

**“BEST PRACTICES AND ACHIEVEMENTS”**

In the High Court of Madhya Pradesh for “Action Plan and Monitoring” an “Arrear Committee-cum-Case Management Committee-cum-Committee for State Court Management System” has been constituted comprising of 5 Hon’ble Judges of the High Court.

For monitoring of the Action Plan and pendency reduction in the High Court as well as in the District Courts, time to time meetings are being held by this Committee.

**Constitution of District Sub-Committees:**

At district level 5 Judges Committee has been constituted to monitor cases pending for more than 5 years and other priority cases.

**Outcome after formation of the Committee**

In the year 2015, vide order dated 10.06.2015, first time Arrears Committee-cum-Case Management Committee-cum-Committee for State Court Management System was constituted in the High Court of Madhya Pradesh.

From the formation of the aforesaid Committee, till 27.12.2018, in the High Court and till 31.12.2018 in the Subordinate Courts of the Madhya Pradesh disposal trend is as under :

**In the High Court**

Period	Total Disposal	Cases disposed of pending for ‘More than 5 Years’
01.07.2015 to 31.12.2015	61684	5762
01.01.2016 to 31.12.2016	120020	9558
01.01.2017 to 31.12.2017	120319	8970
01.01.2018 to 27.12.2018	109528	6281
<b>Total</b>	<b>411551</b>	<b>30571</b>

**In the Subordinate Courts**

Period	Total Disposal	Cases disposed of pending for ‘More than 5 Years’
01.07.2015 to 31.12.2015	611069	79218
01.01.2016 to 31.12.2016	1074131	62714
01.01.2017 to 31.12.2017	1218909	109993
01.01.2018 to 31.12.2018	1386280	109443
<b>Total</b>	<b>4290389</b>	<b>361368</b>

*Director*

## ACTION PLAN AND MONITORING

### I) KEY FEATURES OF THE ACTION PLAN:

#### AT HIGH COURT

- ❖ As per resolution dated 17.04.2017 of the Hon'ble Arrears Committee-cum-Case Management Committee-cum-Committee for State Court Management System, time to time steps taken by this Committee are being treated as a "Pilot Project".
- ❖ Oldest cases are being listed for hearing under priority category –"OLDEST CASES UP TO YEAR 2000", "CASES MORE THAN 10 YEARS OLD" and "CASES MORE THAN 5 YEARS OLD".
- ❖ On the basis of year of institution of case, up to 50 Final Hearing Cases are being listed for hearing under the category of "High Court Expedited Cases (Court Specified) and High Court Expedited Cases (Other)" before Division Bench and Single Bench.
- ❖ Oldest cases are being short-listed and equally distributed amongst all the available Hon'ble Judges and rolled over for a month before same bench.
- ❖ Held-up cases are being listed on priority basis.
- ❖ Vide order dated 10/04/2017, oldest 2137 cases of different nature have been listed under the category of oldest cases up to year 2000 before the respective Benches.
- ❖ At the High Court level special drive was launched to list the case for hearing / order, where trial is stayed.
- ❖ As per resolution dated 28.03.2017 of the Hon'ble Committee, Jail Appeals are being listed for hearing at the "Top of the cause list" in accordance with the year of their institution.
- ❖ 1 Division and 1 Single Bench at the Jabalpur/Indore and 1 Division and 2 Single Benches at Gwalior have been constituted for expeditious disposal of jail appeals.
- ❖ From the month of September, 2017 on non working Saturdays Special Division Benches have been constituted for hearing of Appeals in which appellants are in Jail for more than 10 years.
- ❖ On 02.11.2017, Hon'ble the Chief Justice presided the meeting of Arrears Committee of this High Court and decided that "Weekly list of Final Hearing cases be prepared in the manner that 20 cases pending for more than 20 years and 30 cases pending for more than 10 years be listed on "top of the list", thereafter cases as per mention memo or as per other priorities shall be listed."

#### AT DISTRICT COURT

- ❖ On 16th, 17th, 22nd, 29th, 31st August and 05th September, 2017, Hon'ble the Chief Justice and Hon'ble Portfolio Judges had the meeting with District Judges through Video Conferencing and issued appropriate directions.
- ❖ On 2<sup>nd</sup> August, 2018, a meeting with the District & Sessions Judges, Special Judges dealing cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Prevention of Corruption Act, 1988, CBI, POCSO Act and In-charge of I.T. Section was held under the Chairmanship of

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Hon'ble the Chief Justice through Video Conferencing to ensure expeditious disposal of such cases.

