



ZERO PENDENCY COURTS PROJECT

FINAL REPORT ON THE PILOT PROJECT BY
HIGH COURT OF DELHI

Acknowledgements

The inspiration for the “zero pendency court project” was a remark by Justice M.N. Venkatachalaiah (former Chief Justice of India) in a conversation with Justice S. Ravindra Bhat, one of the members of the State Court Management Systems Committee (SCMS) of the Delhi High Court. He suggested a “Courts 2.0” project to carry out a detailed data analysis of performance levels of courts that are not burdened with arrears. This idea seeded the project

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Glossary of Terms

- 1) Additional Sessions Judge, NDPS: Sessions Judge dealing with Narcotic Drugs and Psychotropic Substances Act cases
- 2) AIR: All India Reporter
- 3) Average disposal: average days required to dispose cases from the date of institution to the final disposal. Average days is calculated by subtracting decision date with the registration date for each of the cases and then taking an average.
- 4) Case Types: classification of cases based on their nature and subject matter. For instance, Sessions Cases (SC), Probate Cases (PC), Trade Marks (TM) etc.
- 5) CPC: Civil Procedure Code, 1908
- 6) Cr. P.C.: Criminal Procedure Code, 1973
- 7) Delay: A case that has been in the judicial system for longer than the normal time that it should take for a case of that type to be disposed of.
- 8) Disposal rate: is the rate at which cases are disposed in courts in a given time frame. Disposal rate is calculated by dividing number of cases disposed in a given time frame by the number of cases filed in the same time frame and multiplying by 100. A disposal rate of 100 per cent would mean that courts were able to dispose equal number of cases that were filed in a given time frame.
- 9) FTC: Fast Track Court
- 10) Hearings: various dates or listings in a case
- 11) MACT: Motor Accident Claims Tribunal
- 12) Old 'filler' cases: If pilot courts dealt exclusively with fresh cases, it would result in unutilised time due to these cases being in initial stages. To fill this time gap, some old cases ready for disposal were assigned to these courts as 'fillers'. The objective of these cases was to ensure that judicial time was utilised optimally until pilot courts had sufficiently many fresh cases on board.
- 13) Pendency: All cases instituted but not disposed of, irrespective of when the case was instituted. Backlog: Difference between institution of cases and disposal of cases in any time period, when the institution of new cases exceeds the disposal of cases in that time period.
- 14) Pendency rate: Percentage of cases pending out of total number of cases under consideration.
- 15) SCC: Supreme Court Cases
- 16) Scrutiny time: The time lag between the date of filing and first hearing of a case.

Section I

I. Introduction

The problem of increasing backlog and pendency of cases has been much debated for some years now. Many scholars and policy experts have been studying various aspects of the judicial process to come up with sustainable solutions to tackle this problem. Various committees starting from the Rankin Committee in 1924 to the High Courts Arrears Committees in 1949 and 1972, several Law Commission reports, an Estimates Committee in 1986, a Satish Chandra Committee in 1986, and another Arrears Committee in 1990, have extensively examined the issue of delay and arrears in Indian courts.¹ Most of these committees have also proposed recommendations for remedying the problem;² yet, it persists. As recently as in 2016, it was estimated that judicial delays cost India around 1.5% of its Gross Domestic Product annually.³ Supreme Court in its landmark judgment in *Hussainara Khatoon v. Home Secretary State of Bihar*⁴ held that speedy trial is a part of Article 21 of the Constitution guaranteeing right to life and liberty. More recently in 2017 the Supreme Court in *Hussain v Union of India* while reiterating that the right to a speedy trial is part of Article 21 held that, “*This constitutional right cannot be denied even on the plea of non-availability of financial resources. The court is entitled to issue directions to augment and strengthen investigating machinery, setting-up of new courts, building new court houses, providing more staff and equipment to the courts, appointment of additional judges and other measures as are necessary for speedy trial.*”⁵

With persisting delays the system becomes less credible as litigants have to wait for decades to get their cases resolved. With increase in the number of filings over the years, pendency of cases is bound to increase if no proper targeted steps are taken to overcome the issue. Bringing systemic changes are necessary to ensure that cases get disposed in a timely manner. Hence, it is

¹ Subordinate Courts of India: A Report on Access to Justice 2016 <https://www.sci.gov.in/pdf/AccessToJustice/Subordinate%20Court%20of%20India.pdf>, (accessed on 18 April 2019).

² Bibek Debroy, Justice Delivery in India – A Snapshot of Problems and Reforms, ISAS Working Paper No. 47, 31 July 2008, 18, available online at <https://www.files.ethz.ch/isn/91150/46.pdf> (accessed on 25 April 2019).

³ Harish Narasappa, Kavya Murthy, Surya Prakash B.S., and Yashas C. Gowda. 2016. ‘Access to Justice Survey: Introduction, Methodology, and Findings’, in State of the Indian Judiciary: A Report by DAKSH, pp. 137–155, available online at http://dakshindia.org/state-of-the-indian-judiciary/28_chapter_15.html#_idTextAnchor320 (accessed on 19 April 2019).

⁴ AIR 1979 SC 1369.

⁵ (2017) 5 SCC 702

important to come up with reasonable time frames for different types of cases to ensure that cases get disposed in a timely manner. Bringing certainty in the life cycle of a case is the need of the hour. It is therefore important to study the problem from different perspectives to arrive at mechanisms that can help come up with optimal timelines. A 360 degree study would ensure that problem areas are identified and necessary steps are taken not only for case management but also court management.

Prompted by the urgent need to ensure timely justice, the Delhi High Court started a Pilot Project titled “Zero Pendency Courts” from 2nd January 2017 in certain subordinate courts in Delhi. The primary goal of the project was to study the flow of cases in the absence of backlog. The conclusions from this project would help in identifying benchmarks for different types of cases time lines, number of judges, case flow management rules and a host of other relevant factors. Further, the project would not only provide information on the judicial time required to dispose a case but also gather stage wise details in each case. The various data analyses presented in the report have been done diligently keeping in view the different types of cases that judges handle and comparison between courts that handle similar types of cases have been carried out. Such an exercise would help in providing deeper understanding of the life cycle of cases, workload of courts of different jurisdiction and to identify variables that prolong the case life.

The aim of this report is to set-out the key findings based on the data that was recorded and collected on a day to day basis between January 2017 and December 2018 from certain identified pilot and reference courts. The different types of analyses that are carried out in the report in relation to day to day hearings in a case, flow of stages, overall lifecycle of a case, various reasons for adjournments etc. can help in understanding the functioning of the court and the manner in which cases are disposed. These findings can help provide a new understanding required to solve the vexed problem of pendency in the Indian legal system

II. Objectives of the Zero Pendency Courts Project

- 1) **To study the actual, real-time ‘Flow of Cases’ from the date of institution till final disposal.**

The primary objective of the project is to analyse the manner in which cases flow from the date of institution till the final disposal. Analysing the flow of cases is important to get an in-depth understanding of various stages. It is important that cases proceed smoothly from one stage to another so they can be disposed in a timely manner.

- 2) **To identify the variables responsible for delays in disposal of cases.**

There are various causes of delay on a day to day basis in the court. Identifying these variables and addressing them from time to time can ensure that cases proceed without delay. The project aims to study the variables that cause delay in cases. Further, the project also examines various reasons for adjournments caused by different people at various stages in a case.

- 3) **To assess realistic time lines needed for the final disposal of newly instituted cases relating to different jurisdictions.**

The project aims to study the newly instituted cases in the selected courts to come up with time lines for different kinds of cases. Not all cases are of similar nature. Cases differ based on their nature, subject matter, etc. Hence, the amount of time required to handle cases of different kinds in different jurisdictions also differs. The project assesses realistic time lines, by analysing cases of similar nature in similar jurisdiction.

- 4) **To stipulate norms designating the acceptable or tolerable time schedules for disposal of different types of cases.**

Based on the analysis of newly instituted cases, the project focusses on arriving at certain norms on tolerable time schedules for different kinds of cases. It is important to bring certainty in the system. Cases need to be disposed within a reasonable amount of time so as to ensure that courts do not create unnecessary backlog. Devising and adhering to tolerable time limits would help in reducing the pendency of cases in courts.

- 5) **To assess the realistic time lines required for various stages of the ‘flow of cases’ in different jurisdictions.**

One of the most important objectives of the project is to come up with realistic timelines which can be followed by the courts. Analysing different stages in different types of cases is

essential to arrive at realistic timelines. With the help of the courts identified under the project, these timelines can be devised

6) To appreciate the institution patterns and mapping the nature of litigation in different jurisdictions in different District Courts.

Further, the project examines the filing and institution patterns in different courts selected for the study. These patterns can help in understanding the nature of litigation in different jurisdictions in Delhi.

III. Methodology of the Zero Pendency Courts Project

a) Background

The State Court Management Systems Committee (SCMSC) constituted under the aegis of the High Court of Delhi initiated the 'Zero Pendency Courts Project'. The objective of the project as mentioned earlier was to study the flow of cases in subordinate courts that do not have any backlog. Creating such an ideal scenario for judges would ensure in giving an extensive picture of their workload and help in coming up with policy measures that are realistic and implementable at the ground level. The project commenced on 2nd January 2017 and concluded on 31st December 2018.

b) Setting up of the Pilot and Reference Courts

"Zero Pendency Courts" as the name suggests were designated courts without any arrears and backlog of previous cases (pilot courts). As a part of the project 11 Pilot courts and 11 Reference courts were chosen from different areas spread out across Delhi. The details of the subordinate courts have been provided in **Annexure A**. Each of the 11 pilot courts was tagged with a reference court of similar jurisdiction and regular workload to enable scientific comparison. The purpose was to analyse and distinguish between the functioning of the pilot courts with that of the reference courts. For the purpose of the project courts of different jurisdiction including civil and criminal courts were chosen. Further, while the pilot courts were mandated to record the minutes spent per hearing, the same was not mandated for the reference courts up till the end of 2017.

c) Cases

Fresh cases

Studying the flow of freshly instituted cases formed the core of the project. Hence, it was important that cases allotted to the pilot courts be carefully monitored. For this purpose, the District and Sessions Judges of respective Districts created one Pilot and one reference court in each District covering different jurisdiction. These courts were assigned fresh cases from 1st January, 2017 to study the timelines of cases in ideal conditions. However, in the South District, the existing Court of ASJ (Spl. FTC) was designated a Pilot Court and fresh institutions were monitored in the project court from 1st January, 2017.

Transfer of old cases

While the principal aim of the project was to study fresh cases received by courts in the absence of any backlog, there were certain practical difficulties involved. As the pilot courts would be dealing only with fresh cases to be marked to their courts on daily basis, and such cases would be at initial stages, the pilot courts on any given day may not have sufficient work and there would not be optimal work for effective utilization of judicial time. To fill the gap, old cases that were ripe for disposal (final hearing or judgment stage etc.) were assigned to these courts as ‘fillers’. These ‘fillers’ ensured that judicial time was being spent optimally, till the pilot courts had a sufficient number of freshly instituted cases on board.

To transfer these old cases to the pilot courts, the respective District and Sessions Judges withdrew 50 old cases proportionately from the other courts of the same jurisdiction and assigned them to the pilot courts. Further, the respective District and Sessions Judges were required to maintain the number of old cases at the same level by replenishing the cases disposed by the pilot courts, till these courts had sufficient number of freshly instituted cases.

d) Data collection process

Each of the pilot courts and reference courts were required to record and submit data in the following formats:

Proformas and Timelines

Pilot and reference courts recorded information as per the template of the proformas provided by the High Court. A sample proforma for civil courts has been shown in **Annexure B** and **B1**. A sample proforma for criminal courts has been shown in **Annexure C** and **C1**. These proformas include information regarding, *inter alia*, number of cases received and disposed, number of interim applications filed and disposed, number of witnesses examined etc. Further, the pilot courts were required to maintain a timeline of cases highlighting the time spent in respect of the disposed cases at different stages. The same however had not been mandated for the reference courts at the start of the project. A sample of the timeline maintained by the pilot courts is provided in **Annexure D**.

Daily-Workdone

As per the proforma mandated for daily workdone, pilot courts were required to capture daily details of cases and most importantly, the number of minutes spent on each of the hearings. The court staff kept track of the time spent as and when a case gets called out in the court. Additionally, the stage of each case and a brief summary of proceedings were also recorded on a

day to day basis. These granular details enabled us to track the flow of cases as it passes through several stages and analyse the actual time (in minutes) spent by courts on different cases. A sample of the daily workdone is provided under **Annexure E**. One must note that only the pilot courts were mandated to collect the data under daily workdone and the same was not mandated for the reference courts.

Court log application

To enable real time analysis of the workload of court, data collection process was digitized with the help of an online application named “Court Log.” The app was developed by DAKSH⁶ and allowed easy recording and analysis of the details of day to day hearings. The app provides several user-friendly features to easily and readily record details. It also provides several dashboards in the form of interactive charts and figures summarising the functioning of courts. The Court Log app could be used on mobile handsets as well as on desktops. The detailed working of the app is given in **Annexure F**. Post December 2017, the outcomes of the hearings and time spent on different stages were being recorded in the app introduced for the project in both the pilot and the reference courts. Further, the reasons for adjournments were also being recorded by the court staff in the app in all the selected courts under the project.

Analysis of Data & Limitations

This report primarily analyses four sets of data:

- The civil and criminal proforma containing the number of cases filed and disposed in the studied courts between 2017 and 2018;
- One-year data of daily functioning maintained physically by the pilot courts from January 2017 to December 2017;
- Court Log data entered by courts from December 2017 to December 2018;
- Case and hearing level details of reference courts from the data entered in the e-courts website. Since reference courts started entering hearing level details in the Court Log app only from 2018 onwards, the remaining possible data for 2017 was taken from the e-courts website.⁷

⁶ DAKSH is a Bengaluru based civil society organization that undertakes research and activities to promote accountability and better governance in India.

⁷ DAKSH has maintained a database which contains a repository of cases that are periodically scraped and collated. DAKSH’s database contains various case and hearing level details which are provided by the high courts and the subordinate courts on the publicly available websites. Due to practical difficulties certain cases from the e-courts website could not be scraped properly.

a) One year data maintained by pilot courts

All the 11 pilot courts have entered details under the Daily Workdone template between January 2017 and December 2017. It contains information on time spent on hearings and flow of cases through different stages. To analyse one-year data, it was important that the data be available in an analysable format. Since the data was being maintained in different forms amongst different pilot courts, it became crucial to consolidate data in a uniform manner.

To enable an accurate comparison of disposed cases, only freshly instituted cases (after January 2017), that were disposed have been analysed. This was done for three important reasons:

- 1) Hearings for freshly instituted cases are available from their initiation and therefore these cases would provide stage wise details from the beginning till the end of the case.
- 2) Details during initial stages of old cases transferred to the pilot courts were not recorded, hence including these cases in the analysis would skew the findings.
- 3) Old cases were transferred as fillers with the aim of making sure that the courts' time is fully optimized.

