will also be considered while fixing “court timeline”. The “court timeline” will be fixed by algorithm, which will be dynamic and vary depending upon the variation in the parameters. The algorithm can be fixed only after conducting a pilot study using different methodologies.

Any case disposed by a judge within the court timeline will not be considered as a backlog. But when the court timeline is exceeded, a case will be categorised as backlog. Adhering to the court timeline will be regarded as a task for the judge in the judge perspective.

Pendency and Arrears

Arrears is a relative concept and hence it is court specific. It is necessary to define arrears. When more cases are filed, it is a positive indicator of public confidence in the courts. Some difficult cases may require more time to be disposed while other cases are easy to dispose. Pendency - [e]specially of fresh cases, is not necessarily a negative phenomenon. As levels of prosperity, economic progress, literacy, and awareness increase, more people will approach courts to resolve their disputes. Every case requires a defined and "acceptable" case life so that justice is not hurried and buried.

Hence pendency generally is not a cause of concern. However, arrears are a cause of concern, and it is a factor that has a human element.

Definition of arrears

The 245th report of the Law Commission of India titled “Arrears and Backlog: Creating Additional Judicial (wo)manpower”, examines the question of adequate judicial strength, for the district judiciary.

In the report, ‘arrears’ is understood as a further subset of ‘delay’ where the case has taken a longer time and no ‘valid reasons’ explain the same.

It states,

“Some delayed cases might be in the system for longer than the normal time, for valid reasons. Those cases that show unwarranted delay will be referred to as arrears.”

The same report explains delay as occurring when a case of a particular type takes longer than the ‘normal time’ it should take for disposal.

Backlog is a more collective term and refers to the accumulation of cases from one time to the next due to the system’s inability to dispose of cases at an equivalent rate to the institution of fresh cases. If the backlog consistently grows over time, it indicates that not only is the number of active cases increasing, but also that this increase is happening at an accelerating pace.

Thus, a pending case will qualify to be an arrear if it meets these two conditions:

- a. It is in the system for longer than the normal time that it should take for a case of that type to be disposed of.
- b. There is no ‘valid reason’ for it to be in the system for more than the normal time.

In other words, a case will be considered as an “arrear” if it remains pending in a court beyond the normal time taken to process it without a valid reason. To break this down further, a task in a case will be in arrear if it takes longer than the normal time to accomplish it, there being no valid reason for the same.

Arrears happen due to several factors. While inefficiency of the judge is one of the factors that lead to arrears, other factors peculiar to the court may also influence generation of arrears.

Arrears in disposal of cases must be measured and factored in an ideal evaluation mechanism for judicial performance.

Acknowledging that defining the concept of arrears is a difficult process, and considering that the process of defining arrears may lead to misconceptions, the NCMS committee had resolved not to attempt to define arrears but to attempt to clear backlog and pendency. Hence this document also embraces the concept of pendency and backlog.

Quantification

Measuring cases that a court can realistically dispose is a balancing process. Quantifying it cannot be done individually. It must court specific, but its impact must be measured in an individualistic manner.

The first step is to define an algorithm-based quantification system which will identify the average time taken for disposal of different types of cases. This can be set using the registration date and disposal rate in the CIS.

All cases which are pending beyond a minimum disposal time required for such court to dispose a similar case in that court can be identified as backlog, which the said court will have to try to dispose in a reasonable time.

Next step is identification of average time for disposal for each type of case in each court in an ongoing basis. The average time for disposal of each main case type and each type of interlocutory application shall be measured by the system based on the then available data on a real time basis. This will be done on a court basis.

The third step is defining an algorithm for prediction of average time for disposal of a particular type of case in a particular court at the time of filing of the case itself. The algorithm will also calculate the average time required for disposal of each interlocutory application in each case in each court.

Whenever a new interlocutory application is filed, the AI based system will add to the average time required for the case and on disposal of such interlocutory application the system will deduct from the average time. This average time will be calculated for each court and will be individualised. All this data can be made available to the litigant and the advocate. Thus, whenever a new case is registered in the system, the advocate and the litigant would be given an approximate average time within which the case will be disposed of. On filing of a new interlocutory application, the system will add the approximate average time taken for disposal of the said application to the time for disposal.

When an interlocutory application is disposed of earlier than the average time, the balance time left will be deducted from the additional time.

For calculating backlog and managing the same, the courts will be divided into

- ⚖ low backlog courts,
- ⚖ medium backlog courts and
- ⚖ high backlog courts.

DCMS committee shall decide on a case-by-case basis whether there are any systemic factors that may affect the pendency and make corrections, either on a real time basis or from a past point of time. If such corrections are made from a past point of time, the benefit of correction should be given to all the officers served in that station from the relevant point. The synthetic methodology proposed for case prioritisation and identification of tipping point and alarming point may be adopted for the identification of the backlog and to give corrective measures for adjusting the caseload.

Strategies in the court perspective

Filing management

Machine based scrutiny of documents filed before the court should be introduced. The cases should be divided into tracks based on complexity and pendency of cases in the court at the filing stage itself. Case timeline should be made available to all stake holders at the time of filing itself. Timeline for different stages would also be indicated, which will dynamically readjust on different eventualities.

Case management dynamics

The track management should be fully automated. The case will flow inside the tracks without manual intervention. A System induced calendaring of cases for all stages should be introduced. Each task would be defined by the system which will readjust based on contingencies. The tracks will be determined based on the specific situation in each court. The decision on the policy aspect of tracking will be taken by the SCMSC. However, the DCMSC will decide the specific case tracking strategy in consultation with the presiding judge of each court, depending upon the peculiar circumstances in each court.

Completely automated case flow management

The Case Information System is currently data centric. Its design is essentially that of a tool to collect essential management information system rather than as a document management system. Judicial process is all about document and process management. Hence, evolution of case management system as an efficient document and process management system, so that all the processes related to judicial process can be efficiently and seamlessly managed by the system

itself is a must. In addition, the data in the Case Information System should be equipped for machine learning and adaptable to Artificial Intelligence processing. All the while data integrity and confidentiality should be maintained, and chances of data manipulation should be strictly avoided. If the current CIS is not capable of evolving to such level, a new document and process management software system shall be developed. Such system should be capable of taking data from and giving data to CIS seamlessly. It need not be single system also. More than one programmes which can handle different functions by taking and giving data to CIS can be developed and integrated to a unified interface. This will enable the end user to log into the entire system using a single sign on while reducing the data load in each programme, so that each programme can analyse data separately for separate purpose with ease.

This can be achieved by a phased process only.

Step I: Phased implementation of mandatory E-filing and weeding out non-e filed data from the system

As the first step, e-filing should be made mandatory for all types of cases. A time frame should be given for disposal of all non-CIS cases with a mandate that after the cutoff date non-CIS cases will not be counted towards targets. Secondly, e-filing must be made mandatory for all types of cases, including cases filed on police reports by giving an outer time frame. After the time is over, only an e-filed case will be allowed to be taken up by courts.

Step II: Further evolution of the Case Information System (CIS)

Second step is the further evolution of the Case Information System to handle all the tasks related to judiciary. At this stage, focus of Case Information System should shift to a document and process management system. The focus

should be the convenience of the parties and the judges in managing the documents and using them in the decision-making process.

Step III: Pruning of the CIS data flow

A court management information system (CMIS) which can analyse the real time progress of a given case should be put in place. For this, a pruning of the current data flow in the Case Information System is necessary. Automated data analysis tools may be employed to identify duplicate records, outdated data and incomplete data. Further data pruning tasks may be integrated with the existing workflows for seamless and efficient data management. Proper identification of inefficient, incomplete and duplicate data using data tags and metadata is necessary for proper pruning of inefficient data in CIS. Tools and workflows to tag inefficient data for review and potential pruning. However, it should be ensured that:

- ⚖ Proper access control mechanisms for the data archive are in place before start of data pruning to ensure that only authorized users can access archived data, and,
- ⚖ Proper training is given to users and system administrators on data quality, data pruning techniques, and data security best practices.

Step IV: Standardisation of stages of case in CIS

At this second stage, standardisation of the stages in CIS is highly essential. Currently there are around 800 stages in the CIS, some of which are repetitions. This should be brought down to maximum 10 stages for each case type. Kerala Civil Courts (Case flow Management) Rules 2015 gives a list of 10 stages for civil cases. This can be adopted for all civil cases to which Kerala Civil Courts (Case flow Management) Rules are applicable. Similarly, 4 or 5 stages can be identified

for each type of criminal cases. After limiting the stages as above, sufficient time should be given to courts (at least 3-6 months) so that all cases are update to these stages. The process flow of cases in the CIS should be limited to these defined steps as far as possible. For any deviation, the judge will have to write reasoned orders. If necessary, a hierarchy/ life cycle of case stages may be evolved. This can involve grouping related stages into broader categories for better organization and analysis of stages in CIS. Further, mandatory and optional stages a case has to be differentiated. Such differentiation allows flexibility in adapting the model to specific case types and circumstances. A clear criterion for transitioning between stages may also be put in place to ensure consistency and transparency in case progression and to prevent unnecessary delays.

Step V: One-Data Policy

While applying the standardisation of the stages and automated process flow, *One-data policy*, should be ensured without fail. One data policy has two aspects, namely,

- a. At no point, any stakeholder should have to make entry on one piece of data more than once in the entire lifecycle of the case including at the time of appeal, revision, reference, further appeals, execution etc.
- b. At no point, the data once entered by one stakeholder should have to be re-entered either in the same form or in another form by another stakeholder throughout the entire life cycle of the case including at the time of appeal, revision, reference, further appeals, execution etc.

Avoiding both types of duplication viz, duplication of data entry and duplication of work is an important aspect in designing a modern case management system. Duplicate data not only takes up unnecessary storage space but leads to confusion and errors in system. Errors can cause delays in case

processing, which can negatively impact judiciary's reputation. Automated tools such as data deduplication algorithms and auto-population of fields shall be employed to ensure one-data policy without exception.

Step VI: Integration of CIS data with data analysis tools

With the increasing of cases and complexity of legal disputes, data analysis can provide valuable insights to judges, specialist officers such as Manager (Case Administration), Judicial Administrative Officer, Court Administrator, and other stakeholders involved in the decision-making process related to judiciary to improve decision-making, resource allocation, and overall efficiency. Any data base without ability to efficiently analyse its data based on real time needs is a failure. As the final stage of evolution of Case Information System, CIS should be enabled to share real time data with the Artificial Intelligence driven data analysis tool seamlessly. The data in CIS should be enabled for such data analysis, which include, putting in place proper data access, management, and security policies. By leveraging and analysing the data, and making proper analysis of the data, it is possible to identify bottlenecks, optimise workflows and create better synergies in tracking cases and measuring performance. The interaction of AI tools with case data can also support better decision-making and ultimately improve the efficiency and effectiveness of the judicial process.

Step VII: Standardisation of common order formats

This can be followed by standardisation and templatization of the common order formats. The standard orders can be applied either as predictive text or as order templates. Such standardisation will enable to avoid, if not minimise common procedural errors.

The task of creating standard order formats and templates shall be entrusted to the State Judicial Academies.

Step VIII: Categorisation of stages of case-flow process & templatization

The next step will be to categorise the stages as technical, and resolution connected. For example, resolution connected steps are only framing of issues, evidence, hearing and judgment. All other stages are technical in the sense that even though they help in the resolution of the case, they are not part of the core dispute resolution process.

Step IX: Automated Adjournment Request System

An automated adjournment request system similar to the one proposed for the case management in the High Court shall be put in place. Such a system will enable parties or counsel to request adjournments before specified times, without need for the case to be called in the court. Such a system will provide an option for opposing parties to voice objections prior to the designated date, so that a decision can be taken well in advance whether to grant an adjournment or not. Such a system will empower the Manager (Case Administration) to decide on adjournment requests, promoting efficiency and ensure smooth progression by prioritising waitlisted matters.

Step X: Complete automation of the case flow

After identification of such technical steps, the case would move from one technical stage to another in an automated manner. In technical steps, the standardised templates will be applied, and the judge will have to only ensure the human element in such templates by customising them, if necessary and applying them finally. However, in core resolution stages, the templates will only be

predictive texts which require to be adopted by the judge using human intelligence to apply the order to the particular case.

There is an overlap in the short-term plan and the long-term plan with respect to these steps. These steps are reiterated here also as these are uncompromised steps to achieve the long-term goals. If these are omitted in the short-term, they should be achieved in the process of attaining long-term objectives also.

System induced calendaring of cases

Currently the cases move from one date to another manually. Human capabilities, understanding and discretion affects the movement of cases from one date to another in a great way. This can be avoided by automating the calendaring of cases. The dates on which the case would come up for consideration before the court will be fixed based on a system-based logic. The system will automatically post the case to the next date automatically based on the system logic ensuring that each case is given the appropriate amount of time needed for proper disposition.

The system logic can be built based on (a) the nature of the case (b) average period taken for disposal of such type of case (c) the total pendency of cases in the court (d) the stage in which a particular case is currently in (d) the number of Interlocutory applications pending disposal.

The system logic should be able to predict the next date on which the case will be probably come up on each posting date, given the business done on that day. A tentative date must be shown to all the parties immediately after the case is called, and the parties shall be able to give their reservations on such posting date and provide an alternative date to the judge before the end of the day. The

alternatives should be visible to the parties and the judge. The judge should then be able to override the system logic and post the case to the date on which every party is available.

In addition, immediately on the registration of the case, the parties should be able to get a tentative predictive schedule of various stages of the case in the calendar. This predictive schedule will give the parties a perspective about the approximate time that will be taken for adjudication of their matter. Each time a new interlocutory application is filed, the time taken to dispose the said application must be added to the predictive schedule and each time such an application is disposed of earlier than expected, the schedule should be brought back to a new predictive date. Notices about the dates fixed by the court synthesising the different proposals should also be given out electronically to the parties as well as the counsels. Such electronic messages should also have a link to the webpage which will show the estimated schedule to the close of the case.

Such a calendaring system will help to bring more inclusiveness in deciding the dates of the cases. The parties will be kept in right perspective about the approximate time taken for disposal of their matters and the factors influencing the delayed disposal.

Part III

Judge perspective

Case management in the judge perspective would include task-based case management and performance evaluation system which will reflect the core values of the judiciary. It will be judge centric, with thrust on justice delivery. It will consider judicial process as a service delivery and will ensure that the evaluation of performance is done taking a whole of system approach. Adhering to the 'court timeline' fixed under court perspective will be regarded as a task for the judge.

Task identification and management

Each work done by a judicial officer during the course of his judicial work will have to be categorised into tasks, in addition to the task of adhering to the 'court timeline'. A task can be defined as any quantifiable activity performed by the judicial officer in his official capacity. In other words, a task will be an activity which is result oriented and have some adjudicatory process involved.

For categorising the tasks, all the tasks to be performed by each judge must be identified. For example, framing of charge, recording the deposition of a witness, examining the accused under S. 313 (1) (b) CrPC will all be categorised as tasks, but mechanical tasks like issuing summons or taking cognisance will not be considered as a task unless an adjudication and a detailed order is required for such summoning or taking cognizance.

Each task performed by the stakeholders, especially the judges should be made measurable. This report does not discuss the exact task categorisation, the algorithms to be used for quantification of tasks or the application of these

quantification factors to the IT based case management system. Only broad aspects are dealt with. Finer aspects must be worked out based on further discussions and with the assistance of statistical and technological experts.

Thereafter systems should be put in place to accurately measure such tasks on a real time basis.

The first step will be to segregate the tasks as

- ✦ Core Judicial tasks and
- ✦ Associated tasks

Core Judicial Tasks

The following can be categorised as core judicial functions:

- ⚖️ Cases disposed including uncontested disposal.
- ⚖️ Judgements written especially contested judgments.
- ⚖️ Depositions/statements recorded.
- ⚖️ Issues/charges framed.
- ⚖️ Daily orders passed.

The recording of depositions/statements, issues/charges/points, daily orders passed, and judgments written can be quantified based on number of words and normalising them by comparing such words, with the time taken and the average words which are used in comparable cases. Additional weightage scores should be given for tasks undertaken outside the court room. The tasks which are done by delegation should be excluded from the weightage consideration.

Associated tasks

A judge's work is not always limited to core judicial tasks. Many a times a judge will have to perform other work which may be related to the judicial work, but which cannot be completely quantified using system logic. In fact, it is said that the work a judge does inside the court room is only a tip of the iceberg. For example, the Principal District Judge and Chief Judicial Magistrate would have administrative responsibilities which would consume much of their time, but which will not be reflected in the disposed cases. Hence a method must be found to identify and quantify the associated tasks performed by a judge. Only by incorporation of a mechanism to quantify associated tasks a realistic performance assessment of a judge can be made. This is especially required in an automated continuous and real time performance appraisal mechanism since it is always possible that a judicial officer may be posted in duty which has some additional administrative responsibility which may impact on the baseline performance.

The Associated tasks include, but not limited to.

Administrative work

Adequate weightage must be given for performance of the administrative tasks assigned to a judicial officer. As done in the case of judicial research, the ideal method is to capture the time taken for administrative tasks based on self-declaration which can be normalised based on the data provided by earlier incumbents in the same office, after giving due weightage to new responsibilities in the post. Alternatively, weightage can be given to administrative tasks based on the number of files processed or based on inputs from superior officer.

Other out of court work

Time spent by a judicial officer on activities such as Lok Adalat, mediation and other court related work sponsored by legal services authority shall be quantified. For this also, a voluntary declaration-based weightage score can be assigned.

The time spent on acting as a faculty or Master trainer for various High Court or State Judicial Academy sponsored programmes can be measured and tracked based on the inputs given by the sponsoring agency.

Minimum weightage shall also be given for training undergone in the State and National Judicial Academies and other organisations as sponsored by the Judicial Academies or High Court and attending other official programmes.

Method of quantification of tasks

The identification and quantification of task and assigning task differentiated weightage point to each case shall be completely data driven and automated. Optimised number of hours spent on each task can be the base for assigning weightage points. The aggregate hours spent on each task can be counted and after normalising the same with the past data, the same shall be converted to a weightage point which will be added to the base point of such officer.

Dimensions of judicial performance

The performance the district judiciary will have to be assessed on three broad parameters namely,

- ✦ Quantitative evaluation
- ✦ Qualitative evaluation
- ✦ Innovativeness evaluation



These three parameters will be evaluated independently at different times, stages of a case and in different manners. In that sense these three evaluation processes run in respect of the same officer parallelly.

However, these three limbs will supplement each other and will act as a complete chain with respect to evaluation of the performance of an individual judge at a given point of time as given below.



Quantitative evaluation

In Quantitative evaluation the volume of work done by a judicial officer has to be evaluated. Quantitative evaluation is not merely measuring the number of contested disposals. All the work done by a judicial officer has to be identified and

quantified. While doing so, it must be ensured that no work shall be left out. Moreover, quantitative analysis also includes giving due weightage to backlog reduction work.

Thus, Quantitative evaluation of judicial performance will be done on two parallels.

- ⚖️ Backlog balanced evaluation

- ⚖️ Task differentiated evaluation.

These parallels run separately but contribute to the whole evaluation process.

More parallels such as complexity weightage can also be added to the Quantitative evaluation to balance the evaluation process.

The aim of such quantification in parallel processes is to ensure that fair treatment is given to all the stakeholders and all the tasks performed by a judicial officer is identified and appropriately recognised and rewarded.

Backlog balanced evaluation

The “court timeline” for each category of cases is determined for each court, as explained under Court Perspective. Any case disposed by a judge within the court timeline will not be considered as a backlog. But when the court timeline is exceeded, the case will be categorised as backlog and the same will have an adverse impact on the performance analysis of the Judge.

As the cases are automatically routed and put into different tracks based on the impact, the impact will also automatically form part of the performance evaluation. The Judge perspective of the Case Management is also thus having an influence of impact analysis.

Task differentiated evaluation

As already explained, the identification and quantification of the various tasks performed by the judge and automatic assigning of task differentiated weightage point for each task, based on the data, is the core aspect of task differentiated evaluation. Optimised number of hours spent on each task can be the base for assigning weightage points.

Judicial Quality Management

Quality of judicial performance is at the same time a generic and court specific concern. Optimisation of judicial work also needs to take into consideration the quality of judicial performance which can be expected given the workload. In high workload scenarios, focus will be on quantitative disposal of cases, and the quality of performance will generally suffer. The workload is currently a local phenomenon and varies from court to court. Hence, it is of utmost importance that Judicial Quality Management is ensured as a court perspective.

Qualitative evaluation can be subjective. Hence, there need to be a permanent mechanism for qualitative evaluation so that the subjectivity can be mitigated.

Qualitative evaluation will have to be done randomly as well as regularly.

Regular Qualitative evaluation

The system will make available a qualitative analysis form to all appellate judges. Immediately on receipt of an appeal by an appellate judge, the appellate judge shall make a qualitative analysis of the judgment or order under challenge.

Random Qualitative evaluation

There will be cases in which the parties do not prefer appeal. It could be for several reasons. A random evaluation of such cases shall be done by Portfolio judge either directly or as delegated to Principal District Judge or DCMSC. While so delegating it shall be ensured that (a) junior officer shall not evaluate the judgments of the senior officer (b) officers of the same cadre should be excluded while considering judgment/orders of the officers of a particular cadre. For this purpose, the portfolio judge may also set up a judgment evaluation team, even coopting officers who are not in the DCMSC.

At least 3 contested judgments of each judge in the district will be randomly selected by the system will be placed before the evaluation team for Random Qualitative Analysis every three months. Such judgements shall be.

- Which were pronounced at least six months before the date of review (i.e. from which chances of appeal are less)
- no appeal has been preferred in any forum against such judgment.

Every year, i.e., before 31st May, at least 12 judgements of a judge working in the district shall be so randomly analysed. Whenever an appeal is preferred against an order which has been selected for random evaluation, the evaluation team shall be notified and the judgment in which appeal is preferred will be excluded from the random evaluation process.

The points assigned to each individual judge on regular and random qualitative evaluation shall be normalised using system algorithm.

A consistent low rating in the normalised qualitative evaluation is an indicator for improved court management measures.

Innovation

Creativity in performance is an essential judicial quality. A judge will have to be creative and should be capable of introducing new techniques in a positive manner which may in the long run improve the performance of the system.

Innovativeness evaluation will focus on innovativeness displayed by a particular judge in completing the task. This also is a subjective criterion.

Innovativeness Performance Indicator (IPI) scores will be evolved based on the creativity shown with respect to performance of various tasks.

The Creativity will be analysed by the Supervising judges and will be input into the performance appraisal system manually for each judge on a yearly basis.

Generally, the criteria for analysis will be the creativity shown in

- o Performance of each task in a better manner than others
- o Innovative methods introduced by such officer which has impact on social, performance or recidivism sphere.
- o optimisation of work performance.

All short cuts and improper procedure will be de-incentivized and will be given negative scores.

The details of a tentative performance evaluation model are given in **Appendix VI.**

Part IV

Digital Courts and Territoriality

Digital Courts: A Revolutionary Concept

Digital courts are virtual judicial platforms that operate entirely online, eliminating the need for physical presence. This innovative approach leverages automation, artificial intelligence, and blockchain technology to streamline legal processes, enhance efficiency, and increase accessibility.

Key Features

- ⚖️ **Virtual Proceedings:** All court processes, including hearings, trials, and judgments, are conducted online.
- ⚖️ **Automation:** AI-powered tools automate routine tasks, such as document management, scheduling, and evidence analysis.
- ⚖️ **Human Intervention and Oversight:** Judges and legal experts can intervene and make decisions, ensuring human intelligence and oversight.
- ⚖️ **Blockchain Integration:** Digital courts can be integrated with blockchain nodes, enabling secure, transparent, and tamper-proof smart contracts.
- ⚖️ **Decentralized Courts:** Digital courts can operate without a physical location, allowing for seamless integration with other courts and jurisdictions.
- ⚖️ **Optimised Caseload Management:** Digital courts can redistribute work, optimising caseloads and reducing backlogs.

Benefits

- ✦ **Increased Accessibility:** Parties can participate from anywhere, reducing travel costs and time.
- ✦ **Enhanced Efficiency:** Automated processes and AI-driven tools streamline proceedings.
- ✦ **Improved Transparency:** Blockchain technology ensures secure, transparent, and tamper-proof records.
- ✦ **Reduced Costs:** Lower operational costs and reduced need for physical infrastructure.
- ✦ **Faster Resolution:** Digital courts can operate 24/7, enabling faster dispute resolution.
- ✦ **Global Reach:** Digital courts can attract international cases, establishing India as a preferred litigation hub.

Implementation Roadmap

- ✦ **Pilot Programs:** The High Courts shall launch pilot digital courts to test and refine the concept, ensuring a thorough evaluation of its efficacy and identifying areas for improvement.
- ✦ **Infrastructure Development:** A robust digital infrastructure, comprising secure servers and blockchain nodes, shall be established to support the operation of digital courts, guaranteeing the integrity and security of all legal proceedings.
- ✦ **Training and Capacity Building:** Comprehensive training and capacity-building programs shall be conducted to educate judges, legal professionals,

and support staff on the operation and technologies underlying digital courts, ensuring a seamless transition to the new system.

- ✦ **Legislative Framework:** A supportive legislative framework shall be developed and implemented, providing clear guidelines and regulations for the operation of digital courts, and ensuring compliance with existing laws and regulations. This would include a model Digital Courts Act, a model of which is appended as **Appendix VII**.
- ✦ **Phased Expansion:** Digital courts shall be gradually expanded to various jurisdictions and legal domains, allowing for a controlled rollout and the ability to address any challenges that may arise during the implementation process.

Transforming the Litigation Landscape

Digital courts have the potential to revolutionize the litigation scenario in India, making it an attractive destination for international disputes. By embracing this innovative approach, India can:

- ⚖️ **Enhance Judicial Efficiency:** The implementation of digital courts aims to streamline legal processes, thereby reducing delays and backlogs, and enhancing the overall efficiency of the judicial system.
- ⚖️ **Attract Foreign Investment:** By establishing a robust digital court framework, India seeks to position itself as a preferred location for international arbitration and dispute resolution, attracting foreign investment and promoting economic growth.
- ⚖️ **Promote Access to Justice:** Digital courts shall increase accessibility and affordability of legal services for all stakeholders, including marginalized

communities, thereby promoting access to justice and ensuring that the legal system is inclusive and

Rethinking Territorial Jurisdiction in the Digital Age

The advent of digital courts necessitates a re-evaluation of the traditional concept of territorial jurisdiction, which has become a hindrance to the efficient distribution of judicial work. As technology enables remote access to courts, the physical location of courts becomes less relevant, allowing for more flexibility in court placement.

Decoupling Courts from Territorial Constraints

By transcending territorial boundaries, courts can be established in locations with adequate infrastructure, regardless of their geographical proximity to litigants. This shift enables High Courts to adopt innovative strategies for workload distribution, ensuring a more equitable allocation of cases across the state.

Optimising Workload Distribution

The abolition of territorial jurisdiction enables High Courts to:

- ⚖️ Redistribute cases to achieve a balanced workload across all courts, mitigating the issue of perpetually heavy or light court dockets.
- ⚖️ Transfer intermediate stages of cases to courts with available capacity, streamlining the judicial process and reducing delays.

Enhancing Judicial Efficiency

By embracing a non-territorial approach, the judiciary can:

- 👉 Optimise resource allocation, reducing the burden on heavily congested courts.

- 👉 Improve access to justice, as litigants can access courts remotely, regardless of their physical location.
- 👉 Foster a more efficient and adaptive judicial system, better equipped to meet the evolving needs of society.

Statutory Reforms

To realize these benefits, statutory changes are necessary to redefine the concept of territorial jurisdiction, empowering High Courts to implement innovative workload distribution strategies and establish courts in locations that optimise efficiency and accessibility.

Conclusion

The integration of digital technology in the judicial system has the potential to revolutionize the way courts operate, making them more efficient, accessible, and effective. The concept of digital courts, which enables online dispute resolution and virtual hearings, is a significant step towards achieving these goals.

Along with the implementation of digital courts, we should embark on a re-evaluation of the traditional concept of territorial jurisdiction. As technology enables remote access to courts, the physical location of courts becomes less relevant, and the need to tie courts to specific territories becomes obsolete. By decoupling courts from territorial constraints, we can enhance judicial efficiency by optimising workload distribution and reducing delays, improve access to justice by enabling remote access to courts and reducing the burden of physical presence and foster a more adaptive and innovative judicial system, better equipped to meet the evolving needs of society. To achieve these benefits, we must be willing to rethink our approach to territorial jurisdiction and embrace a more flexible and technology-driven model. This requires statutory reforms to redefine the concept of territorial jurisdiction and empower courts to adopt innovative

strategies for workload distribution and court placement. Ultimately, the integration of digital technology in the judicial system offers a unique opportunity to transform the way we approach dispute resolution and access to justice. By embracing this change and rethinking our approach to territorial jurisdiction, we can create a more efficient, effective, and accessible judicial system for all.

Chapter VIII

Specific strategies for Long-term Case Management

Chapter Summary

- Specific strategies of Case management in the district judiciary involves (I) Systemic correction (II) Technological restructuring and (III) Human Resources Optimisation.
- **Systemic correction** involving correction of case load management through decongestion of court system by removing matters that do not require court intervention from the judicial system. The specific strategies suggested are:
 - Constitution of traffic regulatory body as a first line mechanism for enforcement and registration of offences and summoning, imposing and recovery of penalty. Courts will step in only where the decision of such body is contested.
 - AI tool-based calculation and disbursement of statutory compensation including compensation in Motor Vehicle Act cases.
 - Mandatory pre-litigation mediation utilising capabilities of Mediation Act and online mediation platforms.
 - Separating service of processes from the litigation case flow with suitable amendments in the procedural law for
 - enabling e-service of processes,
 - establishment of Process Service authority to with end-to-end responsibility to manage service of processes and
- empowering the courts to inquire into the deficiencies in service as a part of the main proceedings will ensure an efficient service of processes.
- Technological restructuring involves,
 - (a) Optimisation of bandwidth
 - (b) Platform independent interconnectivity between stakeholders
 - (c) Automation of all aspects of judicial work including
 - machine scrutiny of efiled documents,
 - judicial officers home module,
 - completely paperless courts which maintains
 - digital order and proceedings sheet,
 - automated recording of depositions,
 - automation of judgment and order templates,
 - automated track management of cases, and
 - automation of performance appraisal.
- Human resources optimisation strategy includes timely filling of judicial vacancies and optimum deployment and utilisation of staff in district judiciary.



Introduction

Broad-based ideals of an IT-based long-term plan for case management would require adaptation of specific strategies for case management. It is also essential to have clear objectives and goals in mind, as well as a plan to achieve them through the implementation of the new strategy. While the scope of implementation of these measures are in the long-term of about 5 to 10 years, efforts to achieve these goals should be started early, at least simultaneous with the short-term goal.

Hence specific suggestions on case management for district judiciary are given below. These suggestions are also not exhaustive and merely illustrative. The suggestions are under three distinct headings:

- I. Systemic Correction
- II. Technological Restructuring
- III. Human Resources Optimisation

Systemic Correction

A systemic correction whereby matters which do not require judicial intervention shall be removed from the judicial system. The following suggestions are made:

a. Constitution of traffic regulatory body

Penalties, including, fine, suspension and cancellation of licences of those booked for traffic offences wherein no grievous injury is involved, should be treated as a part of traffic regulatory measure, and must be kept out of Judicial system. Enforcement and registration of offences and summoning, imposing and recovery of penalty should be the responsibility of a traffic regulatory body. By this mechanism, the traffic regulatory body would be able to keep track of

repeated offenders and courts would be freed of the heavy burden involved in the disposal of these cases. The role of courts should be limited to those cases where a person opts to challenge the decision of the traffic regulatory body.

b. Tool to calculate the compensation payable by statutory bodies

A software-based tool which utilises possibilities opened by artificial intelligence should be developed for calculating the compensation payable by government, statutory bodies and other instrumentalities which are regulated by legislations before the dispute reaches the court. For e.g.: a large volume of cases is filed in courts seeking enhancement of compensation for the diminution of land value during laying of electric line over private properties. Scope of adjudication in these types of cases are minimal as most of the issues are settled. However, only meagre amounts are disbursed to the aggrieved persons, forcing them to approach the courts to be adequately compensated. In such situations, if an A.I. based solution is put in place to provide adequate compensation to the aggrieved landowners based on the fair/ commercial value of the land and the value of trees cut based on the settled principles of law, much of the litigation can be avoided.

c. Tool to calculate and disburse adequate compensation under the Motor Vehicles Act

Legislative intervention is required for the disbursement of a minimum compensation in M.V. Act cases immediately after the accident and before the dispute reaches the court/tribunal. In the present scenario, even when the insurance policy is admitted, and there is no dispute regarding breach of policy or negligence, a claimant must approach the court to claim compensation, which is not required. Insurance companies should be made liable to deposit a minimum amount of compensation, based on the injury sustained by the claimant, with full reimbursement of medical bills and salary loss, within two

months after the accident. A.I can be introduced for calculating the adequate compensation, which should be worked out based on the judicial precedents regarding the calculation of notional income, future prospects, deduction towards personal expenses, dependents etc. Such a measure will make the adjudication process simpler. The balance claim of the claimant alone needs an adjudication, and cases involving minor injuries will not reach court.

d. Pre-litigation mediation

Pre-litigation mediation must be popularised and should be made mandatory for matrimonial cases. Possibilities of online and offline mediation should be explored wherever possible. The possibilities under the Mediation Act, 2023 should be fully explored to give legal sanctity to pre-litigation mediation agreement.

e. Separating service of processes from the litigation case flow

Service of process is not an integral element of the judicial process. In fact, it is only an auxiliary service provided by the judicial system to the litigants. It is primarily the duty of the litigants/state to bring the parties before the court. Only when both the parties are before the court, effective litigation can commence. Many jurisdictions have already segregated service of processes from the essential judicial function and have developed separate and independent stream managed by independent professionals for service of processes. This stems from the realisation that it is essentially the responsibility of the litigant and or state to ensure that all the parties are brought before the court. Pendency on account of the failure of the state/parties cannot be burdened on the judicial system.

This method has several advantages. Firstly, the service of process which is generally an administrative task can be taken out of the judicial system. Only

the cases in which service have been complete require judicial attention. This way judicial time can be saved. Secondly, the court system will reckon pendency only from the time when the matter is ready of judicial consideration. The rest of the processes can be brought outside the judicial network. This way, the pendency due to delay in actual processes can be accurately measured. Thirdly, the parties and agencies will be more responsible in initiation of litigation, as they cannot sit idle after filing the case.

The service of summons can be entrusted to an agency such as India Post. For service of warrants, a specialised wing in the police department may be employed.

There should be appropriate amendments in the Code of Criminal Procedure and Code of Criminal Procedure for

- (a) Service of summons through electronic medium without platform limitations
- (b) establishing a Process Service Authority as a single window mechanism for service of both civil and criminal processes
- (c) vesting such process service authority with end-to-end responsibility for service of all types of processes generated by the courts including the powers to enforce processes such as the powers vested in the criminal courts under Chapter VI of the Code of Criminal Procedure, 1973
- (d) separation of service of processes from core judicial functions and entrusting the responsibility of service of processes to such separate department, so that only once the service is completed, the judicial process starts and
- (e) enabling the courts to inquire into complaints regarding inefficiencies and inaccuracies in service of processes.

A software monitored and automated procedure, which can serve summons received from court system with an automated escalation matrix for identifying inefficiencies in the system and addressing it shall be put in place. Such system shall be managed outside the judicial system, preferably by a separate wing of the police department of the state or centre. The authority, which shall be the Process Service Authority for the state, shall be responsible for end-to-end service of process and be vested with powers for enforcement, including the power of the court under Sections 82 and 83 of the Code of Criminal Procedure.

The automated process should be so developed that in case service is not effectuated through one method, the system itself should route the process through the next method. At the same time, the initial authority for issuance of processes shall be with the court itself.

Every party who is desirous to file a case shall first make an initial filing of the case. Along with the complaint/plaint/petition/application, an application for leave to serve summons shall also be enclosed. If the case is verified and found accurate in all respects through machine scrutiny followed by manual scrutiny of the Manager (Case Administration), an initial filing number can be given. Thereafter a process shall be generated in the court system, which can be send to the party/instituting agency for service and to the specialised agency. The specialised agency will serve the summons and return the processes with necessary electronic endorsements to the court with an alert to the party.

A registration number indicating the initiation of judicial process will be given only to the civil cases in which service is complete, and criminal cases where the accused appears or be produced before the court. The case will not be registered in the system and will not be considered as filed before a court

unless the entire procedure for service of processes is completed. The litigation process will commence from this stage alone.

Where any urgent interim order is required, it shall be given in the initial filing number itself and the orders shall be tagged with the case under which ever number it proceeds through the system.

If the processes are not served for want of cooperation from the initiating party, the Process Service Authority will apply to the court to strike off the case from record. Automated message will go to the party, and if the party fails to appear and contest, the matter will be struck off. If the party appears and shows sufficient cause, the application to strike off the case will fail, and the process will be returned to the Process Service Authority for further steps as directed by the court.

Technological restructuring

a. Optimisation of band width

One of the foremost requirements for an Information Technology based Court Management System is seamless connectivity. Without ensuring seamless and optimised internet connectivity across the country, transformation to a modern IT based Case Management System will not work. India has currently more than 4 Crore cases pending before courts. Our system should be geared to accept this much, and more cases being filed every year through the e-filing system. All courts should have optimum network and bandwidth for handling the network traffic involved in high volume e-filing. As far as practicable a mixture of wired and wireless networking architecture should be adopted inside each court complex to enable mobility of systems within the court system. This is so because most modern laptops are coming without RJ45 ports. Networking nodes should be made available in all working seats in a court, as all officials will be working in the network. An internet policy

for courts in district judiciary should be adopted in each state, with the following two strategies:

1. Each court should be able to obtain the best available and the highest internet bandwidth in the locality with dedicated cables that can avoid network congestions.
2. Any systemic restrictions applicable in obtaining the best bandwidth available in the locality from time to time shall be removed.
3. All judicial officers should be provided with a wired connection with at least 1 GBPS speed at homes and a 5G connection with sufficient data in their mobile phones as backup.
4. Such connectivity should be made available simultaneously from multiple service providers, so that at a given place, even if the network of one service provider is unavailable, the officer can immediately switch over to the network of the other service provider.
5. Such connectivity can be provided either by means of a multiple-SIM operated wi-fi dongle, or by means of a smartphone which can accommodate multiple SIM cards and act as a hotspot.
6. The connection should have the highest speed available in the market, and there should be no cap on the daily data limit.
7. Suitable assistive devices for quick and efficient dispensation of justice with periodic upgradation, should be provided to the Judicial Officers.

b. Platform independent interconnectivity with stakeholders

The success of any case management system depends largely on the trust of stakeholders in the system and how the system enables itself for the

collaborative efforts of all the stakeholders. The social and educational diversities also have a bearing on the communication platforms used by different segments of the society. An ideal case management system should be one where the stakeholders should be able to communicate with each other despite systemic and platform constraints. While digital divide is a serious issue which need to be addressed by finding ways to allocate electronic hardware resources to all the stakeholders, platform-independent interconnectivity facilitates communication among stakeholders and maximises user experience regardless of their preferred devices or platforms. With a platform-independent system, stakeholders can securely access case files, file court documents and monitor court proceedings from their mobile devices or computers without incurring any expenses. It will be easy for them to communicate with the system more rapidly. Enabling e-filing and other communication of stakeholders to the court system through website using any browser or through social media platforms and making available communication from courts to other stakeholders in the same manner will reduce the hurdle involved in exchanging information between courts and other stakeholders involved in the court process. Each stakeholder should be able to communicate with each other through court without restrictions and seamlessly regarding platform in a seamless manner. For example, if e-filing is made possible by a single or a series of WhatsApp messages and service of processes could be done on their WhatsApp messenger, it would enhance transparency, accessibility, and communication capability. The seamless flow of communication will improve transparency in the court processes, minimise the inefficiencies, and reduce case resolution time.

To facilitate the process of seamless connectivity, basic data regarding the accessibility of parties to various platforms can be collected, either based on an agreement with the parties (a click wrap agreement) or based on a specific

agreement with the parties. Such information shall be collected at the initial stages of the case and through first point of contact the litigant has with the court system. This also helps to avoid any delays or misunderstandings that could arise due to a lack of communication.

c. Establishment of digital courts

Currently, the territorial jurisdiction determines the physical location of the courts. This was a necessity in the past to ensure accessibility of parties and witnesses to courts.

However, the technological advancement has turned the tables. Now accessibility is not determined solely by territorial proximity. Technology can ensure that the courts can remain accessible to public irrespective of the distance. Appropriate use of video conferencing techniques could ensure that parties and litigants can appear before the court even from remote locations. The working of courts during Covid-19 pandemic period have successfully proved that courts can work even remotely, with all the stakeholders sitting at different places.

Even prior to the pandemic, many countries, especially Peoples Republic of China have shown that internet courts, which exclusively function in an online mode is feasible for certain types of litigations.

India also have started a virtual court experiment. Currently it is used mainly for petty offences especially traffic offences, in which the accused wants to plead guilty.

Digital courts are the future, at least in certain type of litigations, which are highly technical in nature. Currently there are many Online Dispute Resolution models functioning. Digital courts can be modelled on any of these.

The biggest advantage of digital courts is that it can be located at any place where infrastructure is available. All the stakeholders can function from any location, without physically moving to the physical location of the court.

The cases can be efiled. The case flow in such courts will be completely automated. An automated case flow system logic, appropriately supplemented by human intervention through an online Manager (Case Administration) can ensure that the case moves through different stages without the need for physical presence of the parties or the lawyers. Where hearings are required, the parties or lawyers can require hearings through an online request mechanism. The parties or lawyers can appear before the court through a system integrated video conferencing mechanism which will use biometrics and other appropriate online identification methods, including iris or fingerprint-based authentication to ensure identification of the parties and witnesses. Depositions can be recorded by recording in an audio-video mode through the system itself. An autogenerated transcript of the same, appropriately annotated by the judge and authenticated by fingerprint or biometric authentication or digital signature-based authentication of the parties, witnesses and the judge can be used as a record of the proceedings. The final judgment can also be authenticated and delivered through the system. In enforcement of smart contracts, a block chain enabled execution process can also be resorted to. Even public access can be provided and limited using online access control mechanisms.

Such a system will be completely technology driven but will have manual interventions for ensuring justice.

Digital courts will fit into the block chain nodes of smart contracts so that it can act as a complete and modern dispute resolution mechanism.

Establishment of such digital courts can increase ease of doing business in India. It can be a huge leap in managing caseloads within the system, since

caseloads can be appropriately redistributed to such courts. The litigants and lawyers who are technologically literate can avoid physical presence thereby saving the hidden cost of litigation involved in physical travel and transportation of case documents and other materials to the physical location of the court.

Extensive use of completely digital courts can also turn India to a technology-based litigation hub, like the position enjoyed by Singapore which has positioned itself into an arbitration hub. India has better advantages compared to Singapore, if appropriately systems are put in place to ensure speedy and efficient case management through such courts.

d. Optimisation of caseload

In many courts, especially munsiff courts and magistrate courts, territorial jurisdiction has created unequal distribution of case load. Due to a multitude of factors, the caseloads in different courts are not equally distributed. As a result, while many courts do not have adequate work, many courts are unable to manage the pressure of workload. Though there are sufficient statutory mechanisms such as the power of higher courts to transfer cases, the same is not effectively utilised to monitor and manage caseload distribution. An unscientific target system which requires officers to be ranked based on the number of contested disposals without considering the systemic imbalance has only put more pressure on the judicial officers. This has enabled some officers to show better results without doing much work, while many who do hard work are unable to achieve targets. This has put unnecessary mental stress on many officers. Hence an essential prerequisite for an ideal case management system is the optimisation of caseloads, so that all officers working in the same rank and doing same work in a judicial district gets same caseload to manage. Only in such an ideal situation, a proper comparison of the mettle of each officer can be done.

Optimisation does not mean creating statistical equals. It also does not mean considering all cases of the same type equal or all officers having the same capability.

Optimisation is a process where each court gets sufficient minimum work while ensuring that no court has unbearable caseload. In a paper-based system, transferring the cases from one court to another involved some logistical difficulties to the parties and the advocates. Mandatory e-filing of cases, use of electronic video linkage for appearance of parties and counsels before the court and artificial intelligence-based decision making will crease out the inequalities involved in transfer of cases from one court to a nearby court.

A software-based decision support system shall be developed which collect case load data from CIS and analyse it to assist the Chief Judicial Magistrate/District Judge and the High Court to optimise case load by transferring cases from one court to another. A real time case load analysis should be provided to the Chief Judicial Magistrate/District Judge and the High Court on a periodic basis (say six months) by the system.

System generated suggestions for optimisation of caseload within same category of courts can also be generated.

The Chief Judicial Magistrate/District Judge or the High Court should be able to bypass these suggestions only based on reasoned decisions. If no action is taken on such suggestions for a given period, alerts would go to the Portfolio judge for appropriate directions.

Software based alerts should also indicate cases with high case load and suggest courts where such loads can be redistributed to optimise caseloads between courts in such district.

Final decision regarding redistribution of fresh distribution of cases can be done by the Chief Judicial Magistrate/ District Judge/High Court taking

into consideration all relevant matters through a software assisted process and actual transfer can happen automatically through CIS.

Even while retaining the case in a particular court, it should be possible for the High Court to redistribute certain intermediate processes in a case to another court in another district. Roll call management/intermediate hearings of the case which do not require physical presence of parties or witnesses in the court, can be managed by temporary redistribution of the process flow with the assistance of an automated decision assisting mechanism.

e. Automation of all aspects of judicial work

Currently judicial work is paper centric. By properly utilising technology to automate all aspects of judicial work, courts can streamline processes and reduce potential for errors and delays. This will help to ensure that delay on account of procedural challenges in individual cases can be limited. A scientific and data-based Case Management System is currently possible only in a completely automated and computerised environment due to the following reasons:

1. In a paper-based environment, the accurate tracking of case process at all stages is impossible. In an automated and computerised environment, tracking of all stages of a case is possible.
2. Paper based case movement can lead to misplacing of documents, which can lead to delays. Such delays can be completely avoided in a digital file movement scenario.
3. In the current scenario, the accuracy of the data depends on human integrity and circumstances affecting such integrity. In a completely digital and automated environment, there is an automatic guarantee for data accuracy, if human interference is controlled.
4. The chances of human errors leading to procedural lapses is high in the current scenario. In an automated scenario, such chances of human errors

can be reduced by standardising and automating procedure, so that the focus of judicial officers can be shifted from procedural compliance to adjudication of core dispute. This would also speed up the processes.

