

SUPREME COURT OF INDIA



NATIONAL COURT MANAGEMENT SYSTEMS (NCMS)

POLICY & ACTION PLAN

RELEASED BY:

HON'BLE THE CHIEF JUSTICE OF INDIA

PREPARED BY:

**“NATIONAL COURT MANAGEMENT SYSTEMS COMMITTEE”
IN CONSULTATION WITH
“ADVISORY COMMITTEE”**

SUPREME COURT OF INDIA

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S U P R E M E C O U R T O F I N D I A

NATIONAL COURT MANAGEMENT SYSTEMS (NCMS) POLICY AND ACTION PLAN

CHAPTER – 1

INTRODUCTION

- 1.1 The Constitution of India was adopted and enacted, *inter alia*, to secure to all citizens of this country, through Preamble, which is basic structure of the Constitution, JUSTICE – Social, Economic and Political. The State is duty bound to establish social order in which legal system of the country provides justice to all the citizens. Access to justice has to be ensured to all the citizens irrespective of social, economic and political barriers. The golden goal set out in the Preamble of the Constitution is to be achieved through sustained and productive efforts.

- 1.2 Judiciary has gone through various phases since the adoption of the Constitution on 26th day of November, 1949. Various Reports on Judicial Reforms have been submitted by the Law Commissions after in-depth study, which have dealt with various aspects of Law – substantive and procedural. It is manifest that many of the important recommendations made by the Law Commissions, from time to time, have not even been properly discussed, leave aside their implementation by the Government. It has, therefore, become imperative to revisit the recommendations and implement those which will promote Court Management, Case Management and improve Administration of Justice as a whole.

- 1.3 Many of the recommendations made by the Law Commissions do not require Legislative or Executive intervention and they can straightaway be implemented by the Judiciary. But, some would. The Judiciary is alive to the shortcomings and ills facing it and, in order to keep pace with time and changed scenario, the implementation of the recommendations is necessitated.
- 1.4 A proposal was placed before Hon'ble the Chief Justice of India emphasizing the need for a comprehensive "National Court Management Systems" for the country that will enhance the quality, responsiveness and timeliness of Court.

It was mentioned that the Court Management Systems will need to include six main Elements (for the Elements- please see Scheme in Chapter-2).

- 1.5 Hon'ble the Chief Justice of India, in consultation with Hon'ble Minister of Law and Justice, Government of India, has been pleased to direct that National Court Management Systems, for enhancing timely justice, may be established.
- 1.6 Therefore, in pursuance of the directions of Hon'ble the Chief Justice of India, Office Order dated 02.05.2012, has been issued by the Office of Secretary General, Supreme Court of India, which, *inter alia*, states that:-

“Under overall control of Hon'ble the Chief Justice of India, National Court Management Systems (NCMS) for enhancing timely justice is established as per Scheme annexed.”

CHAPTER – 2

THE SCHEME

2.1 Hon'ble The Chief Justice of India has been pleased to approve the following Scheme on 02.05.2012.

“SCHEME OF NATIONAL COURT MANAGEMENT SYSTEMS (NCMS)

FOR ENHANCING TIMELY JUSTICE

A. Background and Rationale

India has one of the largest judicial systems in the world – with over 3 crores of cases and sanctioned strength of some 16,000* Judges. The system has expanded rapidly in the last three decades, reflecting India's social, economic and political development in this period. It is estimated that the number of Judges/Courts expanded six fold while the number of cases expanded by double that number – twelve fold. The judicial system is set to continue to expand significantly over the next three decades, rising, by the most conservative estimate, to at least about 15 crores of cases requiring at least some 75,000 Courts/Judges. ¹

¹ Global and national experience shows that the number of new cases filed into a judicial system increases with literacy and economic wealth (for example, Kerala, with a literacy rate of over 90%, has some 28 new cases per thousand population as against some 4 cases per thousand population in Jharkhand which has a literacy rate of some 53%). As India's literacy rate and per capita income increases the number of new cases filed per thousand population is likely to increase from the current rate of about 15 (up from roughly around 3 cases per thousand cases some three decades ago) to about 75 cases in the next three decades. By this time India's population should be about 1.5billion. This will mean that at least some 15 crores of cases may be filed into the judicial system each year by then. To achieve a ratio of 50 judges per million population, at 1.5 billion population, India will need to have 75,000 judges.

*Subsequently collected data shows this figure as 18871 as on 31.12.2011. Please see Para 3.4.

Some* 74% of the cases in Indian courts are less than five years old, of which some *40% are less than 1 year old. There is an urgent need to make the Judicial System 'five plus free' (i.e., free of cases more than five years old) by addressing the *26% of cases that are older than five years. There is an equally urgent need to shorten the average life cycle of all cases – not only time spent within each court, but also total time in the judicial system as a whole, to bring the average to no more than about one year in each court. There is also need to systematically maintain and continuously seek to enhance quality and responsiveness of justice.

Addressing these challenges will require substantial upgrading of court management systems. Today, data on cases filed in the Indian judicial system is still gathered and maintained in manual data systems by courts across the country (especially data of subordinate courts where nearly 90% of the litigation resides) involving manual recording of case and court information in over 50-60 registers or manuals (or more). Each month, considerable time is spent by local courts compiling data from manual registers to submit reports to higher courts. There are a few exceptions where information is entered and maintained in computerized systems at the subordinate court level. There are inconsistencies across States in terms of the data categories and criteria applied to the data (for example, in some states supplementary matters, or sometimes even each prayer for relief, may be counted as a separate case whereas in other states only the main case may be counted as a case; the

* Subsequently crystallized data may be seen in Chapter-3.

nomenclature used for cases varies widely and is not comparable in some cases). This makes it quite difficult to compare data across States. Very little data is available in *real* time. At the present time, some data is gathered by the Supreme Court from High Courts and published in its Court News. Some data is also gathered by the Department of Justice from High Courts. This latter information is not publicly accessible. Data on criminal cases is compiled by the National Crime Records Bureau. This data is also based on a set of criteria that are different from those used by the judiciary and hence the two sets of data appear to be mutually incompatible. Data is not based on performance standards – thus, in the absence of time tables or data systems that will track individual cases against established time standards, there is in fact no scientific data on delays in courts today.

Data is manual, sometimes inconsistent, splintered and not available in real time. An accurate and complete *national* picture of the performance of the Indian judicial system is not readily available. It is therefore hardly surprising that there is considerable misunderstanding amongst policy makers and people at large about the performance of the judicial system at the national level; and the challenges it faces. Critical national policy challenges such as “docket exclusion” are not surfaced by the data that is currently available. Nor is there adequate data to permit a meaningful analysis of timeliness, quality or efficiency of the judicial system.

A number of initiatives are currently underway to

modernize and strengthen the judicial system. The development and implementation of these initiatives will require reliable data and statistics about the judicial system. Effective administration of an increasingly large and complex judicial system is not possible without a well developed system of judicial statistics and an effective management information system being available to the judiciary at the national level.

B. Objectives

Against the above background, the Hon'ble Chief Justice of India, Hon'ble Justice S.H. Kapadia has expressed a desire to establish comprehensive Court Management Systems for the country that will enhance quality, responsiveness and timeliness of courts.

Hon'ble the Chief Justice of India, after consulting the Minister of Law and Justice in the Government of India, is pleased to establish National Court Management Systems.

The National Court Management Systems will be under overall control of Hon'ble the Chief Justice of India. It will primarily deal with policy issues. NCMS will include the following six main elements:

- (1) A National Framework of Court Excellence (NFCE) that will set measurable *performance standards* for Indian courts, addressing issues of quality, responsiveness and timeliness.
- (2) A system for *monitoring* and enhancing the performance parameters established in the NFCE on quality, responsiveness and timeliness.

