

OFFICE OF THE DISTRICT AND SESSIONS JUDGE, BILASPUR, HIMACHAL PRADESH.

No. DSJ/BLP/EC/Action Plan/2024-
Dated Bilaspur, the July, 2024.

OFFICE ORDER .

Pursuant to the directions of the Hon'ble High Court of H.P. conveyed vide Registry letter No. HHC/VIG/STAT/Action Plan/2017-18528 dated 22nd June, 2024, the **District Revenue Officer, Bilaspur is hereby nominated as Senior Nodal Officer at District Level in Civil Cases** for implementation of "Action Plan for Arrear Reduction in District Judiciary(APAaR)-DJ" prepared by the Hon'ble Supreme Court of India for the District Case Management Committee (DCMC).

sd/-
(Chirag Bhanu Singh)
District & Sessions Judge,
Bilaspur, H.P.
(HP 01013).

Endst. No.DSJ/BLP/EC/Action Plan/2024-*5357* Dated Bilaspur, the *18th* July, 2024.
Copy forwarded to:

1. The Additional District and Sessions Judge, Ghumarwin.
2. The Senior Civil Judge-cum-CJM, Bilaspur, H.P.;
3. The Secretary, District Legal Services Authority, Bilaspur;
4. The Senior Civil Judge-cum-ACJM, Ghumarwin;
5. The Civil Judge-cum-JMFC, Jhandutta;
6. The Mobile Traffic Magistrate, Bilaspur & Hamirpur at Bilaspur;
7. The Civil Judge-cum-JMFC, Court No.2, Ghumarwin;
8. The Civil Judge-cum-JMFC, Court No.3, Ghumarwin;
9. The Civil Judge-cum-JMFC, Bilaspur;
10. The District Revenue Officer, Bilaspur alongwith copy of Action Plan referred to above.
11. The District Attorney, Bilaspur;
12. The President, Bar Association, Bilaspur/Ghumarwin/ Jhandutta.
- 13.* The Assistant Programmer of this office with the direction to upload the same on the website of District Court.
14. The Translator of this office;

for information and necessary action.

[Signature]
District & Sessions Judge ,
Bilaspur, H.P.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001.

No. HHC/VIG/STAT/Action Plan/2017- **18528**
Dated Shimla, the 22th June, 2024.

From

The Registrar General.
High Court of Himachal Pradesh
Shimla-171001.

To

The Chairperson(s)
(District & Sessions Judges)
District Case Management Committee (DCMC)
District Judiciary in Himachal Pradesh.

Subject: - Consideration of the matter regarding implementation of
directions issued by the Hon'ble Supreme Court in Civil
Appeal No. 4296 of 2023, titled as Yashal Jain Vs Sushila
Devi & others

and

Communication dated 05.04.2024, received from the
Hon'ble Supreme Court of India- Compliance thereof.

Sir,

On the captioned subject, it is informed that the meeting
of Hon'ble Case Management and Arrears Committee was held on
20.06.2024, wherein it has been resolved that monthly meeting with
the District Case Management Committees, constituted in terms of
communication dated 5th April, 2024 of the Hon'ble Supreme Court of
India, has been **scheduled for 26.06.2024 at 4.45 P.M. virtually** and
has directed to intimate the Chairpersons of the District Case
Management Committees in this regard in advance so that the requisite
information with reference to Phase-1 of the Action Plan for Arrears
Reduction in District Judiciary (APAAr-DJ) can be shared with the
Committee. The said information be also sent to this Registry **latest by
4:00 P.M. on 24.06.2024, positively.**

A copy of the Action Plan for Arrears Reduction in
District Judiciary (APAAr-DJ) received from the Hon'ble Supreme
Court of India, is enclosed herewith for ready reference.

The Hon'ble Committee has also directed to impress upon
the District & Sessions Judges to ensure that old cases pending
adjudication for more than five years be adjudicated as expeditiously

Contd. at next page

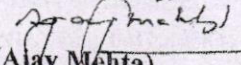
as possible and learned counsel appearing for the parties be also taken into confidence that it is in the large interest of litigant that old cases are decided as expeditiously as possible, of course, in accordance with law.

Further the Hon'ble Case Management and Arrears Committee has also directed to ask all the District & Sessions Judges to furnish fresh Statistics with regard to old cases pending adjudication for more than five years and service of processes as on 30.06.2024 by 15th July, 2024.

You are, therefore, requested to ensure that the aforementioned information with reference to virtual meeting to be held on 26.06.2024 as well as the compliance with respect to old cases and service of processes be made well in time.

Encls. As above.