5. Automation can also help to reduce the burden on court staff, allowing them to devote more time and attention to tasks that require a human touch.

Using computer systems, judges and court staff can organise and track cases, ensuring that they are processed in a timely manner. With the assistance of a system induced calendar, deadlines can be set, reminders can be sent, and progress can be monitored. At the same time, it has to be ensured that final decision-making process at all stages should be done with human intelligence rather than relying on algorithmic decision-making. System algorithms should be capable of being bypassed with reasons by human interference at all stages. Then only, fairness and equity can be ensured.

The following automation is suggested to achieve this end to the fullest:

Machine based scrutiny of e-filing

Currently e-filed documents in CIS are scrutinised manually. Instead, a machine-based scrutiny utilising AI will help to reduce human errors in scrutiny process. Currently Kerala High Court has introduced machine-based scrutiny of e-filed bail applications. This can be emulated in the district judiciary. Wherever required, manual overriding shall be made possible, to avoid any AI bias or judicial discretion. Such manual overriding should be based on reasons only. Such reasons will be subject to automatic review by DCMS to decide whether any systemic correction is required.

Judicial Officers Home Module

Judicial Officers including officers who have responsibilities connected with remand, recording of dying declaration etc. may have to access case

records at their residences or at remote locations different from court centre. It could be either in new matters, such as remand management, recording of dying declarations and even depositions or in old matters for writing judgments or orders or for research. If these documents are not made available to the judges through computers, physical files will have to be carried, which reduces effectiveness of digitisation. Hence a judicial officer home module should be created. The judicial officer should be able to access all the case records in his court through this home module. Such officer should be able to pass urgent orders such as passing of remand order, granting bail, and recording depositions and statements in such module, in the same way as this work is done in court. The documents created shall be authenticated and integrated to the main database. Remand warrants should be generated and forwarded to jails automatically using the data. As far as possible one field policy should be adopted in the home module also so that the judicial officer is able to enter the entire proceedings in one data field instead of hovering over multiple confusing fields. Such modules should respond to voice typing, keyboard typing or handwriting mode. The Home module should have a facility to capture and store audio and video recordings, which may include oral arguments of advocates and dictated notes by judicial officers. These maybe utilized by a Judicial Officer for preparing judgements and orders which are scheduled for delivery in a seamless manner.

Completely paperless courts

Courts should move to a completely paperless environment. All the court sections and departments should work in a paperless environment. All processes related to courts should also be made paperless. This would include paperless case flow and management of court documents and objects in a paperless manner.

This includes the following also, namely,

a. Maintenance of digital order sheet

The order sheets shall be maintained in a digital manner. Judicial Officers should be able to fill data in the digital order sheet in a single field using either voice typing, keyboard typing or handwriting depending on their convenience. Under no circumstances, the judicial officer should have to fill more field than one and click more than one button to submit drafts. The voice notes will then be automatically converted either in real time or subsequently to text. This can be either saved in draft mode during roll call, which can be later confirmed to final order before end of the day or directly as final order. All proceedings saved in draft mode will be converted to final order if no modification is made in it till end of the day.

Copying of data entered by the judicial officer in paper to digital format should be avoided. Instead, all order sheets shall be maintained in digital form only.

The data entered by the judicial officer in the digital order sheet should be used to populate CIS fields such as business of the day and next stage using AI enabled systems, without the need to further enter those details manually by any other official of the court or the officer himself. It would help to avoid inaccuracies while copying the data from paper to digital format. It also helps to avoid duplication of data entry and duplication of same work by the judge and the data entry clerk.

b. Automated recording of depositions

Recording of depositions is currently a process of converting the words spoken by the witness to the language of the judge. This must change. Instead, the depositions and statements recorded by the court shall be video recorded using audio-video equipment.

Using video recording instead of writing testimonies using pen on paper has several advantages. It can provide a more accurate and complete record of the deposition. Video can capture nonverbal cues such as facial expressions, body language, and tone of voice, which can be important for understanding the witness's testimony. It can make the deposition more accessible to people who are deaf or hard of hearing. Video recordings can be played back with captions, which can make it easier for these individuals to follow the proceedings. It can also help to reduce the risk of errors in the transcript. Video recordings can be reviewed to ensure that the transcript is accurate. Currently most advanced countries permit recording of depositions and statements through audio video recording. Many jurisdictions in USA, UK, Canada, and Australia permit recording of depositions through audio video means. There is no prohibition in the Code of Civil Procedure or Code of Criminal Procedure for adopting this as an additional mode of recording evidence. However, it is advisable to have statutory backing for this method. The newly proposed replacement of Code of Criminal Procedure, *Bhartiya Nagarik Suraksha Sanhita*, when enacted will provide such a legislative backing in the criminal side.

All depositions of the witnesses and statements of parties shall be video recorded and timestamped and watermarked to ensure accuracy. The recording of deposition shall be made directly into the court server. The video file shall be suitably encrypted, and back-ups duly created. In addition, the biometric data of the witnesses shall be duly collected during the process as an additional method of authentication.

A live transcript shall also be generated, which can be corrected and incorporated as the record of such deposition along with the video recording. Such a process will help to preserve discretion in recording evidence while reduce the workload and increase accuracy in the recording of deposition. A button for bringing in the field for recording depositions should be also

integrated to the court management system, where video recording is not possible. An additional module for recording depositions through commissions, which can be made accessible to the commissioner shall also be enabled. The commissioner should be able to access the data entry field from his private system, which can then be fed into the court system, ensuring security.

c. Judgment and order templates automation

The next step in automation of judicial work is enabling decision making with the help of templates. Apart from short orders, templates will be generated for final orders and judgments also.

The system will only supply suggestions based on case data in different headings/sections of the template. Based on the nature (civil, criminal etc.) and type of case (suit for partition, warrant trial on police report etc), system generated templates will be provided to the judge in each case to input final judgments and orders.

A template will generally include the following sections.

1. ***Facts/pleadings:*** Facts will be extracted from the e-filed pleadings using AI based extraction tools and can be summarised using AI based summarisation tools. This will be given as predictive text in the fact section. The judge will have the freedom to either adopt the same or to rephrase it in the judge's own words. To assist the appellate decision-making process, the e-filed pleadings will also be given as a hyperlink below the facts section automatically. This will enable the trial judge to recheck the summarisation of the facts with the pleadings. Hyperlinking of pleadings will also be advantageous as it helps the appellate judge to apprise the facts quickly and compare the facts as elicited by the trial judge with the actual pleadings.

2. ***Procedural compliance:*** The timeline of the case can be extracted and attached to the case to show procedural compliance. This can be added to the template as a hyperlinked text. This will enable the appellate judge and the parties to understand procedural compliance in a single look of the hyperlinked text without the need for a manual extraction by the judge.
3. ***Issues/Charges/Points for determination:*** Currently Case Information System has an option to input issues/charges framed by the court in the Issues/Charge section in the daily proceedings. This is remaining disjunct from the final order. During the process of creating of final judgment, the judge will have to include again manually the same into the judgment. The issues/charges section in the final order or judgment template will incorporate the issues/charges framed and reframed by the court from time to time from the issues/charges included in the CIS, without the need for further manual input. If the judge chooses to again reframe the issues, there should be a facility to add the same in the issues section. If the court frames separate points for determination, a separate field should be given for each issue.
4. ***Evidence:*** A short description of the evidence adduced can be provided to the judge to assist the decision making which can be extracted from the depositions recorded in the system. If the deposition is recorded using audio-visual method, or in text in local language AI can be used to extract, translate, and summarise the transcript. The same can be made available to the judge as a predictive text in the evidence section of the template. In addition, the original deposition, either in audio-visual or text shall be hyperlinked below the summary to enable the appellate judges and other stakeholders to understand the actual deposition.

5. **Arguments:** The arguments made by counsel in each case should be video recorded. It shall be transcribed, and a transcript shall be automatically attached to the judgment template. A summary shall be generated using AI, which can be provided to the judicial officer as predictive text. The transcript and video recording shall be attached to the judgment template as a hyperlink automatically.
6. **Discussion on each issue:** Separate fields for discussion of each issue shall be generated based on number of issues/points for determination framed. Thus, if the judge has framed three issues or raised three points for determination, three separate fields will be made available to the judge to write the discussion on each issue. The template should also show each issue/point framed on top of the discussion field to guide the discussion under each issue/point.
7. **Decision on each issue:** Separate fields for decision on each issue shall also be generated based on the number of issues/points for determination. The template should show each issue/point framed on top of the field to guide the decision on such issue/point.
8. **Final order/decision:** There shall also be a final section to enter the final decision of the court. Based on the facts already submitted on the decision on each issue, a predictive text will be generated with the help of AI. The officer should be able to accept the predictive text or modify it.

There shall be a facility to enter the data in each field in the judgment template (as done in the Income Tax filing page) and confirm the data in each field. Once all the fields are confirmed, the judgment will be automatically generated and made available to the judge/Manager (Case Administration) for authentication using digital signature. An intuitive system which suggests the applicable judgments and legal position, may also be thought of. The digitally

signed judgment shall be uploaded into the system by the judge/ Manager (Case Administration).

Once the digitally signed judgment is uploaded, a decree form will be generated from the judgment, extracting the final decision of the case, and converting it into decree form with the assistance of AI. The memo of costs, if any uploaded by the party shall be attached to this decree form after machine verification and the same shall be made available to the judge/ Manager (Case Administration) to obtain authentication by the judge. The authenticated decree shall be sent to the parties digitally and made available in the system for execution.

d. Automation of performance and appraisal

Once the entire processes in courts become paperless, the performance evaluation of judicial officers should also be automated as far as possible. Quantitative evaluation of judicial officers can be completely automated. Automation can assist qualitative evaluation. Instead of unscientific and arbitrary target and unit system, all tasks performed by a judicial officer can be accurately measured. This will ensure accuracy and objectivity in performance assessment. The details of the performance appraisal in the new regime are given in **Appendix VI**.

Human Resources Optimisation

a. Timely filling of judicial vacancies

To ensure a smooth flow of the cases through the system, it is imperative that judicial vacancies in the district judiciary are filled in a timely manner. Statistics reveal that about 10% to 12% of the total judicial posts are remaining vacant at any given point of time. Since regular recruitment process takes a significant time, a gap always exists between the availability of eligible candidates and the judicial vacancies. The directions of the Hon'ble Supreme

Court in Malik Mazhar Sultan (3) v. U.P. Public Service Commission,²⁶ and High Court of Kerala v. Reshma A,²⁷ has also resulted in the gap between available eligible candidates and vacancies.

Hence, it is suggested that a temporary pool of officers may be created.

For munsiff-magistrate vacancies, there is a current mechanism for appointing temporary magistrates. Instead, the following mechanism is suggested:

- (a) The one-year mandatory training for munsiff-magistrates shall be conducted as in service training. This will ensure that all vacancies arising in a current year shall remain filled and for any vacancy that arise during the year can be filled in the next recruitment.
- (b) As a onetime measure, the state government shall notify notional vacancies of munsiff-magistrates anticipating the vacancies that may arise in the next three years. The recruitment process shall include appointment to these notional vacancies also. All officers who are selected in recruitment process shall be appointed as against the notional vacancies and will be regularised as and when the actual vacancy arises. If the training is conducted as in-service training thereafter, the issue of pending vacancies will not arise.
- (c) Directions in Malik Mazhar Sultan (Supra) regarding avoidance of waiting list may be revisited to incorporate a wait list for anticipated vacancies as contained in the original directions.
- (d) Vacancies in the District Judge cadre can be filled by temporary promotions from the Sub Judge (Cadre) as and when the vacancy arises. For filling vacancies in District Judge cadre, the existence of vacancies in the lower cadres shall not be a consideration. The persons who are

²⁶ (2008) 17 SCC 703

²⁷ (2021)3 SCC 755

temporarily promoted may be absorbed as and when regular vacancy arises or reverted to the lower cadre.

b. Optimum deployment and utilisation of staff in the district judiciary

As a prerequisite for an IT based case management system, there should be unified cadre of non-judicial officers in the district judiciary, which include the following aspects,

- i. Unification of staff pattern in all types of courts in the district judiciary
- ii. The deployment and redeployment of the support staff should be manageable by the district court management committee. Thus, instead of fixed number of staff members for the court,
- iii. Deployment of the non-judicial officers should be based on scientific parameters.
- iv. There should be minimum number of non-judicial officers in each court.
- v. The number of minimum staff should be same across all the courts, irrespective of whether the court is a civil court or a criminal court.
- vi. There shall not be any restriction on deployment of staff based on ranking of the courts, but there can be such distinction in the case of minimum staff attached to each court,
- vii. There should be a district pool of non-judicial officers who can be deployed and redeployed to courts which require additional support staff. Officers in one district pool can be deployed in other district if there is shortage of staff in the said district corresponding to the cases pending.
- viii. There shall be non-judicial officers doing clerical work and technical staff in the district pool.

- ix. Initial appointment of non-judicial officers to the district judiciary shall be to the district pool.
- x. Certain percentage of staff strength in the district judiciary shall be in the district judiciary.
- xi. The staff in the district pool shall move to the individual courts based on seniority and availability of vacancies of minimum staff.
- xii. No member of the non-judicial staff in the district judiciary shall be kept idle in the district pool without deployment to court. All the staff should be deployed to courts. There can be long term and short-term deployment based on the needs. Deployment is not staff specific but number specific and hence, if the person who is deployed to a particular court does not join or takes leave, such vacancy, whether a daily vacancy or not should be replenished from the district pool.
- xiii. Deployment of non-judicial officers in the district pool shall be done based on case load in each court and additional work in such court.

These specific strategies will help to ensure taking of a wholistic approach to case management. Timely implementation of these strategies is the key to successful case management.

Chapter IX

Institutionalising Case Management

Chapter Summary

- Case management in the district judiciary must be institutionalised. Systems should be put in place and training should be given to all stakeholders to strengthen the existing case management system and putting technology to use for streamlining processes in case management
- Judicial functions should be delineated from regular administrative responsibilities. There should be three separate cadres for assisting judges in the performance of their duties; Manager (Case Administration) for case management and Court Administrator for court administration. The duties and functions of each of these streams will be differentiated.
- Case management is a limb of judicial function.
- A separate stream of specialised officers called Manager (Case Administration) with a defined hierarchy and promotional avenues shall handle all case management related responsibilities.
- The constitution, role and responsibilities of the National, State and District Case Management Systems Committee regarding case management shall be clearly defined and delineated.
- Specialist officers designated as Manager (Case Administration) shall manage all issues relating to case management.
- There shall be a cadre of manager (case administration) for managing case administration of each individual courts and another distinct cadre of district managers (Case administration), with responsibility to coordinate district level case management activities.
- District Manager (Case Administration) and Manager (Case Administration) shall have acquired the executive MBA (Court Management) and sufficient work experience. Such executive MBA (Court Management) shall be run by state judicial academies directly or in a certification model.
- The Judicial Administration Manager shall be responsible for duties related to judicial administration.
- The current post of CMO of district court shall be redesignated as District registrar, who shall have both general administrative duties and supervision over the case management functions. The person selected as District Registrar should have sufficient administrative and case management background.
- A state manager (Case Administration) in each state shall handle case management related activities at the state level.
 - A specialised agency or a special purpose vehicle for development and deployment of IT infrastructure in the state shall be established in each state. The special purpose vehicle shall have the representatives of Supreme Court, High Court, National Court Administrator and State Court Administrator in its decision-making body. All IT infrastructure related activities for the district judiciary shall be undertaken by such agency in global and competitive standards.
 - A definite strategy should be evolved for automated performance evaluation of all these three categories of officials at all levels.



Introduction

Institutionalising the case management system involves creating a system where all stakeholders, including judges, lawyers, and administrative staff, understand their roles responsibilities in the case management process. Institutionalisation requires the strengthening of existing structures and processes, including the use of technology to streamline procedures. Additionally, training programs must be put in place to educate stakeholders on the importance of case management its benefits.

A core component of institutionalisation is proper manpower planning. An IT based system for case management will be effective only when the human resource in the judicial system is streamlined to meet the challenges posed by the IT based case management system.

The core function of judges is to adjudicate. All other functions are secondary. The proposed system can be fully effective only when the judges get sufficient time to focus solely on the adjudicatory function. Hence, complete separation of all responsibilities other than adjudication is of paramount importance while formulating the human resource strategy in an IT based case management system.

The activities involved in the day-to-day functioning of the judiciary can be broadly categorised as:

- ✦ Core Judicial function
- ✦ Judicial administration and
- ✦ Court administration

The core judicial function is the adjudication of disputes and all matters directly connected to the adjudication which includes ensuring procedural justice during the process of adjudication. Case Management is an aspect or limb of the core judicial function. Other core judicial functions include conducting of sitting in courts, recording of depositions of witnesses, deciding on interlocutory applications, writing judgements etc.

Judicial administration involves ancillary activities, which though having a bearing on the core judicial function can be separated from the core judicial function. For example, though adjudication requires service of processes the same can be performed / executed without the direct involvement of the judicial officer. Similarly, numbering of cases after scrutiny, effecting attachment or sale of property, service-related matters of the staff in a court etc are separable from the core judicial function. These constitute judicial administration functions. The judicial support staff directly under the control of the judge should handle such matters.

In a court, there are some activities which must be performed as part of maintaining an office. Though these activities supplement the core judicial function, these are more relating to administration of the court than to the judicial function. These include budgeting, planning, procuring and deployment of infrastructural facilities including construction and maintenance of court building and residential building of judicial officers, IT infrastructure, coordinating with various government departments for obtaining necessary sanction and timely completion of various activities, managing general accounts, meeting audit requirements etc. Such activities should be handled by a specialist office having a state specific outlook and directly reportable to the Chief Justice of the respective High Court.

In the proposed regime, the human resource strategy of the district judiciary should have a defined strategy. The strategy should have two objectives:

- ✦ Enabling the judges to focus on the adjudication by separating all other functions from the adjudicatory function.
- ✦ Bringing specialisation by creating distinct specialist offices for managing various activities by clearly delineating the functions of each office.

This chapter is therefore divided into two parts. First part will deal with human resources strategy for judicial functions and the second part will deal with the strategy for judicial administration functions.

Part I

Human Resources strategy for judicial function

Introduction

The primary element of human resources strategy for judicial function is to ensure that sufficient bandwidth is made available to judges to do the core judicial function of adjudication. For this they should be relieved of all other duties including the non-essential elements of judicial function.

To ensure efficient case management, the Case Management process should be delineated from the normal administrative responsibilities.

Currently Court Managers are appointed for every district. As already mentioned in the first chapter, one of the reasons for failure of the court manager system is the failure to accurately define the job responsibilities of court managers and to ensure delineation of the functions of court managers from the responsibilities of other support officers in the district judiciary.

A separate stream of non-judicial officers specialised in Case Management with a defined hierarchy shall be evolved.

They shall have specialised education streams managed by the State Judicial Academies in academic collaboration with premier educational institutions such as Indian Institute of Management.

Institutionalisation of case management strategy involves defining roles and responsibilities of National, State and District Case Management System Committees and support staff, ensuring systems and policies in place to ensure transparency and data management.

National Case Management Systems Committee

The National Case Management Systems Committee (NCMSC), in addition to its existing functions, shall inter alia lay down the NCMS strategy at a national level and shall review the case management decisions taken by the SCMSC, where it affects the national policy. However, generally NCMSC will not interfere in the individual decisions of SCMSC. Both NCMSC and SCMSC shall be functioning in the Case Management scenario as independent bodies that are not subordinate to each other in the true spirit of federalism.

State Court Management Systems Committee

There shall be a State Court Management Systems Committee(SCMSC) comprising of Seven judges of the High Court including a Chairperson, Director of the state Judicial Academy, Director-Information Technology/Central Project Coordinator, Registrar (District Judiciary), one Principal District Judge, Director – of the State Mediation and Conciliation Centre (KSMCC), Technical Director-National Informatics Centre, Superintending Engineer-Public Works Department of the state, a member selected from the bar, and an officer of the High Court who will act as nodal officer and one point contact of SCMSC.

SCMSC, in addition to its existing functions shall

- a. Identify and address external factors which lead to systemic clogs.
- b. Lay down district and state-wide strategy for clog management from time to time.
- c. Evolve strategy for case management including its automation in a phased manner, laying down case management policies,

procurement, deployment and management of hardware, software, and networking equipment's.

- d. Evolving, defining, and implementing strategy for automated, scientific and dynamic Performance Appraisal System taking into account the differentials that impact the performance.
- e. Evolving and implementing strategy for pendency management through IT based case management
- f. Advising on selection of Manager (Case Administration) at all levels
- g. Developing and laying down Key Performance Indicators and other Performance Indicator points for measuring the performance of judicial and non-judicial officers
- h. Laying down parameters and processes for Performance Analysis of judicial and non-judicial officers
- i. Evolving and implementing a software and hardware policy for case management systems
- j. Ensuring availability of funds for case management IT hardware and software in a timely fashion avoiding executive bottlenecks.
- k. Review of decisions of DCMSC

District Court Management Systems Committee

The District Court Management Systems Committee (DCMSC) shall be responsible for district level case management.

It shall be a committee of judges comprising of one District judge, one civil judge senior division (Sub Judge), one civil judge junior division (Munsiff-Magistrate) and the nodal officer of the eCourts project in each district.

The members of DCMSC shall be selected by the Principal District Judge in consultation with the Portfolio judge.

DCMSC shall be responsible for

- a. Advising SCMSC on district specific parameters, if any, that will impact the pendency management decision making.
- b. Advising SCMSC on district specific parameters that should be considered while deciding weightage points of the Performance Appraisal system and fixing differential Weightage Points for each task considering the diversities that may affect case management.
- c. Selecting a committee of judges in the district with sound academic and career track record for undertaking Random Qualitative Analysis of judgments and orders selected by the system, if delegated by the Portfolio judge, based on defined methodology for evaluation set by SCMSC from time to time
- d. Review and correction of decision of courts regarding case management and movement of case in specified tracks
- e. Review and correction of decision of the courts in the district regarding moving cases to stop track.
- f. Optimum deployment of software and hardware, including servers for case management system within the district.

Staff and support

To retain the robustness of the proposed IT based case management system, judges should be adequately supported by support staff. Ideally, while retaining their overall supervision as the Head of their respective courts, the case management shall be done by a Manager (Case Administration) under the

administrative control and supervision of the judge. The Manager (Case Administration) is envisaged as a specialist with adequate training in managing the caseload of the Court. The role of judges should remain limited to performance of core judicial tasks, leaving the peripheral aspects of Case Management to specialised professionals.

Manager (Case Administration)

Specialist officers designated as Manager (Case Administration) play a crucial role in ensuring the efficient and effective functioning of the judiciary system. Responsibilities such as managing case files, scheduling cases, addressing issues relating to e-filing from a leadership role is better shouldered by a trained person. Streamlining case management responsibilities to the Manager (Case Administration) will free the judge to concentrate on core judicial functions. It will also help to create better synergies in between stakeholders.

There is a need for specialised training for such Managers (Case Administration). It is proposed that State Judicial Academies may be encouraged to run executive Master of Business Administration Programmes on Court Management in academic collaboration with premier educational institutions such as Indian Institutes of Management.

The executive MBA programme will focus on all aspects of court management including software development.

A tentative course design for such an executive MBA is as under:

<i>Name of the Programme</i>	Executive MBA (Court Management)
<i>Institution responsible for running the programme</i>	State Judicial Academies in collaboration with premier management institutions such as IIM's
<i>Duration</i>	One year (12 months)
<i>Mode of education</i>	Physical
<i>Tentative syllabus</i>	⚖ General Principles of management ⚖ Human Resources Management ⚖ Financial management ⚖ Change management ⚖ Principles of court management ⚖ Comparative Court Management ⚖ Court Management Software ⚖ Advanced study of Case Information System ⚖ Software development and deployment ⚖ Hardware Management

Other modalities of running the MBA programme can be worked out in due course. The Executive MBA shall be an essential qualification for being appointed as Manager (Case Administration).

Where the state judicial academies do not have sufficient bandwidth to run such external programmes, such programmes can also be run in an audit and certification model. Any course on case management will require certification from the state judicial academies. The certification process will involve complete course auditing including auditing of the course syllabus, structure and conduct by the state judicial academies. A moderate fee depending on the fee collected shall be charged by the state judicial academies which shall be an additional income source for the state judicial academies. Through the certification process the state

judicial academies shall also ensure the quality of the participants of such courses. The certification will be year on year, and where any institution is unable to meet the audit standards, the certification for future programmes will be cancelled and the current students will have to be accommodated in any other institution running similar programmes.

Manager (Case Administration)'s in Individual Courts

There shall be a Manager (Case Administration) for each individual court. The Manager (Case Administration) of the individual courts shall be responsible for all aspects of case management in the courts in the district judiciary. The Manager (Case Administration) shall thus act as a complete case manager for such court.

Manager (Case Administration)'s of all individual courts shall have the following duties:

- All duties connected with Case Management for individual Courts including, but not limited to,
 - posting management,
 - managing roll call, if any,
 - managing the case flow in their respective courts, and ensuring that adequate and optimum number of cases are posted each day for judicial work,
 - Managing tracks where judicial officers need not give personal hearing
 - manage data entry in the case information system,
 - manage e-filing-court end processes,
 - case management related data supervision, etc.

- One post in each court shall be re-designated as System Officer of the court. It shall be the responsibility of Manager (Case Administration) of individual courts to manage deployment of such Court System Officers
- Assessing hardware and software requirements of the court and raising it through District Manager (Case Administration).

A cadre of Manager (Case Administration) shall be evolved for different levels of courts in the district judiciary. Qualified professionals shall be inducted into the cadre through appropriate mechanism and the all the functions related to case management shall be routed through such Manager (Case Administration).

Further avenues should be given to the existing court officials to obtain the executive MBA in court management, either as a pre-requisite for promotion or as a basic essential qualification for the lateral recruitment.

District Manager (Case Administration) at district level

At the district level also, there shall be a separate cadre of District Manager (Case Administration) who shall have the following functions.

- a. Nodal Officer and one point contact of DCMSC
- b. Managing and deploying IT team of the district judiciary and supervisory role over District System Administrators and System Officers. Daily duty assignment of IT team shall be done by DSA under supervision of District Manager (Case Administration).
- c. Assisting DCMSC in discharge of its functions
- d. Advising DCMS on short term plan of district wise case management requirements and strategisation for implementation of such plans

- e. Management and upkeep of all the electronic equipment's in the district including finalising the terms and conditions of Annual Maintenance Contract
- f. Assisting Principal District Judge in formulating district level case management policy and ensuring availability of staff.

District Manager (Case Administration) shall also be evolved as a separate cadre, next in hierarchy of Manager (Case Administration) who shall be drawn from Manager (Case Administration) of the individual courts who have acquired the executive MBA (Court Management) and sufficient work experience as Manager (Case Administration) in individual courts. Assisting officials to assist District Manager (Case Administration) shall also be inducted in sub centres. There can be different set of officers, subordinate to the rank of District Manager (Case Administration) to assist such District Manager in sub-centres.

State Manager (Case Administration)

There shall be one State Manager (Case Administration) in each state. The State Manager (Case Administration) shall be of the Rank of Joint Registrar of the High Court.

The Seniormost District Registrar in the state with sufficient case management background and Executive MBA in Case Administration shall be promoted as State Manager (Case Administration).

The State Manager (Case Administration) shall be responsible for

- Assessing statewide need for IT infrastructure and support systems
- Recruitment of Temporary technical staff
- Acting as the Nodal Officer and one point contact for SCMS

- Advising SCMS on long term planning of statewide case management requirements and strategisation for implementation of such plans.

Administrative Hierarchy

Manager (Case Administration) of each court shall be administratively subordinate to the presiding officer of the said court. Generally, they have independent job profiles and do not have any subordination to each other. However, they have a reporting responsibility to the District Manager (Case Administration).

District Manager (Case Administration) shall have a dual reporting hierarchy to District Registrar as well as the District Judge.

District Manager (Case Administration) shall have a reporting responsibility to the State Manager (Case Administration) and to the District Judge.

The case manager's responsibilities primarily involve ensuring the smooth flow of the administrative processes, such as managing timelines, coordinating communication, handling documents, and preventing delays. Their role is more about facilitating the efficient functioning of the court and supporting the judge in the logistics of case management.

While a case manager plays a crucial role in managing the logistics and administrative aspects of a case, it is important to note that the authority of the judge remains intact in terms of legal decisions and rulings.

It is essential for there to be a clear delineation of roles and responsibilities to ensure that while the case manager enhances efficiency, they do not interfere with the judge's legal prerogatives or decision-making authority. Proper communication and coordination between the judge and the case manager are crucial to maintain the integrity of the judicial process.

It shall be ensured that in any event, the judge retains ultimate authority over legal matters, decision-making, and the conduct of the proceedings. The case manager is not typically involved in making legal determinations or rulings. The two roles, that of the judge and the case manager, are distinct and complementary, with the case manager supporting the judge in administrative aspects without infringing on the judge's legal authority. For the above purpose, all Managers (Case Administration) including State Manager (Case Administration) shall be deemed to be of lesser rank than the junior most judicial officer in the state, and shall in no case interfere with the judicial discretion or conduct of judicial proceedings.

Evolving a cadre of Managers (Case Administration)

The cadre of Managers (Case Administration) shall be deemed to be a separate cadre in the district judiciary. They shall be separated from the other staff of the district judiciary.

The roles of Managers (Case Administration) of Individual Courts and the Chief Ministerial Officers shall be clearly demarcated and delineated. The Chief Ministerial Officer will be the administrative head of the court and shall be responsible for overall administration, including staffing. The Manager (Case Administration) shall be responsible for all aspects of Court Management.

The Managers (Case Administration) shall be under the administrative supervision of the judge of the respective court and for administrative convenience Manager (Case Administration) shall be subordinate to Chief Ministerial Officer of the respective courts. However, it shall be the responsibility of the Chief Ministerial Officers to maintain an optimum staffing pattern suitable for efficient case management as required by the Manager (Case Administration).

Similarly, District Manager (Case Administration) shall be subordinate to and reportable to both the District Judge and the State Manager (Case Administration).

District Registrars shall be the merging point of the case manager cadre and administrative cadre. Selection of District registrars shall be statewide, with appropriate quota for case manager cadre and administrative cadre. Selection should be based on seniority cum merit.

District Registrars who have shall be a feeder category for the rank of Deputy Registrar (District Judiciary) under the Registrar (District Judiciary) in High Court of Kerala.

Performance Evaluation of Managers (Case Administration)

A definite strategy should be evolved for performance appraisal of Managers (Case Administration) at all levels to ensure that the capabilities of these Managers (Case Administration) are optimised, and the human resources deployed for case management reaches the desired objectives.

The performance appraisal can be based on the volume of work performed by the Managers (Case Administration) at all levels and their ability to ensure smooth flow of the cases through the system, which in effect is a parameter of the quality of their performance.

The evaluation of the performance of Manager (Case Administration) can also be done automatically using algorithm. Each task of the Managers (Case Administration) shall be measured as in the case of the judicial officers, and they shall be assigned points. The qualitative performance appraisal of the Managers (Case Administration) can be done by the respective presiding officers in the case of Managers (Case Administration) of respective courts, by the district judge in the

case of District Manager (Case Administration), by the Chief Justice of the state or any judge nominated by the Chief Justice of the state in the case of State Manager (Case Administration).

Part II

Human Resource strategy for Judicial Administration

Introduction

Currently the judges act as administrative head of each court unit. Apart from the core judicial function of adjudication, the judge also performs a lot of mundane administrative work, some of which have a direct bearing on the judicial function, and some that do not have any relation to the judicial function. A lot of productive time of the judges is spent on administrative matters. An effective IT based case management strategy also involves having adequate support staff to manage these activities and providing an effective expert leadership to such activities instead of burdening the judges with such mundane administrative tasks.

Defining contours of judicial administration function

Generally, functions which relate to mundane administrative functions such as pay and service-related issues, staff deployment, overseeing the service of processes, management including receivership, attachment, and sale of property in execution of decrees as well as during trial stage, processing certified copies, etc. are categorised as judicial administrative functions. The thumb rule to identify the judicial administrative functions is to examine whether the direct involvement and participation of the judicial officer is necessary for the performance or execution of such tasks and whether the tasks directly impact or influence the core judicial function. If it does, the said task is part of the judicial function while any task which does not impact or influence the core-judicial function is part of court administration.

Modalities

The existing Chief Ministerial Officers (CMO) of each court shall be redesignated as Judicial Administration Manager. There shall be one Judicial Administration Manager for each court establishment to start with. The Judicial Administration Manager shall be responsible for supervising all the non-judicial functions currently done by the CMO. While the current hierarchy and promotional prospects of staff at the district judiciary remains untouched in the new regime, there shall be unification of criminal and civil judicial staff, so that flexibility can be given to the district judiciary in providing staffing based on workload instead of fixed staff strength. There should also be a district pool of officers, who can be deployed to courts on need basis.

District Registrar

While it is desirable that officials who handle case management shall form a separate cadre, it is also essential that such officials shall be relegated administrative responsibilities also. Such an approach will help the system immensely. The Managers (Case Administration) who have graduated from Manager (Case Administration) of individual courts to District Manager (Case Administration) will have an expertise in case management functions. But the existing hierarchy of generalist officers shall also have a fair chance of career progression. Hence, it is proposed that the post of Sheristadars (CMO) of the district court shall be re-designated as District Registrar.

District Registrar will be the Chief Ministerial Officer and the administrative head under the Principal District Judge in the districts. The District Manager (Case

Administration) shall be administratively subordinate to District Registrar. District Registrar will be lesser in rank to the junior most judicial officer in the district.

Such District Registrar will have both general administrative duties and supervision over the case management functions. District Registrar shall be the bridge between the Manager (Case Administration) of individual court, District Manager (Case Administration) and the judicial officers. The person selected as District Registrar should have sufficient administrative and case management background.

Specialized Agencies for Infrastructure

One of the biggest stumbling blocks in creating an effective IT infrastructure for the judiciary is the officialdom in the government IT sector. Procurement and deployment of IT equipment take a lot of time due to tender formalities. Technology is fast evolving, and do not wait for the timelines taken by the government procurement systems. Even if a dedicated IT wing exists for many High Courts, for the district courts there are only ad hoc mechanisms. Further, wherever the bidding process requires involvement of the state Public Works Department, the antiquated PWD rules are brought in picture, leading to procurement of sub-standard or about-to-be outdated electronic equipment on account of the requirement of generic configuration coupled with lowest bid.

The remedy lies in establishing a specialized agency or a special purpose vehicle for the development, research and standardization of all aspects of I.C.T in the judiciary. Such specialized agency shall be set up at National level, with implementation at the State level. Such an agency would apply global (sector-best) standards in procurement and deployment of IT infrastructure and set standards for I.T recruitment, deployment, and retention of IT support personnel. Administrative control of the agency should be with the Chief Justice of India (or a member of the e-Committee of the Supreme Court nominated by the Chief Justice of India). The said entity shall have adequate policies in place to procure the industry-best electronic equipment as required for the setting up and maintenance of the IT infrastructure in the state under the directions of the Central Project Coordinator of the e-Courts project. Similarly the State Court Administrator, in consultation with the Central Project Coordinator shall draw up a plan for deployment of IT professionals for (a) development and maintenance of software for the use of various stakeholders in the district judiciary (b)

deployment, maintenance and management of hardware and software in various courts in the district judiciary and (c) deployment of personnel for management of IT infrastructure (hardware and software) as required by the district judiciary. Deployment of the hardware, software and personnels in each district, shall be in consultation with the district court administrator and keeping the Principal District Judge informed.

Conclusion

To ensure the proper functioning the judicial system, it is essential to separate the administrative and judicial functions. The need for freeing the judges by separating administration from judicial functions is imperative as it allows judges to concentrate on their primary of interpreting the law and delivering justice. judges are burdened with administrative tasks, such as managing case, scheduling hearings, and maintaining records, their effectiveness is compromised This can lead to delays in the delivery of justice and can impact the overall efficiency of the system. By separating administration judicial functions, judges can focus entirely on their role in delivering justice and ensuring that the rule of law is upheld. This separation also ensures that the administrative tasks are handled efficiently leading to a more streamlined and judicial system.

Chapter X

Court Management Services

Chapter Summary

- **Court Management Services** shall be managed by the Manager (Case Administration) under the directions of the presiding officer of the court.
- **Judicial Case Management** may draw inspiration from the experience of Income Tax Department and the Ministry of External Affairs, which has improved the Passport services.
- **Structural changes** includes exhaustive rules and practice directions, six sigma approach for case management, introduction of user friendly interfaces to Case Information System, stakeholder satisfaction based case management practices, which includes information management practices based on stakeholder satisfaction and fairness to other parties in the process, time slot based scheduling of cases, providing additional infrastructure for stakeholder satisfaction, capacity building programmes for all stakeholders and enhanced judicial action research on case management.
- Generally, the key components of Court Management Services can be categorised into the following:
 - Pre-Litigation Counselling
 - Litigation handholding
 - Court Annexed mediation
 - Post Litigation support
 - Court Foot fall management
 - Miscellaneous functions
- Key components of Court Management Services include communication and liaison with all stakeholders, grievance redressal, intimation and consultation for adjournments management and remote appearance and signature management, in such a way that even if IT resources are not available, the Manager (Case Administration) could endeavour to provide a feeling of comfort and satisfaction to the stake holders by making alternative arrangements.

Introduction

In addition to institutionalising the case management, it is also essential to create a framework for the court management services. Court Management Services denote a whole system or bunch of services coming within the ambit of case management. The experience of Court Manager system becoming redundant shows that in addition to institutionalising, there is an

imminent need for defining the contours of court management services and how it has to be performed. Such a process will help to ensure clear delineation of roles of Manager (Case Administration) and the other staff of the courts in the district judiciary.

Need for Case Management Services and Practices

Efficient adoption of case management practices is the only way the district judiciary as well as the High Court can wade through the huge case load. The Hon'ble Supreme Court in Yashpal Jain v. Sushila Jain²⁸ has identified the problems that lead to judicial delays as follows:

“The causes of delay are numerous loopholes in the law itself, redundant and voluminous paper work, absence of the witnesses, adjournments sought and granted for no justifiable reason as also delay in service of summons, lack of implementation of the provisions of Code of Civil Procedure (hereinafter referred to as 'CPC') and Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C'), as the case may be. These are only illustrative and not exhaustive. It is not that there has been any lack of effort to speed up the Justice Delivery System. However, the attempts made hitherto have yielded limited results. Time and again various provisions of C.P.C. and Cr.P.C. have been amended to cater the ever - increasing demands for speedy disposal of cases and the results are not inspiring. There is an urgent need to take pro - active steps to not only clear the huge backlog of cases at all levels but there should be introspection by all the stakeholders to gear up to meet the aspirations of the litigant public who would only seek for speedy justice and to curtail the methods adopted to delay the proceedings which may suit certain section or class of the litigant public. When millions of consumers of justice file their cases by knocking at the doors of the courts of first instance, they expect speedy justice. Thus, an onerous responsibility vests on all stakeholders to ensure that the people's faith in this system is not eroded on account of delayed justice. It is imperative to note that about 6 per cent of the population in India is affected by litigation, in such a scenario the courts would play an important role in the life of a nation governed by Rule of Law. Peace and Tranquility in the society and harmonious relationship between the citizens are achieved on account of effective administration of justice and its delivery system, even the economic

²⁸ 2023 INSC 948: 2023 KHC 6951 (S. Ravindra Bhat, *Aravind Kumar JJ)

growth of a country is dependent on the robust Justice Delivery System which we have in our country."

The Hon'ble Supreme Court then goes ahead to trace the history of efforts to infuse case management practices to Indian judiciary as under:

The issue of delay has been bothering all the stakeholders for ages. Way back in the year 1924, a committee was constituted known as the Civil Justice Committee to enquire into the issues relating to changes and improvements necessary to bring in "more speedy, economical and satisfactory dispatch of the business transacted in the courts" under the chairmanship of Justice Rankin. Delay in disposal of cases beyond a period of two and a half years was a crucial concern and it was emphasized by the said Committee that "where the arrears are unmanageable, improvement in the methods can only palliate. It cannot cure" (Civil Justice Committee, 1924). The Central Government under the chairmanship of Justice S.R. Das set up a committee known as High Court Arrears Committee in the year 1949. In 1979, the Law Commission of India in its 77th Report on 'delay and arrear in trial courts' observed that the delay in civil or criminal matters have decreased the confidence among the general public about the judicial system. It was emphasized that civil cases should be treated as lapsed if the matter was not disposed of within one year from the date of registration, whereas a criminal matter should be disposed within six months and in case of sessions trial it should not go beyond one year. It was also suggested to timely fill up the vacancies, appoint additional and ad - hoc judges and increase overall judicial strength. Some of the key recommendations of the Committee were:

(i) Improvement of judicial system to meet modern requirement of society.

(ii) Time for scrutiny of the cases should not take more than one week.

(iii) Summons and notices should be attached with the plaint at the stage of filing, without stating the filing date.

(iv) Procedural reforms in civil and criminal case proceedings."

22. The 79th reports of the Law Commission of India pertain to "Delay and Arrears in High Courts and Appellate Court" which

when read along with the 77th report as aforementioned, has provided a step - by - step manual for managerial judging, prescribing upper time limits for trial procedure to ensure speedy disposal of cases to be followed by Trial Courts, High Courts, and other appellate courts. Its recommendations range from ways in which judges should expedite the service of summons to the drafting of the decree and includes the suggestions that they should become more active in conciliation efforts. Other notable recommendations include:

"(i) Appointment of administrative justices who supervise the work of process servers;

(ii) Fixing of dates should be done by presiding officer and not readers, cases should deliberately not be fixed when the prospects of them being taken up for low and a standard of number of cases pending before courts should be decided and whenever there are indications that the number of cases will go beyond the standard, additional courts should be set up."

23. The 120th Law Commission Report on 'Manpower planning in judiciary: a blueprint' recommended that the most effective way to overcome the heavy pendency of cases clogging on the judicial system is by reducing judicial delay. It further states that the judiciary is overburdened by large number of cases filed each year, which clog an already stressed system. The report states that in 2002, when the ratio of the judges to population was 13 judges to 10,00,000 people, the Supreme Court recommended, in *All India Judges Association v. Union of India* 2002 (4) SCC 247, to increase the ratio to at least 50 judges per 10,00,000 people.

24. The Malimath Committee, constituted on Reforms of Criminal Justice System, suggested multiple recommendations in its report, for Criminal Justice System, however some of them can be applied even in the civil litigation:

1. Time limit for filing written statements, amendments of pleadings, service of summons etc., must be prescribed.

2. So far as possible, parties must endeavour to decide or to settle the cases outside the court and to carry out the same objective, S.89 in CPC, was introduced.



3. To record the evidences by issuing the Commission instead of by presence before the court of law. For the purpose of the same under S.75 of the CPC, commission can be issued for collecting evidence.

4. Time frame need to be provided for oral argument before the court of law.

5. Restriction on Right of appeal.

25. Similarly, the Delhi High Court undertook a pilot project titled "Zero Pendency Court Project Report" (The Inspiration for the project was a remark by Justice M.N. Venkatachaliah (former CJI) in a conversation with Justice Ravindra Bhat, one of the members of the State Court Management System Committee (SCMS) of the Delhi HC) whereunder 22 specific pilot and reference courts were referred to collect data to examine meticulously the life cycles of the legal cases. At its core, the project sought to understand how the cases progressed through the legal system in the absence of any backlog. The Data collected from the pilot project led to suggestions of some major recommendations which included, primarily, the assessment of Judicial strength, which as per the report, is regarded as a vital attribute to the cause of delay. The report in this regard suggested to arrive at an optimal judge strength to handle cases pending in different court and went on to provide the Ideal number of judges for different court. The report also highlighted that in criminal cases, prosecution evidence hearings accounts for the Highest percentage of court hearings however when it comes to allocation of time, the courts tend to dedicate more minutes to final arguments and the issuance of final orders. In civil cases, miscellaneous hearings are common, but final order proceedings receive more time nevertheless, judges allocate a greater amount of time to the final order or judgment hearings.

26. Melvin M Belli, a member of the California Bar, in his article titled "The Law's Delays: Reforming Unnecessary Delay in Civil Litigation ", which was prepared as a project for the Belli society, has noted "Trial delays or the period of the American Legal System". The backlog of the system has become so typical that a plaintiff has to wait 5 years for trial of a simple personal injury claimed. In case, if there is an appeal, a final disposition of the case may occur 10 years after plaintiff has been injured and the following factors were outlined as the major contributors to the delay:

(i) The inefficient management of the court system by the judiciary.

(ii) A Tremendous increase in litigation.

(iii) The philosophy of procrastination of many judges and lawyers, and

(iv) The priority of criminal or civil cases on the court calendar.

To tackle the aforesaid problems, the following remedial measures were suggested as possible solutions:

1) Appointment of surrogate judges (auditors, referees, judges pro tempore) to handle certain cases. The idea of using surrogate judges is to avoid unnecessary adjudication under formal trials. This is followed in Massachusetts, where court appointed auditors or referees, who were practicing attorneys, used to adjudge motor vehicle tort cases. They report their findings of facts and conclusions to the court and the parties may accept the auditor's report as final or request a trial. If the case goes to trial, the auditor's findings are prima facie evidence and may be read to the jury.

2) The imposition of interest accruing retroactively from the time of incident, rather than from time of judgment, to remove defendant's incentives to delay.

3) The elevation of civil cases to parity with criminal cases so that civil cases will not be usurped.

4) A requirement that judges set definite trial dates and honour them, so that litigation cannot be delayed by one of the attorneys.