Therefore, these cases have been excluded from certain analysis.⁸

b) Court Log data entered by the pilot and reference courts

From December 2017, pilot and reference courts have started using the Court Log app to record details of daily proceedings. This report presents various analyses amongst the pilot courts and their respective reference courts based on the data generated from the Court Log app.⁹

As stated earlier, recording of time and details of cases was not required for the reference courts from January 2017 to December 2017. It was only after the Court Log app was launched that the reference courts started recording the time spent on each hearing. Since primary aim of the project was to compare the working of the pilot court with the reference court, it was felt that reference courts should also capture the flow of cases and time spent at each hearing. Analysis on the outcome of hearings and reasons for adjournments for both the pilot and the reference courts has been one of the greatest benefits of the app. In 2017, the data maintained by the pilot courts contained a column for a brief summary of proceedings and reasons for adjournments, but this could not be analysed because it was entered in free text and summarizing it proved to be a challenging task. With the introduction of the Court Log app, these details are now being selected from the list provided in the app ensuring consistency in data recording.

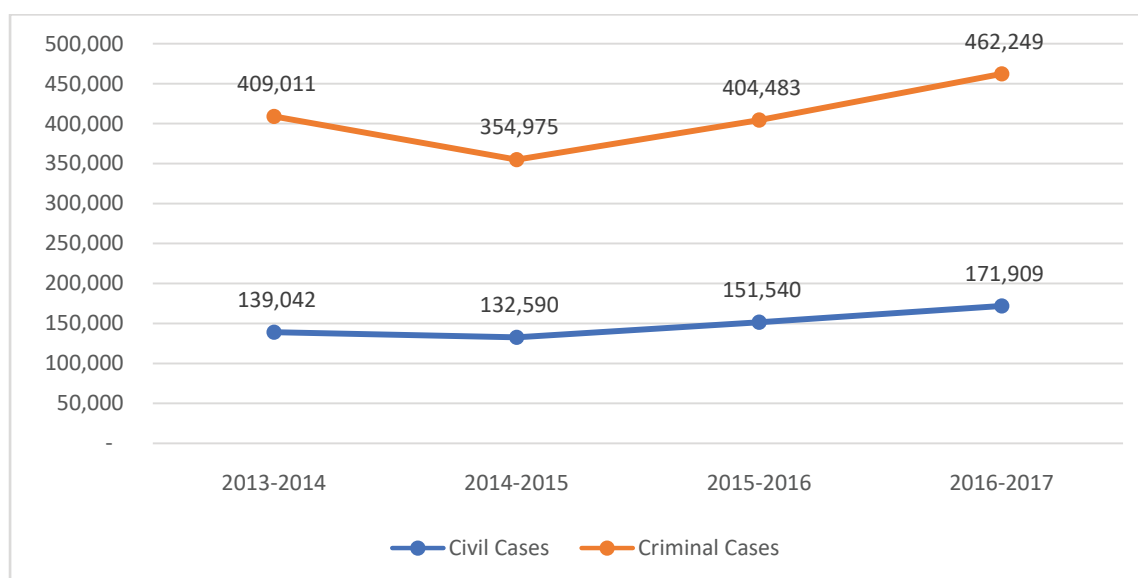
⁸Due to practical difficulties minutes for different stages entered by one of the Pilot Sessions Courts in the year 2017 has not been considered for the analysis in this report.

⁹ Due to practical difficulties, details of 6,052 cases entered in the court log app could not be matched and used.

IV. Data Description

Subordinate courts in Delhi are located across 11 districts in 6 Courts complexes Rohini court complex (North and North-West districts), Dwarka court complex (South-West district), Karkardooma court complex (East, North-East and Shahdara districts), Patiala House court complex (New Delhi district), Saket court complex (South and South-East districts) and Tis Hazari court complex (Central and West districts). To ensure adequate geographical spread a certain number of courts from each of these court complexes were chosen for the project. Details of the courts selected for the project are provided in **Annexure A**. **Figure 1** highlights the number of civil and criminal cases pending across subordinate courts in Delhi over the past four years.

Figure 1: Cases pending in Delhi subordinate courts in the past four years

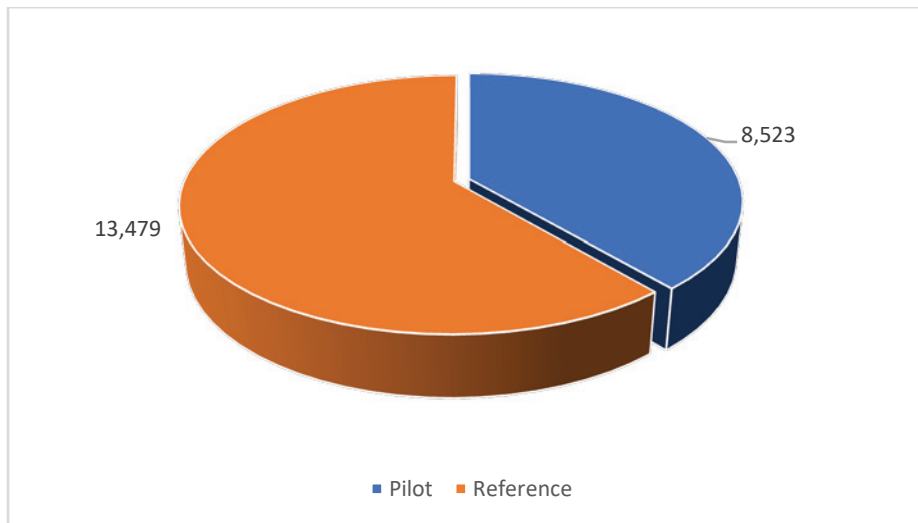


Note: Data has been taken from the Court News report published by the Supreme Court.

The number of criminal cases in Delhi is far more than the number of civil cases. While there was a dip in the pendency of criminal cases in 2014-2015, since then there has been an increase in pendency of both the civil and criminal cases. As on 20th March, 2019, there were 5.5 lakh criminal cases and 1.8 lakh civil cases pending in subordinate courts in Delhi.

Both civil and criminal courts were chosen for the study. The courts either dealt with civil cases or criminal cases but not both. Both pilot and reference courts maintained a proforma showing the total number of cases filed in the pilot and the reference court in 2017 and 2018.

Figure 2: Cases filed in the pilot and the reference courts



Based on the proforma maintained by the courts in the study, **Figure 2** depicts the total number of cases filed in the pilot and the reference courts between January 2017 and December 2018. 13,479 cases were filed in the reference court while 8,523 total cases were filed in the pilot court. These include fresh as well as transferred cases.

Section II

The present section presents the findings from the project in the backdrop of various objectives that have been identified. The primary goal of this section is to answer the objectives of the project with the help of the data and overall findings. The pilot courts have been categorized based on the nature of cases they are dealing with and the jurisdiction of the judge. An analysis of cases at judge-category level (rather than at an individual judge level) helps in understanding patterns across courts and furthers the objective of the report to analyse cases rather than judges. Grouping similar type of judges helps in normalizing trends and enables better analysis.¹⁰ The categories of jurisdictions analysed in the report are:

- 1) **Sessions Courts:** Courts presided by Sessions Judges and dealing with regular criminal cases (2 pilot courts and 2 reference courts).
- 2) **Sessions Courts for Murder Cases:** Courts presided by Sessions Judges primarily dealing with murder cases under Section 302 of the Indian Penal Code, 1860 (2 pilot courts and 2 reference courts).
- 3) **Special Fast Track Court for rape cases:** Court designated to deal with rape cases and certain other crimes against women (1 pilot court and 1 reference court).
- 4) **District Courts:** Courts presided by Additional District Judges dealing with a mix of civil cases (3 pilot courts and 3 reference courts).
- 5) **Labour Court:** Court designated for dealing with labour matters (1 pilot court and 1 reference court).
- 6) **Motor Accidents Claims Tribunal:** Court dealing with cases related to motor accidents claims under the Motor Vehicles Act, 1988 (1 pilot court and 1 reference court).
- 7) **Rent Controller Court, Senior Civil Judge:** Court presided by a senior civil judge dealing with rent control matters (1 pilot court and 1 reference court).

¹⁰ It is important to note that most of the averages shown in the report have been calculated after removing the outliers. An outlier is an observation point that is distant from the other observations. These outliers tend to skew the overall average, thus giving us a number that may not correctly represent the data set. Hence, to arrive at the most accurate average, outliers have been eliminated.

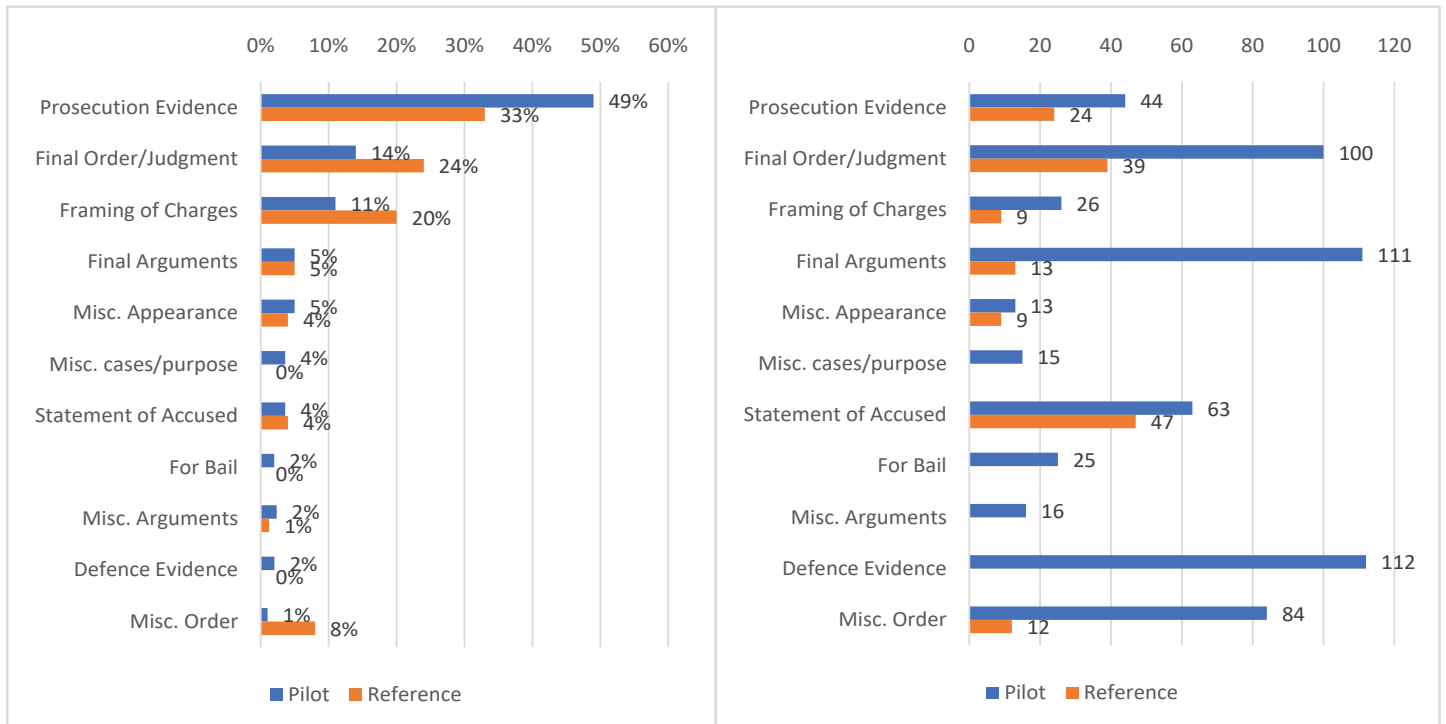
I. Objective 1: To study the actual, real-time ‘flow of cases’ from the date of institution till final disposal.

The present objective is to analyse various aspects of case life in the pilot courts in comparison with reference courts with respect to cases filed between January 2017 and December 2018. The purpose is to study the effect of zero backlog on the real time taken to dispose cases of each jurisdiction after taking into consideration various factors that play a part at various stages till the disposal of the case. Such an exercise would help in understanding the life cycle of cases and identifying stages where cases take most amount of time. The various analyses in this section is categorised according to categories of judges explained above. The most important case types within each category of judges have been analysed to better understand the functioning of the court. Analysing stages at an overall level tends to skew the analysis as different amount of time is spent on different types of cases.¹¹ A case type wise approach within a category is the right way in assessing the flow of cases through various stages.

¹¹To get a better picture of the time spent on different stages, days on which judges were absent have been excluded while calculating the average minutes on stages. Absence of judges could be identified through the court log app as the same was entered by the court clerks.

1) Sessions Courts

Figure 3: Percentage of hearings/listings (left) and average minutes spent per hearing/listing

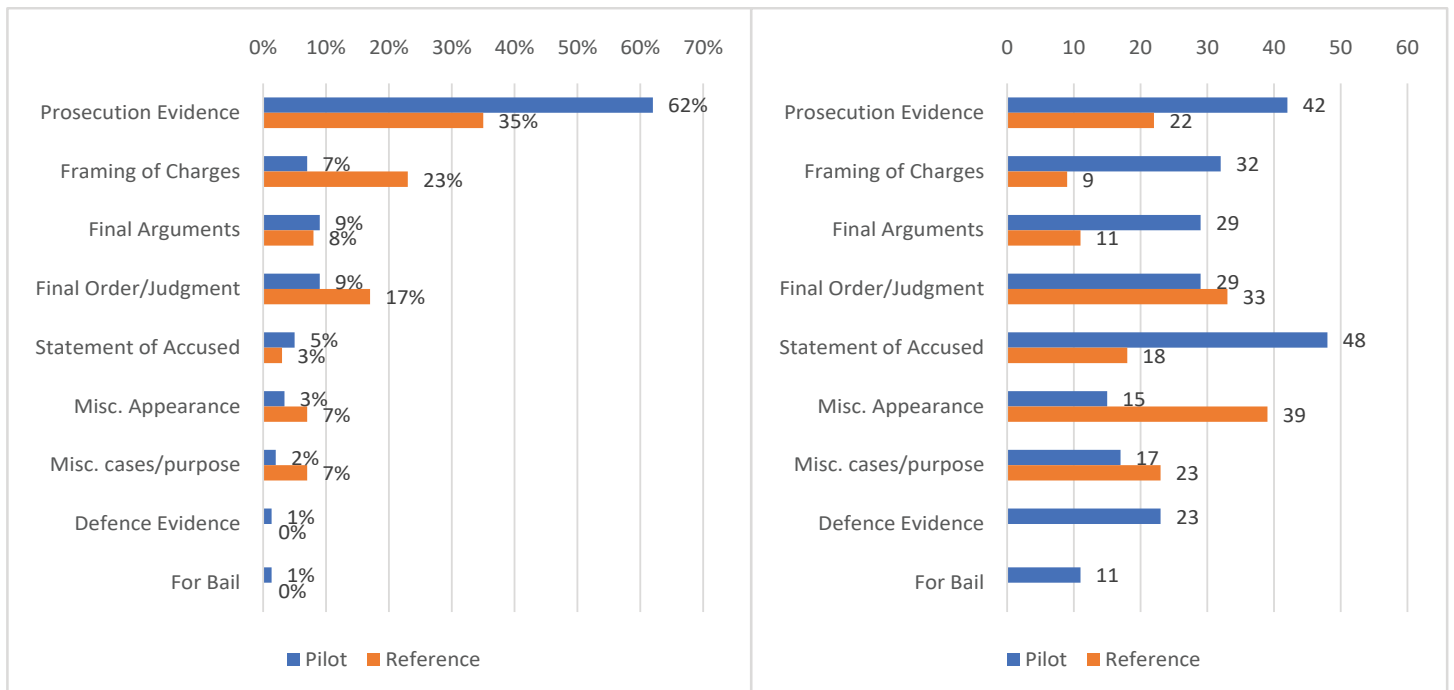


(right) in Sessions Cases

Figure 3 depicts the percentage of listings or hearings in the lifecycle of a case in Sessions Cases. Prosecution evidence occupied the highest percentage of hearings in pilot courts, while framing of charges occupied the highest percentage of hearings in the reference courts. Hence, a case was listed several times for the prosecution evidence stage. However, in terms of time taken, on an average 44 minutes were spent per hearing in the pilot courts. Further, highest amount of time per hearing on average was spent on the final arguments stage followed by the final order/judgment. A considerable amount of time is taken on dictation, researching on case laws etc. before pronouncing the final judgment. Thus, a lot of time is spent on each of the hearings. Although, on an average 112 minutes were spent on the defence evidence stage hearings in the pilot courts, the overall percentage of hearings is extremely low i.e. 2 per cent. The average minutes in the figure is calculated by analysing only the cases that go through a particular stage. Hence, not all cases go through the defence evidence stage, but in the ones that do, courts spend 112 minutes on an average per hearing.