- (3) A system of *Case Management* to enhance 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. NSJS should provide real time statistics on cases and courts that will enable systematic analysis of key factors such as quality, timeliness and efficiency of the judicial system across courts, districts/states, types of cases, stages of cases, costs of adjudication, time lines of cases, productivity and efficiency of courts, use of budgets and financial resources. It would enhance transparency and accountability.
- (5) A *Court Development Planning System* that will provide a framework for systematic five year plans for the future development of the Indian judiciary. The planning system will include individual court development plans for all the courts.
- (6) A *Human Resource Development Strategy* setting standards on selection and training of judges of subordinate courts.

The administrative and technological “backbone” of these systems will be maintained at the Supreme Court and overseen by a Committee consisting of the representatives.

Specific proposals will be developed in each of these areas for consideration and implementation by and through the High Courts.

C. National Court Management Systems Committee (N.C.M.S.C.):

Specific proposals for the Court Management System as outlined above will be developed by an 18 member National Court Management Systems Committee (N.C.M.S.C.), which, subject to directions of Hon'ble the Chief Justice of India, shall consist of the following:

Chair:

A Jurist/Domain Expert nominated by the Hon'ble Chief Justice of India. He will be paid honorarium and given such facilities as may be decided by Hon'ble the Chief Justice of India for Chairing N.C.M.S.C.

Members:

1. Four Sitting Judges (one from each zone in India) nominated by the Hon'ble Chief Justice of India.
2. Secretary General of the Supreme Court (ex-officio).
3. Joint Secretary and Mission Director (National Mission for Judicial Delivery and Legal Reforms), Department of Justice, Government of India (ex-officio).
4. Registrar Generals of three High Courts nominated by the Hon'ble Chief Justice of India.
5. Director, National Judicial Academy.
6. Two practising Advocates nominated by the Hon'ble Chief Justice of India.

7. An expert Statistician, nominated by the Chief Statistician of India.
8. An expert in management of decision making systems and process re-engineering, nominated by the Hon'ble Chief Justice of India.
9. An expert in Computer Technology relevant to Court Management, nominated by the Hon'ble Chief Justice of India.
10. A representative of a NGO working for improving access to justice and user friendliness of courts, nominated by the Chief Justice of India.
11. Additional Registrar, Information and Statistics, Supreme Court of India (ex-officio) – Member Secretary.

The Committee shall be supported by necessary staff and facilities as following:

- a.** Branch Officer - **One**
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- b.** Senior Personal Assistant - **One**
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- c.** Personal Assistant - **One**
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- d.** Court Assistant - **One**
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- e.** Junior Court Assistants - **Two**
(In the pay-scale as applicable in the Registry of Supreme Court of India)

- f.** Chauffeur - **One**
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- g.** Junior Court Attendants - **Three**
(In the pay-scale as applicable in the Registry of Supreme Court of India)

The staff shall be called on deputation on such terms, conditions and facilities as Hon'ble the Chief Justice of India may decide. They shall be under overall supervision of Additional Registrar, Information and Statistics, Supreme Court of India for day-to-day functioning.

D. Advisory Committee:

The NCMS Committee shall be advised by an Advisory Committee consisting of two Judges of Supreme Court of India and such other Chief Justices/Judges of High Courts as may be nominated by the Hon'ble Chief Justice of India.

The Chair of the NCMS Committee shall be a member of the Advisory Committee.

Secretary, Department of Justice, Government of India, shall be Ex-officio Member of Advisory Committee.

The Secretary-General of the Supreme Court shall be the convenor of the Advisory Committee.

E. Time Line

A comprehensive implementation plan for NCMS shall be prepared within 2 months of establishment for consideration and approval of Hon'ble the Chief Justice of India. The implementation plan shall entail not only how National Court

Management Systems will be established but how it will be institutionalised and sustained. It will identify all resource requirements for the same. NCMS will also complement efforts of other Bodies for objectives stated above.

F. Financial Aspects

It is needless to mention that the Committee, once it is constituted, would require proper infrastructure and Office space to accommodate its Members and Officers/Staff preferably in close proximity to the Supreme Court premises. A car for Office work also may have to be provided. Chairperson and Members of N.C.M.S.C. may have to be provided assistance for meetings, as Hon'ble Chief Justice of India may direct. Chairperson and such Members of N.C.M.S.C., as Hon'ble Chief Justice of India may from time to time direct, may have to visit High Courts/States as may be necessary for consultation and study.

The terms and conditions, on which services of Chairperson and Members of NCMS Committee will be availed, will be decided by Hon'ble the Chief Justice of India. Provision to appoint support staff on establishment of Supreme Court of India and/or on deputation will have to be made. The NCMS Committee will prepare budget for its activities from time to time and, on approval of Hon'ble the Chief Justice of India, the same will be included in Budget of Supreme Court of India.

S/d-
(A.I.S. Cheema)
Secretary General
Supreme Court of India

New Delhi

Dated : 02.05.2012"

2.2 In pursuance of the above, various steps are being taken to institutionalize NCMS. Guidelines are to be laid down to address issues relating to and affecting Administration of Justice and to fulfill the objects and meet the targets.

CHAPTER – 3

STATISTICS

- 3.1 Success of an Institution depends on meticulous planning and no planning can succeed without correct and complete statistics of important elements. Insofar as Judiciary is concerned, number of pending cases, number of Judicial Officers, number of Staff Members, number of Court Halls and availability of infrastructure are some of the key elements whereof correct and complete statistics are always required. To dismay, statistics, most of the times, have been either incomplete or incorrect.
- 3.2 Hon'ble the Chief Justice of India has been pleased to set up a Secretariat in the Registry of the Supreme Court of India for collection of Information and Statistics. The Information and Statistics Secretariat is in regular contact with High Courts for various statistical information and the same is being collected and compiled. The experience shows, from many quarters, inflow of incomplete and incorrect information from High Courts, apart from being delayed. In this era of computerization, no reason would suffice why a network cannot be established of a portal from where each Court in the country can feed monthly, quarterly, half-yearly and yearly figures compiled in given Formats and timely correct information of filing and disposal of cases becomes available at the click of a button. If E-tickets of Railways can be booked in one part of the country and print generated in any other part of the country, generating information of statistics relating to Judiciary may not be difficult.

3.3. Information and Statistics Cell of the Supreme Court of India has collected information regarding institution and disposals for the year 2011. The same is as under: -

[FIGURE - 1]

Updated as on 16/9/2012

CASES INSTITUTED AND DISPOSED OF IN THE YEAR 2011

1	2	3	4	5	6	7	8	9	10			
S. NO.	Name of Court	Pendency of Cases as on 1/1/2011	Institution in 2011	Disposal in 2011	Pendency as on 31/12/2011	Difference in % (i.e % increase or decrease in pendency)	No. of Cases Pending for more than 5 years as on 31/12/2011 with % age		No. of Cases Pending for less than 5 years as on 31/12/2011 with % age		Total	
						Difference	%	Number	%	Number	%	
1	Supreme Court	54562	77090	73133	58519	3957	7.25	6445	11.01	52074	88.99	58519
2	High Courts *	4251041	1947006	1784301	4324742	73701	1.73	# 1602191	37.77	# 2553247	60.12	4155438
3	Subordinate Courts **	27734599	17996886	18615075	26986307	-748292	-2.70	# 6289715	23.49	# 19321092	72.15	25610807
4	Total	32040202	20020982	20472509	31369568	-670634	-2.09	7898351	25.41	21926413	70.55	29824764

* For Pendency of more and less than five years: except High Court of Jammu & Kashmir

** For Pendency of more and less than five years: except Jammu & Kashmir, Kerala and Lakhsadweep.

Figures yet to be reconciled from the Calcutta High Court and High Court of Kerala.