Thereafter the court attributes the following reasons for delay in civil trial:

At the outset, it is necessary to point out the reasons for delay in civil trial namely:

(i) Absence of strict compliance with the provisions of CPC;

(ii) Misuse of processes of the court;

(iii) Lengthy / prolix evidence and arguments. Non utilization of provisions of the CPC namely Order X (examination of parties at the first hearing);

(v) Non - Awarding of realistic cost for frivolous and vexatious litigation;

(vi) Lack of adequate training and appropriate orientation course to judicial officers and lawyers;

(vii) Lack of prioritization of cases;

(viii) Lack of accountability and transparency.

28. Apart from the above reasons, the other vital reasons include the over - tolerant nature of the courts below while extending their olive branch to grant adjournment at the drop of the hat and thereby bringing the entire judicial process to a grinding halt. It is crucial to understand that the wheels of justice must not merely turn, they must turn without friction, without bringing it to a grinding halt due to unwarranted delay. It is for such reasons that the system itself is being ridiculed not only by the litigant public but also by the general public, thereby showing signs of constant fear of delay in the minds of public which might occur during the resolution of dispute, dissuading them from knocking at the doors of justice. All the stakeholders of the system have to be alive to this alarming situation and should thwart any attempt to pollute the stream of judicial process and same requires to be dealt with iron hands and curbed by nipping them at the bud, as otherwise the confidence of the public in the system would slowly be eroded. Be it the litigant public or Member of the Bar or anyone connected in the process of dispensation of justice, should not be allowed to dilute the judicial processes by delaying the said process by in any manner whatsoever.

The Hon'ble Supreme Court then goes on to state as follows:

It is undisputedly accepted that the significance of a swift and efficient judiciary cannot be overstated. It is a cornerstone of democracy, a bulwark against tyranny, and the guarantor of individual liberties. The voices of the oppressed, the rights of the marginalized, the claims of the aggrieved - all are rendered hollow when justice is deferred. Every pending case represents a soul in limbo, waiting for closure and vindication. Every delay is an affront to the very ideals that underpin our legal system. Sadly, the concept

of justice delayed is justice denied is not a mere truism, but an irrefutable truth.

Thus, we stand at a crossroads, not of our choosing but of our duty where the urgency of legal reforms in our judiciary cannot be overstated, for the pendulum of justice must swing unimpeded. The edifice of our democracy depends on a judiciary that dispenses justice not as an afterthought but as a paramount mission. We must adapt, we must reform, and we must ensure that justice is not a mirage but a tangible reality for all.

38. Therefore, in this pursuit, we call upon all stakeholders - the legal fraternity, the legislature, the executive, and the citizens themselves - to join hands in a concerted effort to untangle the web of delay and pendency. We must streamline procedures, bolster infrastructure, invest in technology, and empower our judiciary to meet the demands of our time.

The pursuit to efficient case management services and practices draws inspiration from the Case Flow Management Rules formulated by several High Courts in the wake of the study entitled “*Case Flow Management Rules for High Courts and Subordinate Courts*” which is the study report of a committee appointed to study the application on implementation of Case Flow Management system in India. The Hon’ble Supreme Court in Yashpal Jain ²⁹ found that the guidelines in the said study report mirrored the suggestions outlined in the ‘*National Mission for Delivery of Justice and Legal Reform*’, which served as a comprehensive blueprint for judicial reforms through its strategic initiatives from 2009 to 2012 and the report of Justice A.M. Khanwilkar Committee on Case Management System. The Case Flow Management Rules framed in tune with the recommendations of these reports contained provisions for dividing cases into different tracks based on the nature of the case, encouraging Presiding Officers to dispose of the cases within the differential timeline set for each track, streamlining service of processes, streamlining calling of cases by identifying the stages of each case, splitting the

²⁹ *id*

cause list of courts into two, one to be called before the Court Officer, and other to be called before the presiding officer, specifying a distinct procedure for handling interlocutory applications, and also providing for other ancillary matters to ensure smooth conduct of the proceedings. However, even after 7 years, the Case Flow Management Rules could not be enforced in the district judiciary with full force due to several road blocks.

In the evolving landscape of judicial administration, the integration of Information Technology (IT) in case management has emerged as a pivotal approach to enhance the efficiency and effectiveness of the judiciary. This chapter delves into the principles, practices, and services of IT-based case management, underscoring its significance in reducing hidden economic costs for litigants and advocates, while drawing inspiration from successful models like the Income Tax Department's IT return filing system and the Passport Seva Kendra's timeslot method.

Lessons Learnt

Lesson I - Case Flow Management Rules

While the Case Flow Management Rules were introduced with laudable objectives, many states are yet to implement these rules and, in many states, where it was implemented, they could only achieve limited results. The following are the reasons for lack of enthusiasm in the district judiciary in getting optimum results from Case Flow Management Rules.

⚖️ **Objection from advocates:** In many places, the advocates resisted appearance before Court Officers, as the advocates felt that court officers are not capable of handling the cases.

-  ***Lack of trained Court Officers:*** The Chief Ministerial Officers of most courts were incompetent to handle the case flow management work. This is mostly due to lack of training avenues for court staff on case management practices. In many courts, Chief Ministerial Officers are appointed solely based on seniority and many Chief Ministerial Officers are not capable to handle their work effectively.
-  ***Lack of enthusiasm of the stakeholders:*** The advocates obviously have objection in appearing before the court officer. The litigants are apparently not aware of the benefits of the case flow management rules, partly on account of the objections from the advocates and partly because they are unable to foresee any perceivable benefits from the system. The court staff see the case flow management in a paper-based environment as an additional workload. The judges in the district judiciary are also not enthusiastic in implementing the same, since they fear that the risk of any flaw in the case flow management will fall in their head.
-  ***Lack of a robust support system:*** There is a lack of robust supporting system including trained staff for implementation of the case flow management system in letter and spirit. The current capacity enhancement programmes seldom touch the actual persons who should implement the case flow management system. Further there is a lack of interest and focus on the controlling authorities of the district judiciary in implementing the case flow management rules in its true spirit. Often compulsion in implementing the same in letter without understanding the spirit of these rules led to friction between various stakeholders which prompted the decision makers to shelve the implementation of these rules.
-  ***Lack of understanding of case management:*** Case Management lessons are currently not a part of the curriculum of any Judicial Academies. The Court

Manager experiment intended to infuse case management practices to court has also miserably failed. Management experts are not equipped to understand the nuances of court craft or case management in judicial context. The legal academicians are not equipped to understand the nuances of case management in judiciary and they are more focused on substantial law. Hence focused research on case management practices do not happen anywhere in India. Hence there is a deficit of research materials on case management in India. This has hampered a clearer understanding of the case management by all stakeholders.

However, a focussed approach from the High Courts will ensure that the Case Flow Management Rules are workable. The Hon'ble High Court of Kerala in Shiju Joy A. v. Nisha ³⁰, had issued focused guidelines for implementation of the Case Flow Management Rules in the Family Courts in Kerala. This was followed by administrative interventions and by constant interactions with all stakeholders which helped in the practical difficulties of its implementation. The consequent success story of the implementation of Case Flow Management in the Family Courts speaks eloquently of the results which would be fetched by focused approach of the High Courts in implementation of Case Flow Management.

This should be supplemented by IT based case management practices and updating framework rules such as Civil and Criminal Rules of Practice, which facilitate implementation of these practices. The primary objective of IT-based case management services is to minimize the hidden economic costs associated with litigation. This is achieved by transitioning from traditional paper-based systems to more streamlined, technology-driven processes that mirror the transformation

³⁰ 2021 (2) KHC 462; 2021 KER 15365 (A. Muhamed Mustaque, C.S. Dias JJ)

seen in other government services. The examples of improvement made by the income tax department and Passport services through digitisation is a good material for case study towards such a transformation.

Lesson-II- Income Tax Department

Fifteen years ago, filing an income tax return was a gruelling experience for the tax payers. Needless to say, hearing of tax appeals and reassessments were a nightmare. Then came digitisation and the change. Today, you can just logon to the income tax website. All your tax data is prefilled. Just accept the prefilled data, change any data if required and the filing is done like a cake walk.

The transformation from paper-based IT return filing to an online, hassle-free system serves as an exemplary model. The shift eliminated long queues and reduced processing times, thereby increasing compliance and satisfaction among taxpayers. This was achieved through a phased process, moving one step at a time towards digitisation, through a focused approach.

Step I: e-Invoicing: The Central Board of Indirect Taxes and Customs (CBIC) implemented e-invoicing, ensuring real-time tracking of transactions and reducing tax evasion. This helped in ensuring that the basic data for computation of tax is captured in the system, seamlessly without need for manual input.

Step II: User-Friendly Interfaces: Improved income-tax portals have streamlined user experiences and maintained e-documentation trails, leading to efficient handling of compliance and case histories. This attracted more tax payers to adapt to e-filing, ensuring that entire data required for tax computation is fed in the system.

Step III: Automated Tools and ERPs: Digital tools for tax compliance, such as ERPs for tax data management, facilitate accuracy and reduce manual errors. This helped in ensuring the taxpayers confidence in the system.

Step IV: Digital Compliance and Reporting: The shift to digital compliance has resulted in quicker processing and reduced compliance times. Since complete data is available in the system, manual computing time could be reduced. Since the tax payers do not have to wait long periods to know their assessment, the tax payers were also satisfied.

Step V: Faceless E-Assessments: The Central Board of Direct Taxes (CBDT) introduced faceless e-assessments, eliminating physical interface between taxpayers and tax officials. This enhances transparency and fairness, reduces biases, and expedites case processing. Since they are already comfortable with the digital environment through slow permeation process, the tax payers and practitioners viewed the changes as a positive step to make them comfortable.

Step VI: Remote Adjournments: Inspired by faceless assessments, remote handling of case adjournments through an automated system of IT appeals can reduce courtroom congestion and enhance case management. This system would notify all parties and suggest alternative dates based on the judge's availability and case load, fostering fairness and expediency. This very well resounds with the judicial requirements also.

This coupled with systemic changes including (a) use of advanced data analytics technology (b) use of artificial intelligence-based algorithms, (c) use of risk-based tax payer profiling (d) digitisation of interaction with tax payers (e) automation of tax administration processes and (f) training of officials for technical competency have ensured that the Indian Income Tax administration remain

robust and auger to provide comfort to the tax payer while remaining strict in tax administration.

Lesson III- Passport Services

Passport services is another area where the government services have shown remarkable progress. Here, digitisation coupled with outsourcing of periphery jobs, which involved human footfall management has improved the passport services to a great extent. 15 years ago, taking a passport would require attending the passport office, standing in the long queue which start at the early hours of the day and impromptu rejections of applications. Most often people have to wait for long hours for an appointment with passport officers even for small queries. Then came digitisation. The change is palpable. One can apply online for a passport, get an appointment fixed and get the passport issued even before one reach back home from the passport seva Kendra.

This change has been introduced through the following components:

- a. ***e-Governance and Online Services:*** The implementation of the Passport Seva Project (PSP) has transformed passport services through comprehensive digitization. Citizens can now complete passport application processes online, reducing the need for multiple visits to passport offices.
- b. ***Outsourcing for efficiency:*** By partnering with Tata Consultancy Services (TCS), the Ministry of External Affairs (MEA) leveraged the expertise of the private sector to streamline operations. This collaboration has resulted in the establishment of Passport Seva Kendras (PSKs), where the administrative functions are handled by TCS, allowing government officials to focus on verification and issuance processes.

- c. ***Time-Slot Booking System:*** The introduction of a time-slot booking system has minimized waiting times for applicants. Citizens can choose convenient slots for appointments, ensuring that services are delivered promptly without overcrowding at passport offices. This system ensures that applicants do not have to wait indefinitely and that their applications are processed efficiently within the allotted time.
- d. ***Transparency and Accountability:*** The digital processing system for passport application provides real-time updates to applicants regarding the status of their passport applications. This transparency builds trust and ensures accountability at every stage of the process.
- e. ***Improved Infrastructure:*** The modernization of infrastructure at Passport Seva Kendras, including better facilities and user-friendly interfaces, has enhanced the overall user experience. The focus on customer service has led to higher satisfaction rates among applicants.
- f. ***Security and Verification:*** Advanced digital verification methods have been employed for processing passport applications to ensure the security of personal information and the integrity of the passport issuance process. This includes biometric data collection and digital signatures.

The experience of Indian Income Tax department and Department of External Affairs in enhancing the customer service front of the passport services are examples worth emulation in implementing IT based case management principles for the district judiciary.

Three core ideas that emerge from these experiences are:

- I. Bifurcating core and non-core functions and outsourcing or providing a separate mechanism to manage some non-core functions can improve overall efficiency of the system.

- II. Automating and intelligently managing the calendar with specified time slots can give a perception of increased efficiency to all stakeholders, and it enhances public image of the system.
- III. If the systems are transparent and there is a method of ensuring accountability, the public satisfaction of the system increases.

Adopting digital compliance for court procedures can ensure timely case progress and resolution. A start to end integration of automated systems in the judiciary can help manage caseloads and resources efficiently. A user-friendly digital interface for the efilings systems which ensures maximum comfort to the efile cases in the court. Similarly, such user-friendly interfaces for court staff and other users of the Case Management System would ensure that all stakeholders learn to adapt to the digital practices with ease. It could enhance accessibility and efficiency. Automated data handling, use of AI based algorithms for data analysis and management, improved and user-friendly security features, and improved infrastructure of these systems can be adapted to judicial case documentation and management.

Defining the Contours of Court Management

It is highly essential to define what services can be given as Court Management services in the same manner of identification of the contours of the other two limbs of human resources for the court. It is also highly essential that such services should be distinguished from general management of the court.

It is easy to define Court Management as all activities relating to case load management of a court. However, since courts exist for managing litigation, there needs to be distinction between the specific roles that a Manager (Case Administration) is to do in the case management context.

Broadly speaking the Court Management revolves around practices and measures taken to ensure effective management of the case load in the court. While this resonates with the role of a bench clerk, court management services are much more than the routine work of a bench clerk. Court Management Services lays a bridge between the judges and other stakeholders. Generally, the key components of Court Management Services can be categorised into the following:

- A. Pre-Litigation Counselling
- B. Litigation handholding
- C. Court Annexed mediation support
- D. Post Litigation support
- E. Court Foot fall management
- F. Miscellaneous functions

Court Management Services shall be to augment the proposals hitherto contained in this document. Court Management Services should be designed to enhance the efficiency, transparency, and user experience of court proceedings. These services will be managed by the Manager (Case Administration), overseen by the Presiding Officer of the respective Court. It will be integrated with IT-based case management services, but will remain operational even without IT resources. In fact, Court Management services rendered by the Manager (Case Administration) shall be to act as a bridge of the digital and information divide and to handhold the stakeholders through the system. It is not just a job in the bench, but it extends to front desk, information dissemination through IT resources and physical resources and counselling the litigants and other stakeholders to ease out tension on account of various factors so as to retain the faith in the judicial system and to properly manage expectations to manage future tensions.

The team

Court Management Services, considering its ambit and scope cannot be done by a single person. However, it shall be managed by Manager (Case Administration) of each court under the guidance of the Presiding Officer of each court, to ensure chain of command and responsibility.

Infrastructure

The efficient functioning of Court Management services requires both digital and physical infrastructure in place.

Each court should have a proper front office or a front desk, and a virtual office with a chatbot and call facility, which can be the one-point contact for the stakeholders regarding all matters relating to the court. Instead of the advocates and litigants approaching different desks in the court office, the front office will coordinate the requirements and will ensure that all services are made available from the front desk itself. Digital display boards and e-filing counters shall be set up at such counters. A hotline/intercom facility and a web-based query management application should be set up for easy flow of information between the front desk and the various sections in the court. The direct entry of litigants and public to court offices shall be prohibited after setting up such information desks. All future court offices should have access-controlled doors, so that only authorised persons can enter the court offices. This will ensure both a corruption free environment and safe handling of court records, while facilitating a peaceful and conducive work environment in the court offices.

If more than one courts function in a court complex, there can be a single helpdesk, but such desk should have representatives of each courts' court

management services. This would ensure, seamless communication between each court office and the front desk.

There should be separate and distinct litigant waiting lounges, an advocate lounge and advocate clerks lounge of adequate size depending on the foot fall of each court complex, near to the front desk.

All litigants shall have free entry to the litigant lounges, subject to security protocol. But access beyond the litigant lounge may be restricted depending on the particular needs of each court.

Litigant lounges, advocate lounges and advocate clerk lounges should have large screens displaying (a) the case status and (b) live links of proceedings going on in the courts.

The litigant lounges should have comfortable cushioned seating facility and should have a large display board, which can display the case status of all the courts in the court complex. Sufficient number of information kiosks, which can be self-operated, shall be placed in the litigant lounges. There can also be separate soundproof enclosures within the lounges where the parties can hear the proceedings in different courts within the complex. A sound proof deposition room, from where the litigants can give deposition, may also be set up in the litigant lounge, if the courts are situated in a multi storeyed complex so that litigants who have difficulty to walk to the respective court rooms can give deposition in the litigant lounge itself.

All these lounges should have sufficient number of male, female and transgender toilets and washrooms, depending on the average footfall of the court complex.

Reprographic facilities, ATM counter and a small cafeteria may also be set up depending on the number of expected visitors in the court complex. The operation of the lounges can be outsourced with a minimum guarantee of services. It can have both paid and free facilities for rest and comfort of the litigants. The operation of airport lounges can be an example.

The Court Management Services shall be also a data collection point regarding the number of visitors in each court complex. The data regarding the number of visitors to each court should be collated and published every year for trend analysis and provisioning additional budget for enhancing services quality.

Specific Court Management Services

Pre-Litigation Counselling

Every litigant, should be contacted by the Court Management Services team member for in person counselling at their convenience. This counselling process, sets the expectations of the parties about the judicial process, provides them with a one-point contact of the court and gives them information about the process through which they have to travel during the litigation.

This pre-litigation counselling will be mandatory, and the Manager (Case Administration) or a person from the team of Manager (Case Administration) shall be responsible to contact litigants sufficiently early, before the litigant reaches the court. The Manager (Case Administration) shall assist the proposed litigants in the following manner:

1. Court Management Services include counselling the proposed litigants about
 - a. the stages of litigation,

- b. the various stages of mediation including pre-litigation mediation, if any,
 - c. court fees and miscellaneous expenses that may arise in the litigation process,
 - d. the case load of the court,
 - e. the pace of litigation and the avenues of information regarding court process.
2. The Court Management Services under the Manager (Case Administration) shall assist the litigants and other stakeholders in pre-litigation mediation also.

Litigation Handholding

The Court Management Services under the Manager (Case Administration) shall assist the litigants and other stakeholders in preparing case files, rectification of defects and handhold the proposed litigants through the e-filing process, payment of e-court fee and other similar preparatory matters.

The Court Management Services will also handhold the litigant through the litigation process, by providing:

- a. **Litigation Information Services:** alerting the parties about the stages of production of pleadings and timelines through electronic messaging services well in advance, availability of legal aid services and providing access to legal aid services ascertaining the need for the parties;
- b. **Filing Assistance:** acting as a one-point contact, counselling the advocates and litigants about the process of e-filing, payment of court fee, ensuring compliance of procedural requirements in filing applications, and getting the applications listed in the court;

- c. **Record Management Assistance:** assisting the litigants and advocates in production of case records through the efilings system and otherwise, obtaining certified copies, providing copies to opposite side, assisting in the inspection of records, and counselling regarding interrogatories.
- d. **Case Management Assistance:** providing a pre-case management briefing, to ensure that the parties come prepared at the case management hearings, with the details of witnesses and documents, so that case management hearing remain fruitful.
- e. **Scheduling Assistance:** The Manager (Case Administration) can also, on the basis of a foot fall analysis and after ascertaining the needs of the parties, assist the scheduling of the case, by counselling the parties and ascertaining the approximate time that will be taken for each witness. They can also assist the parties to choose an appropriate date for their case, in an informal atmosphere.
- f. **Witness Assistance:** Assist the recording of testimony, by assisting the witnesses, providing the witnesses sufficient pre-deposition comfort, managing attendance of witnesses, managing remote appearance through video conferencing, providing facilities including arranging access to video conferencing facilities at designated places, acting as remote point coordinator and ensuring seamless video conferencing experience.

Court Annexed Mediation Support

As part of comprehensive court management services, Court Annexed Mediation Support plays a crucial role in facilitating amicable dispute resolution. The Manager (Case Administration) and their team provide expert guidance to litigants and advocates throughout the mediation process. Under the presiding

judge's direction, they identify settlement avenues, offer counselling on the mediation process, and assist parties in preparing for mediation sessions. With a dispassionate and professional approach, the team ensures that all stakeholders are adequately supported. To deliver effective pre-mediation counselling, team members undergo specialized training, empowering them to navigate complex disputes with sensitivity and expertise. By streamlining the mediation process, Court Annexed Mediation Support enhances the overall efficiency and effectiveness of court management services.

Post Litigation Support

The Court Management Services can assist the parties and other stakeholders in obtaining certified copies of orders, judgements and decrees, post preliminary decree procedures in final decree proceedings including appearance thereto, counselling regarding execution procedures, providing information about appellate avenues, obtaining copies of orders, obtaining refund of court fees, without affecting the neutrality of the proceedings.

Court Footfall Management

The courts in the district judiciary, especially criminal courts attract the visit of common men in multitude. This makes the courts in district judiciary hugely crowded. One reason for such crowded atmosphere is due to lack of foot fall management in the district judiciary. Another reason is the lack of space in the courts. Usually, the courts higher in the hierarchy are provided greater space, while the visit of the litigants will be more in the courts of the first instance. A third reason may also be linked to cultural and litigational behaviour in a particular place.

It is ideal that instead of a one stroke approach for managing the footfall of courts, the court footfall management be done through localised planning.

Court Management Services can manage the court atmosphere by ensuring that at a time, only the person who can remain present in the court room remains present. It shall be the duty of the court management services to properly study the foot fall in each court, based on local circumstances. This can be done by giving proper pre-litigation counselling to the parties, providing the parties with the stages which mandate appearance by parties, and giving the parties a walk around through the e-information services to get timely information about the case stages, without visiting the courts.

Further daily rush of litigants in the court rooms and court complexes can also be managed by adopting appropriate localised strategies. Such strategies may include, but not limited to (a) providing appropriate spaces in the court complex itself where the litigants can comfortably sit and watch court proceedings (b) providing live feed of important cases and informing the public well in advance about such live feed so that enthusiasts can watch the proceedings even without coming to court complex (c) setting up a system of seat reservation on first come first served basis, and provide live and accurate information about the availability of seats in the court room, without affecting the privacy of the witnesses and litigants.

The advisory services rendered by the court management services personnel will also augment the court foot fall management. Availability of appropriate information at the correct time from authentic sources will ensure that stakeholders do not have to visit courts to get the information alone.

Miscellaneous Services

During the course of litigation, the Court Management Services under the Manager (Case Administration) can do the following services as well:

Leave Intimation and Posting of Cases

-  The Manager (Case Administration) shall ensure that timely notification of leave intimation and case postings is given to all parties to the proceedings. It shall be the duty of Manager (Case Administration) to ensure that whether or not IT based communication management is effectively working, such information is communicated to all parties of the case through effective liasoning.
-  It shall be the responsibility of Manager (Case Administration) to ensure minimal inconvenience to litigants and advocates through accurate communication.

Such an approach enhances efficiency and user experience by providing organized and reliable information flow.

Grievance Redressal

-  Manager (Case Administration) shall provide prompt resolution of all grievances related to court management services, through effective liaison with all stakeholders and under the directions of the Presiding Officer of the court.
-  Manager (Case Administration) shall act as the primary point of contact for stakeholders facing issues with court management functions.

This approach will foster trust and accountability of the stakeholders in the court processes by ensuring that the system is transparent and responsive to the needs and sensitivity of the stakeholders and remains service oriented.

Intimation and Consultation for Adjournments

-  Manager (Case Administration) shall provide immediate intimation of case adjournments to all parties. It shall be the duty of Manager (Case Administration) to ensure that whether or not IT based communication management is effectively working, such information is communicated to all parties of the case through effective liasoning.
-  Manager (Case Administration) shall consult litigants, lawyers and other stakeholders to understand their preferences and convenience for rescheduling, and assist them in rescheduling the case with an objective to ensure early resolution of the dispute, and optimising the court working hours. Manager (Case Administration) shall through the process ensure that all parties shall be at the optimum comfort without losing sight of the goal of early resolution.
-  Facilitating the posting of cases at times convenient for all parties involved, based on the feedback received.

Remote appearance and signature management

-  Manager (Case Administration) shall liaison with the parties and lawyers to understand their comfort in appearance and conducting hearings. If the Counsel or party is comfortable in appearing online, for hearing or evidence, as the case may be, the Manager (Case Administration) shall, under the directions of the Presiding Officer of the Court make arrangements for such remote appearance, and where necessary act or arrange remote point coordinators.
-  Manager (Case Administration) shall oversee the appearance of the witnesses and parties, recording of their deposition and process of obtaining

the digital or electronic signatures from witnesses and relevant parties in consonance with the relevant rules.

This approach will streamline court proceedings to reduce delays and improve overall efficiency. It will also ensure clear and open communication with all stakeholders to foster trust and accountability. Through the effective assistance of the Manager (Case Administration) the economic and time costs for litigants and advocates can be reduced by providing organized and user-friendly services. It will also ensure that the functionality and continuity of the court services shall be maintained regardless of availability of IT resources.

In short, the Manager (Case Administration) shall be the person responsible to communicate all services related to case management to all stakeholders. More than communicating, the Manager (Case Administration) shall liaise with the stakeholders, and professionally ensure that their comfort level and satisfaction level with the services provided by the judicial system remains high.

Capacity building based on attitudinal change

It is highly essential that the personnel handling Court Management Services under the Manager (Case Administration) shall liaison with various stakeholders and act as a friend, adviser and counsel to the stakeholders, in a professional manner with empathy and a smile, helping and handholding them in understanding the court matters.

The Manager (Case Administration) shall also ensure that the information dissemination does not antagonise the lawyers.

This requires attitudinal change in the stakeholders, especially the personnel handling court management services. The personnel in the Court Management Services team should be able to understand the psychology of each of the

stakeholders and modulate their approach to each of the stakeholders, based on a quick need assessment. They should approach different stakeholders empathetically, and be capable of listening to their requirements and provide quick solutions, within the scope of their authority.

This would require induction and continuing capacity building programmes, tailor made to Court Management Services. The Judicial Academies, which are running or supervising the courses for MBA in Court Management shall supervise such programmes also. This will ensure a professional workforce with proper attitude and empathy in the court management services.

Structural readjustments for case management

It needs to be further noted that certain structural readjustments have to be made before case management practices can be effectuated. The proposed structural readjustments are as follows:

Integrating Case Flow Management in Rules of Practice

With the introduction of new laws, it has become necessary to modify the existing Criminal Rules of Practice to suit the requirements of Bharatiya Nagarik Suraksha Sanhita, 2023. Along with the said exercise, it is suggested that case management principles may also be integrated in the Civil Rules of Practice. Further, such rules may be made applicable to all courts established under special statutes to which civil and criminal rules of practice are not applicable.

Similarly, the rules of practice should be as elaborate as possible. The rules should envisage all possible scenarios and provide for the effective management of each such scenario.

In addition to such rules, detailed practice directions should be issued by each High Court, to clarify and provide the manner to address practical scenarios that may arise regarding case management.

The Judicial Academies can also bring bench books to give practical direction to judicial officers.

Such practices will ensure uniformity in procedural matters in all courts in a state. Further, each stakeholder will have greater clarity of their roles and responsibilities rather than waiting for interpretation at a future stage.

Six Sigma approach in Case Management

Six Sigma approach ³¹ focuses on identifying the issues, focusing on the solutions and implementing the same as a continuous process. Such approach will ensure that procedural and systemic errors are minimised. In judicial system also six sigma approach can be implemented. By adopting the six-sigma approach, the ultimate beneficiaries of the system, the litigants will be brought to focus. The improvements in the system would be considered from the litigant perspective. Viewing from such an angle, it is clear that the parties approach the court for resolution of their disputes. They are least interested in the knowledge index of the individual judges or the capacity of the system to handle their disputes. For the litigants what matters is the ability of the system to bring a speedy and effective resolution to their issues, by incurring as less as possible financial and effort costs.

³¹ Six Sigma is a term used to define various techniques and management tools designed to make business processes more efficient and effective. It provides statistical tools to eliminate defects, identify the cause of the error, and reduce the possibilities of error. Thus, Six Sigma creates an environment of continuous process improvement, enabling businesses to provide better products and services to customers. It was developed by Motorola, Inc. in 1986. The five main principles of six sigma are: (a) customer focus (b) assess the value chain and find the problem (c) eliminate defects and outliers (d) involve stakeholders (e) create a flexible and responsive systems and processes that can lead to efficient implementation of projects.(<https://corporatefinanceinstitute.com/resources/management/six-sigma/>)

Hence if the system focuses on reducing frequent challenges in appellate forums on procedural matters, parties will get justice and their real issues will be given greater focus. If all the stakeholders are clear about the procedure and the scope for procedural errors can be brought down by (a) clear guidelines (b) streamlining procedure ensuring uniformity in processes throughout a state with the assistance of IT and Artificial Intelligence and (c) This will also ensure that procedural matters have uniformity and the system can focus more on resolution of disputes, instead of making the judicial process a test of judicial officers' capabilities. If the system is tuned to avoid unnecessary roadblocks in the form of procedural challenges on account of lack of knowledge of the individual judge or procedural oversight, unnecessary appeals can be done away with. This will reduce the appeals significantly.

User-friendly Interfaces to the Case Management System

The interface of the Case Information System may be modified. Filing with CAPTCHA is currently proving to be cumbersome. Instead, OTP or biometric based Sign-ons may be adopted. Further, the efilings, court and other user interfaces should show the graphics of the entire case filing processes and the proposed timelines and shift in the timelines on account of intervening circumstances. In short, the user interface of the system should also serve as a system guide in both long-term and short-term for the user and the user should get a complete picture of the filing process and expected timelines relevant to such user in the dashboard of the user interface.

For the purpose of efficiency and to cater to the needs of people on the other side of the digital and educational divide, the High Court shall also cause to prepare brochures and flyers for information dissemination on these various

aspects in not more than one page. Such brochures shall be made available through the website of the district court.

Stakeholder Satisfaction focused Case Management Practices

The case management, even while being judge centric, should ensure that all the stakeholders are comfortable and feels that they are being given importance by the system. This should be done both in the information management front as well as in the court infrastructure front.

Stakeholder Satisfaction based Information management

This would require that each person who comes into contact with the judicial system, be it litigant, lawyer, prosecutor, court staff or the judge should know the processes and the expectations of such person should be managed timely by the system. For this a dedicated education mechanism for each of the stakeholders should be put in place. A multi-pronged information dissemination strategy should be adopted. The efilng portal should show the stages through which each type of case will progress through the system. This could be dynamic, case specific and interactive. Thus, if the plaintiff in a civil case gets the information regarding all the stages starting from filing of the case, the defendant would be shown how the case will progress from the stage of filing written statement. The party should be able to change the stage in an interactive mode to see at what stage and under what contingencies, the case will not follow the specified timelines. The court websites will also have such information about all types of cases that can be filed in such courts. In addition, short brochures in English and local languages should be made available in the front desks of the court. Similar interfaces, which can give the Advocates a picture of how the case will progress, including technical and legal details will help to manage the legitimate expectations of the advocates.

Court staff and even judges should have interfaces which will show where they stand in the system, their targets, case clearance rates, judgments upload status, and target achievement. Relevant information about the targets of the court should also be made available to the other stakeholders so that all the stakeholders are in the same page with respect to case management. This transparency will automatically bring in accountability to all stakeholders.

Fairness based information management

The case management practices should be tuned to ensure that all the parties are clearly informed about each aspect of the case. All applications shall be filed electronically, copies shall be automatically tagged along with processes, written statements and objections filed electronically, within system managed time limits. If any party fails to adhere to time limits the system would place such cases before court for decision, and notify the parties of such placement. If the parties appear, and give sufficient cause the case would be tracked back to normal track otherwise it will be speed tracked for disposal on default. All these steps should happen with notification to all concerned. Even adjournments should be transparent, and any application for adjournment should be made known to all the parties with the aid of Case Management IT infrastructure. Thus, a party should be able to make adjournment application by logging in the system, notify all the parties regarding intention to adjourn, give alternative dates, and send the file for automatic approval or hearing without need for physical appearance in courts. Physical appearance should be required only for effective hearings and physical appearance for any matter other than effective hearing should be discouraged. This would streamline court sittings, and all other matters can be remotely handled.

Time-slot based scheduling of cases

Calling work in the court should be done in track. There will be four tracks on each day in each court. These tracks will be dynamically managed on a day-to-day basis using AI supported software. The tracks are as follows:

- ***Effective Hearing Track:*** Matters posted for evidence and hearing where effective business can be conducted in the court on a specific date. Only such number of cases which each court can handle effectively should be included in this track for each day. If any party has any inability to appear for effective hearing, the case would automatically be moved to the other cause list, unless the court has fixed a deadline. If a party does not appear in a case with deadline fixed, the matter will be taken up for disposal.
- ***Speedy disposal track:*** Matters posted for judgements, orders, short orders, matters in which the parties defaulted in appearance etc. Speedy disposal matters should be disposed of within a week initially and as the system matures within two days of it touching the speedy disposal track.
- ***Routine matter track:*** These matters will deal with matters in which routine business can be conducted in the court. Such matters can be either dealt with the judge or by the Officer in Charge of Case Management of the said court. Such matters can also be handled by any other judicial officer of the district who can be reassigned such tasks within a case. Such officer will be given temporary charge of such court where the case is pending for the purpose of handling the matter in the second track.
- ***Accelerated hearing track:*** The cases in which any party seeks adjournments are to be routed through accelerated hearing track. A shorter time slot will be assigned for accelerated hearing track, and the cases in accelerated track

shall be effectively disposed within 7 days from date of filing the application.

There will be different time slots for cases to be taken up in open court (accelerated hearing track, speedy disposal track and effective hearing track) and other cases will be taken up before a less busy court or by the CMO.

Parties need to appear only at the designated time. Such tracks will be managed by Artificial Intelligence based software. If a party does not appear, or if the party has already sought adjournment, the case will be posted in a different track for effective case management.

Additional Infrastructure for Stakeholder Satisfaction

Court architecture should reflect both the majesty of the justice system and expediency. Each court should have a front office. In large complexes, there need only be one front office for all the courts in the said complex. Such front office should be one stop solution for all the needs or problems related to the lifecycle of a case. Brochures should be kept in the front office regarding various steps in the criminal process.

Continuous Capacity building programmes for all stakeholders

Continuous and focused Capacity building programmes should be conducted for all stakeholders to ensure that all stakeholders are in the same page regarding the technical and legal infrastructure of the courts. Judicial Academies shall conduct such programmes with the assistance of Ubuntu-CIS Master trainers. There should be programmes focusing on stakeholder satisfaction, which would ensure that non-judicial officers deployed in the front office treats the stakeholders with a smile, listen patiently and without showing any external or internal arrogance give solution to their issues.

Enhancing Judicial Action Research on case management

Judicial Academies should be turned as hubs of technology research and judicial action research on various facets of case management. A full-fledged research wing should work in all judicial Academies. Such research wing should be capable of bringing out cutting edge research in case management and judicial technology. The Judicial Academies should be able to conduct hackathons and similar activities to find effective resources and ideas for IT based case management.

Conclusion

As already stated, this chapter only iterates and adds to the strategies already discussed in the earlier chapters. Artificial Intelligence policy should be put in place before deploying software tools based on IT based case management. Adopting Six Sigma methods will take care of litigant centric case management practices. A solution focussed approach will go a long way in effective case management.

These strategies shall be put in place along with other initiatives proposed in this report. Such a holistic approach would ensure optimum results in case management practices.

Chapter XI

Miscellaneous

Chapter Summary

- Long term case management strategy of the district courts also involves additional strategies such as the standardisation of judgment and order formats and automated performance evaluation suited to the new case management regime should be implemented.
- The document management should be centralised.
- Adequate research support should be provided at the district level.
- Appropriate permanent clog management mechanism to identify and manage systemic clogs, be it cases or processes shall be put in place.

Introduction

The preceding chapter has dealt extensively with the specific strategies for case management. To fructify the long-term goals of case management, the following may also be effectuated.

Standardisation of judgments and orders

Standardisation and templatization of judgments and orders will help to bring consistency and reduce redundancy. It also helps judges to concentrate on the reasoning part of their judgement than on the structural and grammatical aspects, thereby saving much of judicial time.

As a first step in the process of standardisation, the procedural daily orders will have to be standardised. This task can be entrusted to the state judicial academies, which will standardise all the short orders in a particular category of case.

Once the standardisation process is over, such orders shall be customised based on the data of a particular case with the assistance of software.

Such customised and standardised format shall be made available to the judges while passing orders as a template or as a predictive text. The individual judges will be at liberty to either adopt the standardised order or to deviate from the same. The standardised orders will not be a replacement for the individual judge's thinking process but only an aid to supplement the decision-making process in intermediary stages of a case.

Advantages

One of the biggest advantages of having templates (templatization) is its ability to avoid errors and omissions. Judicial process is not only about skill of the judges but also about the consistent and timely results. Templatization also fosters consistency in legal language, sentence structure and formatting. Templatization also helps to avoid inconsistencies and confusion involved in the traditional individualistic generation of orders. It can ensure that relevant details are entered in each order.

Even if a template is erroneous, a single system wide correction can rectify such errors.

Templatization will bring in more accuracy in the system and leave the judges more time to decide on the core disputes rather than remain entangled by the procedural niceties. Appeals relying on procedural flaws can be brought down to the minimum if the procedural orders are templatized.

For a litigant, procedure is only secondary, and a final decision is what matters. Hence bringing in a standardisation in the procedure will also enable the litigants to focus more on core disputes, all the while ensuring procedural fairness. The litigants will be able to understand the orders in a better manner. Standardisation of daily orders and templatizing them will only lead to greater

transparency and accountability, thereby enhancing public trust in the judicial process.

By templating the orders, the chances of formatting errors can also be minimised, thereby managing chances of misinterpretation of vital information causing confusion.

Centralised document management

Since the courts will be completely paperless, the movement of physical file within and between courts can be minimised. Ideally, all physical records shall be moved to a document management centre. Such document management centre shall scientifically arrange the case records and give an identification number for each case record for easy retrieval based on place of storage. Upon requisition from the court or superior courts, the documents should be physically produced without loss of time. For this a document retrieval policy and procedure shall be incorporated as part of Rules.

Research support

One key factor that will have huge impact on the quality of decisions is the research support made available to the judges. Currently, to a certain extent, such research support is made available to the judges of the High Court and the Supreme Court.

A similar research support may be extended to the district judiciary also. A research support group can be created in the district with the help of LLM students and researchers who require exposure to judicial research. Legal education institutions can be encouraged to create action research groups on topics relevant to the judiciary. The research queries may be forwarded to such research groups. The research output should be verified either by the State Judicial Academy or a

panel of judges in the district, and if found feasible, it may be incorporated into a research base. An AI based chatbot integrated with either WhatsApp or telegram or other social media platform can be developed, which can draw answers from the data base and provide queries on similar questions. This database is to be continuously updated and all answers shall be reviewed, first by human reviewers for the research pool of each district, and any divergence or wrong opinion to be identified and rectified.

This system can be used to address basic queries of judicial officers. Such an approach will help to increase responsiveness and quality of decisions.

If any officer in a district requires advanced research, it can raise a request to the research pool through DCMS nodal officer. The research output can also be made available through DCMS nodal officer.

Further both paid and free reference material such as case law databases (for example manupatra.com, SCC online, Casemine.com etc.) and reference data bases (for example, EBC, Westlaw Global, Lexis Nexis Advance etc.) may be made available at one point in the dashboard of all the judicial officers. Specific and equal funds should be set apart at the High Court level in each state for purchase and renewal of these online databases. Such dashboard containing reference materials, and case data of the court of such judicial officer should be made part of both the court infrastructure and the Judicial Officer's Home Module.

Clog management

A permanent clog management mechanism should be put in place in all districts. All cases where no progress is made for a reasonable time should be considered as clog. Cases considered as clog should be moved to be special stream and automated, and wherever possible, such cases should be closed/ moved out



of court data for statistical purpose. The cases in the special stream, will be handled exclusively by software without any human intervention. Once service is effected, the case will be moved back to the general stream. An escalation matrix will have to be drawn and processes and escalations will have to be automated. Though these cases will be part of overall pendency, they should not be allowed to take up judicial time. A special team in police may be constituted to identify the reason for non-service and to fix liability of non-service. Disciplinary actions may be taken based on such reports. This team shall work on police station basis.

Further a social auditing mechanism for determining the reasons for the clog should be put in place ³².

Clog cases should not be considered as part of workload of the court and in each district, a clog management team and a monitoring committee shall be formed. The clog management team will consist of non-judicial officers, who will handle the paperwork relating to clog cases. They will work under the direct supervision of the District Judge. Clog monitoring committee shall consist of at least one judicial officer of all levels in the district judiciary. The monitoring committee will monitor the clog reduction moves and will give appropriate directions to the clog management team to ensure that clog cases are properly addressed. It will also give recommendations to the High Court for reduction of clog cases once a year. At the High Court level also a clog monitoring mechanism in district judiciary should be formed to oversee the activities of clog monitoring committees in the state and to take remedial action.

³² South Africa, Brazil and Kenya have such a social auditing experience. See https://www.unodc.org/documents/corruption/Publications/2022/Enhancing_collaboration_between_Supreme_Audit_Institutions_and_Anti-Corruption_Bodies_EN.pdf

Chapter XII

Digital Court Rooms- Design and Management

Chapter summary

- By integrating technology into the court room, courts can reduce delays, increase productivity, and provide a more comfortable and convenient environment for all stakeholders.
- The transition from physical to digital courtrooms involves more than just the introduction of new technology; it requires a reimagining of the judicial process itself.
- Digital district courts are a new visionary concept introduced to enhance efficiency of the district judiciary. To start with, the digital district courts shall deal exclusively with appeals and revisions. Digital district courts ensure equitable distribution of judicial work, reduced footfall, optimised staffing and completely virtual hearings.
- When designing a digital court room, careful planning and consideration of various factors are essential.
- A dedicated wing of the public works department may be established and the judicial academies regularly conduct capacity building exercises for all the officials of the such wings, in association with national and international building design and architecture academia and institutions.
- A further specialised wing within the court buildings division of Public Works Department of each state should also be set up for conceptualisation, design and implementation of the design of digital courts keeping in view the international standards.
- A well-planned layout should accommodate the necessary technology, ensure accessibility and inclusivity, and provide a comfortable and secure environment for all users.
- Considerations should be made for future upgrades and scalability to ensure the digital court room remains effective and efficient over time.
- Design concepts of Court complexes and court rooms, especially digital court rooms shall be done keeping the comfort of litigants, lawyers, judges and court staff is paramount.
- Digital court room design should keep in mind futuristic concepts in Court management software, digital evidence management systems, and virtual reality platforms for re-enactments that would augment the judicial process.
- Development of appropriate software shall be done by the High Court IT Team of each High Court, keeping in mind the requirement of each state, ensuring data sharing through National Judicial Data Grid to ensure a national database. Conducting programmes such as national level hackathons specifically focussed on judicial digital infrastructure, and rewarding the participants by engaging them in remunerative need based short-term or long term projects(with the condition



that the code and the software developed therefrom shall be the intellectual property of the High Court concerned) with the IT team of the High Courts can go a long way in attracting and retaining the best talents who can be utilised for developing state-of-the art judicial technology infrastructure for the country.

- There shall be appropriate audio-visual equipment for working of digital courts. A basic minimum requirement and a futuristic requirement planning shall be done for such equipment.

Introduction

The judiciary, as a cornerstone of democracy, must adapt to the evolving landscape of technology to meet the demands of modern society. The transformation of traditional courtrooms into digital courtrooms is not merely a trend but a necessity. This shift is driven by the need for efficiency, transparency, and accessibility in the administration of justice.

The digital transformation of court rooms is a significant step towards enhancing the efficiency, transparency, and accessibility of the judicial process. Digital court rooms leverage technology to streamline court proceedings, reduce paperwork, and improve the overall experience for judges, court staff, litigants, and witnesses. By integrating technology into the court room, courts can reduce delays, increase productivity, and provide a more comfortable and convenient environment for all stakeholders.

Digital courtrooms offer a range of benefits, including faster case resolution, reduced paperwork, and enhanced accessibility for all parties involved. They also facilitate remote participation, which is increasingly important in a globalized world where physical presence is often impractical. However, while embracing technology, it is imperative to maintain the majesty of justice. Courtrooms are

sacred spaces where justice is dispensed, and their design must reflect this solemnity, even in a digital age.

The transition from physical to digital courtrooms involves more than just the introduction of new technology; it requires a reimagining of the judicial process itself. Virtual files and digital presence should be given preference over physical counterparts, reducing the reliance on paper-based systems and enabling more flexible and efficient case management. This transformation distinguishes digital courtrooms from their traditional counterparts by offering a more streamlined, accessible, and efficient environment for justice.

Digital District Courts

Digital district courts are a new visionary concept introduced to enhance efficiency of the district judiciary. Digital district courts shall deal exclusively with appeals and revisions.

The concept of Digital Courts eliminates the need for physical litigant presence and enables online hearings regardless of jurisdictional boundaries. This will ensure equitable distribution of work among judges, boost productivity, and free up district courts handling trials and inquiries, reducing the need for physical presence.

Digital Courts will utilize e-filing, video conferencing, and other digital tools to facilitate virtual hearings, with existing staff redeployed to support the new system, requiring only additional district judge posts to be sanctioned. By embracing digital transformation, the judicial system can increase efficiency, productivity, and access to justice.

To start with digital court may only handle civil appeals, criminal appeals or criminal revision matters. However gradually, all matters, including hearing of

interlocutory applications in civil cases and all non-trial related applications including bail applications and applications for disposal of property, which do not require evidence to be taken can be distributed to digital courts. Once the technology integration is complete, and the judicial technology has matured to enable secure recording of oral evidence in electronic mode, all courts can be converted as digital courts.