2) Sessions Courts (Murder Cases)

Figure 4: Percentage of hearings/listings (left) and average minutes spent per

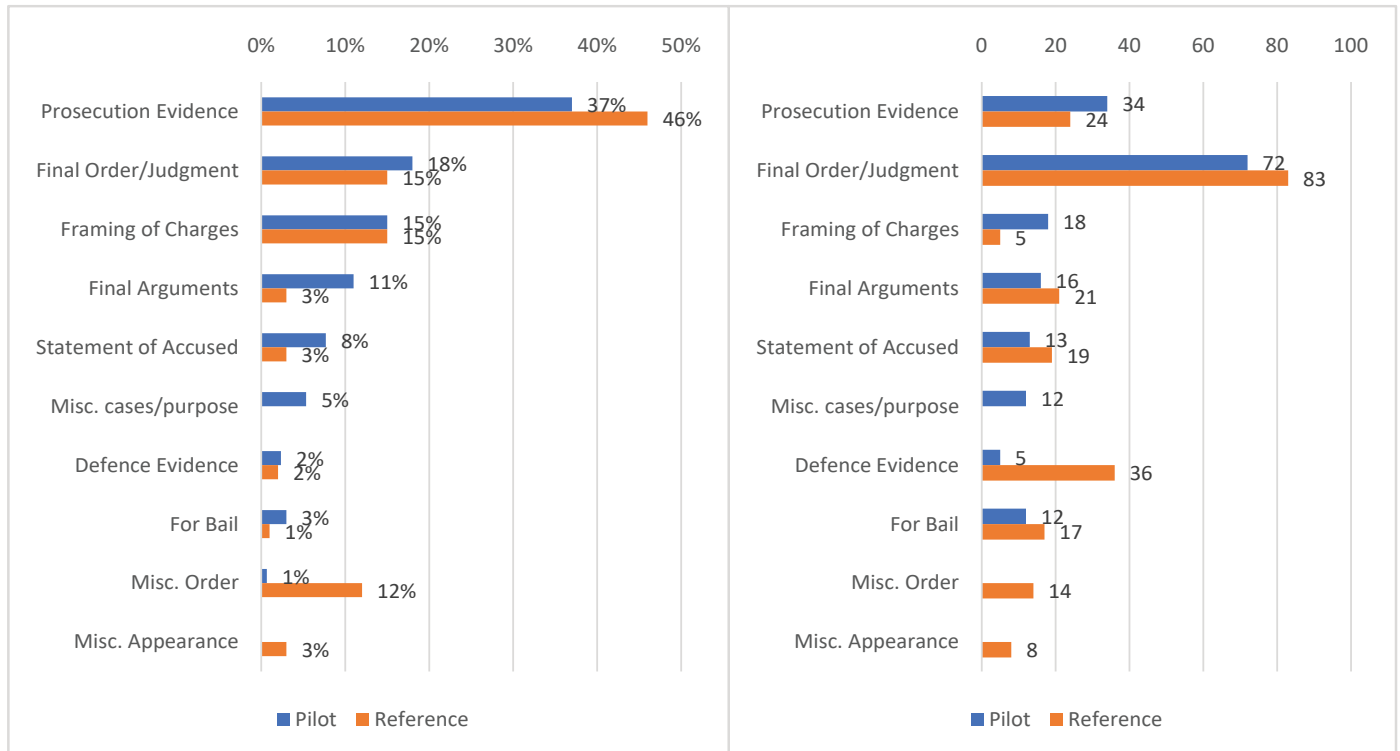


hearing/listings (right) in Sessions Cases

Figure 4 highlights the percentage of hearings and average minutes in the life cycle of a case. The figure helps in understanding which stage is listed the most amount of times. As observed for the Pilot Sessions Judges even for Sessions Judges handling murder cases, prosecution evidence stage occupied the most percentage of hearings in the life cycle of a case. In terms of time, on an average 42 minutes were spent on the prosecution evidence stage, followed by the framing of charges stage. Prosecution evidence includes cross-examination of parties and the witnesses which takes a considerable amount of time of the judge. On the contrary reference courts spent on an average 22 minutes per hearing on the prosecution evidence stage. Although, on an average 48 minutes per hearing were spent on the statement of accused stage in the pilot courts, the overall percentage of hearings is extremely low i.e. 5 per cent. The average minutes in the figure is calculated by analysing only the cases that go through a particular stage. Hence, not all cases go through the statement of accused stage, but in the ones that do, courts spend 48 minutes on an average per hearing.

3) Fast Track Court (Rape Cases)

Figure 5: Percentage of hearings/listings (left) and average minutes spent per hearing/listings (right) in Sessions Cases

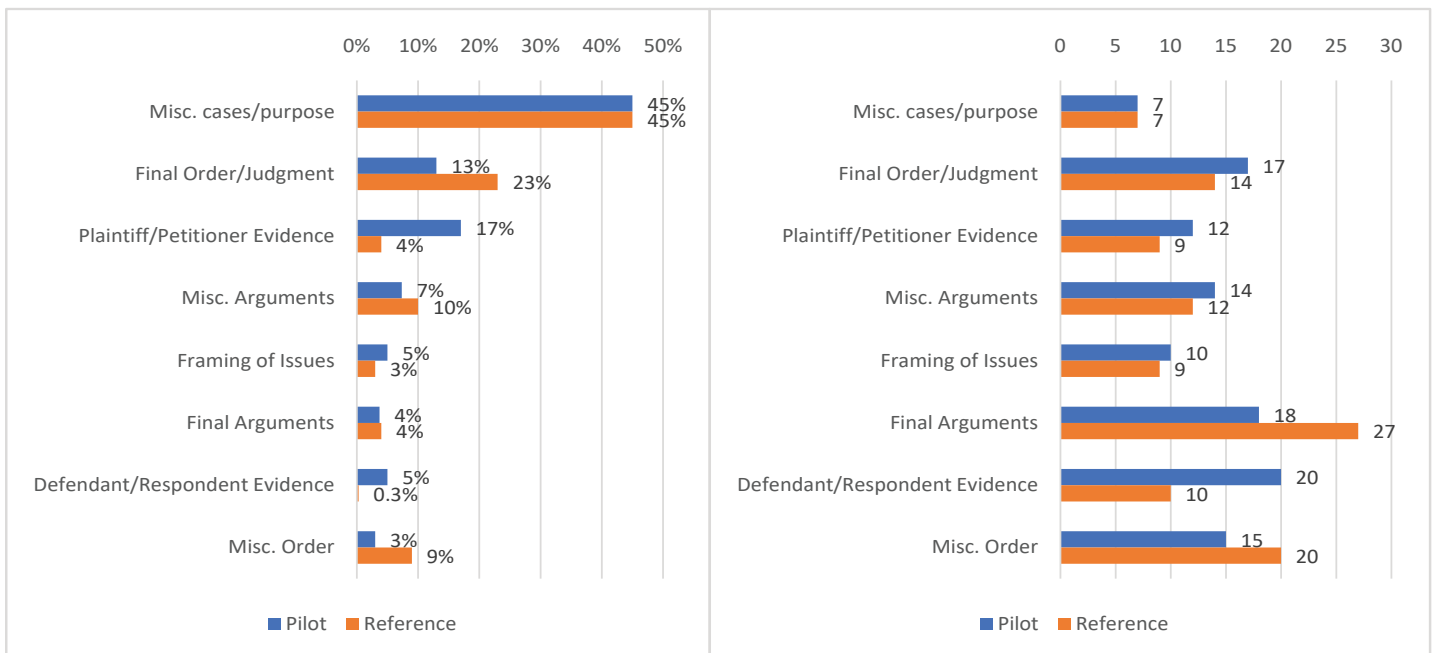


Note: Due to paucity of data average minutes for Misc. Order and Misc. Appearance stage in the pilot courts have not been included in the analysis.

Figure 5 shows the percentage of hearings and average minutes spent on each stage of the cases. Prosecution evidence hearings made up the highest percentage of hearings in both the pilot and the reference court. Both the pilot and the reference courts spent more average minutes per hearing on the final order/judgment stage in the life cycle of a case. This could be seen for Sessions Judges too as they spent more minutes per hearing on final order/judgment stage.

4) District Courts

Figure 6: Percentage of hearings/listings (left) and average minutes spent per hearing/listings (right) in civil suits for district judges



For both the pilot as well as reference courts, miscellaneous cases/purposes had the highest percentage of hearings. Miscellaneous purpose is an umbrella classification that include written statements, issuing of notice/summons, filing of replication, etc; so it is not surprising that it took up a large number of hearings. However, since this stage is mostly procedural it is important to analyse if this time can be reduced by leaving these tasks to the Registry. While miscellaneous purpose occupied the highest percentage of hearings, the amount of time spent per hearing is less as pilot courts and the reference courts on an average spent 7 minutes and 9 minutes, respectively. Further, pilot courts spent 35 minutes on the final arguments and the final order/judgments stage together. A similar trend could be observed in the criminal courts too, where the Sessions Judges and the Fast Track Court spent more time on the final order/judgment hearings.

5) Labour Court

Figure 7: Percentage of hearings/listings (left) and average minutes spent per hearing/listings (right) in the Labour/Industrial Tribunal Reference Cases

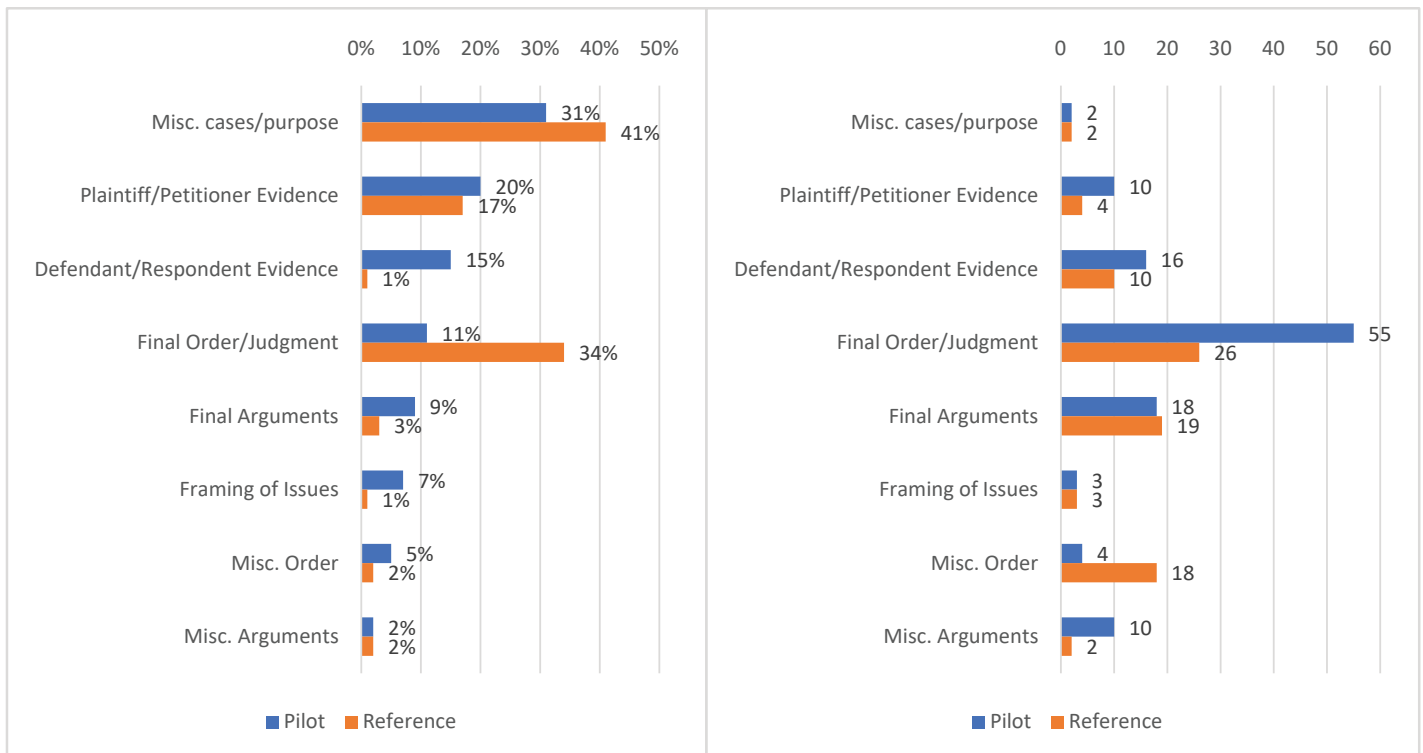
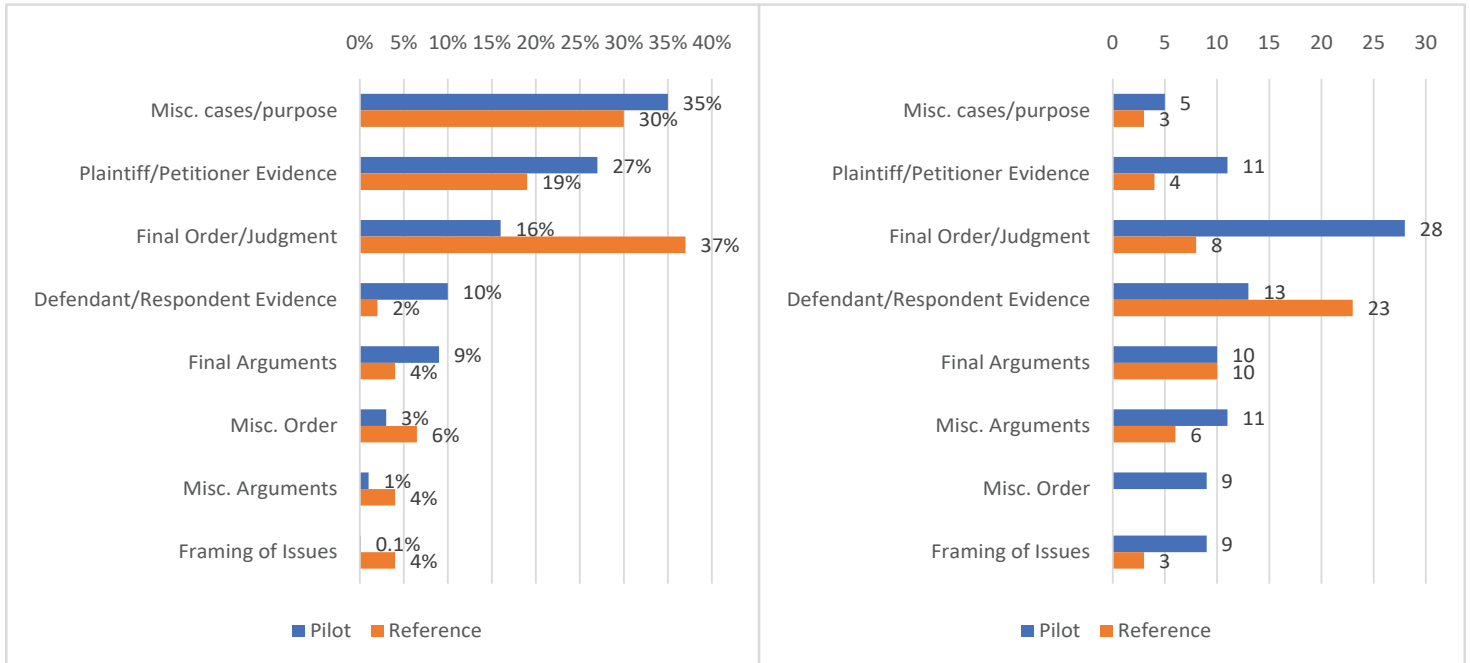


Figure 7 depicts the percentage of hearings in the life cycle of a case and the average minutes spent on each of the hearings in various stages. Similar to the District Judges, even in the Labour Court misc. cases/purpose occupied the highest percentage of hearings in the life cycle of a case followed by the plaintiff/petitioner evidence stage. However, misc. cases/purpose hardly took any time per hearing as the court spent 2 minutes on an average on the hearings. 55 minutes were spent on the final order/judgment hearings in the life cycle of a case in the pilot court. A similar trend was observed for the District Judges too. On the other hand, reference court took 26 minutes on an average on final order/judgment hearings. Final order/judgment stage requires dictation and researching on case laws, hence, a considerable amount of time is spent on this stage.