3.4 Information has also been collected regarding number of Judges including their sanctioned and working strengths and vacancies. The same is as under: -

[FIGURE - 2]

Updated as on 16/9/2012

NUMBER OF JUDGES (AS ON 31/12/2011)

S.No.	Name of Court/s	Sanctioned Strength	Working Strength	Vacancies
1	Supreme Court	31	27	4
2	High Courts	895	622	273
3	Subordinate Courts	17945	14275	3670
	Total	18871	14924	3947

3.5 A perusal of the Chart at Figures-1 shows that various informations from different High Courts are still not available. Even the available information is not accurate. For example, total of Columns 6 and 10 should ideally match. Some of the High Courts have not reconciled figures and, hence, the difference. Incomplete or incorrect information creates difficulties in planning and, more particularly, while dealing with Government on the issues of development in Judiciary, apart from needless public gaze.

3.6 If Figure-1 is examined, it can be appreciated that, in 2011, 2,00,20,982 cases were instituted and 2,04,72,509 cases were disposed of. This could be achieved through the productive effort of meagerly available 14,924 Judges/Judicial Officers (see Figure-2), who, at times, discharge obligations in difficult circumstances. It shows an average disposal of 1,372 matters per Judge in a span of 12 months. Thus, overall pendency reduced by 6,70,634 cases.

3.7 The overall pendency in 2011 was reduced from 3,20,40,202 to 3,13,69,568. The Chart at Figure-1 makes it clear that 70.55% cases

pending in the Courts are less than 5 years' old. Hon'ble the Chief Justice of India, on 8.11.2011, wrote letters to all the Chief Justices of High Courts to take up "Five plus Zero" initiative to ensure that cases pending for more than 5 years are taken up on priority basis and such cases are brought down to zero level. In the Supreme Court of India, 88.99% cases are less than 5 years old.

- 3.8 It is necessary to identify reasons for non-filling of vacancies and, efforts are required to be taken to fill up vacancies not only of Judges/Judicial officers but also of support staff. Courts cannot function without sufficient and efficient Court staff.
- 3.9 Number of available Court Buildings, Court Halls and other infrastructural facilities have not been described clearly. In the absence of correct statistics regarding the number of Court Halls available, transfers and postings effected by the High Courts, have, at times, created piquant situations. Instances have come to fore that number of Judicial Officers posted at a place could not function for want of Court Halls; also, conversely at other places *vis-à-vis* number of Judicial Officers posted, the number of pending matters were negligible. In the absence of necessary statistics, less number of Court Halls have been constructed in Districts where number of pending matters were very high and non-availability of adequate number of Court Halls have resulted in hampering smooth dispensation of justice. In big cities, there are problems for expansion of infrastructure. Planning is based on accurate statistics and, in the absence thereof and set guidelines, proper establishment and expansion of Courts are not feasible.
- 3.10 There is, therefore, need for compilation of correct and complete statistical and other data at different levels.

- 3.11 Professional Statisticians need to be appointed by High Courts for collection and processing of data.
- 3.12 It is necessary to post data on website of High Courts giving details of institution, filing, disposal and pendency of different type of matters.

CHAPTER – 4
INFRASTRUCTURE

- 4.1 Supreme Court of India in the matter of, “All India Judges Association v. Union of India” took up Interlocutory Application No. 279 of 2010 and has passed various directions, from time to time, to monitor development of infrastructure in Subordinate Judiciary.
- 4.2 Formats- B and D adopted in the above matter for compilation of information regarding infrastructure of Courts and Residential Quarters have been updated by the Information and Statistics Secretariat of Supreme Court of India for the perusal of the Hon’ble Court. The information is as follows:-

[FIGURE – 3]

**FORMAT-B-I
CONSOLIDATED STATEMENT AT NATIONAL LEVEL
STATUS OF COURT BUILDINGS**

Updated as on 16/9/2012

S. No	Name of State	Number of Court Buildings		Number of Proposals pending for land acquisition with Collector	Number of proposals sent by Principal District Judges to Executive Engineers (PWD)	Number of proposals pending with PWD to be sent to Architect	Number of Proposals pending with Chief Architect/ Deputy Architect.	Number of proposals received back with plans from Architect and still pending with (PWD)	Number of proposals received back with plans and estimate from PWD pending with Principal District Judges	Number of proposals pending with High Court for confirmation before sending to the government	Number of proposals pending with State Govt./ Administrator for administrative approval	Number of proposals pending with State Govt./ Administrator for release of finance with amount		How much funds Government provided for the pending projects till last year (In Lakhs)	Budgetary position for current year for pending projects (In Lakhs)	In how many projects construction has actually started.	Remarks
1	2	3		4	5	6	7	8	9	10	11	12		13 *	14	15	16
		In own premises (a)	In rented premises (b)									Number of proposals	Amount (In Lacs)				
	Total	4223	757	330	255	27	39	28	71	73	6990	411	120186.21	152379.22	109001.61	449	
													1201.86 Crore	1523.79 Crore	1090.01 Crore		

* In column no. 13 at State Share the State of Punjab has submitted the amount from the Financial year 1993-94 to 2011-2012.

Extracts from Format B-I as received from States/UTs.

Updated as on and till 16/9/2012.

Figures of States/UTs of Delhi, Gujarat, Nagaland, have yet not been updated by them inspite of reminders and thus their figures included are as updated till 12/9/2011.

[FIGURE – 4]

Updated as on 16/9/2012

**FORMAT-D-I
CONSOLIDATED STATEMENT AT NATIONAL LEVEL**

STATUS OF RESIDENTIAL QUARTERS FOR JUDICIAL OFFICERS

S.No	Name of State	Number of Residential Quarters			Number of Proposals pending for land acquisition with Collector	Number of proposals sent by Principal District Judges to Executive Engineers (PWD)	Number of proposals pending with PWD to be sent to Architect	Number of Proposals pending with Chief Architect/ Deputy Architect.	Number of proposals received back with plans from Architect and still pending with (PWD)	Number of proposals received back with plans and estimate from PWD pending with Principal District Judges	Number of proposals pending with High Court for confirmation before sending to the government	Number of proposals pending with State Govt./ Administrator for administrative approval	Number of proposals pending with State Govt./ Administrator for release of finance with amount (In Lakhs)	How much funds Government provided for the pending projects till last year (In Lakhs)	Budgetary position for current year for pending projects (In Lakhs)	In how many projects construction has actually started.	Remarks	
1	2	3			4	5	6	7	8	9	10	11	12		13*	14	15	16
		Judicial quarters (a)	Rented premises (b)	Common Pool (C)								Number of proposals	Amount (In Lacs)					
	Total	8224	2637	2340	463	401	35	20	23	69	47	500	447	70447.35	43456.26	43801.89	613	
													704.47	434.56	438.02			
													Crores	Crores	Crores			

* In column no. 13 at State Share the State of Punjab has submitted the amount from the Financial year 1993-94 to 2011-2012.

Extracts from Format D-I as received from States/UTs.

Updated as on and till 16/9/2012.

Figures of States/UTs of Delhi, Gujarat, Nagaland, have yet not been updated by them inspite of reminders and thus their figures included are as updated till 12/9/2011.