Salient features

- ✦ **Equitable distribution of judicial work:** Digital Courts will allow for a more balanced distribution of matters handled by such courts among judges. This will not only boost productivity but also ensure that cases are handled more efficiently, reducing backlogs and delays. The bandwidth of the traditional physical courts will be significantly freed so that such courts will get more time to handle trial matters.
- ✦ **Reduced Footfall:** By shifting appeals and revisions to Digital Courts, district courts currently handling trials and inquiries will experience a significant reduction in footfall. This will minimize the need for physical presence in courtrooms, easing the burden on court infrastructure and resources.
- ✦ **Virtual Proceedings:** Digital courts will leverage e-filing, video conferencing, and other digital tools to facilitate virtual hearings. This not only makes the process more convenient for all parties involved but also expands access to justice, particularly for those in remote or underserved areas.
- ✦ **Optimised Staffing:** The introduction of Digital Courts allows for the redeployment of existing staff to support these specialized courts, with

minimal additional staffing requirements. The government may have to sanction new posts of district judges, but all other functions in the digital district courts can be effectively carried out by efficient redeployment of the existing staff.

Planning and Design Considerations

When designing a digital court room, careful planning and consideration of various factors are essential. This includes assessing the court room's specific requirements, such as the type of cases heard, the number of users, and the available space. It is already recognised by all quarters that adequacy of Judicial Infrastructure is a pre-requisite for reduction of pendency and backlog of cases in Courts ³³.

The Department of Justice has been implementing the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Districts and Subordinate Judiciary since 1993-94. However, a fact study conducted in 2019 by Vidhi Centre for Legal Policy found out that only half of the courts (54%) have designated waiting rooms and 40% have washrooms with running water and are regularly cleaned. In terms of accessibility, only 27% were equipped with ramps at the entry and inside court premises, 2% had visual aid tools such as Braille notices and tactile pathways and 11% had washrooms designated for persons with disabilities ³⁴.

Even when some effort is put on the upscaling of judicial infrastructure as a whole, and in the design of court rooms specifically, scant attention is being given to facilities such as waiting lounges for litigants, and digital infrastructure of

³³ <https://doj.gov.in/judicial-infrastructure/>

³⁴ See <https://vidhilegalpolicy.in/blog/national-judicial-infrastructure-corporation-njic-continues-to-remain-a-pipe-dream/>

courts. Many a times, the public works department personnel who is tasked with the construction, management and upkeep of the court halls do not realise the importance of maintaining the majesty of justice through proper design and management of the court buildings and providing basic amenities to the public visiting the court premises.

Even though there exists a dedicated wing of public works department for court buildings in many states, it works with the rigidity of the other wings of the public works department.

Hence, it is imperative that a dedicated wing of the public works department is established and the judicial academies regularly conduct capacity building exercises for all the officials of the such wings, in association with national and international building design and architecture academia and institutions. Ideally, such steps should be conducted as a yearly exercise.

The design of digital courtrooms requires meticulous planning and specialized expertise. It is recommended that a dedicated wing within the Public Works Department (PWD) be established to oversee the design and construction of these courtrooms. This specialized wing should focus on the unique requirements of digital courtrooms, ensuring that the spaces are functional, comfortable, and conducive to the dignified administration of justice.

A well-planned layout should accommodate the necessary technology, ensure accessibility and inclusivity, and provide a comfortable and secure environment for all users.

Additionally, considerations should be made for future upgrades and scalability to ensure the digital court room remains effective and efficient over

time. It should also be ensured that the court rooms and the digital facilities of digital courts should be accessible to all irrespective of the physical disabilities.

Technology and Equipment

A digital court room requires a range of technology and equipment to function effectively. This includes audio-visual systems, such as microphones, speakers, and displays, as well as court room technology and software, like court management software, digital evidence management systems, and electronic filing systems. The technology should be integrated seamlessly to ensure smooth court proceedings and provide easy access to information. Furthermore, robust network and cybersecurity measures should be implemented to protect sensitive data and prevent unauthorized access.

Implementation and User Experience

Implementing a digital court room requires careful planning, execution, and user adoption strategies. A phased implementation approach can help minimize disruptions, while comprehensive training programs can ensure that judges, court staff, and litigants are comfortable using the new technology. A user-centred design approach should be adopted to ensure the digital court room meets the needs of all stakeholders, providing an intuitive and user-friendly experience. It should be ensured that all the facilities including physical and digital facilities should be accessible to all persons irrespective of their physical disabilities. Ongoing support and feedback mechanisms should also be established to address any issues and identify areas for improvement.

Experience of Kerala High Court

The Kerala High Court has conceptualised a model digital court room. The design of the digital court room of High Court of Kerala is given below ³⁵:



Maintenance and Support

Regular maintenance and support are crucial to ensuring the digital court room continues to function optimally over time. This includes routine software updates, hardware maintenance, and troubleshooting to prevent technical issues. Additionally, ongoing training and support should be provided to users to address any questions or concerns. A feedback mechanism should also be established to identify areas for improvement and implement enhancements, ensuring the digital court room remains aligned with the evolving needs of the judiciary.

³⁵ For a better understanding, a 360-degree view of the design of digital court room is given as follows.
<https://api2.enscape3d.com/v3/view/b7e4a8ad-ad6d-461e-a52b-bdbb1fd2f182>

Conclusion

In conclusion, designing and managing a digital court room requires careful consideration of various factors, including planning, technology, implementation, and maintenance. By adopting a user-centric approach and leveraging technology effectively, digital court rooms can enhance the judicial process, improving efficiency, transparency, and accessibility. As technology continues to evolve, ongoing support, maintenance, and feedback mechanisms will be essential to ensuring the digital court room remains a valuable asset for the judiciary.



Chapter XIII

Conclusion

Implementing an IT based strategy for case management in district judiciary can greatly enhance the impact and effectiveness of the overall judicial system. It can ensure accuracy, transparency and provide seamless access of relevant information to all stakeholders. Through the integration of technology tools such as digital documentation, cloud storage, automated workflow processes, machine learning and AI assisted big data analysis, the judicial processes can be streamlined, chances of errors can be minimised. Streamlining the processes will also help manage pendency and increase efficiency of all stakeholders. Public can get better information, faster access to justice and faster resolution of their disputes.

Several efforts and vision documents including the vision document of National Informatics Centre have been published.

While evolving any strategy for an IT based Case Management System, the capability of the system to overcome the digital divide should also be reckoned. The judiciary should have a parallel strategy to make available connectivity, resources, and information to the population on the dark side of digital divide. Effective use of the hardware and facilities made available in the District Legal Services Authorities and e-Sewa Kendra's for assisting people with digital disability shall also be a part of the broad strategy. Availability of at least one self-help kiosk catering to all the case management needs of digitally disabled persons is also another effective strategy for bridging the digital divide. Further, in designing the software, use of simple designs and uncomplicated data entry fields,

which can be understood and used even by uninitiated persons will also assist in addressing the digital divide.

Further, the systems should be leveraged to provide relevant training on various aspects of case management to different stakeholders in a timely manner.

With the effective use of ICT based Case Management systems in the district judiciary it is possible to streamline judicial processes while reducing costs and minimising errors. Standardisation and templatization of judgment and orders can avoid or at least minimise chances of procedural appeals. Effective and automated real time performance appraisal mechanism can reduce inequities faced by judicial officers in their performance evaluation and incentivise a robust working culture.

While some initial investment is required to adopt this approach, the long-term benefits are well worth it in terms of improved outcomes for all parties involved in the system. An IT based strategy for case management is the future for district judiciary. It cannot be avoided. If properly planned and implemented, it can help create a more just, robust, trustworthy, and efficient judicial system.

Appendix I (a)

API Sharing Policy of Government of India

F. No. 1(4)/2014-EG II

Ministry of Communications & Information Technology

Department of Electronics and Information Technology

POLICY

Title of Policy: “Policy on Open Application Programming Interfaces (APIs) for Government of India”

Preamble: Under the overarching vision of Digital India, Government of India (GoI) aims to make all Government services digitally accessible to citizens through multiple channels, such as web, mobile and common service delivery outlets. To meet this objective, there is a need for an interoperable ecosystem of data, applications and processes which will make the right information available to the right user at the right time.

In order to make rapid progress in this direction, Government of India (GoI) has taken various policy initiatives, including implementation of Mission Mode Projects (MMPs). Interoperability among various e-Governance systems is an important prerequisite for upgrading the quality and effectiveness of service delivery. It is also required in order to facilitate the single window concept of electronic services delivery by Government organizations.

For promoting Open Standards for software interoperability across various Government departments and agencies, GoI has already notified the “Policy on Open Standards for e-Governance” and “Technical Standards on Interoperability Framework for e-Governance”. The world-wide initiatives on “Open Government” also focus on open APIs to easily access the information collected by Government organizations.

Given the enormous advantages in this regard, there is a need to formulate a policy for the Government organizations in India to provide Open Application Programming Interfaces (APIs). The “Policy on Open APIs for Government of

India” (hereinafter referred to as the “Policy”) will encourage the formal use of Open APIs in Government organizations. This policy sets out the Government’s approach on the use of “Open APIs” to promote software interoperability for all e-Governance applications & systems and provide access to data & services for promoting participation of all stakeholders including citizens.

1. **Objectives of the policy:** The objectives of this policy are to:

- Ensure that APIs are published by all Government organisations for all e-Governance applications and systems.
- Enable quick and transparent integration with other e-Governance applications and systems.
- Enable safe and reliable sharing of information and data across various e-Governance applications and systems.
- Promote and expedite innovation through the availability of data from e-Governance applications and systems to the public.
- Provide guidance to Government organizations in developing, publishing and implementation using these Open APIs.

2. **Definitions:** Please refer Appendix – I.

3. **Policy Statement:** Government of India shall adopt Open APIs to enable quick and transparent integration with other e-Governance applications and systems implemented by various Government organizations, thereby providing access to data & services and promoting citizen participation for the benefit of the community. The Open APIs shall have the following characteristics for publishing and consumption:

- 3.1 The relevant information being provided by all Government organisations through their respective e-Governance applications shall be open and machine readable.
- 3.2 All the relevant information and data of a Government organisation shall be made available by Open APIs, as per the classification given in the National Data Sharing and Accessibility Policy (NDSAP-2012), so that the public can access information and data.

- 3.3 All Open APIs built and data provided, shall adhere to National Cyber Security Policy.
- 3.4 The Government organizations shall make sure that the Open APIs are stable and scalable.
- 3.5 All the relevant information, data and functionalities within an e-Governance application or system of a Government organisation shall be made available to other e-Governance applications and systems through Open APIs which should be platform and language independent.
- 3.6 A Government organisation consuming the data and information from other e-Governance applications and systems using Open APIs shall undertake information handling, authentication and authorisation through a process as defined by the API publishing Organisation.
- 3.7 Each published API of a Government organization shall be provided free of charge whenever possible to other Government organizations and public.
- 3.8 Each published API shall be properly documented with sample code and sufficient information for developers to make use of the API.
- 3.9 The life-cycle of the Open API shall be made available by the API publishing Government organisation. The API shall be backward compatible with at least two earlier versions.
- 3.10 All Open API systems built and data provided shall adhere to GoI security policies and guidelines.
- 3.11 Government organizations may use an authentication mechanism to enable service interoperability and single sign-on.

4 Nature of Compliance: Mandatory

- 5 Applicability:** The policy shall be applicable to all Government organisations under the Central Government and those State Governments that choose to adopt this policy for the following categories of e-Governance systems:

- All new e-Governance applications and systems being considered for implementation.
- New versions of the legacy and existing systems.

6. Implementation Mechanism

- GoI shall formulate detailed implementation guidelines for rapid and effective adoption of the policy.
- Government organisations shall publish the APIs so that the public can access relevant information and data from e-Governance applications and systems.
- Government organisations shall publish the APIs for integrating with their e-Governance applications and systems.
- Government organisations shall integrate with the e-Governance applications and systems of other departments through the messaging gateway built on open standards by the Department of Electronics and Information Technology (DeitY).
- Government organisations shall ensure compliance with notified GoI standards for developing APIs.
- GoI shall constitute an Implementation Committee for facilitating the implementation of this policy and its provisions thereof.
- GoI shall establish suitable support mechanism to facilitate API management.
- All Government organizations, while implementing e-Governance applications and systems, must include a specific requirement in the Request for Proposal (RFP) to publish the APIs to public and other Government organizations.

- Review of the Policy:** GoI shall have the right to review and revise the policy as and when required.
- Point of Contact:** All queries or comments related to the “Policy on Open APIs for Government of India” shall be directed to the Joint Secretary (e-Governance), DeitY at jsegov@deity.gov.in.

Appendix - I to API sharing Policy of the Government of Kerala

Definitions

1. **API:** The term Application Programming Interface (API) means any mechanism that allows a system or service to access data or functionality provided by another system or service. The API is generally used to interact (like query, list, search, sometimes submit & update) directly with the specific information on a system, to trigger some action on other systems, or to perform some other action on other systems.
2. **Domain:** A sub-category under an Information Technology field is a Domain; specific purpose within a “Domain” is known as “Area”. For example, “Document type for Web publishing content” is one Area under the “Presentation” domain.
3. **Government organization:** For the purpose of this policy, a Government organisation refers to all Ministries/ Departments/ offices/ statutory bodies/ autonomous bodies, both at the Central and State levels. Government organizations offering commercial services are not included.
4. **e-Governance:** A procedural approach in which the Government and the citizens, businesses, and other stakeholders are able to transact all or part of their activities using Information and Communication Technology tools.
5. **Systems:** A group of interacting, interrelated, or interdependent elements forming a complex whole. Information System is a combination of people, hardware, software, communication devices, network and data resources that processes (can be storing, retrieving, transforming information) data and information for a specific purpose.
6. **Legacy System:** An old method, technology, computer system, or application program that continues to be used, typically because it still functions for the users' needs, even though newer technology or more efficient methods of performing a task are now available.
7. **New version of Legacy System:** The legacy system which has undergone a major version change due to re-engineering like functional changes, architectural changes, technology changes, change in storage mechanism, design implementation changes etc.

8. **Open API:** Open API is the API that has been exposed to enable other systems to interact with that system. Open API may be either integrated with the host application or may be an additional piece of software that exposes any proprietary API with an Open API equivalent. The Open API, whenever possible, may be free of charge and without restrictions for reuse & modifications.
9. **Policy on Open Standards for e-Governance:** The Policy on Open Standards for eGovernance provides a framework for the selection of Standards to facilitate interoperability between systems developed by multiple agencies. It is available at
https://egovstandards.gov.in/sites/default/files/Policy/Policy%20On%20Open%20Standards/Policy_on_Open_Standards_for_e-Governance_Ver1.0.pdf
10. **Technical Standards on Interoperability Framework for e-Governance:** This document describes technical standards to be adopted for e-Governance application in the areas covered, as per the Policy on Open Standards for e-Governance, available at
https://egovstandards.gov.in/sites/default/files/Published_Standards/Technical%20Standards%20for%20IFEG/Technical_Standards_for_IFEG_Ver1.0.pdf.
11. **National Data Sharing and Accessibility Policy (NDSAP-2012):** The objective of this policy is to facilitate access to Government of India owned shareable data and information in both human readable and machine-readable forms through a network all over the country in a proactive and periodically updatable manner, within the framework of various related policies, Acts and rules of Government of India, thereby permitting a wider accessibility and use of public data and information. It is available at
<http://ogpl.gov.in/NDSAP/NDSAP-30Jan2012.pdf>
12. **National Cyber Security Policy 2013:** The objective of this policy is to protect information and information infrastructure in cyberspace, build capabilities to prevent and respond to cyber threats, reduce vulnerabilities and minimize damage from cyber incidents through a combination of

institutional structures, people, processes, technology and cooperation. It is available at <http://deity.gov.in/content/national-cyber-security-policy-2013-1>

Appendix I (b)

API sharing Policy of High Court of Kerala

1. **Purpose:** This API Sharing Policy defines the principles, procedures, and requirements for sharing Application Programming Interfaces (APIs) between High Court of Kerala and external entities. The goal is to facilitate secure, efficient, and compliant integration while safeguarding data privacy and security.
2. **Eligibility:** Entities eligible to request API integration with High Court include:
 - a. Government Organisation - Refers to all Ministries/ Departments/ offices/ statutory bodies/ autonomous bodies, both at the Central and State levels.
 - b. Courts
 - c. Public Sector Undertakings
 - d. Banks
 - e. Legal Research Institutions
 - f. Legal Educational Institutions
 - g. Universities.
3. **Technical Requirements:**
 - a. **Compatibility:** API requestors must ensure their systems and software are compatible with High Court of Kerala APIs.

- b.* Security: API requestors are responsible for implementing robust security measures to protect data exchanged via the API, including encryption and authentication mechanisms.
 - c.* Versioning: APIs must be versioned to allow backward compatibility and to ensure that existing users are not affected.
- 4. Security and Data Privacy
 - a.* Data Privacy:
 - i.* API requestors must comply with data privacy and protection regulations, other applicable laws, regulations and policies relevant to their jurisdiction.
 - ii.* Overseas entities must comply with the relevant international data protection regulations.
 - b.* Data obtained through the API must not be misused or disclosed without authorization.
 - c.* Sensitive data should be transmitted over secure connections. (e.g. https).
 - d.* Security Incidents: API requestors must promptly report any security incidents or breaches to High Court of Kerala for investigation and resolution.
- 5. **Legal and Regulatory Compliance:** Every API requests shall subject to a legal and regulatory compliance review to ensure that sharing of data or APIs with entities including overseas entities does not violate international, national, or industry-specific laws and regulations.
- 6. API Documentation:

- a.* Documentation: High Court of Kerala will provide comprehensive API documentation, including endpoints, data formats, authentication methods, and usage guidelines.
 - b.* Updates: High Court of Kerala may update API documentation as needed, and API requestors are responsible for keeping informed about changes.
- 7. Testing and Validation
 - a.* Testing: API requestors are required to conduct thorough testing of the integration to ensure reliability and accuracy.
 - b.* Validation: High Court of Kerala may validate the integration for compliance with technical and security standards.
- 8. Monitoring and Compliance
 - a.* **Monitoring:** High Court of Kerala reserves the right to monitor integrated APIs to ensure proper functioning and compliance with this policy.
 - b.* **Usage data:** API requestors are required to provide usage data to support monitoring for security optimisation and capacity planning purposes.
 - c.* **Non-Compliance:** Non-compliance with this policy may result in the suspension or termination of API access.
- 9. **Dispute Resolution:** Disputes related to API integration will be resolved through mutual discussion and negotiation between the High Court of Kerala and the API requester.
- 10. Termination and Review:

- a.* API integrations may be terminated by either party with prior notice.
- b.* This policy will undergo periodic reviews to ensure that it remains relevant and effective.

11. Record: IT Section of the High Court shall keep record of each API integration.

12. Contact Information: For inquiries, please contact:

Registrar (Computerisation)-cum-Director (IT), High Court of Kerala. Email address: itdirector.hc-ker@kerala.gov.in



Appendix II

Proposed Rules of High Court of Kerala regarding Registrar (Court and Case Management)

Amendments Proposed

(10A) Registrar (Case and Court Management) shall be a district judge with at least 2 years of experience as a District Judge.

(10B) "Registrar's Court" means the Court manned by the Registrar (Case and Court Management) and does not include "Court" as defined in Rule 5 (7) of the Rules.

Powers and duties of the Registrar Case and Court Management)

In addition to the powers and duties conferred by the Chief Justice by any special or general order, or by other Rules, the Registrar (Case and Court Management) shall also have duties and powers as mentioned in these Rules.

Provided that the Registrar (Case and Court Management) may refer any proceedings pending before him for the decision of the Court along with a report containing the reasons as to why the proceedings are being referred. (a)The Registrar (Case and Court Management) shall have the following duties and powers:

- (1) To decide all questions necessary for fully discharging such duties and powers.
- (2) To decide on the objection to the defects pointed out as per Rule 16 (2)
- (3) To determine an application for condonation of delay in re- presenting a proceeding beyond the period granted under Rule 16(3), up to a maximum

of 60 days. To issue notice in the application to condone re- presentation delay, and after due completion of service of notice. condone the delay in re- presentation, if the same is not opposed and if opposed, to post the proceeding before the court.

(4) To order notice through any mode as prescribed in these Rules.

(5) To order notice on all delay condonation applications and restoration applications.

(6) To issue notice through electronic means as prescribed, to the institutions which are provided with that facility.

(7) To fix the date of return of notice subject to the directions of the Court, if any.

(8) To determine whether the notice has been served and if not, to issue fresh notice.

(9) To extend the period for payment of process fee, at the first instance for a period of 30 days and if the fees are not paid within the said period, to extend the period by 15 days, and if not paid within the extended period, to post the proceedings before the Court.

(10) To post all proceedings before the Court after service of notice is complete, where notice has been ordered, except matters where there is a specific order of the Court to post the same on an earlier or specific date.

(11) To post a proceeding in court before the completion of service of notice, on filing of an application requesting judicial orders.

(12) To order notice to the respondent/s and the Government Pleader on an application for permission to sue as indigent.

- (13) To dispense with notice to party respondents in Motor Accidents Claims Appeal, wherein the insurance company has appeared and admitted their liability.
- (14) To allow applications filed for impleading proforma party/parties. provided there is no objection from the parties already in the party array.
- (15) To allow application for impleading legal representatives of deceased party, provided it is filed within the time prescribed by law and is not opposed, and if opposed. record reasons and post the application before court.
- (16) To order notice on application filed under Order XXII Rule 9(2) of the Code and to allow the same after the notice is served. provided the same is not opposed, and if opposed, record reasons and post the application before court.
- (17) To order notice on the application filed under Section 5 of the Limitation Act 1963 to condone the delay in filing an application under Order XXII Rule 9 of the Code and to allow the same after the notice is served. provided the same is not opposed. And if opposed, record reasons and post the application before court.
- (18) To note abatement of any proceeding after the expiry of the period prescribed by law and post it before the Court.
- (19) To pass orders on all Interlocutory Applications which are unopposed and are of a formal nature.
- (20) To permit or require any party to offer evidence by affidavit with respect to any application or matter which he is empowered to act under these Rules.

(21) To direct from time to time to deposit funds for the conduct of proceedings on behalf of minor respondents or for whom guardian ad-litem has been appointed.

(22) To fix timeline for filing counter affidavit/objections/statements/documents etc., in any proceedings where the court has not fixed a timeline and to extend the timeline so fixed up to a maximum of 120 days. While fixing the timeline, the time fixed by these Rules, any Statute or any case management software or modules developed under the directions of the High Court or the Supreme Court, shall also be taken into consideration.

(23) To grant time up to 30 days for filing of rejoinder/ additional affidavits/ additional documents etc. after the filing of counter affidavit /objections / statements / documents etc., and to extend the time so fixed, up to a maximum of 60 days.

(24) To accept counter affidavit/objections/statements/ documents etc. after the period prescribed under sub rule 22 and before the day fixed for hearing, and refix the timeline fixed for filing rejoinder/ additional affidavits/ additional documents etc. subject to sub rule 23.

(25) To post the proceedings before the Court to a date fixed in accordance with Rule 91, Rule 92 and Rule 94 of these Rules and the timeline fixed, if any.

(26) To fix a fresh date for hearing after consulting the contesting parties, if any of the parties make a request for adjournment at least three clear working days prior to the date of hearing and if the Registrar (Case) and Court Management) considers it expedient to do so.

(27) To pass orders on applications filed under Rule 66 of these Rules.

(28) To pass orders on applications filed under Rule 93 of these Rules.

(29) To consider requests/applications/memo for consolidation of proceedings, if unopposed.

(30) To allow the application for amendment of cause title of a proceeding or other clerical or typographical errors apparent from the face of the records and in appropriate cases, to place the matter before the Court with a reasoned report

(31) To return the original documents produced in pending cases to the party who produced the same, if not objected to by the other parties, subject to the party substituting the same with the certified copy/registration copy. The party shall also file an affidavit that he shall produce the original document so returned, if so ordered by the court.

(32) To pass orders on applications for exemption from paying court fees or extension of time for paying court fees, if provided under these Rules or the Kerala Court Fees and Suits Valuation Act, 1959 or for furnishing undertaking, bank guarantee or security, subject to a maximum period of 60 days. The Registrar (Case and Court Management) shall, if the court fees, undertaking, bank guarantee or security is not paid/furnished within the time so fixed or extended, record reasons and place the matter before Court.

(33) To adjudicate applications for refund of court fees under these Rules or under the Kerala Court Fees and Suits Valuation Act, 1959 or under any notification if issued thereunder and to order refund of court fee paid by mistake or inadvertence.

(34) To pass orders on all applications for impleading/substitution of legal heirs accused/complainant/victim of criminal proceedings wherein such applications are filed within time and are legally permissible and not opposed. However, in appropriate cases, the Registrar (Case and Court Management) may place the matter before the Court with a report.

(35) To refer the parties to mediation on mutual agreement

(36) To pass appropriate orders for renewal of bank guarantees, fixed deposit receipts and other deposits made under the orders of Court.

(37) To list before the Registrar (Case and Court Management), all bail applications. requests. contempt arbitration transfer petitions. of court restoration petitions. cases, review petitions, and such other category of cases as may be decided by the High Court from time to time, which are pending for more than 6 months or such other period as may be decided by the High Court, and to post those cases for hearing before the bench concerned. The Registrar (Case and Court Management) shall list and post for hearing before the bench concerned, all other categories of cases, in accordance with the timeline fixed by the High Court for the respective categories of cases or based on the exigency of the matter.

(38) To implement any scheme for case and court management, intelligent listing of cases using Artificial Intelligence (AI) tool/s approved by the State Case Management System Committee (SCMSC) and the Full Court.

15A. Any person aggrieved by any proceeding made by the Registrar (Case and Court Management) under these Rules, may request to post the matter before the court, whereupon the matter shall be posted before the court together with a report.

15B. Conversion of a proceeding of one kind into another.

The Registrar (Case and Court Management) shall have the power to consider an application for conversion of a proceeding of one kind into another, provided the application is filed prior to the proceedings being first posted before the Court and the same is not barred by any Act or Rules.

15C. Application for Permission to appear in-person: -

Notwithstanding anything contained in any other Rule, practice, directions or notices, a party-in-person, other than an Advocate appearing as party-in-person, shall not be permitted to participate in any proceedings. except as provided by this Rule.

(1) Whenever a party wants to file any matter/proceedings or wishes to defend his matter/proceedings and to appear and argue the case in-person, either at the commencement of the proceedings or at any subsequent stage, he/she shall file an application in Form 39 seeking permission to appear in-person, along with the Petition/ Application/Counter/Appeal memorandum etc. intends to file which he *intends to file*.

(2) After scrutiny of such application for permission and the petition/counter or such other documents, the applicant shall be required to appear before the Registrar (Case and Court Management) on the specified date and time. However, the Registrar (Case and Court Management) may, in appropriate cases, permit the applicant to appear on the date of filing of the application itself.

(3) On the appearance of the Party-in-Person, the Registrar (Case and Court Management) shall, after interacting with the party-in-person. assess following the

a) Applicant's capability to assist the court effectively

b) his ability to comprehend facts and to apply law to protect his own rights and interests in the litigation

c) Applicant's ability to adhere to the decorum and etiquette of the Court while appearing in the case.

(4) On such assessment, if the Registrar (Case and Court Management) finds that the party in person is incapable of assisting the court, he may inform the party-in-person about the option of availing the service of a lawyer under the High Court Legal Services Committee. If the party does not want such assistance, make a report to the Court. If the party-in person opts for such service, but is found ineligible by the authority concerned, a report to the effect shall be submitted to the Registrar (Case and Court Management) who shall thereupon require the party-in-person to engage a counsel of his choice and if the party refuses, make a report to the Court.

(5) The Registrar (Case and Court Management) shall also scrutinize the matter/proceedings filed by the party-in-person to ensure that the party-in-person has not made any objectionable averments/allegations and if any such objectionable material is found, intimate the party-in- person about the same.

(6) If the party-in-person fails to appoint a counsel of his choice, the Registrar (Case and Court Management) shall submit a report to the Court as to why the applicant is not competent to appear in-person. The Court may, after considering the report and such other material as it deems fit and proper, permit the party-in- person to appear/file/defend and argue the case in person or may decline permission to the party-in- person and may appoint an Advocate as amicus curiae or one from the panel of advocates of High Court Legal Services Committee, for better assistance of the Court and for proper adjudication of the case.

(7) If the Registrar (Case and Court Management) is of the opinion that the party-in-person is competent to assist the Court, he shall guide the party-in-person about the language, demeanour, and decorum to be maintained in the court and shall require the party- in-person to give an undertaking that he/she shall maintain the decorum of the Court and shall not use any objectionable language or behaviour during the course of hearing in the Court or in the Court premises or in the further pleadings.

Rule 16 Powers and duties of Registrar (Judicial). -

In addition to the powers and duties conferred by the Chief Justice by any special or general order or by other Rules, the Registrar (Judicial) shall have the following duties and powers and shall also hear and determine the applications filed in respect of the same:

Provided that the Registrar (Judicial) may, in his discretion, refer any proceeding before him for the decision of the Court along with a report of proceedings till date prepared by him.

The Registrar (Judicial) shall have the power.

1) To receive all proceedings.

2) To return any proceeding which is insufficiently stamped undervalued. or whose presentation is defective by reason of failure to comply with the prescribed procedure, or which requires any amendment to conform to the procedure or practice of the court. for being re- presented within a period not exceeding 15 days, after supplying the deficiency, curing the defect or making the amendment, or to require that the deficiency be supplied, the defect cured or the amendment made within a period not exceeding 15 days of the presentation.

3) To condone the delay in re- presenting any proceeding after the 15 days period granted in clause (2), up to a further period of 15 days.

4) To call for the decree or report from the trial court concerned for the purpose of ascertaining the valuation of the suit and the court fee paid.

5) To call for records from the trial court concerning proceeding a pending

6) To stop, at his discretion, the issue of all or any papers to any Advocate or Party who has failed to pay fees or charges due to the Court.

7) To call for a further deposit when the deposit already made in a case is not sufficient to defray the cost of preparing the records.

8) To give directions as to the preparation of records in connected appeals.

9) To order repayment of the unexpended balance of charges deposited for the preparation of the record in any proceeding.

10) To fix a time limit in the notice for receiving refund cheques by the Advocate/Party and to issue notice to the Advocate/Party concerned.

11) To order the expeditious grant of certified copies.

12) To permit the dispensation of production of certified copy of the judgment/order of the lower court on the ground that such a certified copy has already been filed in the Court in another case arising from the same judgment or order, unless specifically precluded by any law.

13) To permit the search of the records of the Court when permissible.

After Rule 16, the following new Rule 16A shall be inserted.

16A. The Chief Justice may designate a Single Judge or a bench of two Judges to exercise their jurisdiction to hear matters on the orders/recommendations made by the Registrar (Case and Court Management)

and Registrar (Judicial) exercising jurisdiction under Rule 15. Rule 15A, 15B and 15C and Rule 16 of these Rules.

In Rule 5, after sub rule 9. the following new sub rule shall be inserted, namely: -

(9A) "Proceedings" includes writs, writ appeals. memorandum of appeal, original petitions. revisions, references, applications, arbitration matters, petitions. interlocutory applications. documents or any applications provided under law or any other cases presented or filed under any law in court by any party or such party's/ies Advocate or Advocate commissioner or other officer of the court.

Appendix III

Results of the Survey on policy for establishment of courts

Sl.No.	Name of the High Court	Page Nos.
1.	ALLAHABAD HIGH COURT	286-287
2.	ANDRAPRADESH HIGH COURT	288-289
3.	BOMBAY HIGH COURT	290-295
4.	CHHATTISGARH HIGH COURT	296-297
5.	CALCUTTA HIGH COURT	298-310
6.	DELHI HIGH COURT	311-312
7.	GAUHATI HIGH COURT	313-314
8.	GUJARAT HIGH COURT	315-328
9.	HIMACHAL PRADESH HIGH COURT	329-332
10.	JHARKHAND HIGH COURT	333-336
11.	KARNATAKA HIGH COURT	337-339
12.	KERALA HIGH COURT	340-341
13.	MADHYA PRADESH HIGH COURT	342-347
14.	MADRAS HIGH COURT	348-355
15.	MANIPUR HIGH COURT	356-357
16.	MEGHALAYA HIGH COURT	358-359
17.	ORISSA HIGH COURT	360-362
18.	PATNA HIGH COURT	363-364
19.	PUNJAB AND HARYANA HIGH COURT	365-387
20.	RAJASTAN HIGH COURT	388-389
21.	SIKKIM HIGH COURT	390-391
22.	TELANGANA HIGH COURT	392-409
23.	TRIPURA HIGH COURT	410-411
24.	UTTARAKHAND HIGH COURT	412-413

Questionnaire for states regarding the current status for establishing new courts

Name of the State : Uttar Pradesh
 Name of the High Court : High Court of Judicature at Allahabad
 Name and designation of the officer : Sri Krishna Swaroop Dhar Dwivedi, H.J.S.,
 who is completing the questionnaire I/c Joint Registrar (J) (Services)

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary ?

Ans:- No

2. Is there any written policy for establishing new courts in your state ?

Ans:- Yes

3. If so, is the policy available in the web site ?

Ans:- No

4. If the answer to the previous question is yes, please provide the website URL ?

Ans:- Not applicable.

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans:- Court's circular letters dated 28.02.1995, 19.12.2009 & 01.03.2011 are attached.

6. Is any scientific study conducted before deciding to establish new courts in your state?

Ans:- No

7. If any scientific study is conducted, which agency conducts the study?

Ans:- Not applicable.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request form the bar association	√	Need of the political parties	
Courts directions in writ petitions	√	Demand of political leaders	√
Public demand through press		Local considerations	√
High pendency of any particular type of cases in the near by courts		High pendency of cases generally in the district	√
High pendency of cases in the state		High pendency of a particular type of cases in the country	
Litigation Impact study		Impact on social fabric as perceived through media	

Any other factors(Please specify):

**Questionnaire for states regarding the current status
for establishing new courts**

Name of the State : Andhra Pradesh

Name of the High Court : High Court of Andhra Pradesh
At Amaravati

Name and Designation of the Officer who is completing the Questionnaire : S.Kamalakara Reddy,
Registrar (Recruitment)
FAC – Registrar (Administration)
Member Secretary (NCMSC - APHC)

General

- 1) Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Ans: No

- 2) Is there any written policy for establishing new courts in your state?

Ans: Yes

- 3) If so, is the policy available in the web site?

Ans: Yes, it is shown in the Standing Orders, 2004 of High Court of Andhra Pradesh. Wherein it is shown at S.O.No.164 – Creation of Courts / Posts

- 4) If the answer to the previous question is yes, please provide the website URL?

Ans: <https://aphc.gov.in/docs/standingordersrevised2004.pdf>
(At page No.128)

- 5) If the answer to the previous question is no, please attach a copy of the written policy.

Ans: Not applicable

- 6) Is any scientific study conducted before deciding to establish new court in your state?

Ans: Yes

- 7) If any scientific study is conducted, which agency conducts the study?

Ans: Roads and Buildings Department



Considerations:

- 8) Which of the following considerations are taken into account while deciding the feasibility of establishing new courts?
(Please tick the appropriate. More than one columns can be ticked)

Question	Answer	Question	Answer
Request from the bar associations	Yes	Need of the political parties	No
Court directions in writ petitions	Yes	Demand of political leaders	No
Public demand through press	No	Local considerations	No
High pendency of any particular type of cases in the near by courts	Yes	High Pendency of cases generally in the district	Yes
High pendency of cases in the state	No	High pendency of a particular type of cases in the country	No
Litigation impact study	No	Impact on social fabric as perceived through media	No

Any other factors (Please specify): For POCSO Courts the above said rules are not taken into consideration. Where there are 100 or more than 100 cases a separate PCOSO Court is established. As of now 16 POCSO Courts are running in the State of Andhra Pradesh

S. Kumar 19/9/23.
REGISTRAR (RECRUITMENT)
FAC. REGISTRAR (ADMINISTRATION)
MEMBER SECRETARY (NCMSC – APHC)



Questionnaire for states regarding the current status for establishing new Courts

Name of the State : Maharashtra

Name of the High Court : Bombay High Court

Name and designation of the Officer who is completing the questionnaire : Manoj S. Sharma
(Registrar, Inspection-I)

General

1. Does the State Government of your state automatically accede to all requests from the High Court to establish new Courts in the district Judiciary ?

Ans :- No

2. Is there any written policy for establishing new Courts in your state ?

Ans :- I) The policy decision taken on 08.10.2010 and
II) Judge Case Ratio, which was resolved in the Chief Justices Conference in the year 2004.

3. If so, is the policy available in the website ?

Ans :- No

4. If the answer to the previous question is yes, please provide the website URL ?

Ans :- Not applicable.

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans :- The aforesaid policy is enclosed herewith at **Annexure 'A'**.



6. If any scientific study conducted before deciding to establish new Courts in your state ?

Ans :- No

7. If any scientific study is conducted, which agency conducts the study ?

Ans :- No

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new Courts ?
(Please tick the appropriate. More than one columns can be ticked)

Request from the bar association	V	Need of the political Parties	
Court directions in writ petitions	V	Demand of political Leaders	J
Public demand through press	V	Local considerations	V
High Court pendency of any particular types of cases in the near by Courts	V	High Court Pendency of cases generally in the district	
High pendency of cases in the state	VJ	High pendency of a particular type of cases in the country	
Litigation impact study		Impact on social fabric as perceived through media	

Any other factors (Please specify):

ABSTRACT COPY OF

REPORT OF THE COMMITTEE COMPRISING HON'BLE SHRI B.C. PATEL, CHIEF JUSTICE, DELHI HIGH COURT, HON'BLE SHRI DEVINDER GUPTA, CHIEF JUSTICE, HIGH COURT OF ANDHRA PRADESH AND HON'BLE SHRI MARKANDEYA KATJU, ACTING CHIEF JUSTICE, ALLHABAD HIGH COURT REGARDING NORMS GOVERNING " JUDGE - CASE RATIO"

In Chief Justices Conference- 2004 (September 4 & 5, 2004) the following resolution was passed:-

..... Keeping the view the various factors like categories of cases complexity of litigation, the time consumed for deciding a case and number of working days available to a Judicial Officer, we are of the opinion that the ideal judge-case ratio for each court taking up varieties of matters should be as follows at any given point of time :-

1. District Judges/Additional District Judges/ Additional Sessions Judges	500 Cases
2. Senior Civil Judges	500 Cases
3. Junior Civil Judges	600 Cases
4. Metropolitan Magistrates/ Judicial Magistrates of First Class	600 Cases

Aforementioned being the ideal Judge -ratio -case wise has to be maintained at all times. It may not be possible that these figures may remain static. The figures will definitely rise in case we take into consideration the normal phenomena of there being more institution of new cases as compared to disposal of cases. Thus, we can take the number of moderate pendency that every Judicial Officer is supposed to handle at one and half times of the ideal Judge ratio case wise. This moderate number of cases at a given point of time should be the maximum before a Presiding Officer in order to enable him to turnout good disposal and earn good report. However, in case the figure of pendency of cases at a given point of time before any Presiding Officer reaches or crosses double the ideal Judge ratio case wise, there would be necessity to create an additional Court of that level. As and when review is taken up by the High Courts of the pendency of cases in various Subordinate Courts and

recommendations are made by the High Courts for creation of more courts of any particular category, because Judge-ratio-case wise has crossed double the mark of the ideal Judge-ratio case wise, the State Governments must consider such a request and establish new courts as per the demand of the High Court.

(557)
7.2.11

MINUTES OF THE FULL COURT MEETING OF THE BOMBAY HIGH COURT
(THROUGH VIDEO CONFERENCE) HELD ON FRIDAY, 8th OCTOBER, 2010, AT
2.05 PM, 4th FLOOR, ANNEXE BUILDING, BOMBAY HIGH COURT

Subject No.2:

Policy norms to be framed for establishing Courts of District Judge and Additional Sessions Judge and Courts of Civil Judges, Senior Division at Taluka places.

Decision:

Discussed.

The Hon'ble Chief Justice mentioned that an amount of about Rs.2,000 crores is required for the construction of 150 court buildings and 871 government residential quarters for the Judicial Officers in the State. The present backlog can be cleared in next five years only if the State allocates Rs.400/- crores per year. Moreover, the infrastructural requirements of the District and subordinate Courts in the State with regard to the proposals under consideration is to the tune of Rs.1,692 crores. The experience that every now and then requests and demands from every taluka of the State to establish courts of District Judge and Civil Judge, Senior Division. As a result, the requirement of additional funds to meet such demands will be manifold and create complications. It was, therefore, stated that it is essential first to clear the existing backlog and to meet all the requirements and for this purpose, to take a decision that no further proposal for establishment of new courts at Taluka places shall be entertained and considered. However, this decision will not apply to the establishment of Family Courts and Gram Nyayalayas.

It was decided that henceforth no new Court of Civil Judge, Junior Division, or Civil Judge, Senior Division or the District Judge at any new place be established, unless the

to BHC Minors)
17.10.21/11

existing backlog of infrastructural development i.e. construction of the court buildings at the places where courts are functioning and necessary number of government residential quarters for the Judicial Officers are made available to the satisfaction of the High Court. However, this decision will not apply to the establishment of Family Courts and Gram Nyayalayas. It was further decided that all the proposals at present pending either with the Principal District Judges or Registry shall be deemed to have been filed for the time being.

The Registry to take follow-up action and communicate the decision to the Government accordingly.

True Copy



Registrar General

Note:- The concerned Section Officer is directed to send immediately the compliance report of this subject in prescribed proforma.

/home/acivil/adm2010/chamberdec-10.sxw

**Questionnaire for states regarding the current status
for establishing new courts**

Name of the State : Chhattisgarh
Name of the High Court : High Court of Chhattisgarh
Name and designation of the officer who is completing the questionnaire : Kumar Animesh
Additional Registrar (Checker)

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☐

No ☒

2. Is there any written policy for establishing new courts in your state?

Ans: No

3. If so, is the policy available in the web site?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Not applicable

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans: Not available

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans: Not applicable

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request from the bar associations

☒

Need of the political parties

☐

Court directions in writ petitions

☐

Demand of political leaders

☒

Public demand through press

☐

Local considerations

☒

High pendency of any particular type of cases in the near by courts

☒

High Pendency of cases generally in the district

☒

High pendency of cases in the state

☒

High pendency of a particular type of cases in the country

☐

Litigation Impact study

☐

Impact on social fabric as perceived through media

☐

Any other factors(Please specify):

High Court of Uttarakhand
 of Judicial Administration
 Section, Legal Branch, Court of Law
 Section, High Court of Uttarakhand

14/9/23

11.2023

QUESTIONNAIRE FOR STATES REGARDING THE CURRENT STATUS FOR ESTABLISHING NEW COURTS

Name of the State : West Bengal.

Name of the High Court : High Court at Calcutta.

Name and designation of the Officer who is completing the Questionnaire. : Shri Debjit Pal, Section Officer attached to office of the Ld. Registrar (Judicial Service).

General

Q. 1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Ans:- Yes.

It is pertinent to mention here that 94 Courts in different cadres of the WBSJ was last sanctioned by the Government in the year 2013 in terms of Order of the Hon'ble Supreme Court of India in Brij Mohan Lal's case. Since then, creation of as many as 112 new Courts in different cadres and locations were moved with the Government from time to time with due approval of the Hon'ble Court but all of them are lying pending. The Government never objected/discarded such proposal, neither approved sanction of such proposed Courts.

Q. 2. Is there any written policy for establishing new courts in your state?

Ans:- Yes.

Q. 3. If so, is the policy available in the website?

Ans:- No.

Q. 4. If the answer to the previous question is yes, please provide the website URL?

Ans:- Not applicable.

Q. 5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans:- Enclosed herewith as 'Annexure-N'.

Q. 6. Is any scientific study conducted before deciding to establish new courts in your state?

Ans:- No.

Q. 7. If any scientific study is conducted, which agency conducts the study?

Ans:- Not applicable.

Considerations

Q. 8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts?

Request from the Bar Association	Yes	Need of political parties	No
Court directions in writ petitions	Yes	Demand of political leaders	No
Public demand through press	No	Local considerations	Yes
High Pendency of any particular cases in the nearby courts	Yes	High pendency of cases generally in the district	Yes
High pendency of cases in the state	Yes	High pendency of cases of a particular cases in the country	No
Litigation impact study	No	Impact on social fabric as perceived through media	No

ROUTINE SHEET

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Relevant extract of the Norms for setting up New Courts.

Each A.D.J. Court, should have 500 cases. Exceeding the number of 500 will justify the creation of another Court, up to 1000 and so on.

Civil Judge (Senior Division) — an Officer of Civil Judge (Senior Division) has to dispose of Civil Suits, Appeals, Interlocutory matters and if vested with session power, session cases of certain type.

In view of the piling of large number of cases in good number of Courts lying at Barasat, Alipore, Mir Mada, it is expected that a Court of Civil Judge (Senior Division) can bear the burden of 1000 principal types of cases. If a particular Court exceeds the said number, the Hon'ble Court may reasonably think of creating another Court which should also have the capacity of bearing another 1000 cases and this process will go on till the total number of pending cases are accommodated.

Now, let us come to the Court of Civil Judge (Junior Division).

As in the case of Civil Judge (Senior Division) a Court of Civil Judge (Junior Division) can adjust with and accommodate 1200 cases of various principal types. And if the number exceed 1200, necessity of creation of another Court can be reasonably felt.

As to the Court of Judicial Magistrate, the

ROUTINE SHEET

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maximum limit of cases for Court may be fixed at 1500. This limit has been assessed, keeping in view the fact that most of the cases as per the present trend end in acquittal and pre-mature discharge.

In other words, for each 1500 cases, a question of creation of a Court may be reasonably considered.

Now, let us consider the question of setting up new Court at new place.

Following the Constitutional goal of "Justice at the door steps", the Hon'ble Court has been receiving many proposals both from the Government and the different Bar Associations for creation of new Court of various types. It may be humbly submitted that while some of the proposals appear to be thought-provoking, the rest appear to be not reasonable.

Now, to the question when the High Court can and should favour the idea of setting up a new Court at a new place.