Yours faithfully,


(Ajay Mehta)

Registrar (Vigilance)

Action Plan for Arrears Reduction in District Judiciary (APAAr-DJ)

1. INTRODUCTION

The persistent issue of arrears in the judiciary has consistently garnered significant attention. Numerous steps have been taken in an endeavour to address and manage these arrears effectively. The challenge of backlog is not only a matter of administrative concern but also a critical aspect affecting the delivery of justice. This situation necessitates a proactive and continuous effort from the judiciary to find innovative and practical solutions.

Upon examination of the data pertaining to the district judiciary, the Committee¹ has observed a deeply concerning trend: a considerable number of cases have been pending for long periods, some for over two and even three decades. This situation calls for an effective approach to address the issue of delays. It also noticed that a substantial number of cases are currently in 'unready' state for various procedural reasons, thereby delaying their resolution. Additionally, the prevalence of cases that are stayed by higher courts adds another layer of complexity to the challenge of reducing pendency.

This prolonged accumulation of cases not only strains the judicial system but also has profound implications for the timely delivery of justice. The Committee recognizes the gravity of this situation and the potential erosion of public confidence in the judiciary that can arise from such delays.

The Committee is conscious of the diverse and complex nature of challenges faced by district judiciary across different states. The diversity extends to the nature and volume of cases, and the variations in human resources and infrastructure facilities.

Recognizing that several High Courts have their case management rules and that guidelines/action plans are periodically issued to meet changing needs, this Action Plan is designed to complement, not override, those measures. The

¹ Committee for "Model Case Flow Management Rules for Trial Courts, District Appellate Courts, High Courts and to suggest a Plan for Reduction of Arrears in the High Courts and District Courts" constituted in the Supreme Court of India.

2

Committee understands that one size does not fit all in the realm of judicial administration.

With this understanding, the Committee has endeavoured to create a framework that may serve as a guiding beacon. This Action Plan lays out fundamental principles and a flexible action plan. It is intended to be adaptable, allowing High Courts and district judiciary to tailor the guidelines to their specific circumstances. The scheme should not be construed as interference with the day-to-day functioning of the Trial and District Courts.

2. PRINCIPLES ADOPTED IN THE ACTION PLAN

The Action Plan for managing and reducing case arrears in district judiciary incorporates the following principles:

- a) **Prioritization of Long-Standing Cases:** Special emphasis on identifying and resolving cases that have been pending for excessively long periods, such as over 10, 20 or 30 years.
- b) **Accelerating the Progression of Cases to Finalization:** This principle emphasizes the urgency of moving cases towards a timely conclusion. It involves not only prioritizing the resolution of long-standing cases, particularly those over 10, 20 or 30 years old, but also ensuring that newer cases do not age into these categories.
- c) **Equitable Case Distribution:** Ensure a balanced distribution of cases among judges, taking into consideration the complexity and nature of cases, to prevent overburdening and promote efficient resolution.
- d) **Effective Handling of Unready & Stayed Cases:** Implement strategies for expediting and managing cases that are unready or are stayed by Higher Courts.
- e) **Effective Utilization of Alternative Dispute Resolution:** Encourage the use of mediation and Lok Adalat to resolve disputes with more effective pre-lok Adalat sittings in old cases.
- f) **Use of Technology:** Leverage NJDG and related tools for better case management, including case tracking systems, to enhance efficiency.
- g) **Managing Undated Cases:** Address the issue of 'undated' cases. Implement measures to ensure that cases do not remain without a scheduled date, facilitating their timely progression and resolution.
- h) **Adequate Human Resources Support to Judicial Officers:** Strengthen the district judiciary by providing sufficient ministerial staff support to judicial officers. This includes ensuring that courts have stenographers, and

other essential staff who can assist in case management and other administrative duties.

- i) **Regular Monitoring and Review:** Implement a system for the continuous monitoring of case progress and regular review meetings to assess the effectiveness of action plan.
- j) **Stakeholder Engagement:** Involve bar association and agencies to address procedural delays.
- k) **Responsive Adaptation:** Tailor strategies to meet the specific circumstances of each district, allowing for flexibility and adaptation of the action plan to local scenarios.

3. ACTION PLAN FOR REDUCING ARREARS:

3.1 Formation of District Case Management Committee

The Case Management Committees, dedicated to implementing the following action plan, shall be established at the district level by the Hon'ble Chief Justice of the High Court. **The Committees for all the district Courts shall be constituted by 30th April 2024.** The committee's structure and functions are outlined as follows:

(a) Structure of the District Case Management Committee:

- i. **Chairperson:** The Committee will be chaired by the Principal District Judge/Principal City Civil & Sessions Judge/ District Judge, as the case may be, whose role will be crucial in setting the direction and strategy for case management in the district.
- ii. **Members:** The Committee will include (i) a Senior Additional District Judge in the district, (ii) a Judge of the Family Court (iii) a Senior most Civil Judge(Sr Division)/CJM/CMM, as the case may be.
- iii. **Additional Member:** The Secretary of the District Legal Services Authority may also be a part of the Committee, aiding in the facilitation of Alternative Dispute Resolution (ADR) for appropriate cases covered by the action plan.