4.3 Information has also been compiled regarding developments since 12.07.2010 when Supreme Court of India started monitoring infrastructure till date mentioned. The information received is as below:-

[FIGURE - 5]

Updated as on 16/9/2012

**FORMAT-E
Developments between 12.07.2010 till date.
(Court Buildings)**

Sl. No.	Name of State / Union Territories	Total number of proposals cleared by Collectors and land acquired	Total number of Proposals cleared by the High Court for construction of new court buildings	Total number of proposals cleared by the State Governments/ Administrators for construction of new court buildings granting administrative and financial sanction	Total amounts sanctioned (in lakhs) for infrastructure (including new construction; repairs; and maintenance)	Total number of court buildings of which construction has been got completed	Remarks (detailing problems, if any, being faced for early progress in proceeding with projects)
1	2	3	4	5	6	7	8
1	Andaman & Nicobar	1	1	0	500.000	0	
2	Andhra Pradesh	4	48	23	9675.670	1	
3	Arunachal Pradesh	2	0	0	0.000	0	
4	Assam	5	0	0	1202.280	5	
5	Bihar	2	50	17	16594.560	3	
6	Chandigarh		7	6	1879.420	1	
7	Chhattisgarh	4	8	6	2938.680	2	
8	Dadar & Nagar Haveli	0	0	0	65.820	0	
9	Daman & Diu	0	0	0	0.000	0	
@ 10	Govt of NCT Of Delhi	0	0	0	0.000	1	
11	Goa	0	0				
@ 12	Gujarat	6	1	0		4	
13	Haryana	0	19	11	4070.000	12	
14	Himachal Pradesh	0	1	1	360.250	1	
15	Jammu & Kashmir	3	2	2	4345.740	3	
16	Jharkhand	73	37	37	1801.639	25	
17	Karnataka	42	44	43	25790.250		
18	Kerala		12	11		5	
19	Lakshadweep	NA	NA	NA	20.000	NA	
20	Madhya Pradesh	5	1	22	15333.660	7	
21	Maharashtra	50	102	95	50863.000	46	
22	Manipur	0	4	3	51.030	2	
23	Meghalaya	4	1	1	0.000	0	
24	Mizoram				178.000	0	
@ 25	Nagaland	0	0	0	0.000		
26	Orissa	10	30	30	3751.670	6	
27	Puducherry	0	0	1	1250.000	0	
28	Punjab	9	10	10	20955.000	10	
29	Rajasthan	37	3	5	5014.300	48	
30	Sikkim	2	2	2	1555.000		
31	Tamilnadu *	4	32	32	21148.520	19	
32	Tripura	0	1	3	45.850	6	
33	Uttarakhand	4	5	21	885.870	19	
34	Uttar Pradesh	2	81	23	17280.100	8	
35	West Bengal	0	8	8	3352.420	0	
	Total	269	510	413	210908.729	234	

@ Data has not yet been received, hence the data of previous year has been included.

* Column No. 6 contains the amount for the Financial year 2010-11 to 2012-13.

[FIGURE – 6]

Updated as on 16/9/2012

**FORMAT-F
Developments between 12.07.2010 till date
(Residential Quarters)**

Sl. No.	Name of State / Union Territories	Total number of proposals cleared by Collectors and land acquired	Total number of Proposals cleared by the High Court for construction of new residential quarters	Total number of proposals cleared by the State Governments/ Administrators for construction of new residential quarters granting administrative and financial sanction	Total amounts Sanctioned (in lakhs) for infrastructure (including new construction; repairs and maintenance)	Total number of residential quarters of which construction has been got completed	Remarks (here mention problems, if any being faced for early progress in proceeding with projects.)
1	2	3	4	5	6	7	8
1	Andaman & Nicobar	0			500.000	0	
2	Andhra Pradesh	4	28	16	1272.100	0	
3	Arunachal Pradesh	3	0	0	0.000	1	
4	Assam	4	3	3	1048.400	7	
5	Bihar	1	63	8	1940.940	0	
6	Chandigarh		1	1	204.500	8	
7	Chhattisgarh		4	5	235.300	1	
8	Dadar & Nagar Haveli						
9	Daman and Diu	1					
@ 10	Govt of NCT Of Delhi	0	0	0	0.000	0	
11	Goa		2	2	30.000	0	
@ 12	Gujarat	2	0	0	0.000	2	
13	Haryana		21	18	4000.000	48	
14	Himachal Pradesh			2	94.730	7	
15	Jammu and Kashmir	2	2	2	60.000	0	
16	Jharkhand	109	31	31	2062.774	10	
17	Karnataka	185	205	205	19942.500	0	
18	Kerala	0	2	3	0.000	1	
19	Lakshadweep	NA	NA	NA	2.960	NA	
20	Madhya Pradesh	9	181	124	4571.530	51	
21	Maharashtra	46	82	96	5168.390	23	
22	Manipur	0	0	0	0.000	0	
23	Meghalaya	4	0	0	0.000	0	
24	Mizoram	3		1	65.360	0	
@ 25	Nagaland	0	0	0	0.000	0	
26	Orissa	18	7	7	118.900		
27	Puducherry	0	0	1	300.000	0	
28	Punjab	9	9	9	20955.000	9	
29	Rajasthan	33	1	0	575.800	18	
30	Sikkim	2	2	2	899.000	0	
31	Tamilnadu*	12	33	24	4426.750	47	
32	Tripura	0	0	1	60.370	2	
33	Uttarakhand	3	3	26	972.700	10	
34	Uttar Pradesh	2	49	17	3836.420	9	
35	West Bengal	0	13	13	878.440	0	
	Total	452	742	617	74222.864	254	

@ Data has not yet been received, hence the data of previous year has been updated.

* Column No. 6 contains the amount for the Financial year 2010-11 to 2012-13.

4.4 It is clear that due to positive response of States and Union Territories to Hon'ble Supreme Court of India in All India Judges Matter, in a period of just two years, lot of progress has taken place on the front of infrastructure. Funds released for Court Buildings and Residential Quarters are to the extent of **Rs.2,851.31** crores which is a good initiative.

4.5 The Central Government has been releasing amounts under the Central Sponsored Scheme to the State Governments for development of infrastructure. The figures available from Department of Justice as under:-

[FIGURE – 7]

STATEMENT GIVING GRANTS RELEASED UNDER CSS SCHEME FOR INFRASTRUCTURAL FACILITIES FOR JUDICIARY

(Rs. in Lakhs)					
Sl. No.	State	Release from 1993-94 to 2010-11	Release in 2011-2012	Release in 2012-13	Total (1993-94 to 2012-13)
1.	Andhra Pradesh	7683.45	1888.00	0.00	9571.45
2.	Bihar	4036.37	0.00	0.00	4036.37
3.	Chhattisgarh	2907.47	2097.00	0.00	5004.47
4.	Goa	627.93	172.00	0.00	799.93
5.	Gujarat	5371.42	0.00	0.00	5371.42
6.	Haryana	3516.42	2138.00	0.00	5654.42
7.	Himachal Pradesh	1507.00	0.00	0.00	1507.00
8.	Jammu & Kashmir	1687.60	1035.00	1286.00	4008.60
9.	Jharkhand	1906.52	0.00	0.00	1906.52
10.	Karnataka	6536.85	2961.00	5073.00	14570.85
11.	Kerala	3419.30	1169.00	1499.00	6087.30
12.	Madhya Pradesh	6382.04	4403.00	0.00	10785.04
13.	Maharashtra	11131.62	12915.00	3587.00	27633.62
14.	Orissa	5074.27	2416.00	767.00	8257.27
15.	Punjab	2677.92	0.00	3817.00	6494.92
16.	Rajasthan	4188.51	1172.00	1042.00	6402.51
17.	Tamilnadu	5835.46	0.00	0.00	5835.46
18.	Uttarakhand	1635.35	0.00	829.76	2465.11
19.	Uttar Pradesh	17542.57	15659.00	0.00	33201.57
20.	West Bengal	6435.46	2518.00	0.00	8953.46
	Total (A)	100103.53	50543.00	17900.76	168547.29
NE States					
1.	Arunachal Pradesh	441.44	972.00	0.00	1413.44
2.	Assam	5926.40	2890.00	0.00	8816.40
3.	Manipur	641.71	0.00	0.00	641.71
4.	Meghalaya	297.00	0.00	0.00	297.00
5.	Mizoram	1099.95	0.00	0.00	1099.95
6.	Nagaland	3860.64	169.00	0.00	4029.64
7.	Sikkim	1278.05	0.00	0.00	1278.05
8.	Tripura	1097.25	0.00	745.60	1842.85
	Total (B)	14642.44	4031.00	745.60	19419.04
UTs					
1.	A&N Islands	395.55	500.00	0.00	895.55
2.	Chandigarh	3400.95	500.00	0.00	3900.95
3.	Dadra & Nagar Haveli	206.25	500.00	0.00	706.25
4.	Daman & Diu	190.00	0.00	0.00	190.00
5.	Delhi	3647.08	2250.00	2000.00	7897.08
6.	Lakshadweep	51.25	0.00	0.00	51.25
7.	Pondicherry	1898.88	1250.00	0.00	3148.88
	Total (C)	9789.96	5000.00	2000.00	16789.96
	(A+B+C)	124535.93	59574.00	20646.36	204756.29