The following points appear to be the criteria :-

- i. The number of Police Station covered by the proposed Court.
- ii. The number of cases pending under those Police Stations.
- iii. The distance between the proposed Court and the present Court.
- iv. Whether the people within the jurisdiction of the proposed Court are case-mongers and the density of population.
- v. The location of the proposed Court.

ROUTINE SHEET High Court, A.S.

- vi. Whether minimum amenities like education, medical benefit etc. are moderately available to the officers and the staff.
- vii. Residence of the Officers and the staff.
- viii. Availability of Advocates and Lawyers.
- ix. Properly furnished Court building has workable condition.

If the above criteria is found to be vocally present, the Hon'ble High Court may finally decide to set up new Court subject to the fulfilment of the following requirements :-

1. A properly furnished Court Building having
 - (a) Nazareth Section.
 - (b) Proper Malkhana.
 - (c) Adequate Bar Room.
 - (d) Witness shed.
 - (e) Record room.
 - (f) Lock up room both for the gents and the ladies.
 - (g) Provision for Jail or Sub-jail.
 - (h) Public urinal both for gents and ladies.
 - (i) Provision for drinking water for the litigants and staff.
 - (j) Provision for a Library.
 - (k) Provision for staff quarter of both class-III and Class-IV.
 - (l) Provision for furniture, dies, type-writer etc..
 - (m) Construction of Generator room.

The establishment for Special Court or the exclusive Court for a particular type of case shall not be governed by the above norms.

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type may be considered by the Hon'ble Court on the written/proposal from any of the following forums :-

- i) From the recognized Bar Association of the area concerned.
- ii) From the State Government.
- iii) From the District & Sessions Judge.
- iv) From the public in general through a representation signed by atleast 300 persons.

Whenever, any such proposal for a new Court is received for any one of the above, the same will be sent to the relevant District Judge requesting him to send report/informations as per proforma. On receipt of such report/informations, the matter may be placed before the Hon'ble Court for decision.

Sd/- S. B. Aich

(S. B. Aich)
Registrar (Judicial Service)
-02-2000.3/1.1000

Minutes of the Meeting of the Administrative Committee
held on Thursday, the 24th February, 2000 at 1.30 P.M.

- : Present : -

The Hon'ble the Chief Justice.
The Hon'ble Justice S.K. Sen.
The Hon'ble Justice S.B. Sinha.
The Hon'ble Justice T. Chatterjee.
The Hon'ble Justice B. Panigrahi.
The Hon'ble Justice S.N. Bhattacharjee.

Item No.1.

Matter.

To consider the proposal
for modification of Assessment
Standard for the members
of Higher Judicial
Service. (Deferred on 15.2.
2000).

How disposed of.

It is resolved that the units as suggested
by the office be accepted with the following
modification : -

	<u>Present Unit.</u>	<u>Suggested Unit.</u>
<u>1. Sessions Trial.</u>		
a) Cases disposed of under section 235 Cr.P.C.	6	6
1) No. of witnesses more than 10 examined/cross examined.		6
ii) No. of witnesses more than 7 to 10 examined/ cross examined.		5
iii) In all other cases.		4
b). Cases disposed of u/s. 232 Cr.P.C.	6	3
c) Accused discharged u/s. 227 Cr.P.C.	2	1
d) case transferred u/s. 228 Cr.P.C.	2	1
2. Corruption Case(contested)	6	6
Corruption case where the accused is discharged.	2	2
3. Civil Appeal(contested)	1	3
4. Civil Misc. Appeal(cont.)	1	2
5. Civil Appeal/Civil Misc. Appeal(uncontested e.g. ex parte or compromises)	1/2	1/2.

	<u>Present unit.</u>	<u>Suggested unit.</u>
6. Criminal Appeal.	1	2
7. Criminal Reference/ Revision.	1/2	1
8. Reference u/s.18 of L.A. Act.		
a) contested.	2	2
b)uncontested.	1	1/2
9. Reference u/s.30/31 Land Acqu. Act.		
a) Contested.	2	2
b)uncontested.	1	1/2.
10. Matrimonial suit under Hindu Marriage Act,Spl. Marriage Act.,etc.		
a) contested.	2	3
b)uncontested.	1	1/2.
11. E.C.Act Cases.	3	2
12.Appeals arising out of order 38, 39(1) and 40 C.P.C.	1/2	2.
13. Interlocutory applica- tion.		
a) U/s. 17(2a)(b) of W.B. P.T.Act.	1/2	1
b) u/sr. 40 C.P.C.	1/2	1
c) u/o. 39 C.P.C.	1/2	1
d) Any other application.	1/2	1/2
14. Civil Suit.		
a) contested.	6	6
b)uncontested. e.g. ex- parte or compromise.	1	1
15. <u>Money Suit.</u>		
a) contested.	2	2
b)uncontested.	1	1
16) <u>Arbitration Case.</u>		
a) contested.	3	2
b) uncontested.	1	1
17) Civil Misc. Case.	1/2	1
18.Criminal Applications including bail applica- tions u/s. 438, 439 Cr. P.C.	1/4	1/10

contd...3

	<u>Present unit.</u>	<u>Suggested unit.</u>
19. <u>Civil Review/Revision.</u>	1/2	1
20. <u>Motor Accident Claim case</u>		
a) U/s. 140 M.V.Act.	4	1
b) U/s. 166 M.V.Act.	4	3
21. <u>Insolvency Cases.</u>	2	2
22. <u>Cases under Guardian & Wards Act.</u>		
a) Contested.	2	2
b)uncontested.	1/2	1/2
23. <u>Cases relating to Succession certificate.</u>	1	1
24. <u>Election petition.</u>	4	3
25. <u>Probate and Letters of Administration (contested.)</u>	2	4
26. <u>Non-Contentious appli- cation for probate/ Succession Certificate</u>	1/2	1/2
27. <u>Small Cause Suit:</u>		
a) contested.	1	1
b)uncontested, e.g. exparte/compromise.	1/2.	1/2.
28. <u>Civil Misc.Judl.Cases.</u>		
a) contested.	2	1
b)uncontested.	1/2	1/2
29. <u>Execution petitions</u>	1/4	1/4
30. <u>Objection u/Order 21,38, 97,98 C.P.C. and 47 C.P.C.</u>		
a) contested.	2	2
b)uncontested.	1/2.	1/2.
31. <u>Application u/s 152 C.P.C.</u>	1/4	1/4
32. <u>Application in forma pauperis.</u>		
a) contested.	1	1
b) uncontested.	1/4	1/4.
33. <u>Cases under I.P.C. and other Major Acts.</u>		
a) contested.	4	3
b) uncontested.	1	1

- : 4 : -

	<u>Present unit.</u>	<u>Suggested unit.</u>
34. Petty cases under Police Act.		
a) Contested.	1/2	1/2
b)uncontested.	1/4	1/4.
35.Private Compla- ints (Summons Cases)		
a) Dismissed u/s.203, 1/4 204 Cr.P.C.	1/4	1/4
b) Dismissed for default.1/4		1/4
c)contested after full trial.	2	2
d) Compromise.	1/4	1/4
36.Private Complaints (Warrant cases)		
a) Dismissed u/s. 203 Cr.P.C.	1/4	1/4
b)Accused discharge u/s. 245 Cr.P.C.	1	1
c)contested after full trial.	3	3
d)uncontested,i.e., compromise etc.	1/2	1/4
e) Order U/s. 204 Cr.P.C.	-	1/4
37. Maintenance matter under Cr.P.C.		
a) contested.	2	2
b)uncontested.	1	1
38. Summary cases (Whether contested or not.)	1/10	1/6.
39. Inspection of Jail.	2	1
40. Inspection of own court.	2	1
41. Inspection of sub- ordinate court in Form M(7) & M(31)	2	4
42.Departmental Enquiry.	4	4
43.Bail application u/s.437 Cr.P.C. during investigation.	1/10	1/15.

- : 5 : -

	<u>Present unit.</u>	<u>Suggested unit.</u>
44. Any other cases not provided for:-		
a) contested.	1	1
b) uncontested.	1/2	1/2

Suggested Grade.

<u>Grade.</u>	<u>Remarks.</u>
Below 70 Units.	Poor.
70 - 79	Inadequate.
80 - 90	Adequate. 4 units p.d
Above 100 - 110	Good. 5 units per day.
Above 120 - 130	Very good. 6 units per day.
Minimum - 150	Outstanding. 7 Units per day.

It is resolved that the above units and assessment may be relaxed by the High Court in consideration of work load and other relevant factors.

It is also resolved that for securing the required units as mentioned above, the officers holding the post of Addl. District and Sessions Judge, Judge, City Civil & Sessions Court and Additional District & Sessions Judge holding additional charge of E.C.Court and court under NDPS Act and Special Court may be directed to dispose of at least seven contested Civil and Criminal cases which are pending before him.

It is further resolved that this modified assessment shall come into force with effect from 1999 and onwards.

It is also resolved that all the members of W.B.H.J.S. be informed about the Units and the Grade for their guidance.

contd....6

Item No.2.

Matter.

To consider the boycott of court of Civil Judge (Jr. Divn) Bishnupur by the members of the Bishnupur Bar Association at the District of Bankura from 16.9.99.(Deferred A.C.dt. 15.2.2000)

How disposed of.

Perused the report of the District Judge Bankura. It is resolved that the learned Registrar General will contact the District Judge Bankura and advise him to ask both the parties to settle the matter across the table outside the court premises.

Item No.3.

To consider the State Government's proposal for establishment of Family Courts in Burdwan, Barasat and Siliguri.(Deferred A.C.dt. 15.2.2000)

It is resolved that the State Government be informed that if the infrastructure is made available to the court then the matter of establishing Family Courts at Burdwan, Barasat and Siliguri can be considered.

It is further resolved that the Registrar General will also inform the Government that the infracture necessary for establishment of court of Addl. District Judge is required in the establishment of Family Court.

Item No.4.

To consider the enquiry report held on 27.8.99 against Sri Alakendu Mukherjee, Dist. Judge Malda on the basis of anonymous complaint.

Perused the report of the enquiry conducted against Shree Alakendu Mukherjee District Judge, Malda. Shri Mukherjee has already transferred from Malda to the City Civil Court at Calcutta.

It is resolved that the report of the Enquiry Officer be placed before the Zonal Judges for their perusal and observation, if any, of the Zonal Judges be inserted in the A.C.R. of Sri Mukherjee for the year 1999; the present Zonal Judges of the Calcutta be requested to keep Sri Mukherjee under watch.

Item No. 5.

Matter.

To consider the proposal of District Judge Birbhum for vesting the Civil Judge (Jr.Divn) Dubrajpur with temporary power of C.V. for performing duties when the single J.M. of Dubrajpur goes on leave.

How disposed of.

It is resolved that the proposal made by the office be accepted.

Item No.6.

To consider the proposal for appointment of Dist. Magistrate for newly created courts of Civil Judge (Jr. Divn.) Buniadpur, Dakshin nagpur.

It is resolved that the proposal made by the office be accepted.

Item No.7.

To consider the proposals regarding norms for setting up new courts.

It is resolved that the proposals put up by the office regarding norms of setting up new courts at different places in the State be approved with the following modifications :-

- i) for the courts of Addl. District and Sessions Judge the number of files should be 500 instead of 700 per court and the question of creation of another court will be considered if it is found that the number has reached 1000 files;

- ii) under sub-heading requirements under clause (m) "construction of generator room" be incorporated,

- : 8 : -

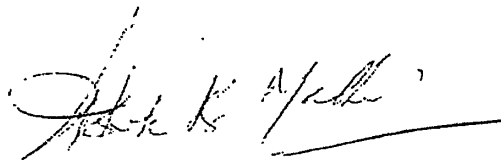
Item No.8.

Matter.

tioned matter.)

How disposed of.

It is resolved that at the time of placing the proposal for transfer/posting before the respective Committees, concerned office shall place reports regarding the officer against whom any enquiry is pending and/or against whom any adverse report is available.



Chief Justice.
24-2-2000.

Amey
Registrar General
HIGH COURT, CALCUTTA
4.3.2000

**Questionnaire for states regarding the current status for establishing
new courts**

Name of the State : Delhi
Name of the High Court : High Court of Delhi
Name and designation of the officer
who is completing the questionnaire : Mr. Ravinder Singh, DHJS,
Joint Registrar (Judicial) (SCMSC)

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

☐ Yes

☐ No

❖ Note- Generally Yes, but except in few cases, necessary justification / clarification for creation of new post is sought by the Government.

2. Is there any written policy for establishing new courts in your state?

☐ Yes

☒ No

3. If so, is the policy available in the web site?

☐ Yes

☒ No

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Nil

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans: N. A.

6. Is any scientific study conducted before deciding to establish new courts in your state?

☐ Yes

☐ No

❖ Note- In view of the increase in pendency of cases, new enactment or on receipt of any new proposal from the government or on directions from Higher Courts new courts are established.

7. If any scientific study is conducted, which agency conducts the study?

Ans: N.A.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

☒ Request from the bar associations

☒ Court directions in writ petitions

☐ Public demand through press

☒ High pendency of any particular type of cases in the near by courts

☒ High pendency of cases in the state

☐ Litigation impact study

☐ Need of the political parties

☐ Demand of political leaders

☐ Local considerations

☒ High Pendency of cases generally in the district

☐ High pendency of a particular types of cases in the country

☐ Impact on social fabric as perceived through media

Any other factor (please specify):

Questionnaire for states regarding the current status for establishing new courts

Name of the State (s) : Assam, Nagaland,
Mizoram and Arunachal
Pradesh
Name of the High Court : Gauhati High Court
Name and designation of the : Registrar (Judicial)
officer who is completing the
questionnaire

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☐

No ☒

2. Is there any written policy for establishing new courts in your state?

Ans: No.

3. If so, is the policy available in the web site?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Does not arise.

5. If the answer to the previous question is no, please attach a copy of written policy.

Ans: No written policy.

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans: Does not arise.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one Columns can be ticked)

Request from the bar associations	☒	Need of the political parties	☐
Court directions in writ petitions	☐	Demand of political leaders	☐
Public demand through press	☐	Local considerations	☐
High pendency of any particular type of cases in the nearby courts	☒	High pendency of a cases generally in the district	☒
High Pendency of cases in the state	☒	High Pendency of a particular type of cases in the country	☐
Litigation Impact study	☐	Impact on social fabric as perceived through media	☐
Any other factors (Please specify):			

- As per request of the Government of India/ Assam.
- Creation of new District.

Questionnaire for states regarding the current status for establishing new Courts

Name of the State : Gujarat

Name of the High Court : High Court of Gujarat

Name and Designation of the officer who is completing the questionnaire : Additional Registrar (Admn.)

General

1.	Does the State Government of your State automatically accede to all requests from the High Court to establish new Courts in the District Judiciary ? Yes ☒ No
2.	Is there any written policy for establishing new Courts in your State ? Yes. Ans : In the year 1989, the norms of work-load for the purpose of establishing permanent Courts, Link Courts and giving of sittings of various categories of Courts, in the State was considered by the Standing Committee Meeting. > Further, in the year 2016, this High Court had issued Circular to all the Principal District Judges of District Judiciary of the State to furnish detailed point-wise information along with the request/ representation in question to High Court. > Copies of Minutes of Standing Committee Meeting of the year 1989 and High Court of Gujarat Circular No.A.2604/2016, dated 22.07.2016 are enclosed herewith.
3.	If so, is the policy available in the web site ? Yes No ☒
4.	If the answer to the previous question is yes, please provide the website URL ? Ans : N.A.
5.	If the answer to the previous question is no, please attach a copy of the written policy. Ans : Enclosed herewith as mentioned at Point No.2
6.	Is any scientific study conducted before deciding to establish new Courts in your State ? Yes No ☒
7.	If any scientific study conducted, which agency conducts the study ? > N.A.

Considerations :

8.	Which of the following considerations are taken into account while deciding the feasibility of establishing new Courts ? (Please tick the appropriate. More than one column can be ticked)

Request from the bar association	☒	Need of the political parties	☒
Court directions in writ petitions	☒	Demand of political leaders	☒
Public demand through press	☒	Local considerations	☒
High pendency of any particular type of cases in the near by Courts	☒	High pendency of Cases generally in the District	☒
High pendency of case in the State	☒	High pendency of a particular type of cases in the Country	☒
Litigation impact study	X	Impact on social fabric as perceived through media	X

Any other factors (Please specify) : ---

(5) Submitted to the Standing Committee comprising :

- ✓ 1. The Honourable the ^{Acting} Chief Justice.
- ~~2. The Honourable Mr. Justice R.C. Mankad.~~
- ✓ 2. The Honourable Mr. Justice S.B. Majumdar.
- ✓ 3. The Honourable Mr. Justice G.T. Nagavati.
- ✓ 4. The Honourable Mr. Justice A.P. Ravani.

This is in connection with the norms of work-load for the purpose of establishing permanent Courts, Link Courts and giving of sittings of various categories of Courts such as District Court, Assistant Judge's Court, Civil Judge (Senior Division's) Court and Court of Civil Judge (Junior Division), and Judicial Magistrates, First Class, in the State.

In this connection, Your Lordships may kindly peruse points 1 to 4.

In this connection, I may submit that, at the Meeting of the Standing Committee, held on 15-9-1989, it was decided that Your Lordships, the Honourable Messrs Justices R.C. Mankad and S.B. Majumdar will consider the norms of work-load and formulate the criteria for the purpose of establishment of various categories of Courts, in the State.

In this connection, I may further submit that, Your Lordships the Honourable Messrs Justices R.C. Mankad and S.B. Majumdar have been pleased to consider the matter on 30-9-1989 (Flag-0) and passed the following orders. :

"We ~~may~~ agree that, the norms prescribed in the decision by the Weekly Meeting, vide its decision, dated 5-2-1987, may be retained, subject to the modifications as suggested by the office-note, dated 27-9-89. All these norms taken together, in our view, will be sufficient to meet the requirements for considering the question whether or not to establish a full-fledged court, Link Court or to fix sittings."

..2/-.

The following decision was taken at the Weekly Meeting held on 5-2-1987 for consideration⁽¹⁾ the relevant criteria whenever a question of establishment of a new Courts arises.

"The Weekly Meeting decided that, as a matter of policy, the following factors may be taken into consideration as the relevant criteria whenever a question of establishment of a new Court either on a permanent basis or as a Circuit Court in a sub-division or in an area as may be determined as a unit, arises.

1. The percentage of cases arising from such sub-division or area in relation to the total institution of cases for the last two years in the Court from the jurisdiction of which the sub-division or such area is proposed to be separated. Further, the sub-division or such area must give rise to sufficient number of cases to fulfil the norms of its presiding officer.
2. For establishing Court of Assistant Judge/Civil Judge (S.D.) :
 - (a) a revenue sub-division may be taken as a unit and in absence of such sub-division, the talukas which can conveniently be grouped together for this purpose may be taken as a unit.
 - (b) the headquarter of the sub-division may be taken as a place for the proposed Court and in the districts having no revenue sub-division, the place as may be fixed by the High Court, shall be its headquarter.

...3.

3. The distance between the existing Court and the proposed Court should also be taken into consideration. In districts having more than one sub-division, the distance between the sub-divisions and the headquarters be taken into account.
4. Backwardness of the area.
5. Existence of transport facility.
6. Availability of suitable Bar.
7. Availability of accommodation for housing the Court and residential accommodation for Judges, staff, etc..
8. Financial implications.
9. Any other aspect which may be found to be relevant under the circumstances of a case.

The suggestion made by the undersigned in my office note dated 27-9-1989 (at point 4) reads as under :

The Government in the Legal Department, have, under their Resolution, dated 17-5-1972 (Flag-X), prescribed norms of work-load of the various Courts. However, many categories of cases are not included therein. It is suggested that, for judging the requirement for a full-time Court/link Court/sittings, the following factors may be considered :-

- (A) All the categories of work, arising from the area for which norms of disposal are prescribed should be taken into account.
- (B) Average institution for last three years from such area should be considered.

- (C) If the average work arising from the area is sufficient to fulfil the norms of disposal by the Presiding Officer, throughout the year, a full Court can be created for such area.
- (D) If average work is sufficient to keep the Presiding Officer busy for 15 days in a month throughout the year so that he can fulfil atleast one-half of the norms of disposal, a Court linked with the main Court or any other Court can be established.
- (E) If average work is sufficient for atleast 1/4th of the norms of disposal by the Presiding Officer throughout the year, the question of giving sittings may be considered.

In view of the above, we may if Your Lordships approve, accept the report dated 30.9.1989 (Flag-'O') of the Committee of the Honourable Messrs Justices R.C.Mankad and S.B.Majmudar.

In this connection, I may further submit that all the subjects regarding establishment of various Courts, ^(Flag-'O') which are pending before Your Lordships for consideration and decision, will now have to be dealt with according to the new criteria prescribed as above.

I may therefore, if Your Lordships agree, call for necessary information from the concerned District Judges, in the matters as per above criteria and submit the same to Your Lordships for consideration.

On Your Lordships passing necessary orders in the matter, I shall take action accordingly.

Date :- November 7, 1989.

Registrar.

A+B

12/11/89 to 10/11/89

Per A.P. Navani, J.

A + B Yes.

17.11.89

27
(10)

A+B - yes

2/11

2/11

2/11

Per G.T. Nanavati J.

A+B-yes.

21-11-89.

A & B - yes

22/11/89

22/11/89

22/11

Per Acting C.J.

A&B-yes.

22-11-89.

A+B yes

22/11

Per S.B. Majmudar J.

A&B-yes.

27-11-89.

(4)

Submitted to the Honourable Messrs Justices
R.C. Mankad and S.B. Majmudar :-

(6)

This is in connection with the norms of work-load, for the purpose of establishing permanent Courts, Link Courts and giving of sittings of various categories of Courts such as District Court, Assistant Judge's Court, Civil Judge (Senior Division's) Court, and Courts of Civil Judges (Junior Division), and Judicial Magistrates First Class.]

Your Lordships may kindly peruse points 1 to 3, in this behalf. *Suggestions made by Mr. Registrar are at point no. 1, and are summarised below.*

In this connection, I may submit that, one of the factors required to be considered as per Weekly Meeting Decision, dated 5.2.1987 (Flag-A), for establishing Courts, is that, there should be sufficient work from the area to enable the Presiding Officer to fulfill the norms of disposal prescribed by the High Court.

The Government in the Legal Department, have, under their Resolution, dated 17.5.1972 (Flag-X), prescribed norms of work-load of the various Courts. However, many categories of cases are not included therein. It is suggested that, for judging the requirement for a full-time Court/link Court/sittings; the following factors may be considered:-

- (A) All the categories of work, arising from the area, for which norms of disposal are prescribed, should be taken into account.
- (B) Average institution for last three years from such area should be considered.
- (C) If the average work arising from the area is sufficient to fulfill the norms of disposal by the Presiding Officer, throughout the year, a full Court can be created for such area.

: 2 :

- (D) If average work is sufficient to keep the Presiding Officer busy for 15 days in a month throughout the year so that he can fulfill at least one-half of the norms of disposal, a Court linked with the main Court or any other Court can be established.
- (E) If average work is sufficient for at least 1/4th of the norms of disposal by the Presiding Officer throughout the year, the question of giving sittings may be considered.

For considering the matter and formulating the criteria for work-load, on the basis of the work-load prescribed by the Government and the norms for disposal of cases prescribed by the High Court, I submit below the statement, (Flag-'P'), on the following Courts, mentioning the various types of cases decided by the respective Court and also work-load and norms for disposal.

1. District and Sessions Court.
2. Metropolitan Magistrates' Courts.
3. Civil Judges (Senior Division) Court.
4. Chief Judicial Magistrates' and/or Judicial Magistrate, First Class.
5. Civil Judge (Junior Division) Court.
6. Civil Judge (Junior Division), and Judicial Magistrate, First Class Court.

Your Lordships may now be pleased to consider the matter and give directions as deemed proper.

On Your Lordships' giving necessary directions, I shall take action accordingly.

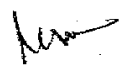
Date : September 27, 1989.

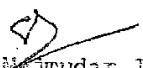
[Signature]
Registrar.

11

We agree that the norms prescribed in ~~the~~ the
decision by the weekly meeting vide ^{its} decision dated
5-2-87 may be retained, subject to the modifications
as suggested by the office note dated 27-9-89. All
these norms taken together, in our view, will be
sufficient to meet the requirements ^{for considering} to consider the
question whether or not to establish a full-fledged
court, Link court or to fix sittings.

Date: 30-9-89


(R.C. Mankad, J)


(S.B. Majumdar, J)

¹⁰
30/9/89

C I R C U L A R

NO.A.2604/2016

It has come to the notice of the High Court that at present, upon receipt of request/representation of Bar Association or Institutions or private party for establishment of Courts, the same are being simply forwarded by the Principal District Judges concerned to the High Court. Thereafter, the High Court has to call for remarks and considered opinion of concerned Principal District Judge relating to the matter and if his/her opinion is in affirmative, detailed point-wise information is being called for, from the said Principal District Judge. As such, a series of correspondence occurs resulting into gross delay for deciding the issue of establishment of concerned Courts. Therefore, in order to avoid unnecessary delay in dealing with such issue, all the Principal District Judges in the State are therefore hereby directed that:-

"As soon as the request/representation of respective Bar Association or Institutions or private party is received with respect to establishment of Court; initially, concerned Principal District Judge may consider the matter and if he/she finds that the matter requires consideration and he/she is of the affirmative opinion, in the matter, he/she may submit following detailed point-wise information along with the request/representation in question to this High Court.

- (1) The percentage of cases arising from such sub-division or area in relation to the total institution of cases for last five years in the Court from the jurisdiction of which the sub-division or such area is proposed to be separated. Further, the sub-division or such area must give rise to sufficient number of cases to fulfill the norms of its presiding officer. [The proforma furnishing the figures of institution and disposals of Civil & Criminal Cases (category-wise) for the last five years with their percentage and pendency of such cases as on last month of submitting the information, are annexed for the purpose).
- (2) For establishing Court of Additional District Judge / Senior Civil Judge:
 - (a) A revenue sub-division may be taken as a unit and in absence of such sub-division, the talukas which can conveniently be grouped together for this purpose may be taken as a unit.
 - (b) The headquarter of the sub-division may be taken as a place for the proposed Court and in the Districts having no revenue sub-division, the place proposed by the concerned Principal District Judge shall be taken into consideration for its headquarter.
- (3) The distance between the existing Court and the proposed Court should also be taken into consideration. In Districts having more than one sub-division, the distance between the sub-divisions and the headquarters be taken into account.
- (4) Backwardness of the Area.

..2/-

- (5) Existence of transport facility.
- (6) Availability of suitable Bar.
- (7) Availability of accommodation for housing the Court and residential accommodation for Judges, Staff, etc.
- (8) Financial implications, as per the Budget Manual Form-V, pages 141 to 144 for the posts, which are required to be created by the Government for the said proposed Court.

Also required to furnish the break-up showing the expenses on the following items :-

1. Adequate accommodation for housing the proposed Court.
 2. Residential accommodation for the Presiding Officer and Staff Members.
 3. Expenditure to be incurred for purchase of Law Books, Furniture, etc. and all other required infrastructure.
- (9) Any other aspect, which may be found to be relevant under the circumstances of a Case."

All the Principal District Judges are, therefore, requested to see that the directions issued as above are followed scrupulously.

High Court of Gujarat,
At Sola, Ahmedabad – 380 060.

Date: July 22, 2016

mee
(P.R.Patel)
Registrar General

No.A.2604/2016

Copy forwarded for information and necessary action to:-

All the Principal District Judges in the State.

High Court of Gujarat,
At Sola, Ahmedabad – 380 060.

Date: July 22, 2016

mee
Registrar General

Statement showing the Institution and Disposal of cases arising from Revenue Sub-division areas or talukas required to be grouped together (specify the names of talukas) for the Court of Additional District & Sessions Judge at _____ in _____ District.

Nature of Cases	Pending as on 01.01.2011	Institution arising for the last five years					Average work load of five years	Disposal of cases for the last five years					Pending as on end of the last month of submitting information (specify date)	
		2011	2012	2013	2014	2015		2011	2012	2013	2014	2015		
CRIMINAL														
1	Sessions Cases													
2	Essential Commodities (Special Provision) Act, 1981													
3	Special Cases Investigated by ACB													
4	Special Cases Investigated by CBI													
5	Terrorists and Disruptive Activities Act													
6	Narcotics Drugs and Psychotropic Substances Act, 1985													
7	Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989													
8	Criminal Appeals													
9	Criminal Revision Applications													
10	Criminal Misc. Applications (For Bail)													
CIVIL														
1	Regular Appeals													
2	Gujarat Public Premises (Eviction of Unauthorised Occupation) Act, 1972													
3	Misc. Appeals													
4	Regular Suits including Trust Suits & Indian Electricity Act.													
5	Petitions under the Guardian & Wards Act, Trust Act, Bombay Public Trust Act, Testamentary, Succession & Municipal Elections.													
6	Land Acquisition References													
7	MACT Cases (Regular)													
8	MACT Cases (Summary) and Petition filed u/s 163A of the M.V. Act.													
9	Applications filed u/s 140 of M.V. Act.													
10	Civil Revision Application													
11	Civil Misc. Applications													
12	Interlocutory Applications (Or. 38,39 & 40)													
13	Execution Petitions													
14	Court Fee References													
15	Matrimonial Petitions													
16	Election Petitions (Under Guj. Muni. Act)													
Total														

Statement showing the Institution and Disposal of cases arising from Revenue Sub-division areas or talukas required to be grouped together (specify talukas) for establishment of the Court of Senior Civil Judge at _____ in _____ District.

Nature of Cases	Pending as on 01.01.2011	Institution arising for the last five years					Average work-load of five years	Disposal of cases for the last five years					Pending as on end of the last month of submitting information (specify date)	
		2011	2012	2013	2014	2015		2011	2012	2013	2014	2015		
CIVIL														
1	(a) Spl. Suits (other than Money Suits).													
	(b) Spl. Money Suits.													
2	(a) Regular Suits.													
	(b) Regular Money Suits.													
3	Matrimonial Petitions.													
4	Small Cause Suits.													
5	Execution Petitions													
	(a) Under Or.21 Rule-58, 97 & 99.													
	(b) Others													
6	Miscellaneous Applns.													
7	Insolvency Petitions.													
8	Interlocutory Applns (Under Order 38, 39 & 40).													
9	Municipal Appeals.													
10	Court Fee References													
11	Election Petitions (Under Bom. Muni. Corpn. Act).													
12	Land Acquisitions References													
	TOTAL													

Statement showing the Institution and Disposal of cases, arising from jurisdiction of areas (specify) falls under the establishment of the Court of Civil Judge and J.M.F.C at _____ Tatuka in _____ District.

Nature of Cases	Pending as on 01-01-11	Institution arising for the last five years					Total	Average workload of five years	Disposal of cases for the last five years					Pending as on end of the last month of submitting information (specify date)
		2011	2012	2013	2014	2015			2011	2012	2013	2014	2015	
CIVIL														
1 Regular Suits														
2 Regular Money Suits														
3 Small Cause Suits														
4 Misc. Applns.														
Execution Petitions														
5 (a) Under O.21 Rule-58, 97 & 99														
(b) Others														
6 Interlocutory Applns (Order 38, 39 & 40)														
7 Election Petitions														
8 Court fee References														
9 Other cases (specify category)														
TOTAL														
CRIMINAL														
1 I.P.C. and other Cases tried Regularly.														
2 Prohibition Cases.														
Summary Cases														
3 (a) I.P.C.														
(b) Others.														
4 Maintenance Applications														
5 Municipal Tax Appeals														
6 N.C. Cases (Except Railways cases)														
7 Complaint filed u/s 138 of N.I.Act														
8 Cases under Food Adulteration Act														
9 Essential Commodities (Special														
10 Other cases (specify category)														
TOTAL														

Questionnaire for states regarding the current status for establishing new courts

Name of the State : Himachal Pradesh
Name of the High Court : High Court of Himachal Pradesh
Name and designation of the officer who is completing the questionnaire : Sh. J.K. Sharma
Registrar General

General

1. Does the State Government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Ans: Ordinarily the State Government does not automatically accede to the requests from the High Court to establish new Courts in the District Judiciary. It is with great persuasion that the State Government sparingly accedes to the requests of the High Court.

2. Is there any written policy for establishing new courts in your state?

Ans: The establishment of new Courts in the State is governed by the criteria/norms that have been approved by the Hon'ble Full Court in terms whereof, a Court of Civil Judge may be created for every 1000 pending cases and that of Additional District and Sessions Judge for every pending 700 cases in a Division. Accordingly, as per norms laid down by the Hon'ble Full Court, State Government has been requested for the creation of 10 Courts of Additional District and Sessions Judges and 87 Courts of Civil Judges throughout the State in a phased manner.

State Government has also been requested to create 07 posts of Additional Districts and Sessions Judges at Jogindernagar (01 Court), Palampur (01 Court), Nurpur (01 Court), Nalagarh (01 Court), Bilaspur (01 Court), Kullu (01 Court) and Una (01 Court) forthwith.

Similarly, the State Government has also been requested to create the following Courts of Civil Judges immediately:

02 Sub Division Courts at Balh and 1 each at Kotli, Sundernagar, Jogindernagar, Shahpur, Nagrota Bagwan, Palampur, Dheera, Jawalamukhi, Fatehpur, Kullu, Manali, Solan, Nalagarh, Arki, Bhabhanagar, Rampur Bushahr, Kumarsain, Nirmand, Bilaspur Swarghat, Una, Haroli, Bangana, Gagret, Sujampur, Nadaun, Barsar, Salooni, Bharmaur, Pangi at Killar, Bhatiyat at Chuwari, Shimla, Theog, Nahan, Paonta Sahib, Sarahan and Sangrah in the State of H.P.

3. If so, is the policy available in the web site?

Ans: No

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Not applicable

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans: Copy of decision of Hon'ble Full Court along with report of Hon'ble Case Management and Arrears Committee qua establishing new Courts in the State is attached.

6. Is any scientific study conducted before deciding to establish new courts in your state?

Ans: Though no scientific study is conducted before decision is taken to establish new Courts but establishment thereof is done as per criteria/norms approved by the Hon'ble Full Court. Pendency of the cases Sub-Division wise in all the respective Districts/Divisions of the State is taken into consideration and the same is also strictly monitored by the Vigilance Branch of the High Court.

7. If any scientific study is conducted, which agency conducts the study?

Ans: Not applicable

Considerations:

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Ans: 1. Court directions in writ petitions
2. High pendency of cases in the State
3. High pendency of cases generally in the district
4. Any other factors: Topographical and Geographical conditions

The meeting of the Hon'ble Case Management and Arrears Committee was held on 12.7.2023, wherein it has been resolved as under :-

"It has been resolved that keeping in view the pendency of cases in various courts of the State, additional courts should be created in the places, where the pendency in the Magisterial courts is more than 1000 cases (excluding miscellaneous and petty cases) or the pendency is more than 700 cases (excluding miscellaneous cases) in Appellate courts, so that each court handles not more than 1000/700 cases respectively, which will also reduce the pendency of old cases or cases of prioritized category. This issue is required to be taken up with the Government on priority basis.

Since there is shortage of Staff in many courts in the Districts, it is also resolved that the Authorities should ensure that the recruitment is made at the earliest, in order to fill the vacant posts of the staff in the courts on urgent basis.

I have, therefore, been directed to request you to take necessary action in the matter, please.

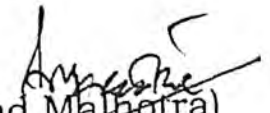

Registrar (Vigilance)

The Registrar (Establishment)
High Court of Himachal Pradesh,
Shimla-171001.

The matter was placed before the Hon'ble Full Court in its meeting held on 19.07.2023, when the following resolution has been passed:-

Sr. No.	<u>Item</u>	<u>Resolved</u>
7.	Consideration of the matter regarding demand of creation of permanent Court of AD&SJ at Indora raised by the Bar Association, Indora.	Considered. The recommendations of the Case Management and Arrears Committee in Item No.1 of its Minutes dated 12.07.2023 are approved. The permanent Court of Additional District and Sessions Judge will be sought to be created not only at Indora, but other places fulfilling revised norms. as and when requisite infrastructure and manpower are provided by the State Government.

Let follow up action be taken.


(Arvind Malhotra)
Registrar General
19.07.2023

Ld. Registrar (Vigilance)

Received Today,


24.7.23

AD 1020

Questionnaire for states regarding the current status for establishing new courts

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☒ (Approx.)

No ☐

2. Is there any written policy for establishing new courts in your state?

Ans: There is one SOP recently formulated by the State Government (copy enclosed)

3. If so, is the policy available in the web site?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL

Ans:

5. If the answer to the previous question is no, please attach a copy of the written policy.

6. (copy enclosed)

7. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

8. If any scientific study is conducted, which agency conducted the study?

Ans:

Considerations

9. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (please tick the appropriate. More than one column can be ticked)

Request from the bar association

☒

Need of the political parties

☐

Court direction in writ Petitions

☒

Demand of political leaders

☐

Public demand through press

☐

Local consideration

☐

High pendency of any particular type of cases in the near by courts

☒

High Pendency of cases Generally in the district

☐

High pendency of cases in the State

☒

High Pendency of a particular type of cases in the country

☐

Litigation Impart study

☐

Impact on social fabric as perceived through media

☐

Any other factors (Please specify): Request from Ministries/Dept. of Central or State Government

न्यायालयों की स्थापना के निमित्त अपनाये जाने वाले संचालन मानक प्रक्रिया [Standard Operating Procedure (S.O.P.)] निर्धारण के संबंध में।

न्यायालय गठन के संबंध में स्पष्ट दिशा-निर्देश (Guidelines) नहीं होने के फलस्वरूप किसी नये न्यायालय के गठन एवं गठनोपरांत अनावश्यक विलम्ब होने के कारण इसको प्रारंभ करने में कठिनाइयाँ आ रही हैं।

अतः न्यायालयों की स्थापना एवं संचालन योग्य बनाने के निमित्त संबंधित विभागों के मध्य आपसी समन्वय बनाने हेतु एक मानक संचालन प्रक्रिया [Standard Operating Procedure (S.O.P.)] निर्धारण करने का निर्णय लिया गया है।

एक न्यायालय के संचालन योग्य स्थापना करने हेतु निम्नांकित आवश्यक कार्रवाई अपेक्षित होती है:-

1. न्यायालय गठन पर सैद्धांतिक निर्णय;
2. न्यायालय हेतु आवश्यकतानुसार आधारभूत अवसंरचनाओं का निर्माण;
3. न्यायालय की स्थापना में न्यायिक पदाधिकारियों का पदसृजन; तथा
4. न्यायालय की स्थापना में अधीनस्थ कर्मचारियों का पदसृजन
5. उपकारा की स्थापना तथा भवन निर्माण

उपरोक्त वांछित कार्रवाई हेतु सरकार के विभिन्न विभागों यथा-विधि विभाग, कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग, वित्त विभाग, भवन निर्माण विभाग, राजस्व, निबंधन एवं भूमि सुधार विभाग तथा मंत्रिमंडल सचिवालय एवं निगरानी विभाग इत्यादि की सहभागिता एवं समन्वय स्थापित करने हेतु निम्नांकित मानक संचालन प्रक्रिया [Standard Operating Procedure (S.O.P.)] अपनाया जाना आवश्यक हो गया है :-

1. न्यायालय गठन पर सैद्धांतिक निर्णय

- (क) किसी भी स्तर के न्यायालय गठन पर सैद्धांतिक निर्णय का अर्थ होगा, मंत्रिपरिषद् की स्वीकृति से न्यायालय गठन की अधिसूचना निर्गत होना। इस कार्य हेतु प्रशासी विभाग

होने के नाते न्यायालय गठन की अधिसूचना निर्गत करने की कार्यवाई विधि विभाग के स्तर से की जाएगी। अगर न्यायालय गठन का प्रस्ताव माननीय झारखण्ड उच्च न्यायालय से प्राप्त होती है तो न्यायालय के गठन के प्रस्ताव को मंत्रिपरिषद के अनुमोदन हेतु संलेख के रूप में तैयार किया जायेगा जिसमें संभावित वार्षिक आवर्ती (Recurring) तथा अनावर्ती (Non-recurring) व्यय का उल्लेख किया जायेगा।

- (ख) अगर यह प्रस्ताव किसी अन्य श्रोत से प्राप्त होता है तो उसपर विभागीय मंत्री की सैद्धांतिक सहमति प्राप्त कर माननीय झारखण्ड उच्च न्यायालय को सहमति हेतु भेजा जायेगा। माननीय उच्च न्यायालय की सहमति प्राप्त होने के पश्चात् उपरोक्त कंडिका में अंकित प्रक्रिया के अनुसार मंत्रिपरिषद का अनुमोदन प्राप्त करने की कार्यवाई की जायेगी।
- (ग) विधि विभाग द्वारा न्यायालय गठन की अधिसूचना के उपरांत इसकी प्रति भवन निर्माण विभाग, कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग, गृह, कारा एवं आपदा प्रबंधन विभाग तथा कारा महानिरीक्षक को प्रेषित की जायेगी।

2. न्यायालय हेतु आवश्यकतानुसार आधारभूत अवसंरचनाओं का निर्माण

न्यायालय गठन की अधिसूचना प्राप्त होने के उपरांत भवन निर्माण विभाग के स्तर से उक्त न्यायालय के संचालन हेतु आवश्यक आधारभूत अवसंरचनाओं यथा—न्यायालय भवन तथा न्यायिक पदाधिकारी आवास इत्यादि के निर्माण की स्वीकृति प्रदान की जायेगी।

3. न्यायालय की स्थापना में न्यायिक पदाधिकारियों का पदसृजन

न्यायालय गठन की अधिसूचना प्राप्त होने के पश्चात् उक्त न्यायालय हेतु न्यायिक पदाधिकारियों के पदसृजन की नियमानुसार कार्यवाई कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग के द्वारा से की जाएगी।

4. न्यायालय की स्थापना में अधीनस्थ कर्मचारियों का पदसृजन

न्यायालय गठन की अधिसूचना निर्गत होने के उपरांत न्यायालय की स्थापना में अधीनस्थ कर्मचारियों के पदसृजन की नियमानुसार कार्यवाई विधि विभाग के द्वारा की जाएगी।

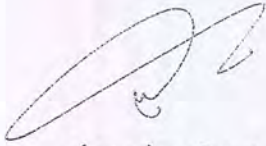
उपरोक्त कंडिका 2, 3 तथा 4 में अंकित कार्यवाई एक साथ प्रारम्भ की जा सकेगी।

5. उपकारा की स्थापना तथा भवन निर्माण

न्यायालय के गठन की अधिसूचना प्राप्त होने के पश्चात् गृह, कारा एवं आपदा प्रबंधन विभाग का यह दायित्व होगा कि वह इस बिन्दु पर अभिमत गठन करे कि इस न्यायालय के लिए अलग से उपकारा स्थापित करने की आवश्यकता है या नहीं। अगर आवश्यकता है तो इस विभाग द्वारा इसके गठन के प्रस्ताव पर मंत्रिपरिषद का विधिवत अनुमोदन प्राप्त करने के पश्चात् पदसृजन तथा भवन निर्माण की कार्यवाई सक्षम प्राधिकार के अनुमोदन से की जायेगी।

न्यायालय की स्थापना के संबंध में विधि विभाग उपरोक्त सभी गतिविधियों के संबंध में माननीय झारखण्ड उच्च न्यायालय एवं राज्य सरकार के मध्य समन्वय स्थापित करने का कार्य करेगा। सभी संबंधित विभागों का यह दायित्व होगा कि उपरोक्त गतिविधियों की अद्यतन वस्तुस्थिति से समय-समय पर विधि विभाग को अवगत करायेंगे, ताकि राज्य सरकार/माननीय झारखण्ड उच्च न्यायालय द्वारा समय-समय पर उक्त मामलों से संबंधित होनेवाले समीक्षात्मक बैठकों में प्रक्रियाधीन न्यायालयों के गठन के संबंध में अद्यतन वस्तुस्थिति से अवगत कराया जा सके।

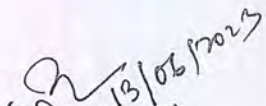
प्रस्ताव पर सक्षम प्राधिकार का अनुमोदन प्राप्त है।



(सुखदेव सिंह)
मुख्य सचिव

ज्ञापांक :- 2ए/विधि-विविध-03/2023-1357/जे०, राँची, दिनांक-12 जून, 2023

प्रतिलिपि:- महानिबंधक, झारखण्ड उच्च न्यायालय, राँची/माननीय मुख्यमंत्री के प्रधान सचिव, झारखण्ड, राँची/प्रधान सचिव, मंत्रिमंडल सचिवालय एवं निगरानी विभाग, झारखण्ड, राँची/प्रधान सचिव, गृह, कारा एवं आपदा प्रबंधन विभाग, झारखण्ड, राँची/प्रधान सचिव, वित्त विभाग, झारखण्ड, राँची/प्रधान सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड, राँची/सचिव, कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग, झारखण्ड, राँची/सचिव, भवन निर्माण विभाग, झारखण्ड, राँची/सभी प्रधान जिला एवं सत्र न्यायाधीश, झारखण्ड/सभी उपायुक्त, झारखण्ड को सूचनार्थ एवं आवश्यक कार्यवाई हेतु प्रेषित।



(नलिन कुमार)

प्रधान सचिव-सह-विधि परामर्शी

09
14/06/23

**Questionnaire for States regarding the current status
for establishing new courts**

Name of the State : KARNATAKA
Name of the High Court : HIGH COURT OF KARNATAKA, BENGALURU
Name and designation of the Officer who is completing the Questionnaire : Sri. K.S. BHARATH KUMAR, REGISTRAR GENERAL

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

a. Yes ☐

b. No ☒

2. Is there any written policy for establishing new courts in your state?

Ans. Yes, The Hon'ble High Court of Karnataka has fixed criteria of 1000 cases for establishment of the court of Addl. District Judge and 1500 cases for establishment of the court of Addl. Senior Civil judge/ Addl. Civil Judge.

3. If so, is the policy available in the website?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL?

Ans. -

5. If the answer to the previous question is no, please attach a copy of the written policy.

Copy of the Resolution dated 04.09.2014 of the Hon'ble Committee for Establishment, Abolition and Alteration of Jurisdiction of Courts is enclosed.