- ❖ Earlier a resolution was passed for identifying More than 20, 10 or 5 years old cases with reference to the cutoff date as 30.06.2017 and later on it was decided that such cases would be identified on day to day basis.
- ❖ Cutoff date for "More than 5 years" old cases was fixed as June, 2018 and for "More than 10 years" old cases as November, 2017. Even after disposal in large number of cases but due to further addition of such cases pendency remained, therefore, cutoff date for disposal of priority cases has been extended to 31<sup>st</sup> December 2018.
- ❖ Directions have been issued to follow "Case Flow Management Rules, 2006" in disposal of cases.
- ❖ Directions have been issued for grouping of identical cases of Motor Accident Claims.
- ❖ Directions have been issued to formulate Special Board Scheme for hearing old cases 3 days in a week.
- ❖ Directions have been issued to restrict adjournment which in any case should not be more than 14 days.
- ❖ Directions have been issued to District & Sessions Judges to supervise the matters and make note of such cases in the ACR of judicial officers for the purpose of promotion grading in ACR.
- ❖ Cases pertaining to crime against women, children, differently-abled persons, senior citizens and marginalized sections of Society are given priority.
- ❖ To speed-up the trial in subordinate Courts with intent to recording of evidence through Video Conferencing, a meeting was held with the State Govt. to provide infrastructure (VC unit) in district hospitals, jail and police headquarter in each districts.
- ❖ VC Units has been installed in 696 Courts out of 697, apart from this 124 VC Units have been supplied to Jails and Sub-jails of the State out of them 121 VC Units have been installed and are being used for appearance of the accused and also for recording of evidence. VC Units have been supplied in 51 District Hospitals, work of installation of 47 VC Units have been completed.

## II) KEY FEATURES OF MONITORING

- ❖ A Committee in every district comprising of five judges of Subordinate Courts has been constituted which is regularly monitoring the old cases.
- ❖ The District Judges/Chief Judicial Magistrates are directed to interact with the other officers of the district at least once in a fortnight; through Video Conferencing.
- ❖ On 02.11.2017, Hon'ble the Chief Justice presided the meeting of Arrears Committee of this High Court and decided that "**with regard to arrears in the High Court and Subordinate Courts there is a need to prepare an action plan to tackle pendency of cases pending for more than 20 and 10 years and their regular monitoring**" and further directed that "**the Portfolio Judges to oversee and monitor the progress of action plan, particularly in priority areas cases pending for more than 20 years, more than 10 years and Under-trial Prisoners cases**".
- ❖ As per resolution dated 02.11.2017, Portfolio Judges interacted with the District Judges of concerning district to monitor the progress of Action Plan particularly in



priority cases pending for more than 20 years, more than 10 years, more than 5 years and Under Trial Prisoners Cases.

- ❖ District & Sessions Judges in the State have been requested to ensure disposal of cases before Special Courts relating to offences against women, Prevention of Corruption Act and NDPS Act, which are pending for over 5 years within a time frame of 3 month and other categories of cases within a time frame of 6 month.
- ❖ Exclusive Special Courts have been designated at every District H.Q. for dealing of cases under POCSO Act and Offences Against Women, subject to maximum 2 courts, wherever pendency of such cases is more than 100.
- ❖ With a view to avoid backlog, a criteria of 15% has been fixed for every Judicial Officer to dispose of cases pending for more than 3 years. For this purpose a clause has been added in the ACR of Judicial Officers.
- ❖ With intent to prioritize the disposal of old pending cases, the Arrears Committee is time to time monitoring and reviewing the prescribed units for assessment of work performance of Judicial Officers.
- ❖ The Action Plan of Punjab & Haryana High Court has also been circulated to all the District Judges to prepare their own action plan with requisite modification as per the local condition.

**Meeting of Hon'ble the Chief Justice in compliance of resolution dated 22.07.2017 of Hon'ble Arrears Committee for the Supreme Court :**

It is pertinent to mention here that in compliance of resolution dated 22.07.2017 of Hon'ble Arrears Committee for the Supreme Court, on 16<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup>, 29<sup>th</sup>, 31<sup>st</sup> August and 05<sup>th</sup> September, 2017, Hon'ble the Chief Justice and Portfolio Judges of the concerning districts held meeting with all the District & Sessions Judges in the State.