6) Motor Accidents Claims Tribunal

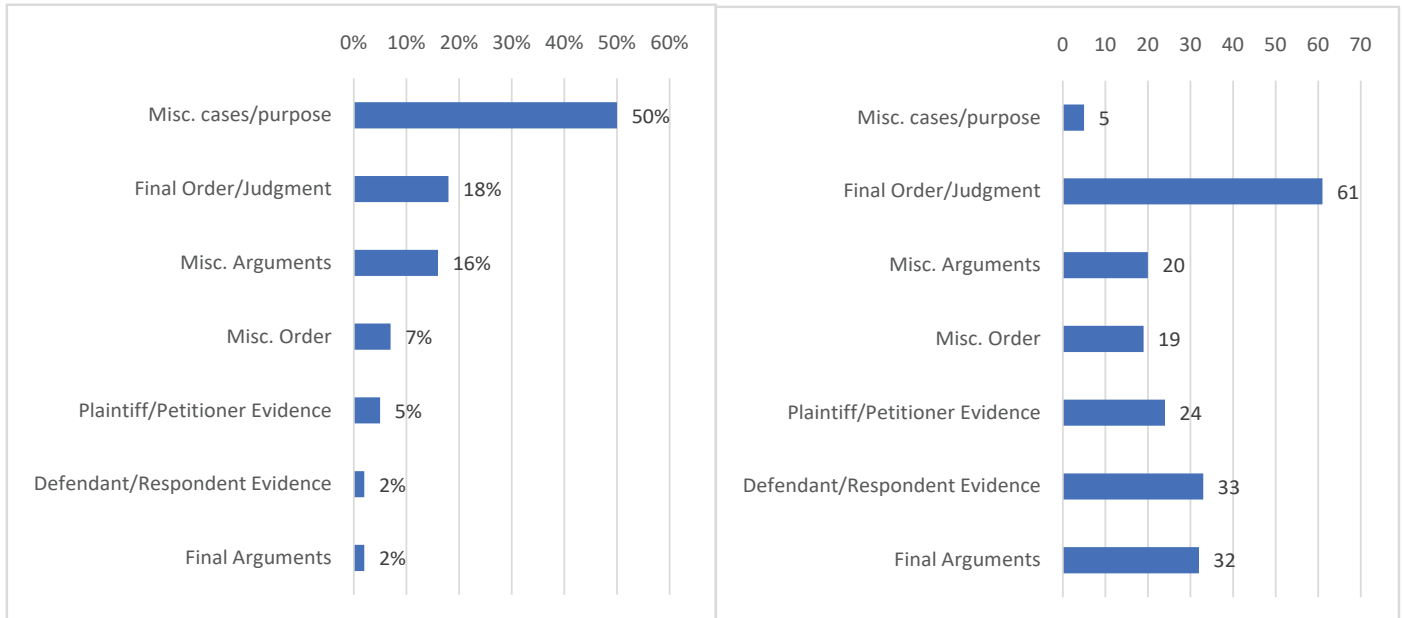
Figure 8: Percentage of hearings/listings (left) and average minutes spent per hearing/listings (right) in the Motor Accidents Claims Cases



As per the trend observed in the previous figures, it can be seen that misc. cases/purpose stage yet again occupied the highest percentage of hearings in the life cycle of a case in the pilot and the reference court. However, in terms of time, pilot court spent only 5 minutes and the reference court 3 minutes on the misc. cases/purpose stage. A substantial amount of time was spent by the court per hearing on the final order/judgment stage in the pilot court. The pilot court took 28 minutes while the reference court took 8 minutes.

7) Rent Controller Court

Figure 9: Percentage of hearings/listings (left) and average minutes spent per hearing/listings (right) in the Rent Controller/Additional Rent



Controller Cases

Figure 9 presents the percentage of hearings/listings in the life cycle of a case and the average minutes spent on each of the hearings in different stages. The overall trend remains same as misc. cases/purpose occupied the highest percentage of hearings with the lowest amount of average time. Final order/judgment stage occupied the highest average minutes per hearings in the pilot court which is 61 minutes, followed by the plaintiff/petitioner evidence stage that took 24 minutes. Interestingly, respondent evidence took more time i.e. 33 minutes showing that these cases which go in contest, are defended vociferously by the respondent.

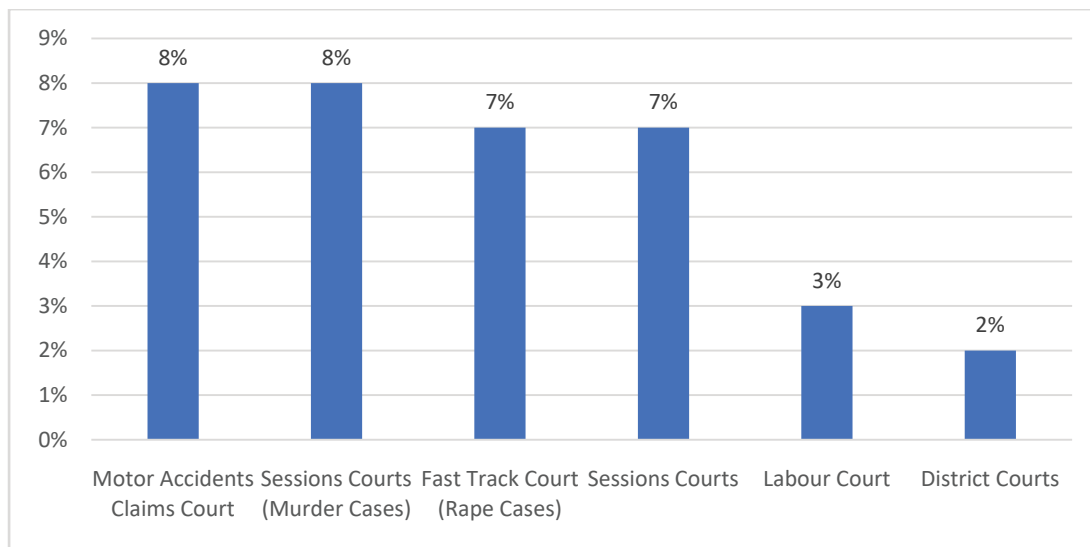
II. Objective 2: To identify the variables responsible for delays in disposal of cases.

One of the main objectives of the project was to identify the variables that cause delay in a case. Identifying these delays and remedying them at an appropriate stage is important for smooth flow of cases. Delays can be due to several reasons. Shortage of judges, shortage of staff, frequent adjournments from the parties/advocates, non-service of summons to the parties, absence of witnesses, delay in getting Forensic Science Laboratory Reports (FSL) time consuming investigations and delay in filing charge sheets, cross FIRs (First Information Report) etc. are some of the reasons for delay in cases. Unchecked delays have the potential of prolonging the proceedings thus, obstructing faster disposal of cases. It is therefore important to lay down the variables responsible for delays in courts. While some of the variables have been identified by the judges and have been listed below, the court log application developed by DAKSH also helped in recording the various reasons for adjournments in courts. The various reasons identified during the course of the project have been listed below. A complete list of bottlenecks and suggested best practices have been provided in **Annexure G**.

Reasons for delay:

a) **Absence of witnesses:** Evidence stage forms an important of a case. As observed in the previous section a majority percentage of hearings in the life cycle of a criminal case comprise of prosecution evidence stage. During the evidence stage witnesses form a key role, be it a civil or a criminal case. Absence of witnesses during the evidence stage causes a serious impediment to the progress of the case. Hence, witnesses' day to day presence during the evidence stage is crucial. Across the Sessions Courts and the District Courts, delay due to absence of witnesses was seen to be one of the main reasons for adjournments. There are various reasons for absence of witnesses- absence due to personal issues, delay due to non-receipt of the Forensic Science Laboratory (FSL) results, unserved summons due to incomplete/change of addresses, incomplete list of witnesses in the charge-sheet, non-availability of police witnesses due to pre-occupation in other duties etc. The data entered in the court log app for the pilot courts further helps in providing the percentage of hearings adjourned due to witnesses being either absent or seeking extra time.

Figure 10: Percentage of hearings adjourned due to witnesses in pilot courts



As per **Figure 10** Motor Accidents Claims Tribunal Judge and the Sessions Judges dealing with murder cases experienced the highest percentage of hearings getting adjourned due to absence of witnesses or extra time sought by the witnesses. Further, in the Special Fast Track Court and with Sessions Judges too delay caused by the witnesses constituted 7 per cent each. As per the overall trend absence of witnesses can be seen to be affecting criminal cases more when compared to civil cases.

b) Adjournments sought by Counsel and Parties: Unnecessary adjournments sought by the advocates or the parties at various stages in a case delays the proceedings, thus prolonging the case life. Judges need to ensure that cases are effectively heard on a day to day basis and minimal adjournments are granted. It was observed in the sessions pilot court that several adjournments were sought by the advocates at the final arguments stage to obtain the certified copies. Also, non-availability of defence counsels was one of the major reasons for delay that hampered the recording of statement of the accused under Section 313 of the Cr. P.C. Further, in civil cases frequent change of advocate, adjournments sought on personal grounds, amendment of plaint, delay in the filing of written statement were some of the common reasons for adjournments. The court log data can help in providing the percentage of hearing that were adjourned due to adjournments sought by the advocates/parties.

Figure 11: Adjournments caused due to advocates and the parties in pilot courts

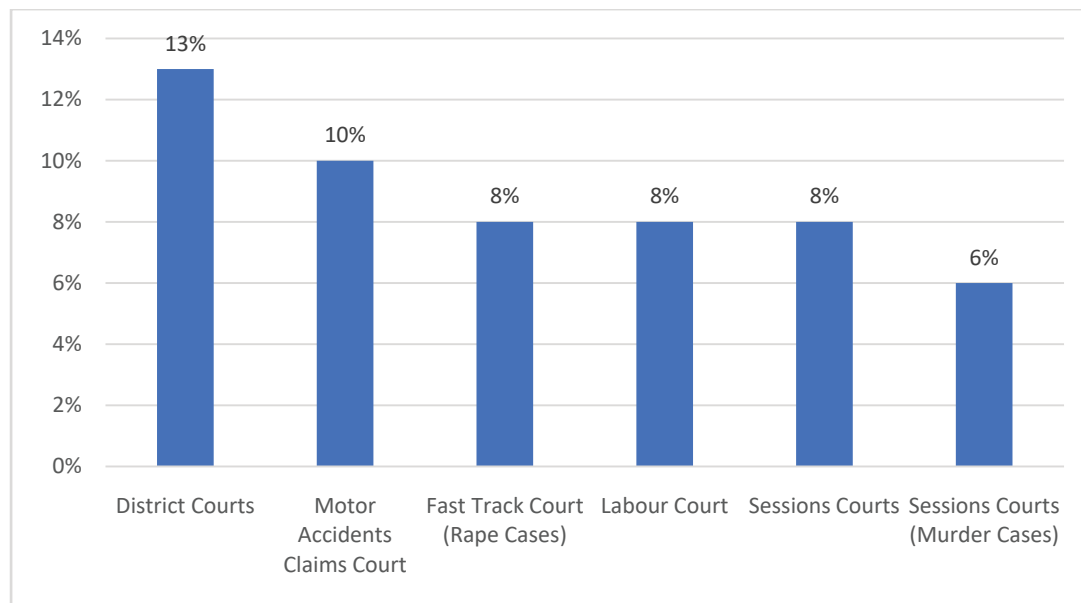


Figure 11 depicts the various adjournments sought by the advocates and/or the parties. Adjournments include extra time sought or the absence of the advocates and/or the parties in a given proceeding. District judges were most affected from the adjournments caused by the advocates/parties followed by the Motor Accidents Claims Court.

c) Delay in service of summons: It was observed in civil courts that there was delay in service of summons, especially to outstation parties. Also, on several occasions the plaintiffs failed to take steps for service of the defendant while in certain other cases the defendant tried to evade the service, thus causing delay. Summons need to be issued on a timely basis, so that parties can come to the court and trial can begin on time.

d) Problem in cases where one of the parties is outstation: One of the problems highlighted were pertaining to cases in which the parties were outstation. Apart from the delay in issuing of summons to the outstation parties as highlighted above, in the Motor Accidents Claims Cases insurance companies tend to delay the proceedings as they take time in verification of documents and leading the respondent evidence. Also, on several occasion Detailed Accident Report (DAR) were not filed within 30 days due to non-availability of medico legal certificate/injury reports, verification of driving license, registration certificate etc. by the Investigating Officer. These especially occurred more in outstation cases.

These variables can be addressed by adopting the following practices:

- a) Effective listing of cases in daily cause list to ensure that all cases are taken up effectively and some cases are not adjourned on account of paucity of time.
- b) Fixing of optimal number of cases at different stages.
- c) Use of electronic apps/ technology for service of parties/witnesses.
- d) There needs to be effective control over the process servers as they need to ensure that service reports are received on time. Also, giving short dates for service of process leads to more efficiency.
- e) Effective use of procedural laws for initial scrutiny, supply of documents/ copies of charge sheet, admission/denial of documents.
- f) Effective case management rules may be used like giving bulk dates to both the parties to ensure smooth flow of cases and to curtail unnecessary adjournments.
- g) Adjournments must be discouraged, and frivolous adjournments may be penalized by way of cost.
- h) Witnesses should be examined on the date on which they are summoned. Maintaining a roster of dates for witnesses depending upon the nature of case would be helpful.
- i) The permanent addresses of witnesses and their mobile numbers must be recorded in the list of witnesses to facilitate their summoning.
- j) To avoid unnecessary delay during arguments, advocates should ensure that they arrange for certified copies at the earliest during the final arguments stage. Efforts should be made to supply copies of the evidence recorded on a day to day basis.