Note: In the district where the Small Causes Court unit is operational, the Chief Judge will serve as the Chairperson, and the

two most senior judges will act as Members of the Case Management Committee for the Small Causes Court.

(b) **Functions of the District Case Management Committee :** The functions of this Committee shall include the following:

- i. **Preparatory Stage Tasks:** The Committee, during its preparatory stage, shall complete all necessary tasks for the effective implementation of the action plan. This includes the identification of action plan cases, considering the pendency as of 31st December 2023, as well as cases that will reach an age of over 30 years by January 1, 2025, ensuring that essential steps are in place for successful implementation.
- ii. **Preparation of Targeted Case Lists:** The Committee will be responsible for creating comprehensive lists of targeted cases as outlined in the action plan. These lists may categorize cases based on various criteria such as age, type (civil, criminal, LAC, MACT, POCSO, family disputes) etc. The categorization process will also involve identifying cases having interim applications pending for over three months, unready matters, and undated matters.
- iii. **Regular Review and Updating:** The progress of the cases covered under action plan shall be regularly reviewed, and lists be updated regularly to reflect the status and progress of each case.
- iv. **Coordination with Judicial Officers:** The Committee will coordinate with judicial officers of respective courts to ensure that the lists are utilized effectively for case management and that the prioritized cases are given the necessary attention.
- v. **Engage with duty holders:** The Committee shall formulate a plan to engage regularly with the bar association, and related stakeholders. This engagement is essential for understanding broader challenges in case management and for soliciting collaborative support.
- vi. **Feedback and Adjustments:** The Committee will also seek feedback on the effectiveness of the lists and other steps in managing the caseload and will make adjustments as necessary based on this feedback and regular evaluations.

3.2 Operational Framework The operational framework is structured into three distinct phases:

3.2.1 Phase-I (Preparatory) (April- June 2024): During this phase focus shall be on the strategic planning and organization required for successful implementation of the subsequent phases. It will involve establishing committees and crafting an action plan tailored to local conditions. The main activities may include compiling lists of cases for the action plan, completing essential steps like services, and evenly distributing cases among judicial officers. These measures are vital for the smooth and effective execution of the action plan, which is aimed at efficiently reducing the backlog of cases. The measures which are expected to be taken during the preparatory phase are:

a) Formation of Committee: The District Case Management Committee shall be formed as mentioned in paragraph 3.1.

b) Preparation of Lists of targeted cases and other preparatory steps:

The District Case Management Committee shall undertake the task of preparing a list of targeted cases for each court. This comprehensive list shall include cases prioritized for expedited resolution, such as the other long-standing matters and oldest execution petitions etc. Upon completion, these lists shall be submitted to the Registrar (Judicial) of the High Court. The details of these targeted cases shall be displayed on the notice boards in the respective courts. This step is crucial for maintaining transparency and keeping all stakeholders, including litigants and lawyers, informed. Furthermore, meetings shall be organized at the district level with members of the bar for ensuring that the legal community is fully engaged in and supportive of the efforts to reduce arrears. Timelines and other necessary steps shall be discussed and framed in consultation with the judicial officers at the district level by case management committee. This collaborative approach will help to tailor the action plan to the specific needs and challenges of each district, thereby enhancing the effectiveness of the initiative.

c) Physical verification of cases: A comprehensive physical verification of case files be carried out. This process is critical not only for ensuring the accuracy of data but also for correctly identifying the old cases, which will be the primary focus during the subsequent two phases of targeted case management. After the physical verification of case files,

reconcile the findings with the data shown on the National Judicial Data Grid/CIS. The necessary corrections would ensure that the data on the National Judicial Data Grid/CIS accurately reflects the actual number of cases. This process must be completed in this phase preferably before the end of the Summer Vacations in 2024 and can effectively be carried out during the summer vacation period. This step would ensure that the data on the National Judicial Data Grid & CIS accurately reflects the actual number of cases.

d) **Undated cases:** Identify undated cases and make concerted efforts to assign hearing dates to each case. Once identified, appropriate dates should be assigned as promptly as possible.