Rs.2,047.56 Crores

- 4.6 Figures-3 and 4 above indicate that progress has been made but still more is required to be done for providing sufficient infrastructure. There is need for greater allocation of funds for planning, creation, development and maintenance of judicial infrastructure. To achieve best results, High Courts will have to put in place strict monitoring systems, if required, even setting up Infrastructure Bench. Infrastructure does not merely include buildings but also includes furnishing and facilities which include computers and libraries. If independence of Judiciary has to be ensured, sufficient resources are required to be made available at its disposal for proper discharge of obligations.
- 4.7 Judicial independence cannot be interpreted only as a right to decide a matter without interference. If the institution of Judiciary is not independent resource-wise and/or in relation to funds, from the interference of the Executive, judicial independence will become redundant and inconsequential. Executive cannot be allowed to interfere in the administration of Justice by holding back funds for development of judicial infrastructure and expansion of Courts and declining right to appoint sufficient staff, etc. The concept of independence of judiciary further conceives that Judges cannot be allowed to be overburdened by continuous pressure of deciding large number cases at the cost of quality of adjudication.
- 4.8 Entry 11A was introduced in the Concurrent List of Schedule 7 of the Constitution of India in 1977 vide 42nd Amendment Act of 1976. By this Amendment, subject of “Administration of Justice; constitution and organization of all Courts, except Supreme Court and High Courts” was brought in the Concurrent List of the Constitution. It has become

incumbent on the Central Government to make sufficient and appropriate provisions in Budget, keeping in view the Central Laws so as to share the burden of States. **As far as possible, the sharing between Centre and the State should be in the ratio of 50-50 %.** Policies may have to be framed in such a way that Centre and State do not play blame-game against each other at the cost of administration of justice.

4.9 Judiciary needs to be separately dealt with in the Plans by the Planning Commission and separate allocation is necessary by the Planning Commission and the Finance Commission. Experience shows that States have been making negligible provision in the Budgets to the third pillar of democracy, i.e., Judiciary. This is revealed from the following figures:-

[FIGURE - 8]

Year-wise percentage allocation of Budget to Judiciary and few other major Departments in each State (as available) for the years 2006-07 to 2010-11

Andhra Pradesh

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.47	2.45	3.33	10.88
2	2007-08	0.45	2.12	3.37	9.94
3	2008-09	0.35	2.22	3.35	10.64
4	2009-10	0.39	1.53	3.69	10.78
5	2010-11	0.43	1.68	3.78	11.13

Arunachal Pradesh

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.045	1.72	4.06	10.11
2	2007-08	0.035	1.68	3.84	8.34
3	2008-09	0.035	1.36	3.93	8.84
4	2009-10	0.064	1.45	3.86	10.12
5	2010-11	0.338	1.55	2.90	7.30

Assam

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.41	1.66	5.76	17.90
2	2007-08	0.49	2.85	5.56	15.80
3	2008-09	0.46	1.34	4.59	13.47
4	2009-10	0.37	2.02	4.72	18.52
5	2010-11	-	-	-	-

Chhattisgarh

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.28	1.03	3.15	6.88
2	2007-08	0.29	1.28	2.94	7.46
3	2008-09	0.24	1.23	2.62	7.98
4	2009-10	0.26	1.15	2.51	10.88
5.	2010-11	0.28	1.32	2.54	12.66

Delhi

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	1.08	1.38	6.89	13.52
2	2007-08	0.92	1.20	6.59	11.81
3	2008-09	1.23	1.73	6.24	11.98
4	2009-10	1.12	2.67	7.28	14.94
5	2010-11	1.41	3.10	7.35	13.92

Gujarat

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.47	6.06	2.74	12.42
2	2007-08	0.47	7.92	2.66	11.87
3	2008-09	0.44	9.34	2.67	11.48
4	2009-10	0.70	9.90	2.91	11.64
5	2010-11	0.94	2.91	3.63	13.84

Haryana

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	.32	3.72	2.52	11.47
2	2007-08	.30	3.94	2.04	11.37
3	2008-09	.29	3.63	1.96	10.81
4	2009-10	.36	3.13	2.36	12.88
5	2010-11	.40	4.45	2.31	13.21

Himachal Pradesh

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.66	2.2	4.20	13.91
2	2007-08	0.67	2.4	3.80	14.68
3	2008-09	0.66	2.9	3.96	15.20
4	2009-10	0.69	3.2	4.07	15.63
5	2010-11	0.70	2.9	4.12	15.74

Jharkhand

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	1.06	-	-	-
2	2007-08	1.05	-	-	-
3	2008-09	1.43	-	-	-
4	2009-10	1.30	-	-	-
5	2010-11	1.48	-	-	-

Karnataka

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.62	2.69	3.92	15.40
2	2007-08	0.62	3.19	4.22	17.21
3	2008-09	0.65	3.29	4.30	18.59
4	2009-10	0.61	4.20	4.28	17.97
5	2010-11	0.75	4.50	4.44	18.88

Kerala

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.362	1.608	3.512	13.182
2	2007-08	0.379	1.766	3.199	13.668
3	2008-09	0.418	1.867	3.239	13.020
4	2009-10	0.464	1.684	3.191	13.805
5	2010-11	0.438	2.111	3.504	13.444

Madhya Pradesh

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.68	2.63	4.02	15.74
2	2007-08	0.67	2.85	3.70	14.58
3	2008-09	0.66	3.56	3.25	12.56
4	2009-10	0.72	5.02	3.50	16.59
5	2010-11	0.76	4.72	3.77	15.76

Maharashtra

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	2.28	2.36	13.89	0.48
2	2007-08	2.77	2.25	12.84	0.46
3	2008-09	2.87	1.96	13.21	0.46
4	2009-10	2.12	1.70	14.12	0.54
5	2010-11	3.96	2.29	18.62	0.62

Manipur

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.32	1.68	2.77	9.86
2	2007-08	0.34	1.90	3.47	9.75
3	2008-09	0.36	2.32	3.02	9.80
4	2009-10	0.37	1.93	3.23	10.55
5	2010-11	0.40	2.04	3.10	11.95

Mizoram

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.25	0.91	3.68	10.08
2	2007-08	0.26	1.07	3.75	10.19
3	2008-09	0.33	0.83	5.98	9.90
4	2009-10	0.38	1.01	4.18	10.80
5	2010-11	-	-	-	-