III. Objectives 3 & 4: To assess and stipulate norms for realistic time lines for disposal of cases of different kinds in various jurisdictions.

The primary aim of the entire project was to understand the manner in which courts dispose cases in an ideal scenario without any backlog. Using the data for these courts, time limits for various types of cases can be accordingly devised. Different types of cases take different amount of time to get disposed. Hence, understanding the life cycle of different kinds of cases in various jurisdictions helps in giving a clearer picture of a case life.

As per the project the pilot courts were required to note down the minutes required to dispose off cases. This would help in giving the exact amount of time and effort required to dispose cases in courts. The present part will lay down the average minutes spent, and the days taken to dispose different types of cases with various category of judges / Courts.¹²

Table1: Average minutes required to dispose cases in pilot courts handling criminal cases

Category	Case Types	Average minutes taken to dispose cases
Sessions Courts	Sessions Cases	527 minutes
	Criminal Appeal	133 minutes
	Criminal Revision	84 minutes
Sessions Courts (Murder cases)	Sessions Cases	963 minutes
Fast Track Court (Rape cases)	Sessions Cases	265 minutes

Note: Due to low count of cases certain case types have been omitted.

Table 1 shows the average minutes that the courts took to dispose various kinds of cases over the period of two years i.e. between 2017 and 2018. Special Fast Track Court dealing with rape cases took on an average 265 minutes (4.4 hours) to dispose a case. Sessions Judges dealing with regular criminal cases took on an average took 527 minutes (8.7 hours) to dispose Sessions Cases. However, Sessions Judges dealing with murder cases took 963 minutes (16 hours) on an average to dispose Sessions Cases. Murder is a heinous offence that takes considerable amount of time of the court, hence disposal time for these cases was comparatively higher. At an overall level all the pilot Sessions Judges combined (regular Sessions Courts and court dealing with murder cases) took 568 minutes (9.4 hours) to dispose Sessions Cases.

¹²Due to lack of data on minutes for certain stages, analysis has been done by calculating the simple average without removing the outliers.

Table 2: Average minutes required to dispose cases in pilot courts handling civil cases

Category	Case Type	Average minutes taken to dispose cases
District Courts	Civil Suit for ADJ	129 minutes
	Execution	33 minutes
	Misc. Cases for ADJ	29 minutes
	Probate Cases	114 minutes
	Arbitration	62 minutes
	Regular Civil Appeal for ADJ	103 minutes
	Trade Mark	88 minutes
	Labour Cases	97 minutes
Labour Court	Labour Court Application	178 minutes
	Labour/Industrial Tribunal Reference Cases	141 minutes
	Execution	19 minutes
Motor Accidents Claims Tribunal	Motor Accidents Claims Cases	86 minutes
	Misc. Cases for ADJ	17 minutes
	Execution	20 minutes
Rent Controller Court	Misc. Rent Control Cases	61 minutes
	Rent Control Cases	123 minutes

Note: Due to low count of cases certain case types have been omitted.

Table 2 highlights the average minutes taken by the courts to dispose different kinds of civil cases. District judges on an average took 129 minutes (2.1 hours) to dispose civil suits, while probate cases took on an average 114 minutes (1.9 hours). In terms of the Labour court, Labour/Industrial Tribunal Reference Cases that form the majority of cases in the court took on an average 141 minutes (2.3 hours) to get disposed. Motor Accidents Claims Cases got disposed comparatively faster as the court was able to dispose the case within 86 minutes (1.4 hours) on an average. Lastly, rent control cases took on an average 123 minutes (2 hours) to get disposed. Overall, one can note that the time taken to dispose civil cases was far lesser when compared to Sessions Cases, thus showing that Sessions Cases tend to take more time.

Table 3: Average days to dispose cases and disposal rate in pilot and reference courts handling criminal cases

Categories	Case Types	Average disposal days (Pilot)	Average disposal days (Reference)	Disposal rate (pilot)	Disposal rate (reference)	No. of days for 100% disposals
Sessions Courts	Sessions Cases	147 days	131 days	62%	39%	275
	Criminal Appeal	50 days	102 days	86%	28%	133
	Criminal Revision	26 days	58 days	95%	65%	53
Sessions Courts (Murder cases)	Sessions Cases	197 days	204 days	43%	44%	461
Special Fast Track Court (Rape cases)	Sessions Cases	90 days	122 days	47%	25%	294

Note: Due to low count of cases certain case types have been omitted.

Table 3 shows the average days for disposal and disposal rate of different case types for various category of judges in the pilot and the reference courts. Average disposal days indicates the average days required to dispose cases from the date of institution to the final disposal of the case. On the other hand, disposal rate is the rate at which courts disposed cases.¹³ Disposal rate is calculated by dividing the number of cases disposed in a given time frame by the number of cases filed, multiplied by 100. A disposal rate of 100 per cent would mean that the court was able to dispose all the cases that were filed. A disposal rate of less than 100 per cent would indicate that the court was not able to clear all the cases that were filed.

¹³ Disposal rate has been calculated for cases that were filed and disposed between 2017 and 2018.

It must be noted that average disposal days must be seen in the backdrop of the disposal rate. There can be a scenario where a court might take lesser days to dispose a case but may not have disposed a good proportion of those cases. For instance, in the table pilot Sessions Judges dealing with regular Sessions Cases take on an average 147 days to dispose Sessions Cases. However, reference courts took a little less with 131 days on an average to dispose Sessions Cases. However, in terms of disposal rate pilot courts had a much higher rate when compared to the reference courts with 62 per cent and 39 per cent, respectively. This indicates that although, reference courts took slightly lesser days to dispose cases when compared to the pilot court, the number of cases disposed by pilot courts were comparatively much higher. In term of other case types such as criminal appeals and criminal revision cases, pilot courts not only took lesser days but also disposed a substantial number of cases. Further, Sessions Judges dealing with murder cases took on an average 197 days to dispose Sessions Cases when compared to the reference courts which took on an average 204 days. At an overall level all the pilot Sessions Courts combined (regular Sessions Courts and courts dealing with murder cases) took 162 days to dispose Sessions Cases.

Special Fast Track Court dealing with rape cases took 90 days to dispose Sessions Cases, while reference courts took 122 days. As per the recent amendment to Section 309 of Cr. P.C., the time limit to dispose rape cases has been set at two months (60 days) from the date of filing of the charge-sheet.¹⁴ However, it is interesting to note that even the pilot court took on an average 90 days to dispose these types of cases. Also, in several cases in the pilot Special FTC, the witnesses turned hostile leading to acquittals. Hence, the days taken to dispose these cases is comparatively lesser when compared to other Sessions cases.

Table 4: Average days to dispose cases and disposal rate in pilot and reference courts handling civil cases

Categories	Case Types	Average disposal days (Pilot)	Average disposal days (Reference)	Disposal rate (pilot)	Disposal rate (reference)	No. of days for 100% disposal
District Courts	Civil Suit for ADJ	149 days	169 days	66%	41%	297
	Execution	63 days	109 days	54%	66%	143
	Misc. Cases for	42 days	58 days	91%	86%	56

¹⁴ Criminal Procedure Code, 1973, Section 309.

Categories	Case Types	Average disposal days (Pilot)	Average disposal days (Reference)	Disposal rate (pilot)	Disposal rate (reference)	No. of days for 100% disposal
	ADJ					
	Probate Cases	128 days	212 days	48%	65%	301
	Arbitration	139 days*	110 days	68%	90%	158
	Regular Civil Appeal for ADJ	69 days	122 days	89%	63%	126
	Trade Mark	127 days	84 days	74%	53%	166
Labour Court	Labour Cases	115 days	-	100%	-	
	Labour Court Application	94 days	158 days	97%	61%	159
	Labour/Industrial Tribunal Reference Cases	122 days	129 days	93%	44%	183
Motor Accidents Claims Tribunal	Execution Cases	185 days	200 days	63%	60%	313
	Motor Accidents Claims Cases	50 days	131 days	93%	69%	112
	Misc. Cases for ADJ	66 days	27 days	92%	75%	56
Rent Controller Court	Execution Cases	30 days	162 days	77%	60%	140
	Misc. Rent Control Cases	53 days	103 days	91%	47%	113
	Rent Control Cases	77 days	155 days	74%	31%	221

Note: Due to low count of cases certain case types have been omitted.

*Due to paucity of data only a few arbitration cases in the pilot could be taken into consideration.

As per the table district judges took 149 days to dispose civil suits as opposed to reference courts who took 169 days to dispose the same case type. A stark difference can be seen in the regular civil appeals where pilot courts took on an average 128 days to dispose cases in comparison with reference courts which took 212 days. Pilot Labour Court was quick in disposing cases as Labour Court Application and Labour/Industrial Tribunal Reference Cases were disposed in 94 days

and 124 days, respectively. Even in terms of disposals, the pilot court had more than 90 per cent disposal rate, which was much higher than the reference court. Motor Accidents Claims Tribunal too was able to dispose Motor Accidents Claims Cases within an average of 50 days and with 93 per cent disposal rate. On the contrary, the reference court took on an average 131 days with 69 per cent disposal rate. Finally, rent control cases were disposed by the pilot court with an average of 77 days, while the reference court took 155 days to dispose the same case type.

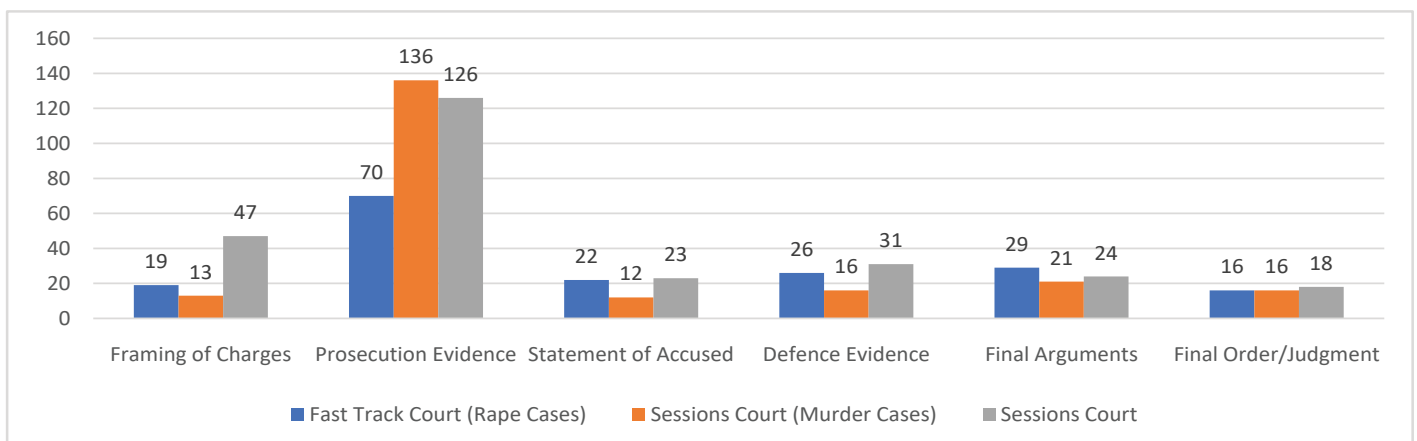
At an overall level one can note that pilot courts across the different types of cases were able to perform better than the reference courts. With lesser workload in the pilot courts, many of the case types were disposed within a very short span of time.

IV. Objective 5: To assess the realistic time lines required for various stages of the ‘flow of cases’ in different jurisdictions.

The report so far analyses various stages through which a case proceeds and the time that a particular case takes to get completed in courts. While the previous objective aims to look at the timelines for disposal of cases, the current objective focusses on realistic timelines required for various stages in a case. Optimal time spent on various stages can help in expeditious disposal of cases in courts. Hence, focussing on various stages is critical to ensure that cases get disposed in a timely manner.

a) Courts handling criminal cases: There are various stages through which a criminal case proceeds. The case begins by filing of a charge-sheet post which the court proceeds to frame the charges. Once the charges are framed and the accused pleads not guilty, the case moves towards the evidence stage. Recording of statements takes place in three parts-prosecution evidence, statement of accused under Section 313 of Cr. P.C. and defence evidence. Once recording of evidence / statements concludes, final arguments begin. Post the completion of the final arguments, final order/judgment is passed. Analysis of the data in the pilot and the reference courts clearly show that prosecution evidence forms a critical part in the life cycle of a case. Most number of hearings in sessions case are dedicated towards the prosecution evidence stage. For instance, in the sessions court dealing with murder cases, 62 per cent of hearings/listings are related to the prosecution evidence stage. As per 309 of Cr. P.C., cases need to be heard on a day to day basis until all the witnesses have been properly examined. Figure 12 provides picture of the average days taken by the pilot courts to complete different stages in the life cycle of a case.