In that meeting Hon'ble the Chief Justice has been pleased to issue certain directions which are as under:-

- Registrar General shall arrange the meeting with D.G.P. so as to ensure timely service of summons & warrants, specially in cases pending for more than 5 years or 10 years, as also cases of Electricity Act & N.I. Act.
- **In compliance of aforesaid directions a meeting between Registrar General and DGP was held on 01.09.2017 and instructions have been issued to all the District & Sessions Judges.**
- Collect the contact number and official, Email-ID of Investigation Officers of Police Department and make it available on the official website of the High Court for easy access of the information to the Courts subordinate.
- **In pursuance to the meeting of the Registrar General with the DGP and other officers of the police department on 1/9/2017, access has been given to all the Judges of the M.P. district judiciary on the M.P. Police – Citizen Portal (CCTNS).**
- In the border districts of Madhya Pradesh common problem is that accused remains in the Jails of other State(s) and his appearance is found to be difficult. Registrar General should make a request to Registrar General/State Government of the adjoining State(s) to provide facility of Video Conferencing from Jail of other State(s) to the Courts.



- Registrar General should make a request to Registrar General(s) of adjoining States to impress upon the priority of service of summons and warrants relating to old cases.
- **In compliance of aforesaid resolution(s) request has been made to Registrar General(s)/State Government of adjoining States for giving priority of service of summons and warrants relating to old cases and to provide facility of Video Conferencing from Jails of other State(s) to the Court.**
- A letter of request be sent to the State Government for early appointment of G.P./A.G.P./D.P.O./A.D.P.O. in courts where such demand or renewal is pending.
- **In compliance of aforesaid resolution request letter has been sent to the State Government for early appointment of G.P./A.G.P./D.P.O./A.D.P.O. in courts where such demand or renewal is pending.**
- Appropriate steps be taken by the Registrar (I.T.) to provide VC facility between Courts; District Head Quarters and Hospitals for examination of doctors as a witness.
- **As per aforesaid resolution a meeting was called on 05.10.2017 by Hon'ble the Chief Justice with the Officers of the Government regarding VC facility between Court, Jail, Hospital and Police.**
- In cases pending under N.I. Act, the notice to the accused be sent with the proposal to deposit the amount.
- Direct all the District Judges to impress upon Judicial Officers, motivate them and take weekly meeting with them. If any Judicial Officer shows lack of interest for Judicial works, take it serious and convey the message that they are not expected to work in mechanical manner. Judicial Service is not a job. It is service to the Society and the persons in difficulty. They must be sensitive to the difficulties of litigants.
- **For the proper management of data on NJDG, a Committee comprising of OSD (DE), Court Manager and System Officer has been constituted, which is regularly monitoring the data updation in the district courts.**
- Regularly monitor the progress of old cases and find out reasons for delay.
- Priority be given to the Under Trial cases specially cases under NDPS Act.
- The District Judge should take the leadership, motivate and guide the Judicial Officers posted in the districts to dispose of priority cases.
- Seek the co-operation of Bar Members to speed up cases pending for more than 10 years and more than 5 years.
- The cases of Under Trial Prisoners pending for more than 2 years require attention and priority.
- As far as possible the District Judges must ensure equal distribution of old cases.
- **To reduce the pendency of Criminal MJC guideline has been issued to the District Judges.**
- To timely achieve the target, the cases pending for more than 10 years and more than 5 years, which may jump in the category of 10 years or 5 years within 6 months, must also be targeted.
- District Judges must maintain proper entry in the appropriate register with receipts of summons and warrants issued to the Police for service.
- There should be an identification mark (like Top Priority 5 years old/10 years old) on the top of all the summons and warrants issued in old cases.

- In compliance of the direction one Nodal Officer has been appointed in every districts by the Police Department to monitor the service of summons and warrants.

### **STEPS TAKEN FOR HUMAN RESOURCE DEVELOPMENT**

- ❖ In compliance of directions of the Hon'ble Supreme Court in "SLP (Crl.) No. 4041/2018 (Ratan Singh v. The State of Madhya Pradesh and Ors.)", suggestions to determine the requirement of ad-hoc Judges in the High Court alongwith tabulation chart, pendency, availability of infrastructure, Court Rooms, accommodation as well as required supporting staff has been sent to the State Government for appropriate action.
- ❖ In compliance of the judgment of Hon'ble Supreme Court in the matter of Imtiyaz Ahmad V/s. State of UP and Ors., judges strength calculated on the methodology suggested by NCMS and placed before SCMS Committee of the High Court. Which has been forwarded to State Government.
- ❖ Keeping in mind the institution of the cases in the Subordinate Court, Hon'ble SCMS Committee resolved to provide Data Entry Operator for each court and also recommended to create 'Reserve Pool' of Class-III and Class IV employees to meet out the requirement, in case of leave of the employees. Proposal in this regard has been forwarded to the State Government.
- ❖ Hon'ble SCMS Committee resolved to create "Middle Level Supporting Staff (Managerial Cadre) for the Administrative Work". Proposal has been forwarded to the State Government.
- ❖ Hon'ble SCMS Committee considered the matter with regard to utilization of super-specialties of the Judges and directed to the District & Sessions Judges in the State to keep in mind the special qualification of the Judges while assigning them work.
- ❖ Due to facility of 'Maternity Leave and Child Care Leave' to the lady Judicial Officers the Committee proposed to enhance 5% posts of Civil Judge Class-II to meet out the shortage of judges, which is pending before State Government.