Orissa

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	.38	5.88	3.61	12.15
2	2007-08	.36	6.32	.88	12.80
3	2008-09	.37	6.03	3.75	14.07
4	2009-10	.54	7.67	5.01	18.24
5	2010-11	.62	7.33	4.07	18.46

Sikkim

Sl. No.	Year	Judiciary (Rs. in Thousand)	Social Welfare	Health	Education
1	2006-07	28583	-	-	-
2	2007-08	32683	-	-	-
3	2008-09	32668	-	-	-
4	2009-10	58095	-	-	-
5	2010-11	55080	-	-	-

Tamilnadu

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.53	2.38	3.99	14.12
2	2007-08	0.53	3.16	4.39	14.40
3	2008-09	0.55	2.91	4.47	14.15
4	2009-10	0.70	3.10	5.33	16.33
5	2010-11	0.70	3.60	5.26	16.12

Tripura

Sl. No.	Year	Judiciary	Social Welfare	Health	Education
1	2006-07	0.60	8.75	7.49	24.82
2	2007-08	0.58	9.83	7.51	24.82
3	2008-09	0.58	9.51	6.82	23.70
4	2009-10	0.57	10.84	6.62	25.05
5	2010-11	0.87	10.44	4.72	23.37

- 4.10 For the development of judicial infrastructure, time has come when States should provide requisite resources to the Judiciary without cutting/rejecting the demands made by it so that it is able to smoothly discharge its judicial functions. Legislature enacts new legislations and increases the workload of Judiciary and, on the other hand, Executive holds back funds and facilities as required for administration of Justice which tantamounts to interference in the administration of justice. One Branch of the Constitution should not ideally decline the needs of another parallel Branch thereby creating difficulties in discharge of its constitutional responsibilities.
- 4.11 The Government may not enact new Laws without assessing the judicial impact and without assessing the number of new cases the new Legislation would generate. Enactment of new Laws results in floodgates of new cases generated by new Legislations and refusal of resources towards litigation generated by such new Legislations may not be in the interest of the country. In case the State does not provide necessary support of sufficient and fully furnished infrastructure and trained and sufficient personnel by way of Judges/Judicial Officers and Staff, the blame on the judiciary would be misplaced on account of pending number of cases in courts.
- 4.12 There is need for proper and sufficient infrastructure for efficient Record Management/proper management of case files including complete digitization of case records.
- 4.13 Standard Plans for Court Buildings and Residential Quarters for Judicial Officers are necessary. Infrastructure does not merely mean building but includes provisions for furnishings and facilities which need to be fixed.
- 4.14 It is bounden duty of the Central Government and State Governments to make adequate provisions for sufficient and furnished infrastructure for High Courts as well as Subordinate Courts.

CHAPTER – 5

PERSONNEL

- 5.1 Staff of the Registries of various Courts is an important element of Justice Delivery System which gets ignored most of the times. Proper care is not taken to ensure appointment of properly qualified staff. Their working and living conditions are deplorable. Service careers are not clear. Large number of matters are shouldered by few staff members. Most of the States have only clerical staff recruitment who rise to become Clerks-of-Courts, Nazir or Registrar. Between Judicial Officers and such clerical staff, there is no Officer level recruitment of officials.
- 5.2 Minimum number of staff in a given Court is fixed by Government Circulars unmindful of the number of matters in that Court. Most of the times, one Bench Clerk, one Assistant Bench Clerk, one Stenographer and two Peons, are provided to Judicial Officers of Joint Courts. Same staff is required to deal with files whether they are 800 or 8000 files. Increase in Court files does not result in increase in number of staff. Principal District Judges have not been delegated with powers to create posts of additional Assistant Bench Clerks even where the overall average pendency has been very high. At many places, identification of ideal number of matters per Court have not been done.
- 5.3 Policy is required to be made regarding ideal number of files to be handled by court staff for different Courts at different levels and, if the number of average matters increases, provision for additional staff be made. An outer limit may have to be fixed for cases where number of files increases double than the ideal number, how the same should be dealt with and what will be the responsibility of the State in such

matters. State cannot keep legislating new provisions and laws and crowd cases in Courts and then decline to give more infrastructure and staff.

- 5.4 Recruitment Policy, Standard Staffing Patterns and Training Policies for Staff working in Courts need to be settled. There is need of “Human Resource Department” to be established at the High Courts. Posts of Court Managers are necessary for professional working of Registries.

CHAPTER – 6
MANAGEMENT OF COURTS AND CASES

- 6.1 It is necessary to identify best practices for Court Management and how to guard against malpractices. Computerization is the riposte.
- 6.2 For Case Management, various aspects may require to be looked into, such as:-
- a. Settling issues,
 - b. Encouraging parties to resort to ADR,
 - c. Extensive use of Order X of Code of Civil Procedure, 1908 in civil matters to narrow down issues,
 - d. Fixing time schedules for specific steps.
- 6.3 Procedure for assigning cases to specialized Courts need resolution. Computerization of Procedures be done. Procedures be so computerized that the moment a case crosses a particular stage, the website shows and computer sets the next stage.
- 6.4 Extensive use of video conferencing facilities be done, including use of free video-conferencing software available on the Internet.
- 6.5 Matters of ADR are stress-less. Throughout the country, various Lok Adalats and Literacy Campaigns in all the three tiers are being held under the guidance of National Legal Services Authority (NALSA) and State Legal Services Authorities. Hon'ble Judges of Supreme Court of India, High Courts and Members of Subordinate Judiciary have been actively participating in this regard. Figures available relating to Lok Adalats and Mediation Centers are as follows: -

Compiled Report of Lok Adalat & Mediation Centres between 1st April 2011 to 31st March 2012

S.No.	State	No. of Lok Adalats Conducted	No. of Cases disposed of by Lok Adalats	No. of Legal Literacy-cum-Legal Awareness Programmes	No. of beneficiaries of such programmes
1	Uttar Pradesh	3,753	566,035	1,287	664,000
2	Andhra Pradesh	16,258	1,39,660	6,039	8,31,074
3(a)	Maharashtra	3,197	559,704	6,596	633,191
3(b)	Goa	92	693	226	14,878
3(c)	Daman & Diu	7	136	25	2,535
3(d)	Dadra and Nagar Haveli	12	252	19	1,384
4(a)	West Bengal	1,516	24,610	358	60,666
4(b)	Andaman & Nicobar	8	4,780	19	2,450
5	Chhatisgarh	1,052	6,497	4,259	375,010
6	Delhi	1,203	248,830	176	12,000
7	Gujarat	10,475	342,282	7,686	420,141
8(a)	Assam	20	1,059	88	5,562
8(b)	Nagaland*	58	276	44	3,582
8(c)	Meghalya	16	406	45	15,000
8(d)	Manipur	4	128	49	6,168
8(e)	Tripura	264	9,551	259	58,890
8(f)	Mizoram	27	54	197	15,810
8(g)	Arunachal Pradesh**				
9	Himachal Pradesh	513	11,889	237	23,739
10	Jammu & Kashmir	467	8,184	176	9,000
11	Jharkhand	375	96,160	796	1,90,788
12	Karnataka	26,832	1,69,103	2,670	14,32,039
13(a)	Kerala	3,259	24,907	1,427	229,441
13(b)	U.T. of Lakshadweep	121	113	7	268
14	Madhya Pradesh	1,314	14,16,515	3,690	5,80,565
15(a)	Tamil Nadu	538	9,821	372	2,592
15(b)	Puducherry	238	5,218	169	72,110
16	Odisha	624	1,82,971	1,073	1,23,802
17	Bihar *	4,176	24,620	781	52,018
18(a)	Punjab	765	76,407	1,066	142,564
18(b)	Haryana	716	45,798	2,346	126,847
18(c)	Chandigarh	844	33,850	147	23,900
19	Rajasthan	25,677	356,544	8,449	678,106
20	Sikkim	154	776	74	5,310
21	Uttaranchal	153	36,942	111	45,637
	Total	104728	2496522	50963	3702799
** Data not yet received.					
* Mediation and Conciliation Centres are in the process of being set up.					