e) **Reconstruction of record of lost files:** In the event that the record of an old or targeted case included in the action plan is lost, efforts be made to reconstruct the record as early as possible. It may involve soliciting copies from the parties, retrieving relevant court orders etc. The District Case Management Committee shall ensure that such case files are reconstructed at the earliest after following proper procedure.

f) **Equitable distribution of oldest/targeted cases:** This should be carefully managed by the Principal District Judge (PDJ)/ Principal City Civil & Sessions Judge/District Judge, as the case may be, and deliberated upon in the District Case Management Committee meetings. It may involve a comprehensive assessment of the current caseload, taking into account the complexity and nature of each case. While doing so expertise, experience, and existing workload may be considered. The development of a clear set of criteria for case distribution is crucial, ensuring that cases are allocated in a manner that balances the workload across judges and prevents any one judge from being excessively burdened.

g) **Meetings with Senior police officers/Public prosecutors:** For old/ targeted criminal cases where trials have been delayed due to challenges in serving witness summons or securing the accused's presence, the case management Committee shall compile a list of these cases. The Principal District Judges/ Principal City Civil & Sessions Judge/District Judge shall then convene meetings with the District Superintendent of Police/ the Commissioner of Police, and/or Public Prosecutors, as applicable. In this meeting, they shall inform the police officers about

remaining cases, i.e., those beyond the first 700, shall be addressed in the third phase.

In States other than above, resolve all cases older than 20 years by the end of December 2024.

(b) Identification and Disposal of 50 Oldest Cases in Courts: In courts with fewer than 50 cases over 20 years old, or with no such cases, the Case Management Committee will focus on the 50 oldest pending cases (25 civil (other than execution) and 25 criminal cases). These cases should be identified within a period of one month from receiving the guidelines. The identification shall be notified on the court notice boards and to the Bar Association. The aim shall be to resolve these oldest cases by the end of December 2024, provided they are not under any stay by higher courts. This approach is expected to ensure that even in courts with a lower volume of extremely old cases, the oldest cases still receive priority and efforts for timely resolution.

(c) Disposal in Exclusive Family Courts etc.: A separate targeted initiative for exclusive Courts, specifically Family Courts, Commercial Courts, and Juvenile Justice Boards to diligently work towards the resolution of their 100 oldest cases by December 2024 may be included in the action plan.

(d) Disposal in Special Exclusive POCSO Courts etc: In courts designated for POCSO (Protection of Children from Sexual Offences) and those exclusively handling crimes against women, the 50 oldest cases should be identified and aimed to be resolved by the end of December 2024. Similarly, in courts dedicated to handling cases under the Prevention of Corruption Act, the 25 oldest cases should be identified for resolution by the end of December 2024.

(e) Negotiable Instruments Act Matters: In courts dedicated to Negotiable Instruments Act matters, the 300 oldest cases shall be identified for resolution during this phase. A significant barrier to the advancement of these cases is the frequent failure to serve notices to the accused. Therefore, the District Case Management Committee should develop and implement strategies to effectively address this issue, thereby facilitating smoother case progression.

the specifics of these cases, including details like the Police Station and Crime Number, and request the District Superintendent of Police and/or Commissioner of Police to assign a senior police officer as a Nodal Officer to oversee the timely service of summons and warrants in these criminal cases.

- h) **Appointment of Senior Nodal Officer from Revenue Department for Expedited Final Decree Proceedings:** To address delays in the preparation of final decrees, often due to the lack of cooperation from revenue department, the appointment of a senior Nodal Officer from the revenue department may be requested. This officer should ensure that matters requiring steps like surveys and other related procedures are prioritized and completed efficiently. This strategy may facilitate a more rapid preparation of final decrees.

3.2.2 Phase-II (July to December 2024)

(a) **More than 30 and 20-30 years and 10-20 years old cases:**

In the states of Uttar Pradesh, Bihar, West Bengal, Maharashtra, and Odisha, the focus shall be on resolving cases that are over 30 years old by the end of December 2024.

In certain districts of these States, where the number of cases older than 30 years is less than 150, the goal should be to conclude all such cases, as well as those in the 20-30 year range, by the end of December 2024.

In districts where there are more than 150 but less than 300 cases that are over 30 years old, the objective, apart from clearing all cases older than 30 years, should be to resolve a substantial portion (target may be set at 80%) of cases that fall in the 20-30 year range during this phase. In districts with 300 to 500 cases over 30 years old, the target may be set to dispose of at least 50% of the cases in the 20-30 year range, in addition to all cases older than 30 years, by the end of December 2024.

For districts where the number of 30 year-old cases exceeds 500 but is less than or are 700, the aim should be to resolve all such cases by the end of December 2024. If the number of cases exceeds 700, then the