### **STEPS TAKEN FOR INFRASTRUCTURAL DEVELOPMENTS**

- ❖ The fund allocated under 14<sup>th</sup> Finance Scheme was not released by the State Government in particular head, due to which cannot be utilized, therefore, Hon'ble SCMS Committee recommended to send a letter of request to Principal Secretary, Law to take expeditious action with regard to administrative and financial sanction of Rs. 30 Crores, with a further request that the State government should remove the rider of utilization of 10% amount per month, to enable the use of the fund as per need.

### **"LISTING POLICY" IN THE HIGH COURT OF MADHYA PRADESH**

- ❖ With intent to save the judicial time of Hon'ble Judges the SCMS Committee recommended the change in the 'Listing Policy' with regard to incomplete matters, it was recommended that the matter be listed before Registrar (Judicial) for certain period of completing the return/reply/rejoinder and miscellaneous work.

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- ❖ “The High Court Of Madhya Pradesh Case Flow Management Rules, 2006” and “Madhya Pradesh Case Flow Management in Trial Courts and First Appellate Subordinate Courts (Civil/Criminal) Rules, 2006” is in existence, which categories the cases to set the duration for disposal.
- ❖ Cases are mainly divided in three categories Writ, Civil and Criminal.
- ❖ In view of fresh filing and pendency the cases are broadly distributed amongst the available Benches.
- ❖ There are special directions for priority basis Cause List for Division Bench and also Special Benches.
- ❖ CMIS Software has been prepared keeping in view of various aspects of cases and their management at macro and micro level.
- ❖ The most important and unique feature of this Scheme is that **every Pre-admission Case has a date** either given by the Hon'ble Court or generated by Computer.
- ❖ The cause lists are prepared on the basis of **updation through automatized computer programme and not on the basis of manual proposal.**

#### STEPS TAKEN FOR PROPER IMPLEMENTATION OF STATE LITIGATION MANAGEMENT POLICY, 2018.

- ❖ State of Madhya Pradesh has prepared a “State Litigation Management Policy, 2018”, for better case management, with intent to proper implementation of this policy, time to time meeting is being arranged by SCMS Committee with Advocate General of the State and Principal Secretary, Department of Law & Legislative Affairs, Govt. of M.P., Bhopal.
- ❖ In the last meeting with Advocate General and Principal Secretary, Law has assured that Policy will be implemented in the time frame manner.
- ❖ The impact of the implementation of the policy may reduce the pendency in the Court.

#### “USE OF IT TOOLS” IN THE HIGH COURT OF MADHYA PRADESH

- ❖ Enhancement in auto-generated SMS/E-mails services that are sent on registered mobile number /email address of the Advocate and/or litigant, intimating the office objection in default matters and listing of the cases.
- ❖ e-Causelist are sent to the registered e-mail address of the advocates/litigants.
- ❖ E-Office for Advocates - Advocates are allowed to create a login password on the official website of the High Court for their cases registered in the High Court. As a result, the current status of their cases is accessible to them. The facility to download the scanned paper book is also available to the Advocates.
- ❖ e-Copying Module provides availability of Digitally Signed order's on official website.
- ❖ Integration of investigation officer's database through web-service is accessible by every judge of the District Court, which is helpful to service of summons to them.



- ❖ The usages of bulk Digital Signature has been implemented in the High Court of Madhya Pradesh for digitally signing of the files /scanned documents and Judgments / Orders.
- ❖ Refinement of searching and listing of cases arises from same Crime number, matters and connecting them with each other is available.
- ❖ Automatic e-mail notification facility provided for disposal of held-up cases to District Courts, which helps to speed up proceeding of the trial courts.
- ❖ Digitally signing of scanned / digitized data of fresh filed cases, pending cases and old disposed of cases are available in the High Court, the process is going on in district courts, which will be helpful for early issuance of certified copy.
- ❖ **Online E-Court Fees:-** Online Court Fees module has been started for making e-payment of Court Fees and other related fees, which is operational from **15th December, 2017**.
- ❖ SCC software is available to every Judicial Officers of district judiciary to enhance their knowledge, which may be helpful to speed up disposal of the cases.

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