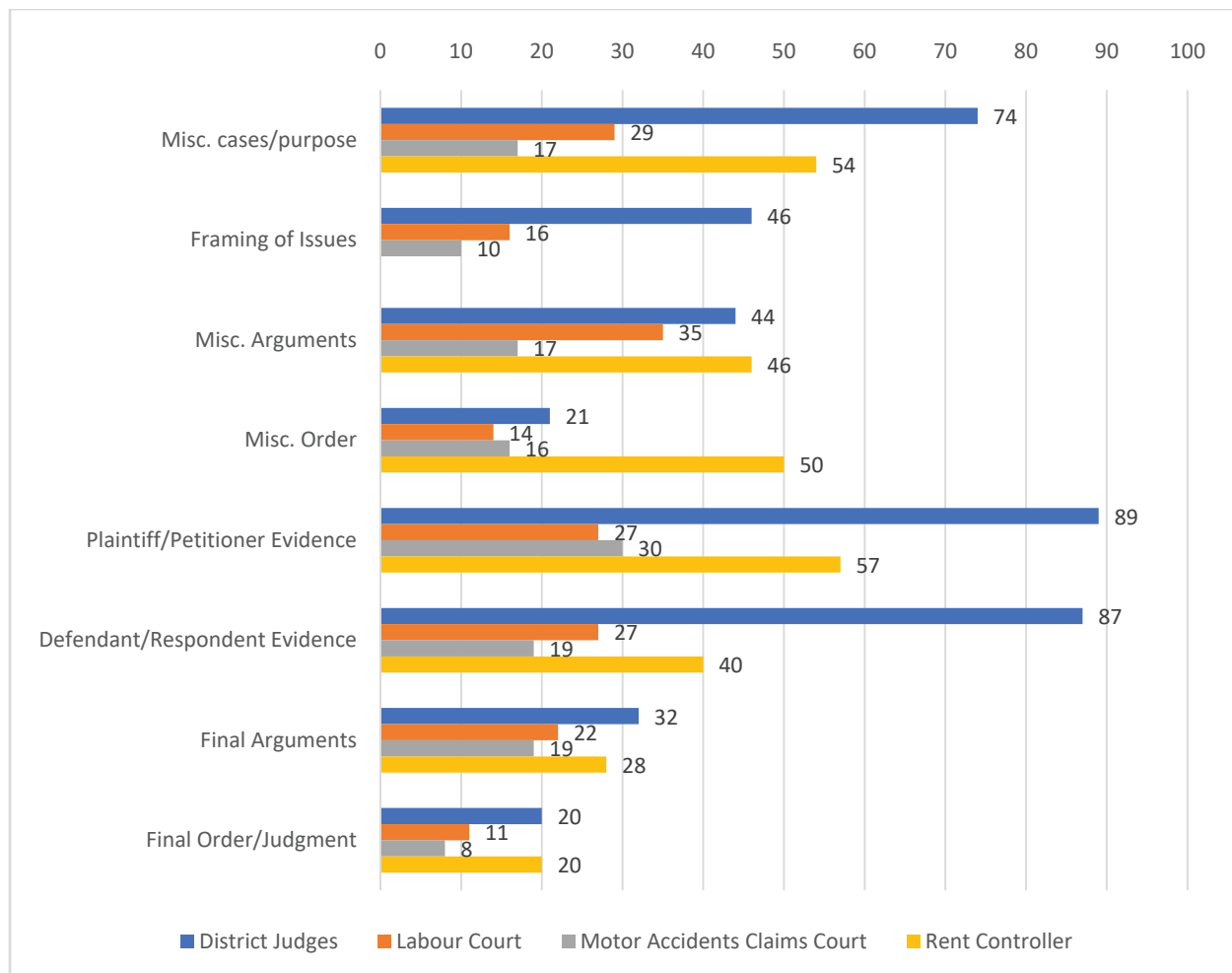
Figure 12: Average days taken to complete stages in pilot courts handling criminal cases



The figure clearly shows that prosecution stage takes the most amount of days to get completed in the life cycle of a case. Hence, focussing on prosecution evidence stage is important for timely disposal of cases. Absence of witnesses during evidence stage results in unnecessary adjournments, as was observed by several pilot courts. Therefore, courts need to ensure that examination of the witnesses takes place on a day to day basis.

b) Courts dealing with civil cases: There are various stages through which civil cases proceed. A typical civil case begins with the filing of the plaint. If the judge is satisfied with the contentions raised in the plaint then the opposite party is summoned to the court. The defendant is expected to file the written statement within 30 days which can extend up to 90 days. Once the written statement is filed parties can file for replication or any other interim application. Further, the judge proceeds with the framing of issues where the main point of contentions are identified and concretized. Once the issues are framed the cases proceeds to the evidence stage with plaintiff/petitioner first presenting the evidence followed by the defendant/respondent evidence. After the completion of the evidence stage, final arguments are heard from both the sides post which the court passes the final order/judgment. While these stages may be true for a lot of cases, there are certain cases that do not go through all these stages. For instance, execution cases or civil appeals do not have any evidence stage. Analysis carried out in the report shows the misc. cases/purpose stage occupies the highest percentage of hearings/listings in civil cases. These are procedural stages comprising of issue and returns of summons, filing of written statement etc. On the e-courts, these procedural stages are clubbed under an umbrella heading of misc. cases/purpose. Figure 13 clearly shows the various stages in civil cases and the average days taken for each of the stages to get completed in the pilot courts.

Figure 13: Average days taken to complete stages in pilot courts handling civil cases



Note: Only those case types that go through all the stages have been taken into consideration while carrying out the analysis.

A cursory glance through the figure would show that average days taken to complete various stages was higher for district judges when compared to the rest of the courts. While district judges took on an average 74 days to complete misc. cases/purpose stage, Rent Controller Court took on an average 54 days. Most of the courts spent a considerable amount of time on the plaintiff/petitioner evidence stage. Summoning of witness, chief and cross examination of witnesses etc. takes a considerable amount of time of the court. In terms of final arguments and final order/judgment, pilot courts took fewer days to complete the stage as most of the courts finished each of the stages within a month.

V. Objective 6: To appreciate the variables involved in filing and institution patterns and mapping the nature of litigation in different jurisdictions in different District Courts.

Pilot courts handled cases of various kinds during the two-year time frame of the study. To ensure a mix of cases in the study, judges of various cadres and jurisdictions were chosen, and their workload was closely monitored. While the previous part of the report focusses on the life cycle of a case and the various stages through which a case goes through, the current objective focusses on highlighting various variables which affect filings and disposal of cases. Appreciating these variables help in giving a better picture of the manner in which cases were disposed in different types of courts. While it may be difficult to control or alter some of these variables, it is important to point them out for a better understanding.

Different types of judges handle different types of cases. For instance, a Motor Accidents Claims Judge primary deals with motor accidents claims cases while an additional district judge would deal with a mix of civil cases such as civil suits, probate cases, arbitration cases etc. Although, both the judges are of the district judge cadre the cases dealt by them are of different kind. Hence, based on the type of cases, there can be a variation in the number of cases that each of the different judges receive. Due to this variation, the workload for different judges would also vary. For instance, judges handling murder cases would have a slightly lower workload when compared to a regular Sessions Judge as the time taken to dispose murder cases is comparatively much higher. This has been observed even in the pilot courts where Sessions Judges dealing with murder cases took on an average 16 hours to dispose a case while regular Sessions Judges took 8.7hours to dispose a case. Therefore, allocating equal number of cases to both the type of judges would be detrimental for murder cases as the workload of the judge would substantially increase. Hence, filings patters vary with the type of judge, the type of cases he/she handles etc. To get a better understanding, Figure 14shows the average number of cases that were filed and disposed in different quarters across different judges in the pilot court.

Figure 14: Average number of cases filed and disposed in different quarters

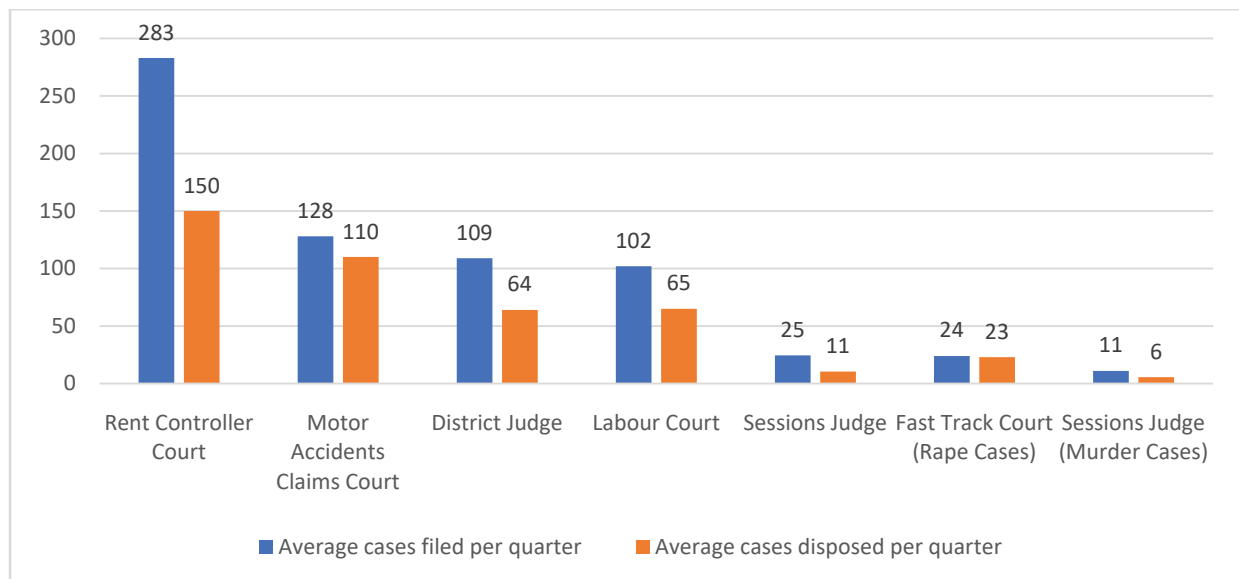


Figure 14 provides the average number of cases that were filed and disposed by the pilot courts in different quarters between 2017 and 2018. First three months of the year i.e. January to March has been considered as the first quarter and the rest of the months have been accordingly classified into different quarters. Figure 13 shows the cases that were filed were highest with the Rent Controller Court as 283 cases were filed on average per quarter, followed by the Motor Accidents Claims Court with 128 cases on average. Sessions Judges dealing with murder cases received the lowest number of cases across all the different types of courts. This is due to the fact that murder trials take comparatively longer amount of time, hence judges can handle only certain number of cases at a given point in time.

Another key take-away from the figure is that disposal of cases is dependent on number of cases received by the judge and the type of case. For instance, Rent Controller and Motor Accidents Claims Judges tend to dispose cases faster when compared to the rest of the courts, hence these court can be seen to have higher filings. Depending upon the amount of time that is required to dispose a case, workload of judges can be accordingly derived. Sessions Judges dealing with murder cases have the least filings as the amount of time and effort required to dispose these types of cases are quite high. If the number of filings with these judges increase to a substantial number, then it can be said that an additional judge may be required to handle the incoming case filings. Further, number of filings also vary across various months. While analysing the data it was observed that the number of filings dipped in the months of June, October and December. This can be attributed to the court vacations in June and December and holidays due to festivals in October. Hence, filing patterns can also vary depending upon vacations and festivals in a given month.

Section III

Conclusions

The present report aims to analyse the working of the pilot courts and the reference courts and provides insights based on the data gathered. The Zero Pendency Project is one of its kind project in India as it aims to study the life cycle of cases to come up with optimal time lines for cases. There are different types of cases in courts and the time taken for disposal of cases varies with the nature of the case. Analysing different kinds of cases separately and understanding the manner in which cases progress from one stage to another is important.

Defining backlog and arrears for different kinds of cases

One of the questions that is often raised in relation to delays is, what is backlog? How can one define backlog? While there are some statutes that provide an upper time limit for disposal of cases, in general there are no time lines to dispose different kinds of cases. Several courts and committees have taken two years as the upper margin to define a backlog.¹⁵ Cases that are pending for more than two years are categorized as backlog or arrears. For instance, the Malimath Committee Report,¹⁶ while suggesting several key criminal reforms, suggested that cases pending for more than two years be considered as delayed. Certain other committees too consider delayed cases that are pending anywhere between 1.5 years to 2 years. However, these upper limits are very broad and generic. As stated earlier, time required to dispose a case varies with the nature of the case. To arrive at the definition of backlog, cases of different types have to be analysed differently. The report provides the time taken in minutes and days, by the pilot judges to dispose different types of cases. These can form the basis for setting an upper limit to dispose cases of various kinds since the pilot courts functioned in an ideal scenario. Hence, the time lines for disposals for different case types in the pilot courts provided under Section II of the report can form the basis for defining backlog. While it may be difficult for ordinary courts to comply with the timelines provided in the report, given the huge existing backlog and workload, it must be noted that these are the most ideal time lines. Hence, courts should not be expected to dispose cases on an average below the stipulated time lines provided in the report.

¹⁵Arunav Kaul, 'Performance Indicators: Working of Magistrates' Courts in India', in *Approaches to Justice in India*, A Report by DAKSH, p. 142, available online at http://dakshindia.org/Daksh_Justice_in_India/23_chapter_02.xhtml#_idTextAnchor127 (accessed on 28 April 2019).

¹⁶Ministry of Law, Government of India. 2003 'Committee on Reforms of the Criminal Justice System (Malimath Committee)' p. 164, available online at http://www.mha.nic.in/hindi/sites/upload_files/mhahindi/files/pdf/criminal_justice_system.pdf. (accessed on 20 April 2019).

Assessing judicial strength

One of the most important causes for delay is often attributed to lack of judges. Having an adequate number of judges that can handle the incoming case flow is important, failing which the backlog of cases would only increase. With lesser number of judges, the workload of an individual judge would increase thus, putting more pressure on judges. It is therefore important to arrive at an optimal judge strength to handle the cases pending in the system. Data gathered from the project can help in calculating the judge strength. Keeping in view the ideal time taken (in minutes) to dispose cases by the pilot courts, the ideal judge strength required to dispose cases pending with the reference courts in one year can be calculated¹⁷.

Table 5: Ideal judge strength

Category	Ideal number of judges required to dispose pending cases in one year	Cases pending in the reference courts as of 9 th April 2019
Sessions Courts	4	1,306
Special Fast Track Courts (Rape Cases)	1	275
District Courts	3	3,238
Labour Courts	3	1,567
Motor Accidents Claims Tribunal	2	1,315
Rent Controller Court	2	1,590

¹⁷ While arriving at the ideal judge strength all the values of .3 and above have been rounded off to the next higher value.

The table shows the number of judges required based on the number of hours judges spent on an average per case type.¹⁸If all the judges spend the same amount of time per case as stipulated in the report in one year, then the number of judges shown in Table 5 can dispose all the cases pending with the reference courts in a year.¹⁹In order to take into account the new filings that a judge would receive, the number of pending cases that is inserted in the judge strength formula should be revised from time to time. This would help in arriving at the most updated ideal judge strength. Further, the number of judges provided in the table is calculated based on the cases pending in the reference courts. **Annexure H** provides the number of judges required to dispose cases pending across Delhi.

Arriving at benchmarks

There are various statutes which provide a definite period within which cases must be disposed. For instance, the recent amendment to the Cr. P.C. states that cases related to rape should be disposed within two months. To what extent are these timelines feasible can be looked into with the help of the pilot courts. Since the pilot courts worked for two years in an ideal scenario, the time taken by these courts can form the basis for setting up time lines for different kinds of cases. Hence, data gathered from the pilot courts can be used as a benchmark for disposal of cases and the various stages through which a case proceeds. The pilot Special Fast Track Court dealing with rape cases took on an average 90 days to dispose cases. Thus, to what extent can regular courts comply with the statutory disposal benchmarks needs to be further analysed.

In terms of different stages, data clearly shows that prosecution evidence stage occupies the most percentage of hearings in courts in criminal cases, however in terms of time courts tend to spend more minutes on the final arguments and the final order/judgments stage. Similarly, in civil cases misc. cases/purpose occupies the highest percentage of hearings in cases, however judges spend more minutes on the final order/judgment hearings in courts. Hence, devising time lines for

¹⁸Only those case types that form a considerable amount of workload of the pilot courts have been taken into consideration while calculating the judge strength.

¹⁹ To calculate judge strength, 'Time-based Weighted Case Load' method has been used. There have been various methods used to calculate the judge strength in the past such as judge to population ratio, rate of disposal method, units method etc. 'Time-based Weighted Case Load' is the most effective model widely used in the United States. The method uses the actual time spent by the courts to arrive at the judge strength required. The formula to calculate judge strength is: multiply average time (in minutes) spent per case type with the number of pending cases. Do so for all the case types that form the majority of workload of the court and add it up. This would give the total number of minutes required to dispose all the cases. Divide this by the number of minutes available with a judge in a year. In Delhi, subordinate courts have 230 working days excluding holidays, Sundays and certain Saturdays. The time per judge in a day has been taken as 330 minutes (5.5 hours). Multiply 330 minutes with 230 days to arrive at the total number of minutes available per judge in a year. Dividing the total number of minutes required to dispose all the cases by the total number of minutes available in a year would give the number of judges required to dispose all the cases in one year.

different stages then becomes easy as the amount of time required for different stages can be calculated with the help of the pilot court's data.