It is clear from the above figures that 24,96,522 cases were disposed of during the period above-mentioned which certainly is a credible achievement. Further progress in the direction of permanent Lok Adalats with steady flow from regular Courts can help in disposal of cases and, thus, Court Management.

- 6.6 Principles for institutional capacity building need development.
- 6.7 There is need of having 5-year Development Plans for Courts for effective management. Judge-Case Ratio and Staff-Case Ratio needs to be worked out. “Court Management Committees” are required to be made at High Court levels. “Performance Index for Judicial Officers” needs to be settled.
- 6.8 Sufficient number of Public Prosecutors is necessary. Timely recruitment and promotions of Judicial Officers and Staff are necessary for effective Court Management. For convenience of litigants, “Public Relation Officers” are required to be appointed.
- 6.9 “In-House Information Technology Departments” are required for taking advantage of technology.
- 6.10 Principles required to be adopted for effective Court Management and Case Management need to be identified.
- 6.11 It is necessary to settle Policies regarding having common nomenclature for different types of matters in the High Courts as well as Subordinate Courts.

CHAPTER - 7
ANNUAL CONFIDENTIAL REPORTS

7.1 In the interest of Judiciary, Annual Confidential Reports of Members of Subordinate Judiciary be maintained properly and on regular basis. Hon'ble the Supreme Court of India, in the matter of Registrar General, Patna High Court v. Pandey Gajendra Prasad and Others (Civil Appeal No. 4553 of 2012) [J.T. 2012 (5) SC 457], has observed as under: -

“18. However, before parting with the judgment, we deem it necessary to make a mention about the recording of the ACRs of judicial officers. We feel that the present system of recording the ACRs leaves much to be desired and needs to be revamped. Experience has shown that it is deficient in several ways, being not comprehensive enough to truly reflect the level of work, conduct and performance of each individual on one hand and unable to check subjectivity on the other. This undoubtedly breeds discontent in a section of the judicial service besides eroding proper and effective superintendence and control of the High Court over subordinate judiciary. The process of evaluation of a judicial officer is intended to contain a balanced information about his performance during the entire evaluation period, but it has been noticed that many a times, the ACRs are recorded casually in a hurry after a long lapse of time (in some cases even after the expiry of one year from the period to which it relates), indicating only the grading in the final column. It needs no elaboration that such hurried Assessment cannot but, be either on the basis of the Assessment/grading of the preceding year(s) or on personal subjective views of the Inspecting Judge(s), which is unfair to the judicial officer. Undoubtedly, ACRs play a vital and significant role in the Assessment, evaluation and formulation of opinion on the profile of a judicial officer, particularly, in matters relating to disciplinary action against a judicial officer. The ACRs of such officer hold supreme

importance in ascertaining his conduct, and therefore, the same have to be reported carefully with due diligence and caution. We feel that there is an urgent need for reforms on this subject, not only to bring about uniformity but also to infuse objectivity and standardisation.”

7.2 Reforms need to be made keeping in view the observations of the Supreme Court of India.

CHAPTER – 8
INVESTIGATIONS AND ENQUIRIES

- 8.1 Special Investigation Department for Judicial Officers and Vigilance Cells for Staff Members is essential. Guidance is required to be given in case of minor lapse. Departmental actions are warranted in case of *prima facie* misconduct. At the same time, Judicial Officers and Staff need to be protected against motivated attacks from unscrupulous elements acting with ulterior motives. Justice is required to be done not only on Judicial Side but also on Administrative Side. Policies may have to be set to institutionalize internal mechanism for quick and effective system of departmental actions in deserving cases and parental protection in cases of motivated attacks. In promotion or in punishment, justice shall and should be manifest.
- 8.2 In-House Mechanism for holding Departmental Enquiries under supervision of the High Courts needs to be ensured. In matters relating to departmental actions, Police Machinery should not be involved.

CHAPTER - 9
JUDGE-POPULATION RATIO

9.1 Hon'ble Supreme Court of India, in the matter of "All India Judges Association v. Union of India" [2002 (4) SCC 247], observed as under: -

"25. An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of Judges has adversely been commented upon. Not only have the Law Commission and the standing committee of Parliament made observations in this regard, but even the head of the judiciary, namely, the Chief Justice of India has had more occasions than once to make observations in regard thereto. Under the circumstances, we feel it is our constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. 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 the post will 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 Court 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 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.”

- 9.2 The above observations of Hon’ble Supreme Court of India made on 21.03.2002 still require attention and Judge-Population ratio requires to be narrowed down. Sufficient Court Rooms, Buildings and staff are yet to be made available. States are required to act in this regard.
- 9.3 While examining this, it may be important to keep in mind the actual amount of litigation and other relevant factors in various States to determine the Judge-Population Ratio.

CHAPTER – 10

BUDGET

- 10.1 In Taluka Courts, District Courts and High Courts, experience shows that the clerical staff picks up demands as were made in the earlier years for funds and grants and the same is forwarded to the Government by taking signature of the Judges in the Districts or Registrar General at the level of High Court. Most of the Judicial Officers are not proficient in the art of planning and preparation of Budgets so that the Budget meets the requirements for the next year and is neither excessive nor short. Need of expert assistance at these levels is matter of consideration.
- 10.2 Providing sufficient Budget to Judiciary has to be the highest priority of the State. Appropriate facilities have to be made available to maintain judicial independence, efficiency and dignity.
- 10.3 For proper preparation of Budget, posts of professional Accountants need to be created.
- 10.4 Requirement of financial autonomy needs to be pursued.
- 10.5 System for timely audit of accounts, needs to be put in place.

CHAPTER – 11
INSTITUTIONALISING NCMS

11.1 To implement the Scheme approved by Hon'ble the Chief Justice of India, it is proposed to establish, under the Secretary General, Supreme Court of India, an Office for recommending Policy, Strategy and Planning. Under this Office, mechanisms of following will be created:-

- i. National Judicial System performance standards (qualitative and quantitative);
- ii. A System of Court Statistics (CS) for monitoring the achievement of the standards including coordination of data from related agencies such as police and jails;
- iii. An Informatics System for digitalizing and streamlining all documents and data of the Judicial System across the country in a phased manner in accordance with local circumstances;
- iv. A National Framework of Court Management and Case Management for achieving those standards; and
- v. A Court User Interface to enhance user friendliness including a Grievance Redress System;
- vi. A Budget and Planning System to identify the financial and other resources needed for the development of the Judiciary;
- vii. A Human Resource Development System for systematic planning of the development and training of human resources of Bench and Bar (including prosecutors) and court staff, as well as development of related capabilities such as investigation and staff required for functioning of courts such as Protection Officers, Counsellors, etc.;
- viii. Planning for the development of ADR;
- ix. Planning for the development of access to justice and legal aid under guidance of NALSA.
- x. Communication System for effective communication to public and media about judicial decisions.

11.2 In furtherance of approval of the Scheme of National Court Management Systems (NCMS) by Hon'ble the Chief Justice of India to institutionalize NCMS, following steps have already been taken:-

11.2.(A). Under directions of Hon'ble the Chief Justice of India, Order was issued on 2nd May, 2012 for establishment of National Court Management Systems (see Appendix – 'A').