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans. -

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request from the bar Associations	☒	Need of the political parties	☐
Court directions in writ Petitions	☒	Demand of political leaders	☐
Public demand through press	☐	Local considerations	☐
High pendency of any particular type of cases in the near by courts	☒	High pendency of cases generally in the district	☒
High pendency of cases in the state	☒	High pendency of a particular type of cases in the country	☐
Litigation impact study	☐	Impact on social fabric as perceived through media	☐

Any other factors (Please Specify):

Request received from the Prl. District and Session Judges in the State, directions received from the State Government, Central Government and Hon'ble Supreme Court of India.

EXTRACT OF THE PROCEEDINGS OF THE MEETING OF THE COMMITTEE FOR ESTABLISHMENT, ABOLITION AND ALTERATION OF JURISDICTION OF COURTS, HELD AT 5.15 P.M., ON THURSDAY, THE 4TH SEPTEMBER, 2014, IN THE JUDGES READING ROOM OF THE PRINCIPAL BENCH OF THE HIGH COURT THROUGH VIDEO CONFERENCE.

XXX

XXX

Item No.2

To consider the matter regarding increasing the number of Judges/Courts in subordinate judiciary to double the present number over a period of 5 years, as per the recommendation of the Advisory Council of National Mission headed by the Hon'ble Minister of Law & Justice (Department of Justice), New Delhi.

RESOLUTION

Discussed. The Committee considered the D.O. Letter dated 18.07.2012 received from the Ministry of Law and Justice, New Delhi alongwith the Minutes of the Second Meeting of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms dated 15.05.2012 wherein it is resolved that the overall number of Judges/Courts in subordinate judiciary may be increased to double for the present number of Judges/Courts and expenditure in this regard may be shared between the Central and State Governments and also the letter dated 26.02.2013 received from the Hon'ble Chief Justice of India and also considering the office note, materials on record, overall pendency of cases on the file of subordinate Courts in the State, accessibility, jurisdiction and geographical conditions, the Committee resolved to establish 48 Districts and Sessions Courts, 67 Senior Civil Judges Courts and 90 Civil Judges Courts in the State by taking a criteria of 1000 cases per Court for establishment of Additional District Courts and 1500 cases per Court for establishment of Additional Senior Civil Judges Courts/Civil Judges Courts at the following places and accordingly recommended to the Full Court for Consideration:

XXX

XXX

XXX

**QUESTIONNAIRE FOR STATES REGARDING THE CURRENT
STATUS FOR ESTABLISHING NEW COURTS**

Name of the State : KERALA
Name of the High Court : HIGH COURT OF KERALA
**Name and designation of the officer
who is completing the questionnaire** : Shri P. J. VINCENT
The Member Secretary,
(SCMS Committee)/
Registrar (District Judiciary)

General

- 1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?**

Ans : No.

- 2. Is there any written policy for establishing new courts in your state?**

Ans : No. There is no written policy for establishing new Courts in the High Court. The requests for establishment of new Courts and the report of the District Judge/Chief Judicial Magistrate concerned in this regard are considered by the Hon'ble Judge incharge of the district and on approval of the proposal the same is placed before the Committee for Establishment of Courts and Tribunals. After getting approval of the Committee the matter is placed before the Full Court consisting of the Honourable the Chief Justice and all Hon'ble Judges, and on approval by Full Court, the proposal for establishment of a new Court is forwarded to the Government for establishment of the Court.

- 3. If so, is the policy available in the web site?**

Ans : No

- 4. If the answer to the previous question is yes, please provide the website URL?**

Ans : Not Applicable

5. If the answer to the previous question is no, please attach a copy of the written policy?

Ans : Not Applicable

6. Is any scientific study conducted before deciding to establish new courts in your state?

Ans : No. There is no scientific study conducted for establishment of new Courts. The request for establishment of new Courts is considered at various levels in the High Court as stated at SI No.2 above.

7. If any scientific study is conducted, which agency conducts the study?

Ans : Not Applicable

Considerations :

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts?

Ans:

- a) Requests from the bar associations
- b) Court directions in Writ Petitions
- c) High pendency of cases in the State
- d) Demand of political leaders
- e) High pendency of a particular type of cases in the country.
- f) High pendency of cases generally in the distric.

Other factors:

1. Special Courts are established as per provisions in certain Acts.

**Questionnaire for states regarding the current status for
establishing new courts**

Name of the State : Madhya Pradesh

Name of the High Court : M.P. High Court, Jabalpur

Name and designation of the officer who is completing the questionnaire : SANTOSH PRASAD SHUKLA
Registrar (District Establishment)

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary ?

Yes ☐

No ☒

2. Is there any written policy for establishing new courts in your state ?

Ans : **Yes**

3. If so, is the policy available in the web site ?

Yes ☒

No ☐

4. If the answer to the previous questions is yes, please provide the website URL ?

Ans: **<https://mphc.gov.in/schemes>**

5. If the answer to the previous question is no, please attach a copy of the written policy.

6. Is the scientific study conducted before deciding to establish new courts in your state ?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study ?

Ans : Not required in view of answered to question number 6

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts ?

(Please tick the appropriate. More than one columns can be ticked)

Request from the bar associations ☒ Need of the political parties ☐

Court directions in writ petitions ☒ Demand of political leaders ☐

Public demand through press ☐ Local considerations ☒

High pendency of any particular type of cases in the ☒ High Pendency of cases generally in the district near by courts ☒

High pendency of cases in the ☒ High pendency of a particular type of cases in the country ☒

Litigation Impact study ☒ Impact on social fabric as perceived through media ☐

Any other factors : Before sending proposal to the State Government (Please specify) for establishment of New Court comments from the Principal District and Session Judge are obtained, pendency of cases in the place concerned, its Distance from District & Tehsil Headquarters and availability of infrastructure facilities and man power are also considered.

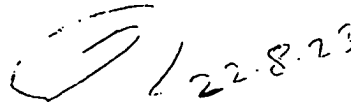
HIGH COURT OF MADHYA PRADESH : JABALPUR

Endt. No. **A/5140**
III-10-40/78 (All)

Jabalpur, dated **22 August, 2023**

The copy of **Guidelines/Policy/Scheme-2023** for establishment of Regular/Link Courts, is forwarded to :-

1. The Principal Secretary, Law & Legislative Affairs Department, Bhopal for information;
 2. All the Principal District & Session Judges;
 3. All the Principal Judges Family Courts;
 4. The Principal Registrar, Bench at Indore/Gwalior High Court of M.P., Jabalpur;
 5. The Registrar cum PPS of Honourable Chief Justice, High Court of Madhya Pradesh Jabalpur for kind information of His Lordship;
 6. P.S. to all Hon'ble Judges of the High Court of Madhya Pradesh, Jabalpur ;
 7. P.S. to Registrar General/Principal Registrar(Judl)/Principal Registrar (Vigilance)/Principal Registrar (Examination & ILR) High Court of Madhya Pradesh Jabalpur;
 8. P.A. to Director/Additional Director Madhya Pradesh State Judicial Academy Jablapur;
 9. The Registrar(M.) Confidential, Administrative Officer-Checker/Work/District Establishment/Budget, High Court of Madhya Pradesh Jabalpur;
 10. Server Room, Computer for uploading the same in NIC.
- for information & appropriate action.


(SANTOSH PRASAD SHUKLA)
REGISTRAR (DISTRICT ESTABLISHMENT)

HIGH COURT OF MADHYA PRADESH: JABALPUR

Guidelines/Policy/Scheme- 2023 for Establishment of Regular/Link Court

In supersession of all earlier Guidelines/Policies/Schemes for establishment of Regular/Link Court in the cadre of District and Additional Session Judge including Family Courts and Civil Judge (Senior/Junior Division) cadre in Madhya Pradesh, High Court of Madhya Pradesh hereby frames Guidelines/Policy/Scheme for establishment of Regular/Link Court in the cadre of District and Additional Session Judge including Family Courts and Civil Judge (Senior/Junior Division) cadre in the State of M.P., as follows :-

1. For establishment of regular court in the cadre of District and Additional Session Judge including Family Courts, pendency of cases should be between 650-750 cases. For establishment of regular court in Civil Judge (Senior/Junior Division) cadre, pendency of cases should be between 1400-1600 cases.
2. For holding link court in the cadre of District and Additional Session Judge including Family Courts or Civil Judge (Senior/Junior Division) cadre, if the number of cases is 25%, 50% and 75% respectively of the above prescribed pendency, then link court of appropriate cadre for one, two or three weeks may be held.
3. Usually, for establishment of regular court in the cadre of District and Additional Session Judge including Family Courts or holding of link court of that cadre, the distance of such place should not be less than 50 kms from the District or Tehsil Headquarter concerned. For establishment of regular court/link court in Civil Judge (Senior/Junior Division) cadre, the distance of such place should not be less than 30 kms from District or Tehsil Headquarter concerned.
4. Prior to establishment of regular court or before holding any link court, availability of infrastructure and manpower should be ensured.
5. Conditions regarding minimum pendency and distance may be relaxed, as per administrative exigencies.

TABLE- I

Parameters for establishment of **Regular Court** in the Cadre of District and Additional Session Judge including Family Courts and Civil Judge (Senior/Junior Division) Cadre in tabular form are as follows :-

Name of Cadre	Number of Pending cases arising out of particular territorial Jurisdiction	Distance	Availability of Infrastructure	Availability of Man Power	Remarks
District and Additional Session Judge including Family Courts	650-750	Not less than 50 Kms. from the District/Tehsil Headquarter concerned.	Before establishment of Regular Court availability of infrastructure should be ensured.	Before establishment of Regular Court availability of Man Power should be ensured.	Condition regarding minimum pendency and distance may be relaxed, as per administrative exigencies.
Civil Judge (Senior/Junior Division) Cadre	1400-1600	Not less than 30 Kms. from the District/Tehsil Headquarter concerned.	Before establishment of Regular Court availability of infrastructure should be ensured.	Before establishment of Regular Court availability of Man Power should be ensured.	Condition regarding minimum pendency and distance may be relaxed, as per administrative exigencies.

TABLE - II

Parameters for establishment of **Link Court** in the Cadre of District and Additional Session Judge including Family Courts and Civil Judge (Senior/Junior Division) cadre in tabular form are as follows :-

Name of Cadre	Number of Pending cases arising out of particular territorial Jurisdiction	Period for Link court in a month	Distance	Availability of Infrastructure	Availability of Man Power	Remarks
District and Additional Session Judge including Family Courts	(i) If the pendency is 25% of the above mentioned 650-750 Cases	One Week	Not less than 50 Kms. from the District/ Tehsil Head-quarter concerned.	Before establishment of Link Court availability of infrastructure should be ensured.	Before establishment of Link Court availability of man power should be ensured.	Condition regarding minimum pendency and distance may be relaxed, as per administrative exigencies.
	(ii) If the pendency is 50% of the above mentioned 650-750 Cases	Two Weeks				
	(iii) If the pendency is 75% of the above mentioned 650-750 Cases	Three Weeks				
Civil Judge Senior/ Junior Division	(i) If the pendency is 25% of the above mentioned 1400-1600 Cases	One Week	Not less than 30 Kms. from the District/ Tehsil Head-quarter concerned.	Before establishment of Link Court availability of infrastructure should be ensured.	Before establishment of Link Court availability of man power should be ensured.	Condition regarding minimum pendency and distance may be relaxed, as per administrative exigencies.
	(ii) If the pendency is 50% of the above mentioned 1400-1600 Cases	Two Weeks				
	(iii) If the pendency is 75% of the above mentioned 1400-1600 Cases	Three Weeks				

**Questionnaire for states regarding the current status for
establishing new courts**

Name of the State : Tamil Nadu
Name of the High Court : Madras High Court
Name and designation of the officer who is completing the questionnaire : S.Ganapathisamy
Registrar (IT-cum-Statistics)
High Court, Madras.

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☐

No ☒

2. Is there any written policy for establishing new courts in your state?

Ans: No

3. If so, is the policy available in the web site?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Since the answer for the previous question is no, the Question does not arise.

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans: Since the answer for the previous question is no, the Question does not arise.

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☒

No ☐

7. If any scientific study is conducted, which agency conducts the study?

Ans: The Hon'ble Supreme Court of India, passed an order on 02.01.2017 in the case of Imtiyaz Ahmad (Vs) State of U.P. and Others (Criminal Appeal Nos.254-262 of 2012) directing to implement the Interim Report of the Chairperson, National Court Management System Committee (NCMSC) for enhancing the required Judge strength of each State Judiciary by adopting the formula prescribed in the report. Pursuant to the directions of the Hon'ble Supreme Court as per the formula prescribed in the interim report a additional Judicial Officers in all the Cadres have been arrived at and the said proposal have been forwarded to Government of Tamil Nadu on 14.11.2017, for sanctioning of additional Judges strength as mentioned below:

Cadre	Tamil Nadu
District Judge	154
Senior Civil Judge	286
Civil Judge	765
Total	1205

Pursuant to the resolutions adopted in the Chief Justices Conference 2022, held on 29th April 2022, the Government of Tamil Nadu vide letter dated 12.08.2022, was requested to take immediate steps for increasing the strength of additional Judges in all Cadres in the State of Tamil Nadu in a phased manner. Now, the matter is pending with the State Government.

Further, the Hon'ble Supreme Court of India, passed an order on 07.07.2021, in the case of Imtiyaz Ahmad (Vs) State of U.P. and Others (Criminal Appeal Nos.254-262 of 2012) directing all the High Courts **to file their responses** to the suggestions and recommendations made in the **Final Report** of the Hon'ble Mr Justice A.K.Sikri, Chairperson, NCMS Committee. A response was filed by the Madras High Court.

The Hon'ble Special Committee for SCMS, High Court Madras, formed a Sub Committee consisting of three Judicial Officers to submit a report to the Special Committee, as per the directives and suggestions made in the Final Report of the NCMS.

The said Sub Committee with the assistance of the Statisticians, deputed from the Government of Tamil Nadu, prepared a report as per the suggestions and recommendations made in the final report of Hon'ble Mr. Justice A.K. Sikri, Chairperson, NCMS Committee. In the report the Sub Committee arrived at constitution of 1501 additional Courts in the State of Tamil Nadu and the said report was submitted before the Hon'ble Special Committee. The Hon'ble Special Committee for SCMS approved the above report submitted by the Sub Committee.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request from the bar associations	☒	Need of the political parties	☐
Court directions in writ petitions	☒	Demand of political leaders	☐
Public demand through press	☐	Local considerations	☐
High pendency of any particular type of cases in the nearby courts	☒	High Pendency of cases generally in the district	☒
High pendency of cases in the state	☐	High pendency of a particular type of cases in the country	☐
Litigation Impact study	☐	Impact on social fabric as perceived through media	☐

Any other factors (Please specify):

**Questionnaire for states regarding the current status for
establishing new courts**

Name of the State : Union Territory of Puducherry
Name of the High Court : Madras High Court
Name and designation of the officer who is completing the questionnaire : S.Ganapathisamy
Registrar (IT-cum-Statistics)
High Court, Madras.

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes

☒

No

☐

2. Is there any written policy for establishing new courts in your state?

Ans: No

3. If so, is the policy available in the web site?

Yes

☐

No

☒

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Not applicable

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans: Not applicable

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☒

No ☐

7. If any scientific study is conducted, which agency conducts the study?

Ans: The Hon'ble Supreme Court of India, passed an order on 02.01.2017 in the case of Imtiyaz Ahmad (Vs) State of U.P. and Others (Criminal Appeal Nos.254-262 of 2012) directing to implement the Interim Report of the Chairperson, National Court Management System Committee (NCMSC) for enhancing the required Judge strength of each State Judiciary by adopting the formula prescribed in the report. Pursuant to the directions of the Hon'ble Supreme Court as per the formula prescribed in the interim report a additional Judicial Officers in all the Cadres have been arrived at and the said proposal have been forwarded to Government of Union Territory of Puducherry on 14.11.2017, for sanctioning of additional Judges strength as mentioned below:

Cadre	Union Territory of Puducherry
District Judge	2
Senior Civil Judge	1
Civil Judge	26
Total	29

Pursuant to the resolutions adopted in the Chief Justices Conference 2022, held on 29th April 2022, the Government of Union Territory of Puducherry vide letter dated 12.08.2022, was requested to take immediate steps for increasing the strength of additional Judges in all Cadres in the U.T of Puducherry in a phased manner. Now, the matter is pending with the State Government.

Further, the Hon'ble Supreme Court of India, passed an order on 07.07.2021, in the case of Imtiyaz Ahmad (Vs) State of U.P. and Others (Criminal Appeal Nos.254-262 of 2012) directing all the High Courts **to file their responses** to the suggestions and recommendations made in the **Final Report** of the Hon'ble Mr Justice A.K.Sikri, Chairperson, NCMS Committee. A response was filed by the Madras High Court.

The Hon'ble Special Committee for SCMS, High Court Madras, formed a Sub Committee consisting of three Judicial Officers to submit a report to the Special Committee, as per the directives and suggestions made in the Final Report of the NCMS.

The said Sub Committee with the assistance of the Statisticians, deputed from the Government of Tamil Nadu, prepared a report as per the suggestions and recommendations made in the final report of Hon'ble Mr. Justice A.K. Sikri, Chairperson, NCMS Committee. In the report the Sub Committee arrived at constitution of 35 additional Courts in U.T of Puducherry and the said report was submitted before the Hon'ble Special Committee. The Hon'ble Special Committee for SCMS approved the above report submitted by the Sub Committee.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request from the bar associations	☒	Need of the political parties	☐
Court directions in writ petitions	☒	Demand of political leaders	☒
Public demand through press	☐	Local considerations	☐
High pendency of any particular type of cases in the nearby courts	☐	High Pendency of cases generally in the district	☒
High pendency of cases in the state	☐	High pendency of a particular type of cases in the country	☒
Litigation Impact study	☐	Impact on social fabric as perceived through media	☐

Any other factors (Please specify):

Questionnaire for states regarding the current status for establishing new courts

Name of the State : MANIPUR
Name of the High Court : HIGH COURT OF MANIPUR
Name and designation of the officer who is completing the questionnaire : SHUBHAM VASHIST
Joint Registrar (Judge), HIGH COURT OF MANIPUR

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☐

No ☒

2. Is there any written policy for establishing new courts in your state?

Ans: No

3. If so, is the policy available in the web site?

Yes ☐

No ☐

4. If the answer to the previous question is yes, please provide the website URL?

Ans: N.A

5. If the answer to the previous question is no, please attach a copy of the written policy.

N.A

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans: *N.A*

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request from the bar associations	☐	Need of the political parties	☐
Court directions in writ petitions	☒	Demand of political leaders	☐
Public demand through press	☐	Local considerations	☒
High pendency of any particular type of cases in the near by courts	☒	High Pendency of cases generally in the district	☒
High pendency of cases in the state	☐	High pendency of a particular type of cases in the country	☐
Litigation Impact study	☐	Impact on social fabric as perceived through media	☐
Any other factors(Please specify):	—		—

**QUESTIONNAIRE FOR STATES REGARDING THE CURRENT STATUS
FOR ESTABLISHING NEW COURTS**

Name of the State : **Meghalaya**
Name of the High Court : **High Court of Meghalaya**
Name and designation of the officer who is completing the questionnaire : **Shri E.Kharumnuid, Registrar General**

General

1. Does the State government of your State automatically accede to all requests from the High Court to establish new Courts in the district judiciary?
➤ Generally, yes.
2. Is there any written policy for establishing new Courts in your State?
➤ No
3. If so, is the policy available in the website?
➤ N.A
4. If the answer to the previous question is yes, please provide the website URL.
➤ NA
5. If the answer to the previous question is no, please attach a copy of the written policy?
➤ No written policy has been made as yet for setting up of new Courts in the State.
6. Is any scientific study conducted before deciding to establish new courts in your State?
➤ No.

7. If any scientific study is conducted, which agency conducts the study?

➤ NA

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts?

- i. High pendency of any particular type of cases in the nearby courts.
- ii. High pendency of cases generally in the district
- iii. Local considerations

Questionnaire for states regarding the current status for establishing new Courts

Name of the State : Odisha

Name of the High Court : Orissa High Court

Name and designation of the Officer who is completing the questionnaire : Santosh Kumar Dash Ray,
Special Officer (Administration)/C,
Orissa High Court, Cuttack

General

1. Does the State Government of your state automatically accede to all requests from the High Court to establish new Courts in the district Judiciary ?

Yes ☐

No ☒

2. Is there any written policy for establishing new Courts in your State ?

Ans : Yes.

3. If so, is the policy available in the web site?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL ?

Ans : Not applicable.

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans : A copy of the written policy is appended herewith in **Annexure-A**.

6. Is any scientific study conducted before deciding to establish new Courts in your state ?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the Study ?

Ans : Not applicable.

Considerations

8. Which of the following considerations are taken into account when deciding the feasibility of establishing new Courts ?

(Please tick the appropriate. More than one column can be ticked)

Request from the Bar Associations	☒	Need of the Political Parties	☐
Court directions in writ petitions	☐	Demand of political leaders	☒
Public demand through press	☐	Local considerations	☒
High pendency of any particular type of cases in the nearby Courts	☒	High pendency of cases generally in the district	☒
High pendency of cases in the state	☒	High pendency of a particular type of cases in the Country	☒
Litigation impact study	☐	Impact on social fabric as perceived through media	☐

APPROVED POLICY FOR ESTABLISHMENT OF NEW COURTS IN THE
STATE OF ODISHA

The proposals for establishment of new courts to be considered on the criteria as indicated below :-

- (i) Courts of Civil Judge (Junior Division)-cum-Judicial Magistrate First Class at every Tahasil headquarters and at some of the Scheduled areas where such courts have not been established.
- (ii) Courts of Assistant Sessions Judges at all Sub-Divisional headquarters where no such Courts have been established.
- (iii) Courts of Additional Chief Judicial Magistrates and Additional District & Sessions Judges in the judgeships according to justification.

Further, while dealing with the proposals for establishment of new Courts, following information is taken into consideration:-

- (a) Availability of infrastructure facilities by which is meant availability of suitable Court building either Government or private accommodation for office, residential accommodation to the Presiding Officer whether Government or private, commensurate with the status of the Officer. In so far as the staff is concerned, a report would be obtained as to whether private accommodation for them is available;
- (b) Need of the people of the area;
- (c) Benefit that may accrue to the weaker section of the society;
- (d) Distance of the existing Court from the place where the proposed Court is suggested to be established;
- (e) Pendency and rate of institution of both civil and criminal cases arising out of the area where the Court is proposed to be established; and
- (f) Comparative need of a similar Court, in other parts of the District, or for that matter of the State.

**Questionnaire for states regarding the current status for
establishing new courts**

Name of the State : **BIHAR**
Name of the High Court : **PATNA HIGH COURT**
Name and designation of : **REGISTRAR GENERAL**
the officer who is completing
the questionnaire

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☒

No ☐

2. Is there any written policy for establishing new courts in your state?

Ans: No

3. If so, is the policy available in the web site?

Yes ☐

No ☐

Ans: Not Applicable

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Not Applicable

5. If the answer to the previous question is no, please attach a copy of the written policy?

Ans: Not Applicable

6. Is any scientific study conducted before deciding to establish new courts in your state.

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans: Not Applicable

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts?

(Please tick the appropriate. More than one can be ticked.)

Request from the bar associations	✓
Court directions in writ petitions	✓
Public demand through press	
High Pendency of any particular type of cases in the near by courts	✓
High pendency of cases in the state	✓
Litigation Impact Study	
Need of political parties	
Demand of political leaders	
Local considerations	
High pendency of cases generally in the district	✓
High pendency of a particular type of cases in the country	
Impact on social fabric as perceived through media	
Any other factors (Please specify):	

Questionnaire for States regarding the current status for establishing new courts.

Name of the State : Punjab, Haryana, Chandigarh

Name of the High Court : High Court of Punjab and Haryana, Chandigarh

**Name and designation of the : Amit Sharma, Secretary, HCLSC/
officer, who is completing the Nodel Officer (SCMSC)
questionnaire**

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Reply: Yes

2. Is there any written policy for establishing new courts in your state?

Reply: Yes

3. If so, is the policy available in the web site?

Reply : No

4. If the answer to the previous question is yes, please provide the website URL?

Reply: Not applicable

5. If the answer to the previous question is no, please attach a copy of the written policy.

Reply: Attached at Annexure- 'M'

6. Is any scientific study conducted before deciding to establish new courts in your state?

Reply: Yes

7. If any scientific study is conducted, which agency conducts the study?

*Reply: In house evaluation is done as per policy attached at Annexure-
'M' and no external agency is involved.*

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts?

*Reply: Court directions in writ petitions and Request from the bar
associations*

*Any other factors (Please specify) Request received from the
Government of India and the State Governments*

Minutes of the Meeting of the Sub Committee consisting of Hon'ble Mr. Justice R.P. Sethi, Hon'ble Mr. Justice M.S. Liberhan and Hon'ble Mr. Justice H.S. Bedi held on 4.5.1994 in the chamber of Hon'ble Mr. Justice R.P. Sethi.

Item No.1 Guidelines for setting up of new Courts in the States of Punjab & Haryana.

The matter was considered and it was observed that subject to the availability of adequate work in accordance with the norms already fixed, Courts may be opened in all the Sub Divisions in accordance with the guidelines for the facility of litigant public. It was further observed that the existing guidelines do not take into consideration the requirement of residential accommodation for the supporting staff of the Courts proposed to be set up, availability of the Judicial Lock up, Judicial Record-room and the Copying Agency. Apart from that whenever a new Court is created in a Sub Division the necessity of setting up an additional Court there usually arises after a short period due to increase in the work load and it becomes very difficult at that stage to arrange proper accommodation for the Court, residences and offices.

It was accordingly resolved that while adhering to the existing guidelines, compliance in respect of the following aspects should also be ensured:-

- i) That there exists a provision for the residential accommodation for the supporting staff of the Court proposed to be created;
- ii) That there exists a provision for Judicial Lock up;
- iii) That there exists a provision for Judicial Record-room and Copying Agency;
- iv) That there exists adequate accommodation/space for the Court, residence and offices for future expansion, in the near future, for the setting up additional Court.

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Item No.5 Setting up a Sub Judge-cum-Judicial
Magistrate Court at Meham in Rohtak Sessions
Division.

The matter was considered and it was resolved
that the Court be created subject to the compliance of
norms/guidelines laid down for the purpose.

[Signature]
(R.P. SETHI)
JUDGE

[Signature]
(M.S. LIBERMAN)
JUDGE

[Signature]
(H.S. BEDI)
JUDGE

4.5.1994.

[Signature]
1917

[Signature]
18/5/94

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1995

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4-252

Extr. from the confidential proceedings of the meeting of the
Hon'ble Judges held on Monday, the 13th February, 1995 at 3.00 P

18. The matter regarding guidelines laid down by the
Hon'ble Judges of Sub Committee consisting of Hon'ble
Mr. Justice R.P. Sethi, Hon'ble Mr. Justice M.S. Liberhan and
Hon'ble Mr. Justice H.S. Bedi for setting up of new Courts in
the States of Punjab and Haryana was considered along with
the note of the Registrar and it was decided to accept the
report of the Sub Committee.
Might send a copy of the above extract to Gaz. II. Branch
for information and necessary action.

S. Gn

R. K. Sharma
18-2-1995

S. Gaz.

20/2

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ANNEXURE 'A'

Report of the Committee comprising Hon'ble Shri B.C. Patel, Chief Justice, Delhi High Court, Hon'ble Shri Devinder Gupta, Chief Justice, High Court of Andhra Pradesh and Hon'ble Shri Markandeya Katju, Acting Chief Justice, Allahabad High Court regarding norms governing "Judge - Case Ratio"

In Chief Justices Conference-2004 (September 4 & 5, 2004) the following resolution was passed:-

- (i) That a Committee comprising of Hon'ble Shri B.C. Patel, Chief Justice, Delhi High Court, Hon'ble Shri Devinder Gupta, Chief Justice, High Court of Andhra Pradesh and Hon'ble Shri Markandeya Katju, Acting Chief Justice, Allahabad High Court, is constituted to examine and lay down broad principles for the purpose of fixing the number of subordinate judicial officers required for dealing with particular category of cases so as to fix the norms governing 'judge-case ratio'. The Report be submitted preferably by September 16, 2004 whereafter the issue as to sanctioning of additional posts for subordinate judiciary be taken up for consideration at the joint meeting of the Chief Justices and Chief Ministers to be held on September 18, 2004.

We have examined the question from different aspects. So far as Allahabad High Court is concerned, under different categories of cases to be conducted by different cadre of Judges, considering that how much time will be required to dispose of a matter, is indicated as under:-

District Judges and Additional District & Sessions Judges

1. Suit	3½ days per contested suit after full trial.
2. Regular Appeal	1 contested appeal per day.
3. Miscellaneous Appeal	2 contested appeals per day.
4. Land Acquisition Case	1½ days per contested case after full trial.

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Rent Control Case	2 days per contested case after full trial.
6. Matrimonial Case	2½ days per contested case after full trial.
7. Motor Accident Claim Petition	2½ days per contested case after full trial.
8. Sessions Trial (under Section 302 IPC, Other IPC Cases and Anti Corruption Cases)	3½ days per case.
9. Criminal Revisions	6 revisions per day.
10. Criminal Appeals	3 per day.

Civil Judge (Senior Division)

1. Suits	3½ days per contested case after full trial.
2. Small Cause Suits	2 days per contested case after full trial.
3. Rent Control Case	2 days per contested case after full trial.
4. Matrimonial Case	2½ days per contested case after full trial.

Civil Judge (Junior Division)

1. Suits	2½ days per contested case after full trial.

Magistrate Courts

1. Case	one case per day.
2. Traffic Cases	12 cases per day.
3. Food Adulteration Cases	2 cases per day.
4. Other cases	5 cases per day.

These figures are on the basis of contested matters. At least 20 to 25% of cases are settled during the course of hearing. Even in criminal

8-3

matters where offence is compoundable with or without permission of the court the parties are settling the matters by compounding the offences. The cases are sent to Lok Adalat for decision. These are the aspects to be kept in mind while allotting cases to the courts.

So far as Andhra Pradesh High Court is concerned, unit based norms have been fixed on the basis of which quantitative performance of the Judicial Officers is assessed. District Judges and Additional District Judges handle different types of civil and criminal cases, besides cases under various Central or State legislations. They also deal with Land Grabbing Original Petitions, petitions under the Motor Vehicles Act, references under the Land Acquisition Act. Similarly, Senior Civil Judges also handle civil and criminal cases, which include title suits, civil appeals, civil miscellaneous appeals, appeals under Rent Control Act, Election Petitions under A.P. Panchayat Raj Act, Land Grabbing Original Petitions, Sessions Cases, besides other miscellaneous work. Similarly, Junior Civil Judges also handle several categories of civil and criminal cases. Performance of all Judicial Officers is quantitatively assessed on unit-based norms. For example, Title Suits, Election Petitions, Land Grabbing Original Petitions, Sessions Cases and other cases which are required to be tried as a suit are assigned one unit each. Cases, which require lesser number of witnesses to be examined or consume lesser time for hearing, are assigned $\frac{1}{2}$ unit each. Other Miscellaneous Applications and cases requiring detailed orders to be written/dictated are assigned $\frac{1}{4}$ th unit. Considering the time consumed in trial and disposal of various categories of civil or criminal cases, the total number of days available for the Court to function, availability of witnesses

and host of other factors in order to earn good performance, besides decision on main cases and on other interlocutory applications, District Judges and Additional District Judges are supposed to decide 15 main matters, Senior Civil Judges are supposed to decide 20 main matters and Junior Civil Judges and Judicial Magistrates of First Class are supposed to decide 25 main matters. When District Judges, Additional District Judges, Senior Civil Judges, Junior Civil Judges/Judicial Magistrates of First Class handle all categories of cases and will dispose of such cases, usually, considering the nature of disposals, the turn out of a Judicial Officer, annually is as follows:

1. District Judge/Additional District Judge :	175 cases
2. Senior Civil Judge :	210 cases
3. Junior Civil Judge/Judicial Magistrate of First Class. :	255 cases

Justice N.K. Jain, Chief Justice of Karnataka High Court, in this behalf has pointed out that in the State of Karnataka establishment of new courts depends upon the pendency of more than 1500 cases in the existing court. - For Courts of Civil Judge (Junior Division) and Civil Judge (Senior Division) the pendency in the court should be 3000 cases. It appears that this is the criteria for establishment of a court. In our opinion, these figures are very high and cases between 500 to 750 would be adequate figure for establishment of a court.

However, the norms decided by Delhi High Court are on a different footing. An Additional District Judge/Additional Sessions Judge for obtaining "good" remarks is required to dispose of at least 80 units per

month. If we take into consideration the total number of units which an officer of Delhi Higher Judicial Service is required to dispose of in a year, this will come to 80×12 , i.e. 960 units. High Court already has fixed 900 units as criteria for pendency in the courts of ADJ/ASJ. This appears to be quite reasonable as the period of vacation is to be excluded.

On the basis of the criteria that ADJ/ASJ should have pendency of 900 units each at a given point of time, the number of cases of various categories that should be assigned to an Additional District Judge/Additional Sessions Judge would be as follows:

(1) Additional Session Judge:

- (a) Murder Cases = 150 cases equivalent to 150×6 , i.e. 900 units.
- (b) Sessions Cases = 150 cases equivalent to 150×6 , i.e. 900 units.
- (c) Criminal Appeals = 900 cases equivalent to 900×1 , i.e. 900 units.
- (d) Criminal Revisions = 1800 cases equivalent to $1800 \times \frac{1}{2}$, i.e. 900 units.
- (e) CBI cases = 110 cases equivalent to 110×8 , i.e. 880 units.
- (f) NDPS cases = 300 cases equivalent to 300×3 , i.e. 900 units.

(2) Additional District Judge:

- (a) Civil Suits = 150 cases equivalent to 150×6 , i.e. 900 units.
- (b) Civil Appeals = 900 cases equivalent to 900×1 , i.e. 900 units.
- (c) Rent Control Cases = 900 cases equivalent to 900×1 , i.e. 900 units.
- (d) Cases under Guardianship and Ward Act = 300 cases equivalent to 300×3 , i.e. 900 units.
- (e) Cases under Hindu Marriage Act = 180 cases equivalent to 180×5 , i.e. 900 units.

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The above figures indicate the number of cases of a particular category which could be assigned to a Court of Additional District Judge/Additional Sessions Judge. However, if a Court is given more than one category, the District Judge would be required to ensure that the total number of cases allotted to each Court are such so as to get minimum 900 units.

(3) Motor Accident Claim Tribunal/Rent Control Tribunal/Labour Court/Industrial Tribunal:

- (a) MACT Cases = 225 cases equivalent to 225×4 , i.e. 900 units.
- (b) Rent Appeals = 900 equivalent to 900×1 , i.e. 900 units.
- (c) Industrial/Labour Cases = 225 cases equivalent to 225×4 , i.e. 900 units.

(4) Additional District Judge LAC:

Additional District Judge dealing with land acquisition cases is, however, required to dispose of 133 units to obtain "good" grading. As such, the total number of units required to be disposed of by Additional District Judge LAC come to around 1596 rounded to 1600. As such, each Court of ADJ dealing with land acquisition cases should be allocated cases equivalent to 1600 units. Accordingly, each Court of ADJ (LAC) should be given cases as under:

- (a) Reference under Section 18 = 400 cases equivalent to 400×4 , i.e. 1600 units.
- (b) Application/reference under Section 31 (2) = 800 cases equivalent to 800×2 , i.e. 1600 units.

(5) Senior Civil Judge:

The same criteria as is applicable to the Additional District Judge is applicable to the Senior Civil Judge and accordingly, the number of cases which the Court of Senior Civil Judge is required to be allocated is as follows:

- (a) Suits = 150 equivalent to 150×6 , i.e. 900 units.
- (b) Appeals = 900 equivalent to 900×1 , i.e. 900 units.

(6) Judge Small Cause Court:

In case of Judge Small Cause Court, the similar criteria that of 900 units is followed as that in respect of Additional District Judge.

- (a) Suits per Court = 150 equivalent to 150×6 , i.e. 900 units.
- (b) Insolvency Cases = 150 equivalent to 150×6 , i.e. 900 units.
- (c) Guardianship Cases = 300 equivalent to 300×3 , i.e. 900 units.

(7) Civil Judges/Rent Controllers/MMs/CMMs:

As regards the criteria laid down for the Courts of Magistrates/Civil Judges who are the members of Delhi Judicial Service, the Civil Judge is required to dispose of 22 matters and Metropolitan Magistrate 32 matters in order to obtain "good" remarks in a month. However, the total number of cases which a Magistrate/Civil Judge is expected to handle have been fixed as 500 vide minutes dated 15th April, 1982 of the Committee presided over by the Hon'ble Chief Justice, which took the following decision:

"It was agreed that Senior Subordinate Judge and the Chief Metropolitan Magistrate should work out the total strength required in Delhi Judicial Service keeping in view the norm that

a Subordinate Judge/Metropolitan Magistrate should have a file of not more than 500 cases."

It may here be stated that the criteria of 500 cases per Court of a Civil Judge/Metropolitan Magistrate appears to be quite reasonable. This is because if the number of cases in each Court are much more, the courts will not be able to dispose of the cases with due promptitude and the cases will continue lingering on for years together.

Different places have different kind of litigation. For instance, Delhi has large number of cases under the Negotiable Instrument Act which are about 1 lakh in number. Adequate number of criminal courts will have to be created to ensure early disposal of these cases besides other civil and criminal cases. In case a Court is allotted more than 500 cases, the very purpose of legislation would not be served if these matters are not disposed of on priority.

It is also required to be noted that in metropolitan cities there may be specialized courts to deal with separate categories of cases but in the smaller districts it is not possible to have specialized courts. Other than District Headquarters, the Courts are also located at Sub Division Headquarters/Tehsil/Mandal headquarters. Number of Courts may be less and categories of cases more. They are required to handle almost all categories of cases. In hilly and remote areas, in various parts of the Country courts have been constituted as of necessity but these courts may not be having sufficient work as compared to similar courts in other parts. To see that justice is provided at door step, in some districts, the Magistrates and civil judges are required to hold camp courts at different

places say for one or two days in a week or in a fortnight or for couple of days in a month. They also have to deal with all types of matters. However, in some of the States for the convenience of litigant public or for some other reasons, even the Sessions Divisions are bifurcated and the sessions cases or civil appeals etc are conducted and heard at different places. Therefore, it will not be possible to fix norms for such courts. Keeping apart those courts we have tried to work out minimum number of case files which may conveniently be dealt with or handled by different categories of presiding officers.

Ordinarily, Subordinate Court Judge is working on an average for a period of 230 days in a year, considering 47 holidays including vacation, 52 Sundays, 15 Casual Leave and 15 Earned Leave, which ordinarily an officer is entitled to.

Keeping the aforesaid aspects in mind, average number of cases, which can conveniently be handled by various categories of Judicial Officers, can broadly be worked out as under:-

1. If Additional Sessions Judge has to handle mixed categories of cases i.e. Sessions Trials, Criminal Appeals, Criminal Revisions, CBI & NDPS Cases etc., the officer must have about 600 cases with him. If one type of work is assigned to him, it would become monotonous. Also sometimes on account of non-availability of witnesses or the lawyers, the Board may collapse. Therefore, all varieties of matters are required to be assigned with 600 cases to enable him to earn Good Remarks, as per the criteria fixed by various High Courts.

2. Similarly, Additional District Judge conducting civil suits, civil appeals and other miscellaneous categories of cases, viz., under the Guardianship and Wards Act and Hindu Marriage Act etc., is also required to earn good remarks for which the number of files, which must be assigned to him should be minimum 500 files.
3. Likewise Motor Accident Claims Tribunal; Industrial/Labour Court; the Court taking rent appeals; the Courts handling Land Acquisition Matters, etc. should have with them on an average minimum of 600 cases so as to enable them to earn requisite units.
4. So far as Senior civil Judge is concerned, normally, in Delhi, he is dealing with suits and appeals and should have on average per year disposal of 550 files of suits and appeals to earn 900 units.
5. Judge Small Cause Court is normally dealing with suits, Insolvency and Guardianship matters. Ordinarily he should also handle 500 matters.
6. So far as Metropolitan Magistrate is concerned, he is required to dispose of 32 cases per month, to earn "Good" remarks. However, over and above this, he is required to decide matters on the basis of settlement or compromise. In Delhi he is also deciding matters under other laws, such as, Companies Act, Delhi Development Act, Delhi Municipal Corporation Act, Factories Act, Employees State Insurance Act etc. for which he is given half unit. Magistrate is given three units for deciding a contested case and one unit for disposal on compromise in matter filed under Section 125 Criminal Procedure Code. Three

units under Prevention of Food Adulteration Act are given. Likewise, for police challan, one unit is given, if it is a contested case. Over and above, he has to decide minimum 5 cases which are seven years old. Magistrate has to decide various types of cases and specialization is only with regard to some courts, such as those dealing with DDA and DMC cases. Similarly in other States various categories of cases are handled by Magistrates. Keeping in view the overall picture, a Magistrate must have with him minimum of 500 to 600 files for disposal.

7. Similarly a Civil Judge should also have minimum of 500 to 600 files with him for disposal on the basis of the criteria of disposal fixed by Delhi High Court and other High Courts.

There is, however, Supreme Court Judgement in All India Judges Association case which has finally laid down norms for pendency of cases in each Court in the country. Apex Court has held that Judge strength may be increased from the existing ratio of 10.5 or 13 per 10 lakh people to 50 Judges for every 10 lakh people in a phased manner. The relevant portions of the above judgement are extracted below:

"..... Apart from the steps which may be necessary for increasing the efficiency of the Judicial Officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely, the judicial system, by directing

increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakhs people to 50 judges for 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional judges, not only will the posts have to be created but infrastructure required in the form of additional Court rooms, buildings, staff, etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States. The increase in the Judge strength to 50 judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary."

The above decision of the Apex Court is based on the 120th Report of Law Commission. Relevant para 8 & 9 of the Law Commission's Report is

reproduced below for facility of reference:

"8: This question can, of course, be approached from several perspectives. First, we may try to correlate the general increase in population rate with the question of the number of Judges in all cadres. In regard to political representation in Parliament, the demographic factor has been frozen to the levels of population as at 1971 {See article 81(3)}. India has today only 10.5 Judges per million population; Australia, which had roughly ten million population in 1975, had 577 Judges giving an average of 41.6 Judges per million population; Canada with her 1,812 Judges with a population of roughly 25 million as of 1973, had the rate of 75.2 Judges per million population; England with 2,504 Judges for roughly 50 million people in 1973 had the rate of 50.9 Judges per million population and the United States with three times less population than India has 25,037 Judges as at 1981 giving an average of 107 Judges per million of population. This information filed by the Union of India expert Prof. Marc Gallanter has been endorsed by the Union of India. Clearly the total Judge strength of 7,675 is grossly inadequate for India.

9: Given the overall resource constraints, it is not possible for us even to suggest that we immediately rise to a total Judge strength of 25,087 which the U.S. commanded as of 1981. But certainly there is strong justification for the recommendation that we increase immediately the present ratio from 10.5 Judges per million of Indian population to at least 50 Judges per million of Indian population. We recommend accordingly."

Keeping in view the various factors like categories of cases, complexity of litigation, the time consumed for deciding a case and number of working days available to a Judicial officer, we are of the opinion that the ideal judge-case ratio for each court taking up varieties of matters should be as follows at any given point of time:-

1. District Judges/Additional District Judges/ Additional Sessions Judges.	: 500 cases
2. Senior Civil Judges	: 500 cases
3. Junior Civil Judges	: 600 cases
4. Metropolitan Magistrates/ Judicial Magistrates of First Class.	: 600 cases

Aforementioned being the ideal Judge-ratio-case wise has to be maintained at all times. It may not be possible that these figures may remain static. The figures will definitely rise in case we take into consideration the normal phenomena of there being more institution of new cases as compared to disposal of cases. Thus, we can take the number of moderate pendency that every Judicial Officer is supposed to handle at one and half times of the ideal Judge ratio case wise. This moderate number of cases at a given point of time should be the maximum before a Presiding Officer in order to enable him to turnout good disposal and earn good report. However, in case the figure of pendency of cases at a given point of time before any Presiding Officer reaches or crosses double the ideal Judge ratio case wise, there would be necessity to create an additional Court of that level. As and when review is taken up by the High Courts of the pendency of cases in various Subordinate Courts and recommendations are made by the High Courts for creation of more courts of any particular category, because Judge-ratio-case

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wise has crossed double the mark of the ideal Judge-ratio case wise, the State Governments must consider such a request and establish new courts as per the demand of the High Court.

Refused

(B.C. Patel)
Chief Justice
Delhi High Court

Mr. Justice Gupta, Chief Justice
Andhra Pradesh High Court,
has agreed to
the suggestion on
pending in the court.

(Devinder Gupta)
Chief Justice
Andhra Pradesh High Court

Markandey Katju
(Markandeya Kalyan)
Acting Chief Justice
Allahabad High Court

15.09.2004

15.9.04

PROCEEDINGS OF THE MEETING OF THE COMMITTEE HELD IN THE CHAMBER OF HON'BLE MR. JUSTICE UMA NATH SINGH ON THE 5TH APRIL, 2005 AT 4.10 P.M.

Re:- Consideration of Report dated 15.09.2004 submitted by the Committee consisting of Hon'ble Mr. Justice B.C.Patel, Chief Justice, High Court of Delhi, Hon'ble Mr. Justice Devinder Gupta, Chief Justice, Andhra Pradesh High Court and Hon'ble Mr. Justice Markandeya Katju, Acting Chief Justice, Allahabad High Court, constituted in pursuance of the resolution passed in the Chief Justices' Conference, 2004, regarding enhancement of numerical strength of Subordinate Judges.

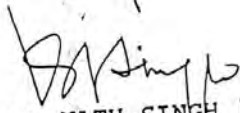
The matter has been considered in the light of Meeting Note of Registrar General.