Way forward

There is no doubt that the data collected from the pilot and the reference courts has ample potential. While the report examines some of the aspects of the data, various kinds of analyses can be further carried out with the help of this data. It is important to translate the learnings and findings from this study into policy decisions that can have a positive impact on case life and help in combating delay in courts. The project can go a long way in providing judges, advocates, litigants, and researchers a deeper understanding of a case life and different variables that have an impact on disposal of cases.

ANNEXURES

Annexure A

List of 22 courts chosen for the project in Delhi (Pilot and Reference courts)

State	District	Judges	Pilot/Reference
Delhi	West	Additional Sessions Judge	Pilot
Delhi	Central	Additional Sessions Judge	Reference
Delhi	Central	Additional District Judge	Pilot
Delhi	West	Additional District Judge	Reference
Delhi	Central	Additional Rent Controller	Pilot
Delhi	Central	Additional Rent Controller	Reference
Delhi	New Delhi	Additional Sessions Judge	Pilot
Delhi	New Delhi	Additional Sessions Judge (NDPS)	Reference
Delhi	North	Additional Sessions Judge	Pilot
Delhi	North	Additional Sessions Judge	Reference
Delhi	North East	Additional District Judge (MACT)	Pilot
Delhi	Shahdara	Presiding Officer-MACT	Reference
Delhi	Shahdara	Additional Sessions Judge	Pilot
Delhi	Shahdara	Additional Sessions Judge	Reference
Delhi	South	Additional Sessions Judge (Special FTC)	Pilot
Delhi	South East	Additional Sessions Judge (Special FTC)	Reference
Delhi	South East	Additional District Judge	Pilot
Delhi	South East	Additional District Judge	Reference
Delhi	South West	Additional District Judge	Pilot
Delhi	South West	Additional District Judge	Reference
Delhi	South West	Presiding Officer - Labour Court	Pilot
Delhi	South West	Presiding Officer - Labour Court	Reference

Annexure B

Sample Proforma I for civil courts

REPORT OF PILOT COURTS FROM 01.03.2017 TO 31.03.2017

Proforma I

(for Civil Courts)

Sl. No.	1	2	3	4	5	6	7	8	9	10	11
				Filed	Disposed of	A	B	C	A	B	C

Annexure B1

Sample Proforma II for civil courts

REPORT OF PILOT COURTS FROM 01.03.2017 TO 31.03.2017										
Proforma II										
(For Civil Courts)										
1	2	3	4	5	6	7	8	9	10	
Sl. No.	Name of Pilot Courts' Judge	Number of cases in which summons were issued to the defendants/ respondents	No. of cases in which WS filed after service and how many days	Number of cases referred for ADR and how many were settled	Number of cases pending at the beginning of the month	A. Newly instituted cases B. Cases received by transfer	Number disposed of	No. of cases transferred to other courts	Total number of pending cases as on 15.03.2017	
				A. Referred B. Settled	0-5 yrs 5-7 yrs 7-10 yrs More than 10 yrs	A B	0-5 yrs 5-7 yrs 7-10 yrs More than 10 yrs			

Annexure C

Sample Proforma I for criminal courts

<p align="center"><u>WORK DONE REPORT OF PILOT COURTS 01.04.2017 TO 29.04.2017</u> Proforma I (for Criminal Courts)</p>														
Sl. No.	1	2	3	4	5	6	7	8	9	10			11	12
										No. of cases in which judgments delivered				
Name of Pilot Courts	Total pendency at the Beginning of the month on 01.04.2017	Fresh cases instituted during this period	No. of interim application(s) filed / disposed of	No. cases in which: 3. Charge framed 4. Discharged	No. examined D. Eye witness E. Material witness F. Formal/other Witness G. Total witnesses examined	No. of cases in which S.A. recorded	No. of Defence witness examined	No. of cases in complete/ part arguments heard D. Complete E. Part	No. of cases in which judgments delivered A. Contested B. Uncontested C. Other disposed of cases (settled etc)					
Sl. No.	1	2	3	4	5	6	7	8	9	A	B	C	11	12

Annexure C1

Sample Proforma II for criminal courts

WORK DONE REPORT OF PILOT COURTS FROM 01.04.2017 to 29.04.2017 Proforma II (For Criminal Courts)												
1	2											
Sl. No.	Name of Pilot Courts' Judge	Number of cases pending at the beginning of the month			3		4			5	Total number of pending cases as on 29.04.2017	
		0-5 yrs	5-7 yrs	7-10 yrs	A. Newly instituted cases	B. Cases received by transfer	Number of cases disposed of during the month	0-5yrs	5-7yrs			7-10yrs

Annexure D
Sample Timeline of cases maintained by pilot courts

S.No.	Case No. & Title	Category of suit	No. of		Pleadings			Issues	PE	DE	Final Arguments (in minutes)	Final Order (in Months)	Total Period In Months	Total Time (in Minutes)	DOD	Type of Decision
			Plaintiff(s)	Defendant(s)	Service	WS	Replication									

Annexure E

Sample of daily workdone maintained by pilot courts

Sr. No.	Title of the Case	Category	Stage	Time taken during proceedings	Brief summary of the proceedings	Reasons for adjournment	Next date of hearing	Remarks
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Annexure F

Detailed working of the Court Log app

a) Working of the Court Log app

The Court Log app was introduced in all the 22 courts, i.e., both the pilots and reference courts. Since comparison of the functioning of the pilot courts and the reference courts was an important part of the pilot project, recording day to day proceedings in the reference courts was also introduced through the Court Log app. The reference courts too started entering the minutes spent on each proceeding and various other hearings related details into Court Log from January 2018 onwards.

Some of the features of the app are:

- 1) Details of cases get automatically populated in the app based on the cause list of the court. The data is taken from the National Judicial Data Grid (NJDG).
- 2) A start and stop timer feature. Users can record the minutes spent per hearing by just a click of a button.
- 3) The outcome of a hearing can be selected from a dropdown list provided in the app. The reasons for adjournments (if any) and parties responsible for adjournments can also be recorded using a dropdown menu. Additionally, number of witnesses in a hearing can also be recorded in the app.
- 4) For ease of access, the app provides a feature for recording details both during the court hours and at a later point in time. Therefore, details that could not be captured during the working hours can be entered at a later point in time. For instance, researching on cases, dictation of orders etc.
- 5) Dashboards have been set up for each of the courts for quick analysis and summarize the work done by the judges on the previous days.
- 6) Analysis across courts can also be done using a separate portal linked with the Court Log app. Comparison between courts in relation to stages, case types, hearings and even adjournments has been made possible with the help of the app.

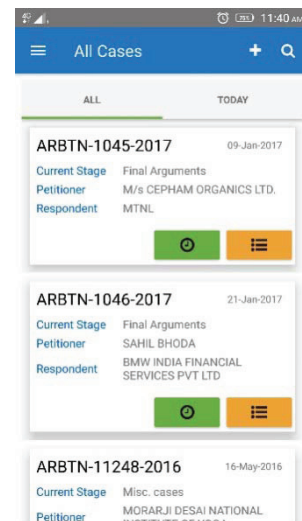
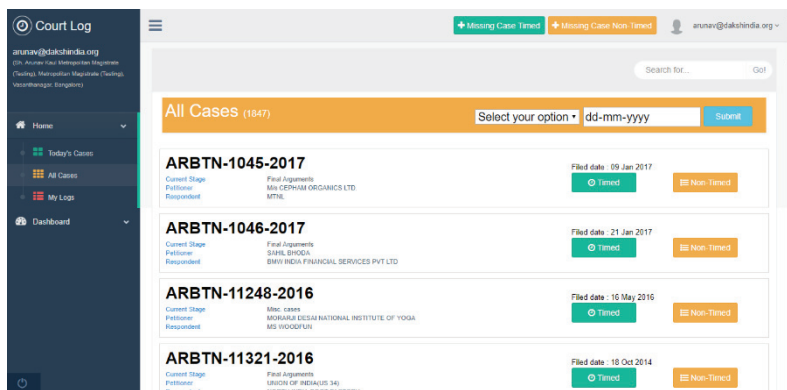
Each of the 22 courts received two login names and password, one for the judge and another for the court clerk. The logins of the judge and the court clerk for the same court were in sync. That means entries made by a court clerk could be seen by judge in charge of the court through his/her login name. To avoid any difficulties entries made in the app were restricted to a

particular court. Judges or court clerks were not given the access to see the entries made by the other courts.

Before rolling out the app in courts, a training session for all the judges and court clerks was conducted in the High Court of Delhi. Additionally, research associates from DAKSH visited each of the 22 courts and provided personal assistance in terms of explaining different features of the app and the manner in which data needs to be entered. It was important that the users understood the working of the app since obtaining accurate and correct data is the key to any analysis. All the day to day queries in relation to the app were managed by the DAKSH team with the guidance from the High Court of Delhi. The pilot and the reference courts were given a helpline number to which they could reach out to in case of any queries or issues related to the app.

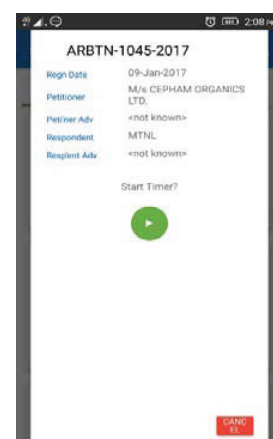
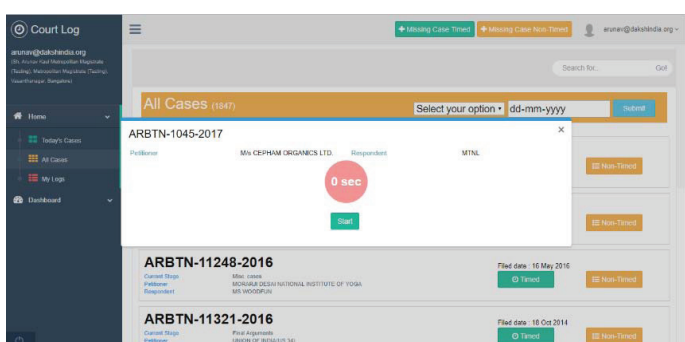
b) Snapshots of the app

Screenshot 1: Home-Screen in the Court Log app



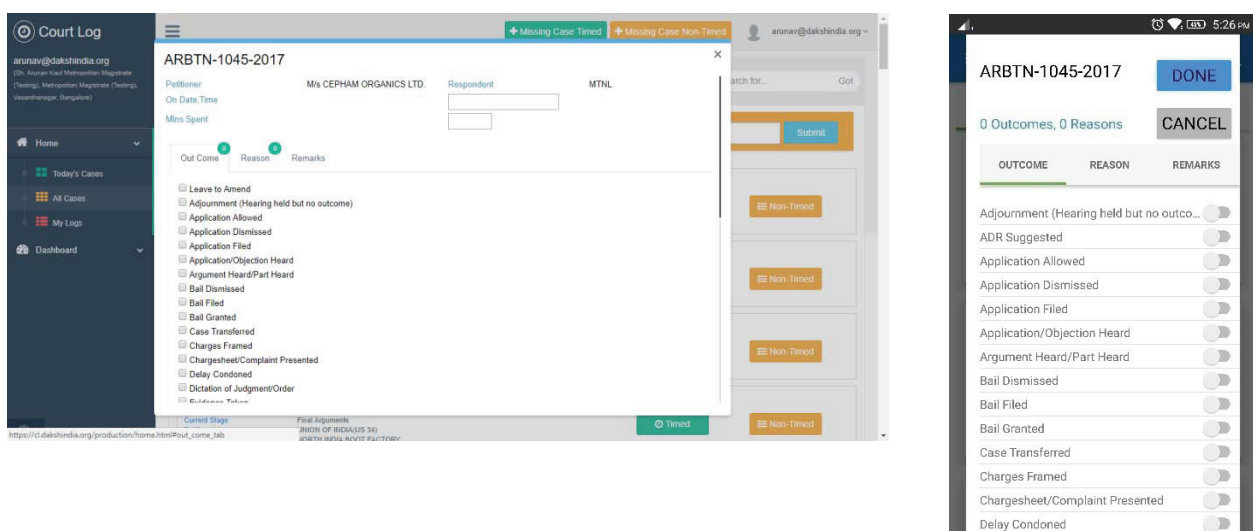
The Court Log app can be used on both desktops and mobile handsets. Upon entering the login name and password provided by DAKSH, the home screen as shown in Screenshot 1 would appear on the app. On the home screen, “Today’s Cases” would show the cases listed on a particular day while “All Cases” would show the total number of cases pending in the court. Data regarding case number, name of the parties and current stage of the case is pre-populated from the NJDG/e-courts website. Users would browse through the case listed on a given day and enter the details of cases.

Screenshot 2: Recording time in the Court Log app



Based on the case scheduled on a day, users enter the time spent per case through a stop watch embedded in the app as shown in Screenshot 2. This eliminates the process of keeping a manual tab on the minutes spent on each of the hearings. The moment the case is called the timer needs to be switched on and once the hearings conclude the timer needs to be stopped. As a result the total time spent on the case gets automatically recorded on the app.

Screenshot 3: Recording outcome and reason for adjournments in the Court Log app



Once the time spent on a hearing is recorded, users need to record, in brief, the outcome of the hearing as shown in Screenshot 3. A finite list of hearing outcomes are provided on the app. Users are required to select the outcome from this list. Also, a list containing reasons for adjournments has also been given on the app. The list provides the various reasons that courts come across often. Since the list is finite, any outcome or a reason for adjournment not available in the list can be entered in a 'remarks' column. The list is updated timely based on the remarks entered by the users. Additionally, users are also required to enter the number of witnesses examined from both the sides.