11.2.(B). Hon'ble the Chief Justice of India issued Order on 2nd May, 2012 nominating Prof. (Dr.) G. Mohan Gopal as Chairperson of National Court Management Systems Committee (see Appendix – 'B').

11.2.(C). Hon'ble the Chief Justice of India issued further Orders on 2nd May, 2012 nominating Hon'ble Judges to Advisory Committee and Members of National Court Management Systems Committee (see Appendix – 'C').

CHAPTER – 12

APPENDIX

Appendix - 'A'

“SUPREME COURT OF INDIA [Office of Secretary General]

Ref. No.: 4/SG/NCMS/2012

Dated : 02.05.2012

OFFICE ORDER

Subject: Establishment of National Court Management Systems (NCMS) for enhancing timely justice.

WHEREAS a proposal was placed before Hon'ble the Chief Justice of India regarding the need to establish a comprehensive Court Management Systems for the country that will enhance quality, responsiveness and time lines of Court; and

WHEREAS it was mentioned that the Court Management Systems will need to include the following six main elements: -

- (1) A National Framework of Court Excellence (NFCE) that will set measurable *performance standards* for Indian courts, addressing issues of quality, responsiveness and timeliness.
- (2) A system for *monitoring* and enhancing the performance parameters established in the NFCE on quality, responsiveness and timeliness.
- (3) A system of *Case Management* to enhance 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. NSJS should provide real time statistics on cases and courts that will enable systematic analysis

of key factors such as quality, timeliness and efficiency of the judicial system across courts, districts/states, types of cases, stages of cases, costs of adjudication, time lines of cases, productivity and efficiency of courts, use of budgets and financial resources. It would enhance transparency and accountability.

(5) A *Court Development Planning System* that will provide a framework for systematic five year plans for the future development of the Indian judiciary. The planning system will include individual court development plans for all the courts.

(6) A *Human Resource Development strategy* setting standards on selection and training of judges of subordinate courts.

AND FURTHER WHEREAS Hon'ble the Chief Justice of India, after consulting Minister of Law and Justice in the Government of India, has been pleased to direct that National Court Management Systems, for enhancing timely justice, may be established.

NOW THEREFORE, By Order, following directions are given:-

- (1) Under overall control of Hon'ble the Chief Justice of India, National Court Management Systems (NCMS) for enhancing timely justice is established as per Scheme annexed.
- (2) There shall be National Court Management Systems Committee (NCMSC) which shall consist of the following: -

Chair:

A Jurist/Domain Expert nominated by the Hon'ble Chief Justice of India. He will be paid honorarium and given such facilities as may be decided by Hon'ble the Chief Justice of India for Chairing N.C.M.S.C.

Members:

1. Four Sitting Judges (preferably one from each zone in India) nominated by the Hon'ble Chief Justice of India.
 2. Secretary General of the Supreme Court (ex-officio).
 3. Joint Secretary and Mission Director (National Mission for Judicial Delivery and Legal Reforms), Department of Justice, Government of India (ex-officio).
 4. Registrar Generals of three High Courts nominated by the Hon'ble Chief Justice of India.
 5. Director, National Judicial Academy.
 6. Two practising Advocates nominated by the Hon'ble Chief Justice of India.
 7. An expert Statistician, nominated by the Chief Statistician of India.
 8. An expert in management of decision making systems and process re-engineering, nominated by the Hon'ble Chief Justice of India.
 9. An expert in Computer Technology relevant to Court Management, nominated by the Hon'ble Chief Justice of India.
 10. A representative of a NGO working for improving access to justice and user friendliness of courts, nominated by the Chief Justice of India.
 11. Additional Registrar, Information and Statistics, Supreme Court of India(ex-officio) – Member Secretary.
- (3) The Committee shall be supported by necessary staff and facilities as following:
- a. Branch Officer - One
(In the pay-scale as applicable in the Registry of Supreme Court of India)
 - b. Senior Personal Assistant - One
(In the pay-scale as applicable in the Registry of Supreme Court of India)
 - c. Personal Assistant - One

(In the pay-scale as applicable in the Registry of Supreme Court of India)

- d. Court Assistant - One
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- e. Junior Court Assistants - Two
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- f. Chauffeur - One
(In the pay-scale as applicable in the Registry of Supreme Court of India)
- g. Junior Court Attendants - Three
(In the pay-scale as applicable in the Registry of Supreme Court of India)

The staff shall be on establishment of Supreme Court of India and/or called on deputation on such terms, conditions and facilities as Hon'ble the Chief Justice of India may decide. They shall be under overall supervision of Additional Registrar, Information and Statistics, Supreme Court of India for day-to-day functioning.

(4) Advisory Committee:

The NCMS Committee shall be advised by an Advisory Committee consisting of two Judges of Supreme Court of India and such other Chief Justices/Judges of High Courts as may be nominated by the Hon'ble Chief Justice of India.

The Chair of the NCMS Committee shall be a member of the Advisory Committee.

Secretary, Department of Justice, Government of India, shall be Ex-Officio Member of the Advisory Committee.

The Secretary-General of the Supreme Court shall be the convenor of the Advisory Committee.

- (5) Office of Registrar (Admn. I), Supreme Court of India shall separately take directions regarding creation of posts as

above. The Systems will start functioning initially from present Office of Additional Registrar (Information), Supreme Court of India and, later on, will expand to share space in the Office of E-Committee at Lok Nayak Bhawan, Khan Market, New Delhi.

- (6) All expenses in connection with the functioning of the NCMS, including salary and allowances, etc., of the Staff, will be met from the sanctioned Budget of the Supreme Court of India.

S/d-
(A.I.S. Cheema)
Secretary General

Enclosures: Scheme of NCMS#.

Copy to:

All concerned.”

See Chapter-2.

Appendix – 'B'

“Reference: Office Order No. 4/SG/NCMS/2012
Dated 02.05.2012 of Secretary General,
Supreme Court of India.

Hon'ble the Chief Justice of India

O R D E R

Prof. (Dr.) G. Mohan Gopal, former Director, National Judicial Academy, a Jurist, is nominated to be Chairperson of National Court Management Systems Committee. He shall also be Member of the Advisory Committee.

S/d-
(S. H. Kapadia)
Chief Justice of India

Dated: 02.05.2012.”

Appendix – 'C'

“Reference: Office Order No. 4/SG./NCMS/2012
Dated 02.05.2012 of Secretary General,
Supreme Court of India.

Hon’ble the Chief Justice of India

O R D E R

- (1) Following are nominated to be on the Advisory Committee of the National Court Management Systems (NCMS) for enhancing timely justice: -
- (a) Hon’ble Shri Justice Altamas Kabir, Judge, Supreme Court of India.
 - (b) Hon’ble Shri Justice P. Sathasivam, Judge, Supreme Court of India.
 - (c) Hon’ble Shri Justice P. C. Tatia, Chief Justice, Jharkhand High Court.
- (2) Following are nominated as Members of National Court Management Systems Committee (NCMSC): -
- (a) Hon’ble Shi Justice D. Murugesan, Judge, Madras High Court.
 - (b) Hon’ble Shri Justice A.M. Khanwilkar, Judge, High Court of Bombay.
 - (c) Hon’ble Shri Justice Amitava Roy, Judge, Gauhati High Court.
 - (d) Hon’ble Shri Justice B.D. Ahmed, Judge, High Court of Delhi.
 - (e) Registrar General, High Court of Gujarat.
 - (f) Registrar General, Calcutta High Court.
 - (g) Registrar General, High Court of Karnataka.

S/d-
(S. H. Kapadia)
Chief Justice of India

Dated: 07.05.2012.”