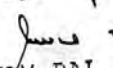
The office has worked out the number of posts of judicial officers required to be got created considering the judge case ratio in terms of recommendations by the Committee headed by Hon'ble Mr. Justice B.C.Patel, Chief Justice, High Court of Delhi. We accordingly recommend that the matter be taken up with the Government of Punjab for creation of 6 more posts of Additional District & Sessions Judges and 353 more posts of Civil Judges whereas the Government of Haryana be approached for creation of 14 more posts of Additional District & Sessions Judges and 395 more posts of Civil Judges whereas the Chandigarh Administration be requested to create 4 more posts of Additional District & Sessions Judges and 47 more posts of Civil Judges.

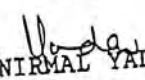
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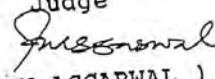
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The matter be placed before Hon'ble the Chief Justice for favour of consideration in the Full Court meeting of Hon'ble Judges.


(UMA NATH SINGH)
Judge


(PRITHAM PAL)
Judge


(Mrs. NIRMAL YADAV)
Judge


(S.N. AGGARWAL)
Judge

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RAJASTHAN HIGH COURT, JODHPUR

"Questionnaire for states regarding the current status for establishing new courts

Name of the State	Rajasthan
Name of the High Court	Rajasthan High Court
Name and designation of the officer who is completing the questionnaire	Ajitabh Acharya, O.S.D (F&I)
General 1. Does the state government of your state automatically accede to all requests from the High court to establish new courts in the district judiciary? Yes No	"No" as all the requests/ recommendation for creation of new courts made by this office is not accepted by State Government and creation of 859 courts are pending before State Government.
2. Is there any written policy for establishing new courts in your state?	Yes, norms prescribed by the <u>State Government</u> as under:- DJ/ADJ cadre= 1000 to 1200 Matters CJM/ACJM= 1200 to 1500 Matters JM/AJM= 1700 to 2000 Matters Further, norms prescribed by the <u>Rajasthan High Court</u> as under:- Spl. Courts SC/ST (POA) Act/ ACD cases/ POCSO Act & offence u/s 376, 376AB, 376B, 376C, 376D, 376DA, 376DB IPC cases courts = 50 cases NDPS Act/ = 50 cases Family Courts= 500-600 cases ADJ = 750 cases JM/ACJM= 1000 cases
3. If so, is the policy available in the web site Yes No	No
4. If the answer to the previous question is yes, please provide the website URL?	Not Applicable
5. If the answer to the previous question is no, please attach a copy of written policy	Norms prescribed by State Government vide letter dt. 7.8.93 is attached Annexure-1. Spl. Courts SC/ST (POA) Act/ ACD cases/ POCSO Act & offence u/s 376, 376AB, 376B, 376C, 376D, 376DA, 376DB IPC cases courts = 50 cases & ADJ = 750 cases (Annexure-2) NDPS Act =50 cases (Annexure-3) Family Courts= 500-600 cases (Annexure-4) JM/ACJM= 1000 cases (Annexure-5)

6. Is any scientific study conducted before deciding to establish new courts in your state? Yes No	So far as regarding the establishment of new Courts is concerned after receiving information regarding declaration made by the State Government in yearly Budget or after receiving request from the Bar Association/Public at large or otherwise and whenever information send by District & Sessions Judge. The concerned District & Sessions Judges are called for sending information regarding pendency of the cases in the area for which new Courts is proposed or requested alongwith the availability of all type of infra-structural facilities like court building/ residence for Presiding officer/ distance from original court/ availability of other facilities like revenue courts/ transportation/ bank/ school/ Jail etc. After receiving such comments, matter is placed before Hon'ble the Committee and after approval of Hon'ble the Chief Justice, recommendation is made to State Government for creation.
7. If any scientific study is conducted, which agency conducts the study?	Comments are called from the concerned District & Sessions Judge, who himself or the officer as authorised by him collect the desired information
Considerations:	
8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts?	
Request from the Bar Associations	Yes
Court directions in writ petitions	Yes (as some courts are created as per the direction of Hon'ble the Court)
Public demand through Press	Yes (as some representations are received from public of such area, however through Press are not considered as per record)
High pendency of any particular type of cases in the near by courts	Yes
Litigation Impact study	Yes
Need of the Political parties	No
Demand of political leaders	No
Local considerations	No
High pendency of a particular type of cases in the country	Yes
Impact on social fabric as perceived through media	No
Any other factors (please specify)	geographical condition, distance from original court where cases are presently pending, availability of all type of infrastructural facilities, availability of Jail etc. mandatory provision of time bound disposal.

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**QUESTIONNAIRE FOR STATES REGARDING THE CURRENT
STATUS FOR ESTABLISHING NEW COURTS.**

Name of the State : Sikkim
Name of the High Court : High Court of Sikkim
Name and designation of the
Officer who is completing the
Questionnaire : Mr. Sonam Palden Bhutia, Registrar (Judicial
Service), High Court of Sikkim & Member/Nodal
Officer, State Court Management System (SCMS)

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?
- **Depends on the requests made.**
2. Is there any written policy for establishment new courts in your state?
- **No, there is no such written policy for establishment new Courts in the State of Sikkim.**
3. If so, is the policy available in the web site?
- **N.A.**
4. If the answer to the previous question is yes, provide the website URL?
- **N.A.**
5. If the answer to the previous question is no, please attach a copy of the written policy.
- **N.A.**
6. Is any scientific study conducted before deciding to establish new courts in your State?
- **No**

7. If any scientific study is conducted, which agency conducts the study?

-N.A.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate; More than one columns can be ticked)

Request from the Bar associations		Need of the political parties	
Court directions in writ petitions		Demand of political leaders	
Public demand through press		Local considerations	✓
High pendency of any particular type of cases in the near by courts.		High Pendency of cases generally in the districts	
High Pendency of cases in the state		High Pendency of a particular type of cases in the country	
Litigation Impact study		Impact of social fabric as perceived through media	
Any other factors (Please specify): NO			

**Questionnaire for states regarding the current status
for establishing new courts**

Name of the State

: TELANGANA

Name of the High Court

: High Court for the State of Telangana

Name and designation of the
officer who is completing the
questionnaire

: REGISTRAR J T Cum CPL

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☐

No ☒

2. Is there any written policy for establishing new courts in your state? *However*

Ans: No — following the Supreme Court of India Policy of 2004.

3. If so, is the policy available in the web site?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Not Applicable

5. If the answer to the previous question is no, please attach a copy of the written policy.

Attached

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans: Not Applicable

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request from the bar associations

☒

Need of the political parties

☐

Court directions in writ petitions

☐

Demand of political leaders

☒

Public demand through press

☐

Local considerations

☐

High pendency of any particular type of cases in the near by courts

☒

High Pendency of cases generally in the district

☒

High pendency of cases in the state

☒

High pendency of a particular type of cases in the country

☐

Litigation Impact study

☐

Impact on social fabric as perceived through media

☐

Any other factors(Please specify):

☐
☐

SUPREME COURT OF INDIA
NEW DELHI-110 001

R.C. GANDHI,
REGISTRAR (ADMN.J),
Tel No : 23382842
26888448
Fax : 23381508
23383792

O.No.CCJ/04/L/SCA-(J)
Date: 8th October, 2004.

Dear Shri Reddy,

I am to enclose herewith a copy of the Report dated 15.09.2004 submitted by the Committee consisting of Hon'ble Mr. Justice B.C. Patel, Chief Justice, High Court of Delhi, Hon'ble Mr. Justice Devinder Gupta, Chief Justice, Andhra Pradesh High Court and Hon'ble Mr. Justice Markandeya Katju, Acting Chief Justice, Allahabad High Court, constituted in pursuance of the resolution passed on Agenda Item No.12(i) (Enhancement of numerical strength of Judges) of the Chief Justices' Conference held on 4-5th September, 2004 for such action as may be directed by the Hon'ble Chief Justice of your High Court.

With regards,

Yours sincerely,

(R.C. Gandhi)

Encl. : As above

Shri P. Swaroop Reddy
Registrar General,
Andhra Pradesh High Court,
HYDERABAD - 500 266

Report of the Committee comprising Hon'ble Shri B.C. Patel, Chief Justice, Delhi High Court, Hon'ble Shri Devinder Gupta, Chief Justice, High Court of Andhra Pradesh and Hon'ble Shri Markandeya Katju, Acting Chief Justice, Allahabad High Court regarding norms governing "Judge - Case Ratio"

In Chief Justices Conference-2004 (September 4 & 5, 2004) the following resolution was passed:-

- (i) That a Committee comprising of Hon'ble Shri B.C. Patel, Chief Justice, Delhi High Court, Hon'ble Shri Devinder Gupta, Chief Justice, High Court of Andhra Pradesh and Hon'ble Shri Markandeya Katju, Acting Chief Justice, Allahabad High Court, is constituted to examine and lay down broad principles for the purpose of fixing the number of subordinate judicial officers required for dealing with particular category of cases so as to fix the norms governing 'judge-case ratio'. The Report be submitted preferably by September 16, 2004 whereafter the issue as to sanctioning of additional posts for subordinate judiciary be taken up for consideration at the joint meeting of the Chief Justices and Chief Ministers to be held on September 18, 2004.

We have examined the question from different aspects. So far as Allahabad High Court is concerned, under different categories of cases to be conducted by different cadre of Judges, considering that how much time will be required to dispose of a matter, is indicated as under:-

District Judges and Additional District & Sessions Judges

1. Suit	3½ days per contested suit after full trial.
2. Regular Appeal	1 contested appeal per day.
3. Miscellaneous Appeal	2 contested appeals per day.
4. Land Acquisition Case	1½ days per contested case after full trial.

Rent Control Case	2 days per contested case after full trial.
6. Matrimonial Case	2½ days per contested case after full trial.
7. Motor Accident Claim Petition	2½ days per contested case after full trial.
8. Sessions Trial (under Section 302 IPC, Other IPC Cases and Anti Corruption Cases)	3½ days per case.
9. Criminal Revisions	6 revisions per day.
10. Criminal Appeals	3 per day.

Civil Judge (Senior Division)

1. Suits	3½ days per contested case after full trial.
2. Small Cause Suits	2 days per contested case after full trial.
3. Rent Control Case	2 days per contested case after full trial.
4. Matrimonial Case	2½ days per contested case after full trial.

Civil Judge (Junior Division)

1. Suits	2½ days per contested case after full trial.

Magistrate Courts

1. Case	one case per day.
2. Traffic Cases	12 cases per day.
3. Food Adulteration Cases	2 cases per day.
4. Other cases	5 cases per day.

These figures are on the basis of contested matters. At least 20 to 25% of cases are settled during the course of hearing. Even in criminal

matters where offence is compoundable with or without permission of the court the parties are settling the matters by compounding the offences. The cases are sent to Lok Adalat for decision. These are the aspects to be kept in mind while allotting cases to the courts.

So far as Andhra Pradesh High Court is concerned, unit based norms have been fixed on the basis of which quantitative performance of the Judicial Officers is assessed. District Judges and Additional District Judges handle different types of civil and criminal cases, besides cases under various Central or State legislations. They also deal with Land Grabbing Original Petitions, petitions under the Motor Vehicles Act, references under the Land Acquisition Act. Similarly, Senior Civil Judges also handle civil and criminal cases, which include title suits, civil appeals, civil miscellaneous appeals, appeals under Rent Control Act, Election Petitions under A.P. Panchayat Raj Act, Land Grabbing Original Petitions, Sessions Cases, besides other miscellaneous work. Similarly, Junior Civil Judges also handle several categories of civil and criminal cases. Performance of all Judicial Officers is quantitatively assessed on unit-based norms. For example, Title Suits, Election Petitions, Land Grabbing Original Petitions, Sessions Cases and other cases which are required to be tried as a suit are assigned one unit each. Cases, which require lesser number of witnesses to be examined or consume lesser time for hearing, are assigned $\frac{1}{2}$ unit each. Other Miscellaneous Applications and cases requiring detailed orders to be written/dictated are assigned $\frac{1}{4}$ unit. Considering the time consumed in trial and disposal of various categories of civil or criminal cases, the total number of days available for the Court to function, availability of witnesses

and host of other factors in order to earn good performance, besides decision on main cases and on other interlocutory applications, District Judges and Additional District Judges are supposed to decide 15 main matters, Senior Civil Judges are supposed to decide 20 main matters and Junior Civil Judges and Judicial Magistrates of First Class are supposed to decide 25 main matters. When District Judges, Additional District Judges, Senior Civil Judges, Junior Civil Judges/Judicial Magistrates of First Class handle all categories of cases and will dispose of such cases, usually, considering the nature of disposals, the turn out of a Judicial Officer, annually is as follows:

1. District Judge/Additional District Judge :	175 cases
2. Senior Civil Judge	210 cases
3. Junior Civil Judge/Judicial Magistrate of First Class.	255 cases

Justice N.K. Jain, Chief Justice of Karnataka High Court, in this behalf has pointed out that in the State of Karnataka establishment of new courts depends upon the pendency of more than 1500 cases in the existing court. For Courts of Civil Judge (Junior Division) and Civil Judge (Senior Division) the pendency in the court should be 3000 cases. It appears that this is the criteria for establishment of a court. In our opinion, these figures are very high and cases between 500 to 750 would be adequate figure for establishment of a court.

However, the norms decided by Delhi High Court are on a different footing. An Additional District Judge/Additional Sessions Judge for obtaining "good" remarks is required to dispose of at least 80 units per

month. If we take into consideration the total number of units which an officer of Delhi Higher Judicial Service is required to dispose of in a year, this will come to 80×12 , i.e. 960 units. High Court already has fixed 900 units as criteria for pendency in the courts of ADJ/ASJ. This appears to be quite reasonable as the period of vacation is to be excluded.

On the basis of the criteria that ADJ/ASJ should have pendency of 900 units each at a given point of time, the number of cases of various categories that should be assigned to an Additional District Judge/Additional Sessions Judge would be as follows:

(1) Additional Session Judge:

- (a) Murder Cases = 150 cases equivalent to 150×6 , i.e. 900 units.
- (b) Sessions Cases = 150 cases equivalent to 150×6 , i.e. 900 units.
- (c) Criminal Appeals = 900 cases equivalent to 900×1 , i.e. 900 units.
- (d) Criminal Revisions = 1800 cases equivalent to $1800 \times \frac{1}{2}$, i.e. 900 units.
- (e) CBI cases = 110 cases equivalent to 110×8 , i.e. 880 units.
- (f) NDPS cases = 300 cases equivalent to 300×3 , i.e. 900 units.

(2) Additional District Judge:

- (a) Civil Suits = 150 cases equivalent to 150×6 , i.e. 900 units.
- (b) Civil Appeals = 900 cases equivalent to 900×1 , i.e. 900 units.
- (c) Rent Control Cases = 900 cases equivalent to 900×1 , i.e. 900 units.
- (d) Cases under Guardianship and Ward Act = 300 cases equivalent to 300×3 , i.e. 900 units.
- (e) Cases under Hindu Marriage Act = 180 cases equivalent to 180×5 , i.e. 900 units.

The above figures indicate the number of cases of a particular category which could be assigned to a Court of Additional District Judge/Additional Sessions Judge. However, if a Court is given more than one category, the District Judge would be required to ensure that the total number of cases allotted to each Court are such so as to get minimum 900 units.

(3) Motor Accident Claim Tribunal/Rent Control Tribunal/Labour Court/Industrial Tribunal:

- (a) MACT Cases = 225 cases equivalent to 225×4 , i.e. 900 units.
- (b) Rent Appeals = 900 equivalent to 900×1 , i.e. 900 units.
- (c) Industrial/Labour Cases = 225 cases equivalent to 225×4 , i.e. 900 units.

(4) Additional District Judge LAC:

Additional District Judge dealing with land acquisition cases is, however, required to dispose of 133 units to obtain "good" grading. As such, the total number of units required to be disposed of by Additional District Judge LAC come to around 1596 rounded to 1600. As such, each Court of ADJ dealing with land acquisition cases should be allocated cases equivalent to 1600 units. Accordingly, each Court of ADJ (LAC) should be given cases as under:

- (a) Reference under Section 18 = 400 cases equivalent to 400×4 , i.e. 1600 units.
- (b) Application/reference under Section 31 (2) = 800 cases equivalent to 800×2 , i.e. 1600 units.

(5) Senior Civil Judge:

The same criteria as is applicable to the Additional District Judge is applicable to the Senior Civil Judge and accordingly, the number of cases which the Court of Senior Civil Judge is required to be allocated is as follows:

(a) Suits = 150 equivalent to 150×6 , i.e. 900 units.

(b) Appeals = 900 equivalent to 900×1 , i.e. 900 units.

(6) Judge Small Cause Court:

In case of Judge Small Cause Court, the similar criteria that of 900 units is followed as that in respect of Additional District Judge.

(a) Suits per Court = 150 equivalent to 150×6 , i.e. 900 units.

(b) Insolvency Cases = 150 equivalent to 150×6 , i.e. 900 units.

(c) Guardianship Cases = 300 equivalent to 300×3 , i.e. 900 units.

(7) Civil Judges/Rent Controllers/MMs/CMMs:

As regards the criteria laid down for the Courts of Magistrates/Civil Judges who are the members of Delhi Judicial Service, the Civil Judge is required to dispose of 22 matters and Metropolitan Magistrate 32 matters in order to obtain "good" remarks in a month. However, the total number of cases which a Magistrate/Civil Judge is expected to handle have been fixed as 500 vide minutes dated 15th April, 1982 of the Committee presided over by the Hon'ble Chief Justice, which took the following decision:

"It was agreed that Senior Subordinate Judge and the Chief

Metropolitan Magistrate should work out the total strength

required in Delhi Judicial Service keeping in view the norm that "

a Subordinate Judge/Metropolitan Magistrate should have a file of not more than 500 cases."

It may here be stated that the criteria of 500 cases per Court of a Civil Judge/Metropolitan Magistrate appears to be quite reasonable. This is because if the number of cases in each Court are much more, the courts will not be able to dispose of the cases with due promptitude and the cases will continue lingering on for years together.

Different places have different kind of litigation. For instance, Delhi has large number of cases under the Negotiable Instrument Act which are about 1 lakh in number. Adequate number of criminal courts will have to be created to ensure early disposal of these cases besides other civil and criminal cases. In case a Court is allotted more than 500 cases, the very purpose of legislation would not be served if these matters are not disposed of on priority.

It is also required to be noted that in metropolitan cities there may be specialized courts to deal with separate categories of cases but in the smaller districts it is not possible to have specialized courts. Other than District Headquarters, the Courts are also located at Sub Division Headquarters/Tehsil/Mandal headquarters. Number of Courts may be less and categories of cases more. They are required to handle almost all categories of cases. In hilly and remote areas, in various parts of the Country courts have been constituted as of necessity but these courts may not be having sufficient work as compared to similar courts in other parts. To see that justice is provided at door step, in some districts, the Magistrates and civil judges are required to hold camp courts at different

places say for one or two days in a week or in a fortnight or for couple of days in a month. They also have to deal with all types of matters.

However, in some of the States for the convenience of litigant public or for some other reasons, even the Sessions Divisions are bifurcated and the sessions cases or civil appeals etc are conducted and heard at different places. Therefore, it will not be possible to fix norms for such courts.

Keeping apart those courts which have to work out minimum number of case files which may conveniently be dealt with or handled by different categories of presiding officers.

Ordinarily, Subordinate Court Judge is working on an average for a period of 230 days in a year, considering 47 holidays including vacation, 52 Sundays, 15 Casual Leave and 15 Earned Leave, which ordinarily an officer is entitled to.

Keeping the aforesaid aspects in mind, average number of cases, which can conveniently be handled by various categories of Judicial Officers, can broadly be worked out as under:-

1. If Additional Sessions Judge has to handle mixed categories of cases i.e. Sessions Trials, Criminal Appeals, Criminal Revisions, CBI & NDPS Cases etc., the officer must have about 600 cases with him. If one type of work is assigned to him, it would become monotonous. Also sometimes on account of non-availability of witnesses or the lawyers, the Board may collapse. Therefore, all varieties of matters are required to be assigned with 600 cases to enable him to earn Good Remarks, as per the criteria fixed by various High Courts.

2. Similarly, Additional District Judge, conducting civil suits, civil appeals and other miscellaneous categories of cases, viz., under the Guardianship and Wards Act and Hindu Marriage Act etc., is also required to earn good remarks for which the number of files, which must be assigned to him should be minimum 500 files.

3. Likewise Motor Accident Claims Tribunal; Industrial/Labour Court; the Court taking rent appeals; the Courts handling Land Acquisition Matters, etc. should have with them on an average minimum of 600 cases so as to enable them to earn requisite units.

4. So far as Senior civil Judge is concerned, normally, in Delhi, he is dealing with suits and appeals and should have on average per year disposal of 550 files of suits and appeals to earn 900 units.

5. Judge Small Cause Court is normally dealing with suits, Insolvency and Guardianship matters. Ordinarily he should also handle 500 matters.

6. So far as Metropolitan Magistrate is concerned, he is required to dispose of 32 cases per month, to earn "Good" remarks. However, over and above this, he is required to decide matters on the basis of settlement or compromise. In Delhi he is also deciding matters under other laws, such as, Companies Act, Delhi Development Act, Delhi Municipal Corporation Act, Factories Act, Employees State Insurance Act etc. for which he is given half unit. Magistrate is given three units for deciding a contested case and one unit for disposal on compromise in matter filed under Section 125 Criminal Procedure Code. Three

units under Prevention of Food Adulteration Act are given. Likewise, for police challan, one unit is given, if it is a contested case. Over and above, he has to decide minimum 5 cases which are seven years old. Magistrate has to decide various types of cases and specialization is only with regard to some courts, such as those dealing with DDA and DMC cases. Similarly in other States various categories of cases are handled by Magistrates. Keeping in view the overall picture, a Magistrate must have with him minimum of 500 to 600 files for disposal.

7. Similarly a Civil Judge should also have minimum of 500 to 600 files with him for disposal on the basis of the criteria of disposal fixed by Delhi High Court and other High Courts.

There is, however, Supreme Court Judgement in All India Judges Association case which has finally laid down norms for pendency of cases in each Court in the country. Apex Court has held that Judge strength may be increased from the existing ratio of 10.5 or 13 per 10 lakh people to 50 Judges for every 10 lakh people in a phased manner. The relevant portions of the above judgement are extracted below:

“..... Apart from the steps which may be necessary for increasing the efficiency of the Judicial Officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely, the judicial system, by directing

increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakhs people to 50 judges for 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional judges, not only will the posts have to be created but infrastructure required in the form of additional Court rooms, buildings, staff, etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States. The increase in the Judge strength to 50 judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary."

The above decision of the Apex Court is based on the 120th Report of Law Commission. Relevant para 8 & 9 of the Law Commission's Report is reproduced below for facility of reference:

"8: This question can, of course, be approached from several perspectives. First, we may try to correlate the general increase in population rate with the question of the number of Judges in all cadres. In regard to political representation in Parliament, the demographic factor has been frozen to the levels of population as at 1971. (See article 81(3)). India has today only 10.5 Judges per million population; Australia, which had roughly ten million population in 1975, had 577 Judges giving an average of 41.6 Judges per million population; Canada with her 1,812 Judges with a population of roughly 25 million as of 1973, had the rate of 75.2 Judges per million population; England with 2,504 Judges for roughly 50 million people in 1973 had the rate of 50.9 Judges per million population and the United States with three times less population than India has 25,037 Judges as at 1981 giving an average of 107 Judges per million of population. This information filed by the Union of India expert Prof. Marc Gallanter has been endorsed by the Union of India. Clearly the total Judge strength of 7,675 is grossly inadequate for India.

9: Given the overall resource constraints, it is not possible for us even to suggest that we immediately rise to a total Judge strength of 25,087 which the U.S. commanded as of 1981. But certainly there is strong justification for the recommendation that we increase immediately the present ratio from 10.5 Judges per million of Indian population to at least 50 Judges per million of Indian population. We recommend accordingly."

Keeping in view the various factors, like categories of cases, complexity of litigation, the time consumed for deciding a case and number of working days available to a Judicial officer, we are of the opinion that the ideal judge-case ratio for each court taking up varieties of matters should be as follows at any given point of time:-

1. District Judges/Additional District Judges/
Additional Sessions Judges. 500 cases.
2. Senior Civil Judges 500 cases
3. Junior Civil Judges 600 cases
4. Metropolitan Magistrates/
Judicial Magistrates of First Class. 600 cases

Aforementioned being the ideal Judge-ratio-case wise has to be maintained at all times. It may not be possible that these figures may remain static. The figures will definitely rise in case we take into consideration the normal phenomena of there being more institution of new cases as compared to disposal of cases. Thus, we can take the number of moderate pendency that every Judicial Officer is supposed to handle at one and half times of the ideal Judge ratio case wise. This moderate number of cases at a given point of time should be the maximum before a Presiding Officer in order to enable him to turn out good disposal and earn good report. However, in case the figure of pendency of cases at a given point of time before any Presiding Officer reaches or crosses double the ideal Judge ratio case wise, there would be necessity to create an additional Court of that level. As and when review is taken up by the High Courts of the pendency of cases in various Subordinate Courts and recommendations are made by the High Courts for creation of more courts of any particular category, because Judge-ratio-case

wise has crossed double the mark of the ideal Judge-ratio case wise, the State Governments must consider such a request and establish new courts as per the demand of the High Court.

Gandhi

(B.C. Patel)
Chief Justice
Delhi High Court

My Justice Gupta, Chief Justice, Andhra Pradesh High Court has agreed to the suggestion on phone as stated above.

(Devinder Gupta)
Chief Justice
Andhra Pradesh High Court

Markandey Katju
(Markandeya Katju)
Acting Chief Justice
Allahabad High Court

15.09.2004

15.9.04

Questionnaire for states regarding the current status for establishing new courts

Name of the State : Tripura

Name of the High Court : High Court of Tripura, Agartala

Name and designation of the officer who is completing the questionnaire : **Smt. Mou Banerjee,**
Registrar (Judicial) and Member-Secretary, SCMS Committee, High Court of Tripura, Agartala

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☒

No ☐

2. Is there any written policy for establishing new courts in your state?

Ans: No, there is no written policy for establishing new courts in our state.

3. If so, is the policy available in the web site?

Yes ☐

No ☒

4. If the answer to the previous question is yes, please provide the website URL?

Ans: Not applicable.

5. If the answer to the previous question is no, please attach a copy of the written policy.

Ans: Not applicable.

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans: Not applicable.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

Request from the bar associations



Need of the political parties ☐

Court directions in writ petitions



Demand of political leaders ☐

Public demand through press ☐

Local considerations ☒

High pendency of any particular type of cases in the nearby courts ☐

High Pendency of cases generally in the district ☒

High pendency of cases in the state



High pendency of a particular type of cases in the country ☐

Litigation impact study



Impact on social fabric as perceived through media ☐

Any other factors
(Please specify) :

Request from any Statutory Body eg. C.B.I.

19d

Questionnaire for states regarding the current status for establishing new Courts

- Name of the State : Uttarakhand
➤ Name of the High Court : High Court of Uttarakhand
➤ Name and designation of the officer
who is completing the questionnaire : Mr. R.S.Deopa, Assistant Registrar

General

1. Does the state government of your state automatically accede to all requests from the High Court to establish new courts in the district judiciary?

Yes ☐

No ☒

2. Is there any written policy for establishing new courts in your state?

Ans: No

3. If so, is the policy available in the web site?

Yes ☐

No ☐

N.A.

4. If the answer to the previous question is yes, please provide the website URL?

Ans: N.A.

5. If the answer to the previous question is no, please attach a copy of the written policy

N.A.

6. Is any scientific study conducted before deciding to establish new courts in your state?

Yes ☐

No ☒

7. If any scientific study is conducted, which agency conducts the study?

Ans: No.

Considerations

8. Which of the following considerations are taken into account while deciding the feasibility of establishing new courts? (Please tick the appropriate. More than one columns can be ticked)

- Request from the bar associations ☒
- Court directions in writ petitions ☒
- Public demand through press ☐
- High pendency of any particular type of cases in the near by courts ☒
- High pendency of cases in the state ☒
- Litigation Impact study ☐
- Need of the political parties ☐
- Demand of political leaders ☐

Rajendra
06.23
A.R.O. SC/SC

Rajendra
Dy. Registrar

- Local considerations ☐
- High Pendency of cases generally in the district ☒
- High pendency of a particular type of cases in the country ☐
- Impact on social fabric as perceived through media ☐
- Any other factors (Please specify):

Nathan
19.9.23
A.R.O

Shalpa.
Dy. Registrar.

Appendix IV

Case Categorisation based on impact

An illustrative categorisation of cases based on impact is given below. This is only to be used as a guidance.

I Cases of national importance			
Sl	Category of cases	Impact Category	Reasons for impact categorisation and priority
1.	Cases under NIA Act	Cat I	<i>Cases related to terrorism, which involves complex legal issues and numerous witnesses. These cases affect national security and are of utmost national importance. Hence, they are prioritised over all other matters.</i>
2.	Cases under TADA Act		
3.	Cases under UAPA		
4.	Cases under Special State Laws related to terrorism like The Kerala Anti-Social Activities (Prevention) Act, 2007, the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) etc.		
5.	Waging War against State		
6	Offences involving cybercrimes against the state and governmental agencies		
7.	Cases under PC Act	Cat II	<i>These are also cases affecting national security, especially financial security but these types of cases are less complicated than terrorism related trials, and</i>
8.	Cases under PMLA Act		
9.	Cases under Official Secrets Act		

I	Cases of national importance		
Sl	Category of cases	Impact Category	Reasons for impact categorisation and priority
			<i>hence given lessor priority compared to terrorism related matters, but require better focus compared to all other matters.</i>

II	Cases of Social importance		
Sl	Category of cases	Impact Category	Reasons for impact categorisation and priority
1	Cases under NDPS Act triable by Special Court	Cat I	<u><i>These are cases involving serious offences, which touch social fabric. These have lessor priority compared to nationally important matters, but require better focus compared to all other matters.</i></u>
2	POCSO Cases		
3	Cases involving Sexual Offences triable as a Sessions Case		
4	Cases involving offences under Section 306 r/w S. 498-A IPC, S. 304-B, 364-A IPC and culpable homicide		
5	Trial of offences under S. 65, 66, 67A, 67B, 67C Information Technology Act		
6	Sessions Cases not covered under any head	Cat II	<i>These are sessions cases which have lessor priority compared to nationally important matters and Cat I of Cases of Social Importance, but require better focus compared to</i>
7	Trial of offences under Information Technology Act other than those specified above and offences relating to cyber-		

II	Cases of Social importance		
Sl	Category of cases	Impact Category	Reasons for impact categorisation and priority
	crimes in any other law, which are triable as a Sessions trial		<i>all other matters.</i>
8	Cases under SC/ST Act	Cat III	<u>Offences punishable under special statutes:</u> These have lessor priority compared to nationally important matters and Cat I & II of Cases of Social Importance, but require better focus compared to all other matters.
9	Cases involving Cyber Crimes other than Sessions cases		
10	Cases under NDPS Act triable by courts other than Special court, in which the accused do not plead guilty		
11	Cases related to offence against environment like Mining Act, Environment Protection Act, Forest Act, etc.		
12	Cases involving Sexual Offences other than Sessions triable offences	Cat IV	<u>Cases involving magistrate triable offences.</u> These have lessor priority compared to nationally important matters and Cat I to III of cases of social importance, but require better focus compared to all other matters.
13	All warrant trial offences triable by a magistrate other than those specifically mentioned		
14	Cases under Dowry Prohibition Act		
15	Applications under S. 12 of PWDV Act		
16	All summons trial cases instituted on a police report, on information or after complying with procedure under S. 340CrPC other than these specified	Cat V	<u>Summons trials:</u> These have lessor priority compared to nationally important matters and Cat I to IV of Cases of Social

II	Cases of Social importance		
Sl	Category of cases	Impact Category	Reasons for impact categorisation and priority
	elsewhere		Importance, but require better focus compared to all other matters.
17	All summary trial cases triable by magistrate instituted on a police report, on information given to magistrate or after complying with procedure under S. 340 CrPC (other than those specifically mentioned)	Cat VI	<u>These are generally less important cases, but part of judicial work.</u> These have lessor priority compared to nationally important matters and Cat I to V of Cases of Social Importance, but require better focus compared to all other matters.]
18	Conducting Inquiry into Custodial Death, recording dying declarations, recording statements of witnesses, remand, bail, and all other tasks performed by a magistrate or a Sessions judge	Cat VII	<u>Other matters handled by magistrate.</u> These have <u>lesser</u> priority compared to nationally important matters and Cat I to VI of Cases of Social Importance, but require better focus compared to all other matters.
19	All other tasks performed by a civil judge, Sub Judge or Sessions judge other than those specified above		

III Cases of Commercial importance			
<i>Sl</i>	<i>Category of cases</i>	<i>Impact Category</i>	<i>Reasons for impact categorisation and priority</i>
1	Cases involving commercial arbitration	Cat I	This category includes cases which have impact over the economic security of the country, especially on the international reputation of the country and affecting ease of doing business, and hence need to be prioritised, both under the statutory scheme and to protect national interest.
2	Cases under the Patents Act, Trade Mark Act, Designs Act etc.		
3	Commercial suits involving joint venture contracts, infra structure agreements etc	Cat II	These cases impact on infrastructural development and hence need to be prioritised over Cat III types of cases, but not as much as for Cat I cases.
4	Commercial suits other than those specified elsewhere	Cat III	There is a statutory priority for commercial matters, and hence these have to be prioritised over Cat IV types of cases, but not as much as for Cat I & II cases.
5	Other cases involving commercial disputes, except suits for realisation of money lent	Cat IV	These cases affect the commercial fabric and ease of doing business, and hence these have to be prioritised over Cat V types of cases, but not as much as for Cat I to III

III	Cases of Commercial importance		
<i>Sl</i>	<i>Category of cases</i>	<i>Impact Category</i>	<i>Reasons for impact categorisation and priority</i>
			<i>cases.</i>
6	Cases under Arbitration Act other than those specifically mentioned	Cat V	<i>These cases also have an impact over the commercial fabric and ease of doing business, and hence these have to be prioritised over Cat V types of cases, but not as much as for Cat I to IV cases.</i>
7	Cases under Negotiable Instruments Act involving commercial loan transactions		

IV	Cases of individual importance		
<i>Sl</i>	<i>Category of cases</i>	<i>Impact Category</i>	<i>Reasons for impact categorisation and priority</i>
1	Civil Cases triable by District Judge other than those having national, social, or commercial interest	Cat I	<i>These types of cases involve accentuation of individual interest only and normally does not affect the social fabric, but require priority over other type of cases in this category.</i>
2	Appeals, revision and reference under any law		
3	Matrimonial and Probate Cases	Cat II	<i>These types of cases require a compassionate approach, but are comparatively technical matters compared to the</i>
4	Cases seeking compensation under any law including Motor Vehicles Act		

IV	Cases of individual importance		
Sl	Category of cases	Impact Category	Reasons for impact categorisation and priority
5	Civil Suits involving family matters, such as partition suits		<i>matters in category I. At the same time, these cases require to be prioritised to ensure public trust in the justice system. These cases require more priority over Cat III, IV and V matters.</i>
6	Execution applications under Order 21 Rules 58, 98, 100 CPC		
7	Money Suits	Cat III	<i>These types of cases involve pure personal interest of parties, and are comparatively simple matters compared to the matters in category I & II. At the same time, these cases require to be prioritised to ensure public trust in the justice system. These cases require more priority over Cat IV & V matters.</i>
8	Cases under the Negotiable Instruments Act		
9	All summons trial cases other than those specifically mentioned instituted on a complaint		
10	Civil cases where remedy sought is other than those mentioned hereinabove		
11	All summary trial cases triable by magistrate instituted on a complaint other than those mentioned hereinabove	Cat IV	<i>These types of cases involve small offences and comparatively simple matters compared to the matters in category I to III. At the same time, these cases require to be prioritised to ensure public trust in the justice system. These cases require more priority over Cat V matters.</i>
12	Cases under other Special Laws including Guardianship Act, Trust Act, Land Acquisition Cases etc.		
13	Cases under Arbitration Act other than those specifically mentioned		

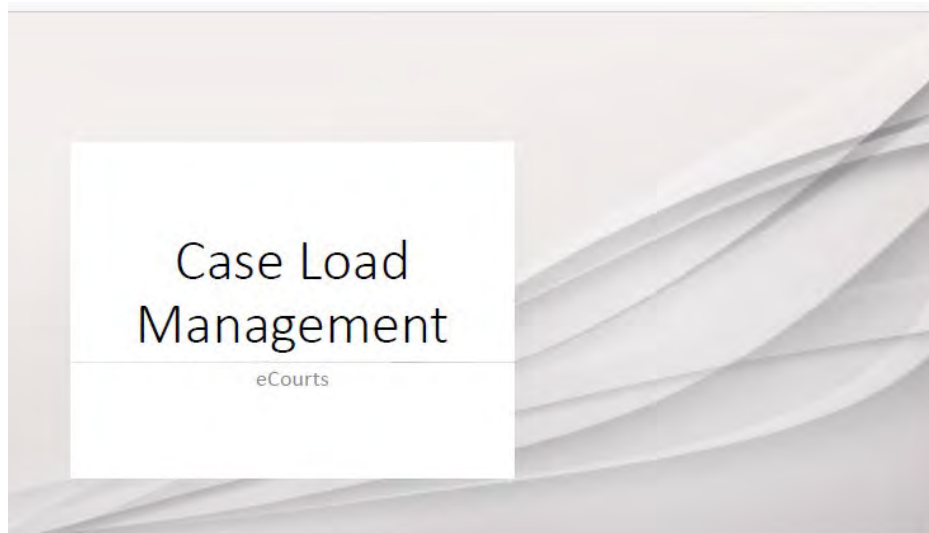
IV	Cases of individual importance		
Sl	Category of cases	Impact Category	Reasons for impact categorisation and priority
14	Cases under Industrial Disputes Act		
15	Cases under Electricity Act		
16	Cases under the Negotiable Instruments Act other than those mentioned above	Cat V	<i>These types of cases involve comparatively simpler matters compared to the matters in category I to IV. At the same time, these cases require to be prioritised to ensure public trust in the justice system.</i>
17	All execution matters other than those specifically provided for		
18	All criminal cases in which the accused pleads guilty and is sentenced on such plea irrespective of the category		
19	All other tasks performed by a civil judge other than those specified above		

The categorisation takes into account (a) the importance of the subject matter (b) the seriousness the relevant statutes give to the different procedures (c) the impact on the society (d) the ease of conducting judicial proceedings amongst other things. This categorisation is not exhaustive, but only illustrative. It ought to be read as part of impact-based strategy adopted as part of the National Perspective. The same categorisation may be adopted for court perspective and individual perspective. It can be further modified based on relevant inputs. State level SCMS Committees shall, review the categorisation of cases and the points assigned to each category of cases based on relevant input. The input relevant to such categorisation may include analysis of pendency data and change in

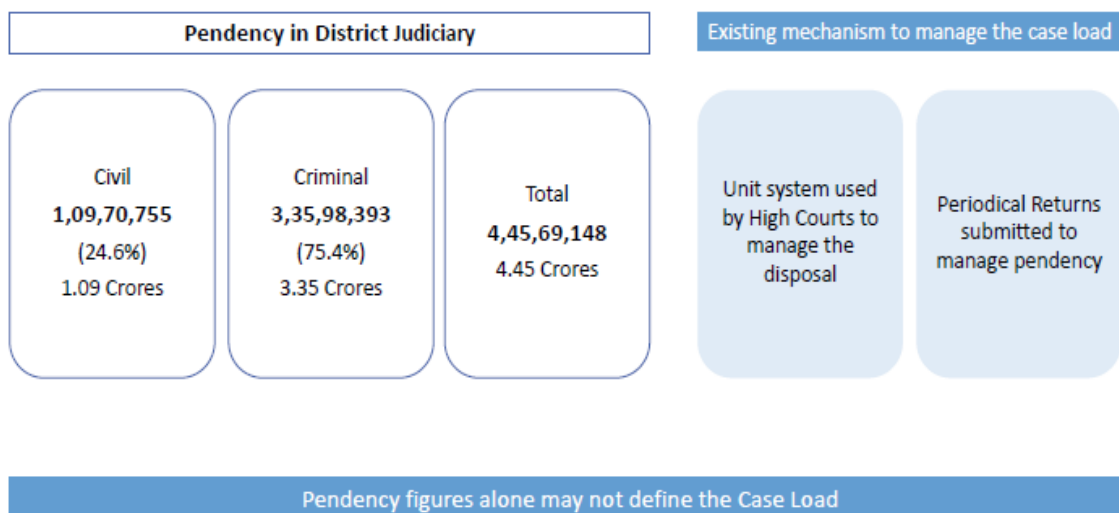
prioritisation, either by statute or any other relevant consideration. These points may be then adopted as part of the case management algorithm for evolving automated policy making alert mechanism for distribution and redistribution of judicial work and case management dynamics.

Appendix V

Outline of the CLMM Model



Introduction



2

Notes

- NJDG reveals that out of 4.45 Crore pending cases, 1.09 Crore (24.6%) are Civil Cases and 3.35 Crore (75.4%) are Criminal Cases.

- Further out of these 4.45 Crore pending cases, 1.8 Crore Cases are pending for appearance or service related and 40 Lakh cases are pending for Compliance or steps. As such out of 4.45 Crore cases, 2.2 Crore cases (50 %) cases are unready or ineffective
- Various returns are submitted periodically by the individual judicial officers, district judges for the establishments to the High Courts mentioning disposal, units gained within the period. These returns mostly provide pendency figures, case type wise (Sessions Cases, Civil Appeals) or category wise (Cases under 138 NI Act, Family court cases, POCSO Case)
- Pendency figures may not give the idea of Case Load as every type of case may not be same as other
- We may have to define a scale for identifying the Case Load in real time. Further slides will showcase as how the Case Load can be calculated

Factors contributing Case Load (CL)

Sr. No.	Factor	Scale	Unit of Measurement
1	Case Type Load		TL
2	Stage Load		SL
3	Complexity Factor		CX

3

Notes

- Factors contributing Case Load
 - o Case Type Load (TL) may range from 01 -10 with 1 as lower limit and 10 as upper limit
 - o Stage load (SL) may range from 0.1 to 1.0 with 0.1 as lower limit and 1.0 as upper limit
 - o Complexity factor (CX) ranges from 01 – 10

Case Type Load (TL) -Illustration

- Scale - 1 - 10 TL units

Case Type	TL Units
MACP Exec, Summary Case	1
	2
	3
MACP	4
Criminal Appeal	5
	6
Reg. Civil Appeal	7
	8
	9
Sessions Case	10

Simple

Moderate

Complex

Court 1				
SN	Type of Case	Number of Cases	Case Type Load (TL)	Total Case Load
1	Sessions Case	15	10	150
2	Regular Civil Appeal	12	7	84
3	MACP Case	25	4	100
4	Criminal Appeal	18	5	90
5	MACP Exe	50	1	50
Total		120		474 TLs

Court 2				
SN	Type of Case	Number of Cases	Case Type Load (TL)	Total Case Load
1	Sessions Case	5	10	50
2	Regular Civil Appeal	10	7	70
3	MACP Case	30	4	120
4	Criminal Appeal	6	5	30
5	MACP Exe	69	1	69
Total		120		339 TLs

The TL scale may help to calculate the ideal case type load of the court instead of case count

Notes

- Case Type Load (TL) (Illustration)
 - Every type of case may carry some load the moment case is filed. This may be defined by a scale for measuring case type load (TL) from 1 to 10 depending on complexity of the case
 - Once the lower and upper limit of the scale is fixed for the easiest and most difficult case, TL values for other types of cases may be marked appropriately on the scale.
 - Summary Case registered under Prohibition Act may be ideally measured as 1 TL unit, the lowest in scale whereas Sessions Case to be tried with the offence registered under Section 302 of IPC (with maximum 3 accused and 10 witnesses) may be ideally measure as 10 TLs
 - As an Example, we have considered two Courts with equal number of Cases i.e. 120
 - We have considered 5 Case Types with defined Case Loads – Sessions Case – 10 TL, Regular civil Appeal – 7 TL, MACP – 4 TL, Criminal Appeal 5 TL, MACP Exe – 1 TL.
 - Case Type load may be categorized on the scale of Simple, Moderate and Complex.
 - In Court 1 and Court 2 although total number of cases are same i.e. 120, as the count of the respective case type differs, the case load differs. For Court1 Case Load is 474 CL, and for Court 2 Case Load is 339 CL.

Stage Load (SL)

- Scale – 0.1 – 1.0 SL units
- Stage Load (SL) - defined for each stage of the case

Ex: Criminal Case					Ex: Regular Civil Appeal	
Stage				SL Units	Stage	
Appearance				0.1	Appearance	R&P
				0.2		
				0.3	WS/Sev	
				0.4		
Charge				0.5		
				0.6		
				0.7	Hearing on Exh. 5	Order on Exh 5
				0.8		
				0.9		
Evidence	Stmnt U/S 313 CrPC	Argument	Judgment	1.0	Hearing	Judgment

Notes

- Stage Load (SL)
 - o Stage Load (SL) scale may be defined for each stage of the case from filing to disposal. SL may range from 0.1 to 1.0 with 0.1 as lower limit and 1.0 as upper limit
 - o Life Cycle of Criminal Case and Civil Appeal with stage load at each stage is shown

Real time Case Load (CL) - Illustration

Considering Case Type Load (TL) & Stage Load (SL)										
Table -1 CL Value of Court considering only TL					Table -2 CL Value after applying SL to TL value					
SN	Type of Case	Number of Cases	Case Type Load (TL)	Case Load	to SN	Type of Case	Number of Cases	Case Type Load TL	Stage Load SL	Real Case Load (No of Cases X TL X SL)
1	Sessions Case	15	10	150	1	Sessions Case	15			
						Listed for Appearance (Accused is absconding)	5	10	0.1	5
						Listed for Charge	3	10	0.5	15
						Listed for Evidence	2	10	1.0	20
						Listed for Arguments	3	10	1.0	30
						Listed for Judgments	2	10	1.0	20
2	Regular Civil Appeal	12	7	84	2	Regular Civil Appeal	12	7		
						R&P	4	7	0.1	2.8
						WS	3	7	0.3	6.3
						Hearing	3	7	1.0	21
						Stayed by High Court	2	7	0.1	1.4
3	MACP Case	25	4	100	3	MACP Case	25	4		100
4	Criminal Appeal	18	5	90	4	Criminal Appeal	18	5		90
5	MACP Exe	50	1	50	5	MACP Exe	50	1		50
	Total	120		474 CLs		Total	120			361.5 CLs

Notes

- Real time Case Load (CL) (Illustration)
 - o Let's take an example of Court 1 with ideal CL value of 474 and apply SL values to the ideal CL values of some cases which are listed on different stages.