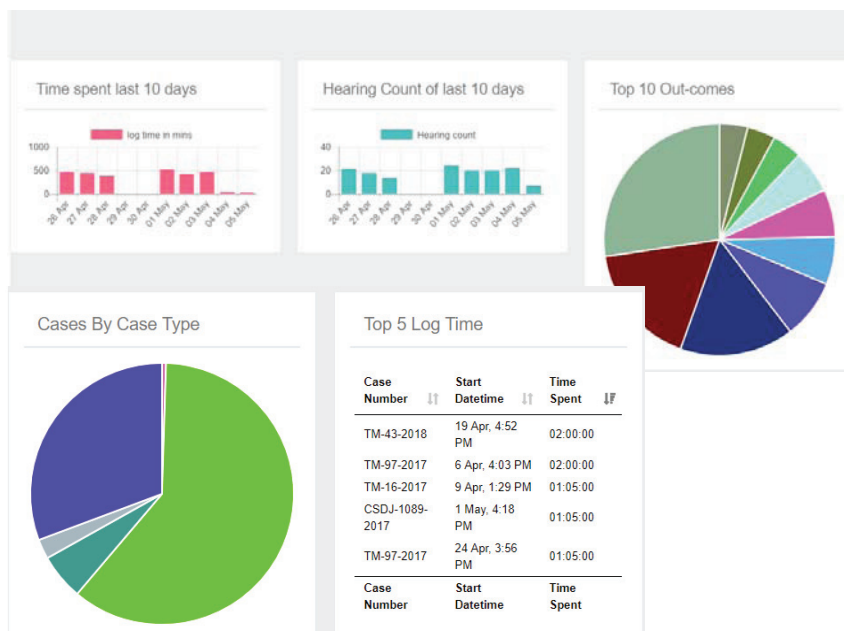
Screenshot 4: Checking history under My Logs in the Court Log app

Case Number	Hearing Outcome	Reason	Start Datetime	End Datetime	Time Spent	Source
SC-605-2017	Evidence Taken	Not Applicable	3 May 2018, 4:18 PM	3 May 2018, 4:56 PM	00:38:00	Timer Form
SC-573-2017	Evidence Taken	Not Applicable	3 May 2018, 3:20 PM	3 May 2018, 4:17 PM	00:57:00	Timer Form
SC-573-2017	Evidence Taken	Not Applicable	3 May 2018, 2:27 PM	3 May 2018, 3:07 PM	00:40:00	Non-Timer Form
SC-194-2017	Evidence Taken	Not Applicable	3 May 2018, 2:00 PM	3 May 2018, 2:25 PM	00:25:00	Timer Form
SC-58924-2016	Evidence Taken	Not Applicable	3 May 2018, 11:59 AM	3 May 2018, 1:30 PM	01:31:35	Timer Form
SC-91-2018	Evidence Taken	Not Applicable	3 May 2018, 11:41 AM	3 May 2018, 11:58 AM	00:17:19	Timer Form
SC-722-2017	Statement of Accused u/s 313 CrPC	Not Applicable	3 May 2018, 11:21 AM	3 May 2018, 11:40 AM	00:19:00	Non-Timer Form
SC-605-2017	Evidence Taken	Not Applicable	3 May 2018, 10:50 AM	3 May 2018, 11:20 AM	00:30:00	Timer Form
SC-237-2018	Heard or Part Heard	Not Applicable	3 May 2018, 10:29 AM	3 May 2018, 10:49 AM	00:20:00	Missing Case Form
SC-549-2017	Evidence Taken	Not Applicable	3 May 2018, 10:18 AM	3 May 2018, 10:28 AM	00:10:00	Timer Form

The entries made by the users in the app can be viewed under my logs

as shown in Screenshot 4. It provides a history of entries made by that particular user. Any case related entry made in the app can be edited within 48 hrs after which the data entry is locked. Therefore, any mistake made while entering the data can be rectified and changed within the prescribed time.

Screenshot 5: Dashboards in the Court Log app



The app provides certain dashboards in the form of interactive charts, based on the data entered by the users as shown in Screenshot 5. The charts provide a quick view of the workload of the court. Time spent by judge per day, different types of cases listed in the court etc. are some of the interactive charts available on the app.

c) Storing data entered in the Court Log app

All the data entered in the app by different courts gets recorded on a single database. Any cross-court comparison amongst the pilot and reference courts can be now done easily by extracting the data from the database. A separate portal for cross-court comparison has been created by DAKSH, which contains interactive charts and figures highlighting the time spent and work-done by the judges in the 22 selected courts. The access to the portal has been given to each of the committee members of the State Court Management Systems Committee. Apart from charts, several summarized reports too are available on the portal.

Table 1: List of outcome and reason for adjournments on the Court Log app

Outcome	Reason
Adjournment (Hearing held but no outcome)	Case Not Reached
ADR Suggested	Declared Holiday
Application Allowed	Judge Not Present
Application Dismissed	No time left/paucity of time
Application Filed	Adjournment due to Investigation Officer
Application/Objection Heard	Not Applicable
Argument Heard/Part Heard	Not Present - Accused
Bail Dismissed	Not Present - Advocate for Accused
Bail Filed	Not Present - Advocate for Defendant/Respondent
Bail/Interim Bail Granted	Not Present - Advocate for Plaintiff/Petitioner
Case Transferred	Not Present - Advocate for Prosecutor
Charges Framed	Not Present - Witness
Chargesheet/Complaint Presented	FSL Result Awaited
Delay Condoned	Fresh Address Required
Evidence Taken	Other Reason (Specify in Remarks)
Final Order/Judgment	Put Up With Main File
Fresh DAR Filed	Records and Proceedings Awaited
Heard or Part Heard	Report Awaited
Hearing not Held	Seeking time - Accused
Interim Relief/Stay Granted	Seeking time - Advocate for Accused
Issues Framed	
Leave to Amend	
Listed for Hearing	
Lower Court Records Requisitioned	
Matter Passed Over on the Same Day	
Misc. Application Filed for Impleadment/Abatement	

Notice/Summons/Warrant Sent	
Notice/Summons/Warrant to be Sent	
Notice/Summons/Warrant Unserved	
Objection Allowed	
Objection Dismissed	
Objection Filed	
Order Given	
Other Outcome (Specify in Remarks)	
Petition Allowed	
Petition Dismissed	
Plaint Filed	
Plaint Returned	
Preliminary Issue Framed	
Rejoinder Filed	
Reply Filed	
Statement of Accused u/s 313 CrPC	

Annexure G

List of bottlenecks identified by the pilot courts and suggested best practices.

I. Courts with criminal cases

a) Issues Faced

- On several occasions the prosecutrix remains untraceable, particularly in cases where the victims are foreign nationals. Also, there are instances where the prosecutrix is unable to appear due to pregnancy or illness.
- There is a delay in examination of exhibits and witnesses due to non-receipt of Forensic Science Laboratory (FSL) reports. Matters also tend to get adjourned due to non-production of case property lying with the FSL.
- Absence of witnesses is also a major concern. Unserved summons due to incomplete/change of addresses and incomplete list of witnesses in the charge-sheet (although with statement under Section 161 Cr. P.C.) are some of the reasons for delay caused due to absence of witnesses.
- Further, there is non-availability of police witnesses due to preoccupation in other duties or Investigation Officers (IO) not getting served due to casual leave/maternity leave etc.
- Non-availability of defence counsel is also a major reason for delay this causes delay in recording of the statement of accused under Section 313 of Cr. P.C.
- Not filing police reports together for cross FIRs leads to delay, duplication and wastage of time.
- There is reluctance on the part of the accused persons and their defence counsel to comply with the procedure under Section 294 of Cr. P.C. out of fear that they might make admissions against their interest.
- Several adjournments are sought by counsels at the final arguments stage for obtaining certified copies of the case record.

b) Possible Solutions/Best Practices

- Scrutiny of charge sheet and framing of charges should be done on the same day.

- Prior letters should be issued by the court to receive the FSL reports on time. IOs should also be directed to get letters written to FSL from the respective Deputy Commissioner of Police.
- IOs should mention relevant entries in electronic records/call data records which would reduce the workload to go through the entire bulky records.
- IOs should be requested to take permanent addresses of witnesses and obtain their mobile numbers too. Further, the names of witnesses missing in the charge sheet should be recorded in a judicial order.
- Witnesses should be examined on the date on which they are summoned. Maintaining a roster of dates for witnesses depending upon the nature of case would be helpful.
- Benefits of a speedy trial must be explained to the accused so they can instruct defence counsel to stop seeking adjournments.
- Defence counsel must be encouraged to appreciate the purpose of Section 313 of the Cr. P.C. thus ensuring that they are better prepared. Further, rough print out of the statement of accused can be given to the defence counsel to enable them to be prepared with the answers.
- The accused persons and their defence counsel should be counselled to appreciate the importance of the procedure laid down under Section 294 Cr. P.C. which is for dropping of formal witnesses or exhibiting of uncontested documents and thereby speeding up the trial.
- Counsel should ensure that they arrange for certified copies at the earliest during the final arguments stage. Efforts should be made to supply copies of the evidence recorded on a day to day basis.
- Written statements/arguments of defence counsel should be taken on record to reduce the time spent in hearing the oral submissions.
- Cases with electronic records should be given extra dates between the two regular dates of hearing to enable viewing of the content of the digital/electronic record.
- Cases should be spread throughout the day, with those fixed for statement of accused/final arguments being listed post 2 pm in the afternoon.
- Practices for adjournments should be curbed by imposing heavy costs or passing conditional orders.

- Witnesses should be classified into eye witnesses, material witnesses, medical, forensic etc. and summoning should be carried out in a phased manner according to the classification.

II. Courts with civil cases

a) *Issues Faced*

- Deficiencies found in the plaint such as court fee, jurisdiction, verification etc. due to which applications are filed at a later point in time for amendment of the plaint which delays the case progress.
- Plaintiffs do not take steps for service on the defendants. Also, out-station parties do not get served within time. There are scenarios where the defendant evades the service too, thus causing delay.
- Defendants fail to file the written statement in time.
- Parties cause several adjournments which delays the process. Reasons for these include frequent change of counsel, filing of replication, counsel seeking adjournment on personal grounds etc.
- Filing of frivolous applications by parties leads to loss of judicial time.
- Delay is also caused due to non-service of advance copies of pleadings/evidence of parties.
- Recording of evidence takes the maximum of judicial time.
- Frequent adjournments happen due to absence of witnesses.
- Advocates on many occasions are not prepared to either answer queries in fresh cases or carry out the cross examination at the stage of leading evidence.
- Counsels do not take any interest in assisting the court at the time of framing of issues.

b) *Possible Solutions/Best Practices*

- Advocates should be routinely informed about careful drafting of plaints. Further, deficiencies should be identified at the initial stages to avoid future applications for amendment. Plaints which are found to be barred should be rejected under Order VII Rule 11 of the CPC.

- To ensure timely service of defendants, plaintiffs should be directed to pay the process fee within three days, failing which penalty can be imposed. Also, service through e-mails should be permitted in case of outstation parties.
- Services of defendants should be carried out through the local police station, e-mail, Whatsapp etc. to ensure that defendants do not evade service.
- Unnecessary adjournments should be discouraged. Adjournments caused due to frequent change of counsel by parties should be strictly dealt with and heavy costs be imposed. Similarly costs should be imposed on witnesses who fail to appear in the court.
- Any miscellaneous applications filed should be decided immediately.
- Parties should be required to supply advance copies of pleadings/evidence.
- Since recording of evidence takes lot of time, a Local Commissioner should be appointed to save court's time.
- Parties should be nudged to move towards settlement and benefits of ADR should be explained to the parties.
- Obtaining periodic reports from the Ahlmad (court clerk) regarding status of services, representation, pleadings etc. will also be helpful to track case progress.
- While recording settlements, parties should be made aware of the terms of settlement and the pitfalls, if any.
- Admission/denial of facts and examination of parties under Order X of CPC should be carried out to elucidate real issues involved between the parties.

III. **Labour Courts**

a) Issues Faced

- The labour office doesn't fix any firm date in the court
- Lack of particulars by the labour office especially furnishing mobile numbers of the parties.
- In certain scenarios more than one month's time is given to the workman and the management to appear.
- In certain situations, more than 30 days are granted to file the written statement.
- There is delay in service of summons to outstation management parties. This unnecessarily delays the matter.

- Frequent adjournments are sought at the stage of framing of issues and recording of evidence.
- Filing of multiple interim applications in a case sometimes result in delay of proceedings.
- Parties take a lot of time in addressing final arguments.

b) Possible Solutions/Best Practices

- Court should ensure that firm dates are given for appearance of the parties.
- All the particulars especially phone numbers of the parties need to be provided by the labour office so that parties can be intimated about the next date of hearing through the phones.
- Courts need to ensure that parties appear within a reasonable period of time or at least within ten days. Further, written statements should be filed positively within a month.
- In case the management is outstation, notice should be sent by registered courier to ensure that parties receive notices on time.
- Court should try to curb unnecessary adjournments at various stages including framing of issues and evidence. Further, parties must be encouraged to provide copy of the affidavit of the proposed witnesses to the opposite party a day before the recording of the evidence.
- Courts must try to dispose interim applications within the same month of the filing.
- Parties must be encouraged to conclude final arguments within a couple of days.

IV. Motor Accidents Claims Court

a) Issues Faced

- Form A of MACT Procedure are not filed within 24 hours of the accident.
- On several occasion Detailed Accident Report (DAR) are not filed within 30 days due to non-availability of medico legal certificate/injury reports, verification of driving license, registration certificate etc. by the IO. These especially occur more in outstation cases.
- Insurance companies require time for verification of documents and also take time for leading respondent evidence, especially in outstation cases.
- Delay is also caused due to non-issue of disability certificates by hospitals in time.

- Cases are filed before the injured person has fully recovered which leads to adjournments.
- Insurance companies have a negative attitude in settling genuine cases and needlessly contest claims and wait for the awards to be passed.
- There is the issue of non-availability/non-cooperative attitude of advocates and litigants who urgently seek dates.

b) Possible Solutions/Best Practices

- Close examination of petitions should be carried out to assess the jurisdiction of the tribunal. Adjournments should be discouraged.
- Summons should be issued for short dates i.e. 10-15 days through all modes with directions to process server to affix summons if parties/witnesses are unavailable.
- Parties should be required to file tracking reports of courier/speed post.
- Dasti summons should be issued to outstation parties.
- Endeavour should be made to examine all summoned witnesses on a given date.
- Awards must be passed on the very same day on which arguments are heard after recording the statement of the claimant under Clause 27 of the MACT Procedure.
- At the time of filing of DAR, IOs should be required to handover the medical documents by the insurance companies in the court itself.
- IOs should be directed to file DAR within 30 days of the accident in view of Section 158 (6) of the Motor Vehicles Act.

V. Rent Controller Court

a) Issues Faced

- Non-receipt of service reports on time

b) Possible Solutions/Best Practices

- There needs to be effective control over the process servers as they need to ensure that service reports are received on time. Also, giving short dates for service of process leads to more efficiency.
- Scrutinizing the documents thoroughly would enable courts to effectively dispose the cases.

- Preparing notes for cases in advance would help in better appreciation of the facts and evidence.

VI. Overall Best Practices for all the courts

- E-filing of cases and pleadings through the use of modern technology should be encouraged.
- Use of video conferencing facility for recording of outstation witnesses should be encouraged.
- There must be sufficient number of stenographers and staff in each court.
- Law researchers must be provided for assisting judges.
- Going through each case file one day prior to date of hearing would enable better control of the proceedings.
- Outdated infrastructure in the court should be timely replaced.
- Evidence should be recorded on a day to day basis.
- Since case files move from one court hall to another, proper paginations with distinct colour pen would make it easier to trace the records.
- Giving headings and sub headings and dividing judgments section wise would make it easier to give the findings.

Annexure H

Ideal judge strength for entire Delhi

Category	Ideal judge strength to clear all the pending cases in one year	Number of current judges	Number of pending cases as of 9th April 2019 across Delhi
Sessions Courts	82	60	32,378
Fast Track Courts	5	6	1,610
District Courts	62	49	7,1962
Labour Courts	26	11	12,308
Motor Accidents Claims Courts	7	12	13,340
Rent Controller Courts	4	5	5,214

Note: All the data has been taken from the National Judicial Data Grid. Judges dealing with CBI cases (Central Bureau of Investigation), POCSO cases (Protection of Children from Sexual Offences Act) and other special cases that have not been covered under the pilot project have not been taken into consideration. Further, Principal District and Sessions Judges, and judges belonging to other cadres that were chosen in the pilot project have not been taken into consideration in the table above. Only those case types that form a considerable workload of the pilot courts have been taken into consideration while calculating the ideal judge strength. Lastly, while arriving at the ideal judge strength, all the .3 and above values have been rounded off to the next number.