- Table -1 The ideal CL calculated for Court 1 without considering variation of stage was computed as 474 CL.
- Table -2 The real case load calculated after applying stage load (SL) to the cases gets dynamically reduced to 361.5 CL. CL 361.5 is the real load of the court at given instance of time.
- There are 15 Sessions Cases in Courts
- 5 are Pending for Appearance as Accused is absconding so SL value is 0.1 and the effective CL value for these 5 cases is reduced to $(5 \times 10 \times 0.1)$ which comes out to 5 instead of ideal 50
- Similarly, 3 cases are listed for Charge and the SL for Charge is say 0.5. So, the effective value of these 3 cases is 15 instead of 30
- 2 cases are listed for Evidence, 3 for Arguments and 2 for Judgments which are ready in nature and the SL value for these cases becomes 1 and when the SL value is multiplied to the Case Load the ideal Case Load which is 10 for the Sessions Case is gained

Adding Complexity Factor (CX)

Base value of Sessions Case with maximum 3 Accused and 10 Witness - 10 CL

* If the Sessions Case is more Complex – Complexity Factor is added

Parameter	Range	CX Value	CL Value
Number of Accused	Between 4 to 6	+1 can be added	Increases to 11
	Between 7 to 9	+2 can be added	Increases to 12
Number of Witness	Between 10-20	+2.5 can be added	Increases to 12.5
	Between 21-30	+5 can be added	Increases to 15

Notes

- Adding Complexity factor
 - o Sessions case with maximum 3 accused and 10 witnesses may carry ideal Case Load as 10 CL, without adding any complexity factor
 - o Depending on no. of accused and no. of witnesses, the CX factor can be added.
 - No. of accused ranging between 4 to 6, 1 CX factor can be added, the value increases from 10 CL to 11 CL.
 - No. of accused ranging between 7 to 9, 2CX can be added, the value increases from 10 CL to 12 CL.

- No. of witnesses between 10-20, 2.5 CX can be added, the value increases from 10 CL to 12.5 CL.
- No. of witnesses between 21-30, 5 CX can be added, the value increases from 10 CL to 15 CL.

Adding Complexity Factor (CX) - Illustration

SN	Type of Case	Number of Cases	Case Type Load TL	Stage Load SL	Additional CX	Real Case Load (No of Cases X TL X SL) + CX	
1	Sessions Case	15					
	*Appearance (Accused is absconding)	5	10	0.1	0	5	
	Charge	3	10	0.5		15	
	** In 2 cases accused is more than 7 (Add 2 CX for each case)				2+2	4	
	Evidence	2	10	1.0		20	
	** Out of above 2 cases in 1 case no. of witnesses are more than 30 (Add 5 CX for each case)				+5	5	
	Arguments	3	10	1.0		30	
	Judgments	2	10	1.0		20	
	Sub total of Sessions Case					99	
2	Regular Civil Appeal	12	7				
	R&P	4	7	0.1		2.8	
	WS	3	7	0.3		6.3	
	Hearing	3	7	1.0		21	
	Stayed by High Court	2	7	0.1		1.4	
	Sub Total of Regular Civil Appeal					31.5	
3	MACP Case	25	4			100	
4	Criminal Appeal	18	5			90	
5	MACP Exe	50	1			50	
	Total (after considering complexity factor)					370.5 CL	

The real-time Case Load has increased from 361.5 CL to 370.5 CL

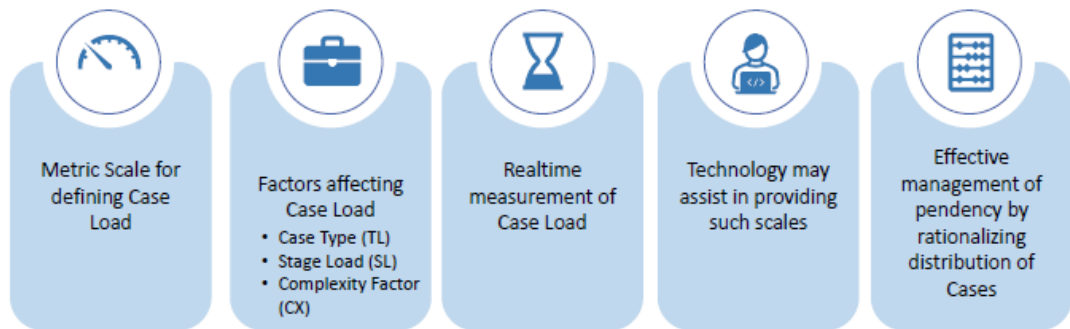
* Number of witnesses more than 30 still SL is 0.1 because case is listed for Appearance
 ** The additional complexity factor (CX) is applied and added as the cases are on ready stage

Notes

- Adding Complexity factor (Illustration)
 - o In the previous slides we have seen as how real time Case Load (CL), Considering Stage Load (SL) and Case Type Load (TL) is calculated
 - o In this table we may further apply additional Complexity Factor CX considering complexity of the case.
 - o *In the example the number of witnesses is considered more than 30, the case is on appearance stage as accused is absconding, despite the fact so the case may not carry any additional case load** The additional case load is applied and added as the cases are on ready stage i.e. For framing of charge and Evidence.
 - o ** Out of 3 cases listed on charge - 2 Cases have more than 7 Cases
 - o **Out of 2 cases listed for Evidence 1 Case has more than 30 Witness
 - o After considering complexity factor (CX) the case load has increased to 370.5 from 361.5 that we calculated considering only Type Load and Stage Load.

Effective Case Management

$$\text{Case Load (CL)} = (\text{Case Type Load (TL)} \times \text{Stage Load (SL)}) + \text{Complexity Factor (CX)}$$



Notes

- Effective Case Management
 - o Metric Scale for defining Case Load - in the Range of 1-10
 - o Case Load (CL) = (Case Type Load (TL) X Stage Load (SL)) + Complexity Factor (CX)
 - o Factors affecting Case Load
 - Stage - Stage Load (0.1-1.0) lower for unready stages and subsequently increasing for ready stages
 - Complexity - Adding CL units ranging from (1-10) for the complex case depending on number of witnesses, accused and other factors
 - o Realtime measurement of Case Load by using technology tools - Facility is provided in CIS to add reasonable disposal time and stage time. It may be further enhanced to suit the requirements
 - o Effective management of pendency by rationalizing distribution of Cases considering real time Case Load

Appendix VI

Performance Evaluation in the new regime

Introduction

When the long-term goal is effectuated, there is also a need to modulate the mode of performance evaluation of judicial officers to suit the completely digital environment. The current target system has failed to meet its desired goals. It only puts unnecessary pressure on the judicial officers. It also has many gaps which could be exploited by the persons who are cunning enough to take advantage of the gaps, by showing up the disposal rates without actual disposals. Further, hurried justice on account of target pressures may lead to injustice. Hence it is necessary that (a) all the work done by a judicial officer during each day of his career is identified and measured on a real time basis and (b) the productive work is incentivised and non-productive work and short-cuts which are detrimental to the system should be disincentivised. A tentative model of performance evaluation is discussed as an indicator as to how the performance evaluation in the new regime would be carried out.

Identifying Key Performance Indicators (KPIs) for Evaluation

Identification of Key Performance Indicators is the first step in such direction.

Key Performance Indicators (KPIs) are measurable values that indicate how the system is performing in achieving its goals and meeting its objectives.

The selection of KPI's is the most crucial step in scientifically improving the method of performance analysis, identification of the areas of improvement, and gauging the effectiveness of the system.



Ideally the selection of an ideal KPI for a judicial process should start from identifying the core tasks and differentials in the system.

Each task performed by the stakeholders, especially the judges should be made measurable. Thereafter systems should be put in place to accurately measure such tasks on a real time basis.

The KPI point should be evolved by assigning points for each such task. Such points can be differential based on its systemic importance. Such points will then have to be customised by applying differential weights to the various parameters that have a bearing on the performance of the individual judge. While assigning performance points and attaching weightage, care should be taken to ensure that inefficiencies should not be rewarded, though appropriate adjustment can be given to indisposed conditions of individual officers. In short, the KPI should be customised and individualised.

Dimensions of performance evaluation

The biggest flaw of the current target-based system is that it fails to understand the system logistics and is an arbitrary wish of the controlling officers with just a statistical base. It is subjective and unscientific. Currently performance appraisal is based on statistical disposal, which do not consider differentials within the system such as difference in case load from court to court, difference in nature of cases included in the targets, difference in the average time that would be taken for disposal of the case in different courts and different types of cases pending in a particular court.

To be realistic, single dimensional performance evaluation will have to give way to a three-dimensional evaluation to start with. More dimensions can be added to it, depending on the circumstances and evolution of the society.

In the new regime, the performance the district judiciary will have to be assessed on three broad parameters namely,

- 🏛️ Quantitative evaluation
- 🏛️ Qualitative evaluation
- 🏛️ Innovativeness evaluation

Quantitative evaluation

Thus, Quantitative evaluation of judicial performance will be done on three parallels.

- ⚖️ Item based evaluation
- ⚖️ Backlog balanced evaluation
- ⚖️ Task differentiated evaluation.

Of these three, item-based evaluation is essentially a part of task differentiated evaluation. These parallels run separately but contribute to the whole evaluation process. More parallels such as complexity weightage can also be added to the Quantitative evaluation to balance the evaluation process.

The aim of such quantification in parallel processes is to ensure that fair treatment is given to all the stakeholders and all the tasks performed by a judicial officer is identified and appropriately recognised and rewarded.

Item based evaluation

Differential points will be assigned to each task which would be categorised as separate items.

Each type of case will have a defined weightage score. This weightage will be further subdivided and applied to each task performed in such case in such court and the item-based weightage scores will be automatically attached to the base points of such task. The same can be adopted with appropriate modifications.

Methodology for grading

The Item Weighed Performance Indicator (IWPI) Score will be attached to disposal of cases.

However, the scores will be equally divided at all stages of the cases as follows,

Stage of Framing of issues or charges	10% of total IWPI score for each task completed subject to a maximum of 20% of total IWPI score
Recording depositions of each of the witnesses, hearing of arguments	20% of total IWPI score for each task completed subject to a maximum of 40% of total IWPI score
Stage of Final judgment or order, final decree	20% of total IWPI score for each task completed subject to a maximum of 40% of total IWPI score

The total Item Weighted Performance Indicator (IWPI) for each judge will be tentatively calculated on a percentile basis, every month. However, the IWPI will be finalised only at the time of disposal of the case and the deficit or excess points if any, will be adjusted from the total IWPI score of the judge at the relevant point.

The details of calculating the total scores on percentile basis is given as a separate section.

Backlog balanced evaluation

When more cases are filed, it is a positive indicator of public confidence in the courts. Some difficult cases may require more time to be disposed while other cases are easy to dispose. Pendency - [e]specially of fresh cases, is not necessarily

a negative phenomenon. As levels of prosperity, economic progress, literacy, and awareness increase, more people will approach courts to resolve their disputes. Every case requires a defined and "acceptable" case life so that justice is not hurried and buried. Hence pendency generally is not a cause of concern. However, backlogs are a cause of concern, and it is a factor that has a human element.

Quantifying Backlogs

Measuring of backlogs is a balancing process. Quantifying it cannot be done individually. It must court specific, but its impact must be measured in an individualistic manner.

The first step is to define an algorithm-based quantification system which will identify the average time taken for disposal of different types of cases. This can be set using the registration date and disposal rate in the CIS.

All cases which are pending beyond a minimum disposal time required for such court to dispose a similar case in that court can be identified as backlog.

Next step is identification of average time for disposal for each type of case in each court in an ongoing basis. The average time for disposal of each main case type and each type of interlocutory application shall be measured by the system based on the then available data on a real time basis. This will be done on a court basis.

The third step is defining an algorithm for prediction of average time for disposal of a particular type of case in a particular court at the time of filing of the case itself. The algorithm will also calculate the average time required for disposal of each interlocutory application in each case in each court. Whenever a new interlocutory application is filed, the AI based system will add to the average time required for the case and on disposal of such interlocutory application the system

will deduct from the average time. This average time will be calculated for each court and will be individualised. All this data can be made available to the litigant and the advocate. Thus, whenever a new case is registered in the system, the advocate and the litigant would be given an approximate average time within which the case will be disposed of. On filing of a new interlocutory application, the system will add the approximate average time taken for disposal of the said application to the time for disposal. When an interlocutory application is disposed of earlier than the average time, the balance time left will be deducted from the additional time.

For calculating backlogs and managing the same, the courts will be divided into

- ⚖ low backlog courts,
- ⚖ medium backlog courts and
- ⚖ high backlog courts.

Every time a new judicial officer joins a particular court, the average time taken for disposal of each type of case and interlocutory application in that court will be recalculated automatically based on the data of all cases disposed of till then. Till the joining of the next officer, no adjustment will be made in the average time. However, the DCMS Committee can revise the weightage scores based on relevant considerations. The reclassification of courts will also be done at this point.

DCMS committee shall also decide on a case-by-case basis whether there are any systemic factors that may affect the pendency and make corrections, either on a real time basis or from a past point of time. If such corrections are made from a past point of time, the benefit of correction should be given to all the officers served

in that station from the relevant point. The correction will be applied to their performance score base appropriately.

This average time (with addition and discount as above for interlocutory applications) will be converted into weightage scores, which will then be divided and assigned to each of the tasks performed by the judge in such case in that court.

Differential scores will be assigned for each activity in each case in these three categories of courts. Thus, the scores earned by officers posted in low backlog courts will be lower than those in medium backlog courts, and the scores earned by officers posted in medium backlog courts will be lower than those in high backlog courts, consideration being that an officer working posted to a high backlog court will have to work harder to ensure that backlogs are managed. Officers will be given an option to choose the courts during the general transfer on the basis of the backlog grading of the courts, however the posting would be decided on the basis of the performance history of the judicial officer and such other criteria as the respective high courts may fix.

The Backlog Balanced Performance Indicator (BBPI) Score will be attached to the courts, but it will be reflected in the individual cases. For example, each case in a low backlog court will be assigned 1 point, in a medium backlog court will be assigned 2 points and in a high backlog court will be assigned 3 points. However, the scores will be equally divided at all stages of the cases as follows:

Disposal of interlocutory applications, Framing of issues	20% of total BBPI score for each task completed subject to a maximum of 40% of total BBPI score
Recording depositions of each of the witnesses, hearing of arguments	20% of total BBPI score for each task completed subject to a maximum of 40% of total BBPI score
Final judgment or order, final decree	10% of total BBPI score for each task completed subject to a maximum of

	15% of total BBPI score
All other tasks	1 % of total BBPI score for each task completed subject to a maximum of 5% of BBPI score

The process of computing BBPI score will be done automatically leveraging AI. Any activity that leads to decrease in backlog will be given additional positive scores which will be 10% of the total score for that task, and for any activity that will lead to increase in backlogs, 10% of the total score will be deducted from the actual score.

The total Backlog Balanced Performance Indicator (BBPI) will be calculated on a percentile basis, every month.

The method of calculating the total scores on percentile basis is the same as that of IWPI and is given as a separate section.

Task Differentiated evaluation

This method of evaluation will be judge centric. All the tasks to be performed by each judge must be identified.

A task can be defined as any quantifiable activity performed by the judicial officer in his official capacity.

The first step will be to segregate the tasks as

- ✦ Core Judicial tasks and
- ✦ Associated tasks

Core Judicial Tasks

The following can be categorised as core judicial functions:

- ⚖ Cases disposed including uncontested disposal.
- ⚖ Judgements written especially contested judgments.

 Depositions/statements recorded.

 Issues/charges framed.

 Daily orders passed.

The recording of depositions/statements, issues/charges/points, daily orders passed, and judgments written can be quantified based on number of words and normalising them by comparing such words, with the time taken and the average words which are used in comparable cases. Additional weightage scores should be given for tasks undertaken outside the court room. The tasks which are done by delegation should be excluded from the weightage consideration.

Associated tasks

The Associated tasks include.

 Administrative work

 Other out of court work

Method of quantification of Associated tasks

The identification and quantification of task and assigning task differentiated weightage point to each case shall be completely data driven and automated. Optimised number of hours spent on each task can be the base for assigning weightage points. The aggregate hours spent on each task can be counted and after normalising the same with the past data, the same shall be converted to a weightage point which will be added to the base point of such officer. This shall be done using system algorithm.

Task Differentiated Performance Indicator (TDPI)

Each task performed by an officer will be assigned a weightage score based on the value of the task to the system. Differentially weighted scores are assigned to each task. Thus, core judicial functions will be assigned higher weightage and associated tasks will have a lower weightage. *Inter se* priority between each core task and associated task will also be fixed and weightage will be assigned based on such priority. Thus, passing of a judgment will get highest priority and therefore highest weightage points, whereas issuing a summons will get least priority and least weightage points. Each of these weightage points will be added to the task.

The total **Task Differentiated Performance Indicator (TDPI)** will be calculated on a percentile basis, on a real time basis for each individual judge using AI assisted case management software.

The method of calculating the total **Task Differentiated Performance Indicator (TDPI)** scores on percentile basis is the same as that of IWPI and is given as a separate section.

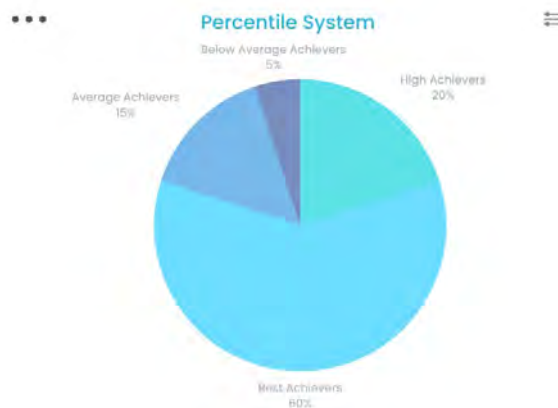
Percentile system for calculation of scores

A percentile system will be adopted for computing the performance of individual judges.

The points earned by a judge who gets highest points in a state will be considered as 100%. Points of others will be counted backwards.

Starting from the judge who earned highest points, officers who earn top 20% points at a particular point will be considered as High Achievers, next 60% will be considered as Best Achievers, next 15% as Average Achievers and the last 5% as Below Average Achievers.

Pictorial representation of the allocation of percentile points is given below:



High Achievers in each category will get 4 Points, Best Achievers will be assigned 3 Points, Average Achievers will be assigned 2 Points, and Below Average Achievers will be assigned 1 Point.

Points will be assigned by the system automatically on an ongoing basis, daily and on completion of each task in each case, based on the available data.

Quantitative Performance Indicator (QnPI)

Sum of Item Weighted Performance Indicator (IWPI) score, Backlog Balanced Performance Indicator (BBPI) score and Task Differentiated Performance Indicator (TDPI) score allotted to an officer on completion of a particular task will be arrived at.

This will be the Pre-adjusted Quantitative Performance Indicator(pQnPI) score for that task.

Thus

$$pQnPI = IWPI + BBPI + TDPI$$

Where $pQnPI$ = Pre-adjusted Quantitative Performance Indicator

score for a particular task

IWPI = Item Weighted Performance Indicator score
received for the task

BBPI = Backlog Balanced Performance Indicator score
received for such task

TDPI = Task differentiated Performance Indicator score
received for such task

Where any other parameter is added such as complexity weighted Performance Indicator scores, such scores will be added to the three parameters by simple addition.

Adjusted Quantitative Performance Indicator(aQnPI)

DCMSC shall continuously review the system to identify and dis-incentivise shortcuts and improper procedure adopted by any particular judge. For every short cut method identified, a specified number of points shall be discounted from the total Weightage Points assigned for the task in which such short cut or improper procedure was identified.

DCMSC shall place its findings before the District Judge, who shall consult the Portfolio Judge and SCMSC before finally deciding whether the method or procedure adopted is one that should be dis-incentivised. While identifying and dis-incentivising a shortcut method, no shortcut which is legal and advantageous to the system shall be dis-incentivised. Once it is found that the method or procedure was illegal or disadvantageous to the system, the same shall be communicated to the officer and his explanation shall be obtained.

Thereafter, the District Judge shall quantify the points to be discounted from the total Quantitative Performance Indicator (QnPI) score earned by the officer in the task in the course of which the improper procedure or method was adopted. Such points shall be called Discounted Points (DP). In no case, aQnPI for a particular task shall go to negative after application of DP. Adjusted Quantitative Performance Indicator (aQnPI) scores will be arrived at by deducting Discounted points (DP) shall be applied as under:

$$aQnPI = pQnPI - DP$$

Where aQnPI = Adjusted Quantitative Performance Indicator score
for a particular task

 pQnPI = Pre-adjusted Quantitative Performance Indicator
score for the task

 DP = Discounted Points applied

The aQnPI is to be appropriately decimalised. Since generally the aQnPI for each task will be less than 10, the aQnPI can be divided by 10 for such decimalisation. However, if any performance indicator score is calculated in 100s, aQnPI should be appropriately decimalised in such a way that the total aQnPI score so adjusted should be less than the Base Point. Thus

$$aQnPI = (pQnPI - DP) / \text{appropriate decimalisation factor}$$

Final Quantitative Performance Indicator score

To normalise the final Quantitative Performance Indicator scores, it is necessary to ensure that any of these scores do not disproportionately skew the performance appraisal methodology. Hence it is necessary to first decimalise the scores in such a way that the weightage do not stand tall over the actual work

performed by the judge. For this, Base Points need to be assigned to each task which is performed by a judge. For this all the tasks performed by the judicial officer shall be identified. Base Point (BP) score will uniform and attached to the performance of the activity. If an activity is performed, the judicial officer will get the BP score attached to that activity. Ideally all tasks will have same BP score, for example 1. But some large volume activities such as issuance of processes, which do not require much time can be assigned a bundled score, viz, 1 BP score for every 50 processes issued. The BP score should be decided based on the time take taken for each type of activity, rather than its importance.

If a judicial officer performs 10 different types of tasks in a day, such officer will earn 10 BP score.

QnPI is the aggregate of BP and aQnPI scores received for each task.

$$\text{QnPI} = \text{BP} + \text{aQnPI}$$

Where BP = Base Points assigned for a particular task

aQnPI = Decimalised Adjusted Quantitative Performance Indicator score received for a particular task

QnPI will be adjusted monthly and yearly basis since voluntary declaration is also involved in the calculation of the same. While making such adjustments in the QnPI, the system will check for errors in declaration and normalise any declaration on the higher side and inform the officer that his declaration of the time taken for any task is rejected and are replaced by a normalised time assigning reasons for such scaling down. If any officer has failed to make the declaration the system will give customised alerts requesting to declare the requisite declaration.

While assigning QnPI it should be ensured that each task by the officer is identified and incentivised. The assigning of base points and weightage points shall be done in a transparent manner. The system will notify the officer concerned about the base point and weightage assigned to each task and the method in which the weightage is computed.

District Case Management System Committee (DCMSC) shall act as the review mechanism to review any omissions or systemic defaults. QnPI shall be first computed in a draft mode monthly. If more than one officer was involved in a particular task, the weightage shall be divided according to the time spent on each task.

Computation of QnPI will be a continuous and synchronous task. It will be computed for each task done by a particular officer in a particular court. Computation of aQnPI will be a dynamic process and will be done in a real time basis.

The broad parameters for quantification and computation of Base Points, and performance indicator scores for the different parameters shall be decided by the State Case Management System Committee (SCMSC). District Case Management System Committee (DCMSC) will assist SCMSC to quantify the parameters by providing differential factors affecting the courts in their respective district. SCMSC shall review the suggestions, and approve the Performance Indices considering all factors, including the need for uniformity throughout the State.

Qualitative Performance Evaluation

In addition to Quantitative Performance Indicator, a Qualitative Performance Indicator (QuPI) shall also be developed.

QuPI shall have two components:

- a. Regular Qualitative Performance Indicator (ReQuPI) and
- b. Random Qualitative Performance Indicator (RaQuPI)

Regular Qualitative Performance Indicator (ReQuPI)

ReQuPI shall be based on the analysis of the quality of judgements by the appellate judges.

A qualitative analysis form shall be made available to all appellate judges. Immediately on receipt of an appeal by an appellate judge, the appellate judge shall make a qualitative analysis of the judgment or order under challenge.

A form for ReQuPI shall be made available to the appellate judge along with the appeal admission order, which shall be mandatorily filled in at the time of admission of the appeal.

The data so provided by the appellate judges will be used only for computing ReQuPI. It will not be made available along with the appellate records to avoid prejudice and the same shall not be used for any other purpose. Once completed the scores will not be visible to the evaluating judge to avoid being influenced at the subsequent stages of the same appeal.

ReQuPI shall be case based and not task based.

The points so assigned shall be automatically added to the profile of the judge whose judgment is under review.

The ReQuPI points received by a judge shall be averaged and the average ReQuPI points only shall be used for performance appraisal.

Random Qualitative Performance Indicator (RaQuPI)

There will be cases in which the parties do not prefer appeal. It could be for several reasons. A random evaluation of such cases shall be done by Portfolio judge either directly or as delegated to Principal District Judge or DCMSC. While so delegating it shall be ensured that (a) junior officer shall not evaluate the judgments of the senior officer (b) officers of the same cadre should be excluded while considering judgment/orders of the officers of a particular cadre. For this purpose, the portfolio judge may also set up a judgment evaluation team, even coopting officers who are not in the DCMSC.

At least 3 contested judgments of each judge in the district will be randomly selected by the system will be placed before the evaluation team for Random Qualitative Analysis every three months. Such judgements shall be.

- ⚖ Which were pronounced at least six months before the date of review (i.e. from which chances of appeal are less)
- ⚖ no appeal has been preferred in any forum against such judgment.

Every year, i.e., before 31st May, at least 12 judgements of a judge working in the district shall be so randomly analysed. Whenever an appeal is preferred against an order which has been selected for random evaluation, the evaluation team shall be notified and the judgment in which appeal is preferred will be excluded from the random evaluation process.

The points so assigned shall be automatically added to the profile of the judge whose judgment is under review.

The RaQuPI points received by a judge shall be averaged and the average RaQuPI points only shall be used for performance appraisal.

Preferential Qualitative Performance Indicator (PQuPI)

To avoid chances of bias and to normalise the results of qualitative analysis by including the judgments which are considered best by the reviewee, each officer will be asked to select 3 judgments in a quarter and make them available for qualitative performance analysis. Every year, i.e., before 31st May, at least 12 judgments pronounced by the judge a year including the judgements sent every quarter shall be made available for analysis. To avoid multiple analyses, the judgments provided for Preferential Qualitative analysis will be excluded from other review processes. The system will automatically exclude a judgment subjected to Preferential Qualitative Performance analysis from Regular and Random Qualitative Performance analysis.

The points assigned for PQUPI shall be automatically added to the profile of the judge whose judgment is under review.

The PQUPI points received by a judge shall be averaged and the average PQUPI points only shall be used for performance appraisal.

Methodology and assigning points

In Regular Qualitative Performance Analysis, Random Qualitative Analysis and Preferential Qualitative Analysis, Regular Qualitative Performance Indicator (ReQuPI) scores, Random Qualitative Performance Indicator (RaQuPI) scores and Preferential Qualitative Performance Indicator (PQuPI) scores shall be awarded for each judgment based on analysis of the following parameters:

S1	Assessment parameter	Maximum score
1	Language and sentence construction	5
2	General presentability	10
3	Procedural compliance	15

S1	Assessment parameter	Maximum score
4	Proper identification of issues	10
5	Logical reasoning	25
6	Correctness of application of law to facts	25
7	Correctness of final disposition	10
	Total	100

RaQuPI points will also be averaged along with ReQuPI points, as follows:

$$\text{QuPI} = (\text{RaQuPI}/N_{\text{Ra}}) + (\text{ReQuPI})/N_{\text{Re}} + (\text{PQuPI}/N_{\text{P}})$$

Where

RaQuPI = Total of all RaQuPI points received

N_{Ra} = Total number of judgments reviewed for RaQuPI

ReQuPI = Total of all ReQuPI points received

N_{Re} = Total number of judgments reviewed for ReQuPI

PQuPI = Total of all PQuPI points received

N_{P} = Total number of judgments reviewed for PQuPI

Cases for Random Qualitative Performance Analysis shall be selected by the system randomly. Criterion for selection of cases for such analysis shall be set by SCMISC. Even uncontested judgments shall be reviewed in the random qualitative performance analysis, but it shall be ensured that every month at least one contested judgment or order of a particular officer is reviewed.

Innovativeness Performance Evaluation

The performance of a judicial officer has also a third dimension. Along with a quantitative and qualitative evaluation of the judicial performance, it is also important to measure the creativity employed in a positive manner to introduce new techniques which may in the long run improve the performance of the system.

Innovativeness evaluation will focus on innovativeness displayed by a particular judge in completing the task. This also is a subjective criterion.

Innovativeness Performance Indicator (IPI) scores will be evolved based on the creativity shown with respect to performance of various tasks.

The Creativity will be analysed by the Supervising judges and will be input into the performance appraisal system manually for each judge on a yearly basis.

Generally, the criteria for analysis will be the creativity shown in

- ⚖ Performance of each task in a better manner than others
- ⚖ Innovative methods introduced by such officer which has impact on social, performance or recidivism sphere.
- ⚖ optimisation of work performance.

All short cuts and improper procedure will be de-incentivized and will be given negative scores.

Total performance scores

The total scores earned in each of the Performance criteria (Qualitative, Quantitative and Innovativeness) will be normalised by banding the points. The total QuPI, QnPI and IPI scores at the credit of a judicial officer shall each be computed separately as iterated above.

At any given point the performance of an officer shall be the computed based on the three parameters, which will run parallelly. Thus, KPI will be a factor of three parameters and will never be a single score at any given point of time.

Therefore

$$\text{KPI} = (\text{QnPI}), (\text{QuPI}), (\text{IPI})$$

Measuring the performance using KPI scores should be done on a real time ongoing basis. It should be completed automated, and the data-based quantification should be done with the help of machine learning and artificial intelligence.

Once the system can be in place KPI scores can be appropriately used for career progression also. The system should find the average Key Performance Indicator scores on all the three parameters. Automated system generated alerts should go to any officer and the immediate superior of such officer who achieve less than the average KPI score so that appropriate corrective measures can be adopted.

Half of the average KPI at any given point of time shall be considered as the base KPI limit. Excluding the officers who could not achieve the Base KPI limit for promotion, unless they could explain the low performance cogently or improve the same within a given time may also be considered in the due course.

Performance Analysis of non-judicial officers

A similar automated performance analysis can be evolved for non-judicial officers including Manager (Case Administration)'s. The performance appraisal of non-judicial officers shall also be computed automatically and shall be generated based on system given parameters. The mean KPI shall be identified and shall be considered as a relevant factor in promotions.

Automated Performance Analysis

The performance analysis shall be done in an automated manner. Regular alerts for manual input should also be regularly given.



The performance analysis of every judicial officer shall be done in a continuous and synchronous manner.

Once the new automated performance analysis system is in place, the current target system shall be done away with. The traditional approach of target setting based on the number of disposed of cases has been heavily criticized legal experts and judicial officers alike. This method of measuring performance fails to differentiate between the complexity of cases and leads to the unmindful clearance of cases. It also puts undue pressure on judges to meet arbitrary targets, often hampering the quality of justice delivered. The lack of a scientific and systematic approach in setting targets results in the absence of a clear and coherent vision for improving case disposals.

Appendix VII

Model Digital Courts Bill

1. **Short title and commencement.** - (1) This Act may be called The Kerala Digital Courts Act, 2024.

(2) The Act shall extent to whole of Kerala and shall come into force immediately.

2. (1) **Definitions.** - Notwithstanding anything contained in any other central or state enactment, and for the purposes of this Act,

a. 'Audio video electronic means' includes use of any hardware-software combination device for the purposes of

i.any method of audio-video electronic communication, including software based applications, whether integrated into the case management system software or otherwise, and supported by artificial intelligence tools, or otherwise, or by any other software for conduct of court proceedings, including production of accused, examination of witnesses, recording of evidence or statements and conduct of the court proceedings and includes video conferencing applications, software applications for audio, video or text recording of statements and evidences, transcription of such recording; or for any purpose connected to any court proceeding, or,

ii.any method of recording of processes of identification, search and seizure or evidence, including mobile phones, laptops, video cameras, photographic cameras including devices which simultaneously or sequentially back up the data to cloud drives; or

iii.any other audio-video electronic device or a software application used for any purpose not hereinbefore mentioned and which can be utilised for the conduct of judicial proceedings;

Illustration: Use of software applications for management of digital evidence such as Digital Evidence Management System (DEMS), for audio video recording of court procedures such as ForTheRecord (FTR),Liberty Court Recorder, Audio-Video Recording Software (AVRS), Trint, Otter, Verbit, GoTranscript, for case management such as Case Management System, Case Information System or such other web based or software based system developed under the instance of the Supreme Court of India or the High Court of Kerala, used for any purpose related to or in connection with the management of the proceedings of the court or any ancillary or connected matter or such other audio video recording and transcription software for conduct of judicial proceedings as approved by the High Court by a general or special order; or such other software, hardware or a software hardware combination, approved by the High Court for conduct of court proceedings are audio video electronic means.

- b. **“Digital record”** means a document in electronic form which is created from any document other than an electronic record by any process which ensures that the exact image of the document is captured in the electronic form, without loss of any of its attributes, but does not include extracting the data alone from the document to electronic form.

Illustrations



1. An image of a truncated cheque is a digital record
2. A scanned copy of a written contract is a digital record
3. A document created by manually filling the details of a contract to a software, is not a digital record, though it may be an electronic record.

a. **“Electronic communication”** means transmission of information in electronic form through any hardware-software combination or software application, whatever be the name, by which secured transmission of any information in electronic form including electronic or digital records is made possible between a computer or a computer resource or a communication device attributable to a court or a biological person or a legal person or an artificial person to a computer or computer resource or communication device attributable to another court or any biological, legal or artificial person, whether a party to any proceedings before the court or a witness or any other person with whom a communication is required with, by or from the court, as affirmed by the party seeking the court to act in any matter and shown to the satisfaction of the court, by sufficient materials on record, to be the mode in which any party to the proceedings is known to such party to be available to be given information about any proceedings, and includes but not limited to transmission of information in electronic form through email, SMS, WhatsApp, Facebook Messenger, Instagram direct, Telegram, Telegram, Signal, Viber, WeChat, Line, Snapchat, Skype, Microsoft Teams, Google Meet, Zoom, Discord, Slack, Kik, Kakao Talk, Threema, Wickr, Wire, Hangouts (Google Chat), Messenger Kids, iMessage (Apple Messages), GroupMe, Element (formerly Riot), Voxel, Marco Polo, QQ, Hike Messenger, ICQ or similar communication applications or zoom, skype, cisco Webex, google meet, Microsoft teams, Amazon Chime, GoToMeeting,

Join.me, Appear.in, Jitsi Meet, BigBlueButton, TrueConf, StarLeaf, Lifesize, Highfive, Vidyo, BlueJeans, Pexip, Avaya Spaces, Vonage Business Communications, 8x8 Video Meetings, Amazon Connect, Google Cloud Video Conferencing, Microsoft Azure Communication Services, Ribbon Communications or such other video conferencing software, or, such other software hardware combination as approved by the High Court and modified from time to time.

(2) Words and expressions used herein and not defined but defined in the Information Technology Act, 2000, the Code of Civil Procedure, 1908, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023, shall have the meanings respectively assigned to them in those enactments.

4. **Establishment of Digital Courts:** (1) The Government of Kerala, on recommendation by the High Court of Kerala, may by notification in official gazette, establish such number of courts in any category in the district judiciary as Digital Courts.

(2) Notwithstanding anything contained in any other central or state law for the time being in force, the High Court may, by notification, convert any existing court including a special court or a commercial court in the state of Kerala to a digital court, with the same powers and pecuniary and subject matter jurisdiction as the existing court, but subject to the change in territorial jurisdiction as provided in section 5 of this Act, and upon such conversion, such court shall be deemed to be a digital court for all purposes.

5. **Jurisdiction and powers:** (1) Notwithstanding anything contained in any other central or state law for the time being in force, all digital courts established anywhere in the State of Kerala shall have territorial jurisdiction extending to the whole of the State.

(2) Subject to sub-section (1) above, the subject matter and monetary jurisdiction of the digital courts shall be determined by the statute governing the matter handled by the said court and judges of the digital court shall have the same powers and protection of judges as any other court of the same stature in district judiciary.

6. **Presiding Officers:** Notwithstanding anything contained in any other central or state law for the time being in force, the Digital Courts shall be presided over by:

District Court, Additional District Court, or Sessions Court, Additional Sessions Court or a Special Court established as a sessions court or any other court which is currently headed by a judge in the rank of District Judge.	:	A judicial officer in the cadre of District Judge in Kerala Higher Judicial Service
Subordinate Judges Court, Commercial Court, Chief Judicial Magistrate Court, Additional Chief Judicial Magistrate Court or Assistant Sessions Court or any other court which is currently headed by a judge in the rank of Civil Judge (Senior Division)	:	A judicial officer in the cadre of Civil Judge (Senior Division) in Kerala Judicial Service
Judicial First-Class Magistrate Court, Gram Nyayalaya, Juvenile Justice Board, Munsiff-Magistrate	:	A judicial officer in the cadre of Civil

Court, Principal Munsiff Court or Additional Munsiff Court, Rent Control Court or any other court which is currently headed by a judge in the rank of Civil Judge (Junior Division).	Judge (Junior Division) in Kerala Judicial Service

7. **Staff of the digital courts:** When any court is established as a digital court in the district judiciary, the district judge shall in consultation with the High Court, provide such number of staff as required for the proper functioning of such court, by way of transfer or redeployment from the existing courts as may be required for a digital court, after proper study.

Provided that the High Court may, as far as practicable, conduct a workload assessment of the digital courts in the State of Kerala once in a period of five years, for which the state government shall allocate sufficient funds, and the government shall ensure that sufficient staff are made available in the digital courts as per the workload assessment of the High Court within a period of one year of approval of such report by the High Court.

8. **Transfer of cases to digital courts:** Notwithstanding anything contained in any other central or state law for the time being in force, the High Court may by a general or special order, transfer any case pending in any other court in the district judiciary including a special court or a tribunal established under a statute anywhere in Kerala to any digital court in Kerala having the same subject matter and pecuniary jurisdiction and stature as the transferee court to be proceeded in accordance with the law, and upon such transfer, such court shall be deemed to be entitled under such statute to proceed with and decide the matter and any special procedure provided under this Act shall be applicable to such case.

9. **Special Procedure to be followed by digital courts:** (1) Notwithstanding anything contained in any other central or state law for the time being in force,

- a. conduct of all the proceedings or any part of the proceedings including the appearance of all the parties to such proceedings, be it the complainant, accused, appellant, respondent, applicant, witness, victim, or any other party and their advocates including prosecutors and legal aid defence counsels, the framing of charges or issues, the recording of depositions, statements, memorandum of substance of evidence or evidence at any stage of the proceedings and hearings, including submissions at any stage of the proceedings before the Digital Courts shall be through audio-video electronic means or electronic communication.
- b. all communication between the court and other stakeholders such as litigants, witnesses, advocates, prosecutors or any other person, including the issuance of processes, including summons and warrant, service of such processes and execution of summons, submission of documents and other case records including but not limited to plaint, written statement, any subsequent pleadings, documents including electronic records and digital records and furnishing or service of copies of judgment, order, deposition or records shall be done through electronic communication and upon proof of such service of communication or submission of documents through electronic communication, such communication or documents shall be deemed to be duly served, for the purposes of this Act as well as any other central or state law and no party or any person, except the court shall have any right to demand paper copies including printouts of any such communication.
- c. service of any communication from the digital court including a summons or notice through electronic communication shall be deemed to be completed when any reasonable indication is received by the officer or person responsible for service of summons or in the communication mode adopted by the court that the electronic message containing such summons have been delivered to the intended recipient.

d. Scheduling of dates for any proceedings in the digital courts may be done through an automated process, through appropriate software developed by the High Court of Kerala or the Supreme Court of India, provided that such process shall take into account the convenience of parties, and shall not take away the discretion of the court in appropriately scheduling the proceedings.

e. where any payment is required to be made into the court either by way of court fee or as fine or under any other head, such payment shall be deemed to have been duly made on such payment which is duly made through any payment gateway set up by the state government or the High Court for making such payment in electronic mode reaches the account of the government designated for the said payment, and an electronic message, automated or otherwise evidencing such payment successfully made shall be prima facie evidence of such payment being made.

f. where any central or state statute or rules including civil or criminal rules of practice prescribes any specified format for any communication to be given by the court to any party, summons, warrant, notice or any other communication, by whatever name it is mentioned in such statute, it shall be sufficient that a duly signed and sealed copy of such communication, summons or warrant or an electronic form of such communication, summons or warrant with the image of the seal of the court, which is electronically or digitally signed by the responsible officer of the court as authorised by the presiding officer of the digital court is served through any mode of electronic communication in the manner required under this section.

g. where any central or state statute or rules including civil or criminal rules of practice require issuance of certified copy of any proceedings, record or order of the digital court, such requirement shall be deemed to be duly complied when such certified copy is issued in electronic form, duly authenticated in an electronic

manner that it is a certified copy with sufficient safeguards against tampering of such record, and issued through any specified web portal maintained by the High Court for the said purpose.

h. where any central or state statute or rules including civil or criminal rules of practice prescribes for appearance of any advocate for the party, witness or party including the accused before the court, it shall be sufficient that such advocate for the party, witness or party including the accused appears before the court through audio video electronic means after convincing the court about the identity of the person appearing through audio video electronic means before the digital court, except in case where the digital court specifically directs personal appearance of such witness or party including accused before such court.

i. where any central or state statute or rules including civil or criminal rules of practice prescribe recording of any evidence, statement or any deposition of witnesses, such requirement shall be deemed to be duly complied when evidence, statement or deposition of a victim, witness or any party to such proceedings is recorded using audio-video electronic means, without the need for recording the same on paper, and such audio-video recording shall be digitally authenticated by any appropriate procedure as mandated by the High Court from time to time,

j. where any central or state statute or rules including civil or criminal rules of practice prescribes signing or authenticating by any party, Advocate, witness, any officer of the court or the court, such requirement shall be deemed to be duly complied when it is digitally or electronically signed or authenticated, in accordance with any procedure approved by the High Court under the practice directions.

k. where any central or state statute or rules including civil or criminal rules of practice require anything to be done or any writing to be made by any advocate, witness, party to the proceedings or any such thing, any writing or any order be

passed by the court or by the any officer of the court or by presiding officer, magistrate or judge, such requirement shall be deemed to be duly complied on such thing being done or such writing is made by the advocate, witness or party including the accused, or thing is done, writing is made or such order is passed by the presiding officer, judge or magistrate including by dictation in open court to any officer of such court or any other person and such order or writing is input into any computer, computer system, computer network or communication device using or in the software used by the High Court in the manner provided by such software for doing such thing or making such writing or passing such order.

(2) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the High Court to fix through appropriate practice directions, timelines including time limits for any proceedings or any stage of proceedings, ensuring that sufficient time is given to all parties at each stage of the proceedings and for each part of the proceedings, and in order to ensure strict adherence to time limits, to fix an appropriately scaled and restrictive rate of costs, to be paid to the government on exceeding such time limits, keeping in mind that such costs shall not be restrictive of the right of any party to adequately present their case, or for ensuring adequate representation and giving discretion to the court concerned to reduce or waive such costs on sufficient cause being shown, and further ensuring that no costs shall be imposed on account of any lapse on the part of the court or its officers in complying with the timelines so fixed.

10. **Connecting with other databases:** Notwithstanding anything contained in any other central or state law for the time being in force, where any document or information is required to be produced before the digital court, the digital court may by itself or cause to make any investigation agency or any other authority to

pull the data, information or any document from any public or private database, and make such original data, information or document reach the server of the digital court, either using any specialised software developed by the High Court or in any other manner not prohibited by law, and upon such original or replicated data, information or document reaching the server of the digital court, or becoming viewable at the digital court end, use such data as a digital or an electronic record in evidence.

11. **Uploading of orders:** (1) Notwithstanding anything contained in any other central or state law or rules or circular promulgated by any authority for the time being in force, all daily orders shall be published in website of the court or in such other manner through the software application provided by the High Court to any web resource which is accessible to the litigants and the counsel,

(2) Notwithstanding anything contained in any other central or state law or rules or circular promulgated by any authority for the time being in force, all judgments or orders other than daily orders shall be either physically or electronically or digitally signed by the presiding judge of the court and such order with the signature of the presiding judge shall be uploaded in the website prescribed by the High Court for the purpose to be made available to the parties and counsels thereto;

(3) The order mentioned in subsections (1) and (2) appearing in the web resource, and obtained in the manner provided in the said web resource for downloading a copy, not being a screenshot, shall for all purposes be deemed only to be a true copy of the order of the court in such matter, and shall in no case be deemed to be a substitute of the certified copy.

12. **Practice Directions:** Notwithstanding anything contained in any other central or state law for the time being in court, the High Court may from time to

time issue practice directions regarding conduct of proceedings in the digital court, including for case management or any other aspect regarding the use of software for case management of the digital courts, which shall be considered as the integral part of the rules under this Act and shall, in so far as they are inconsistent with the civil or criminal rules of practice, shall be considered to be superseding the civil or criminal rules of practice as regards the matters contained in the practice directions.

13. **Power to make rules:** (1) The state government may, in consultation with the High Court of Kerala, make rules for carrying out the provisions of this Act, including fixing of staff pattern, designation of the staff in the digital courts or any other matter connected with the implementation of the Act.
- (2) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.

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