

BY FAX/ SPEED POST/ E-MAIL

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA,
MIZORAM AND ARUNACHAL PRADESH)

No.HC.VI-6/2012/ 1055-56 /STT.

From Shri H.K. Sarma,
Registrar General
Gauhati High Court,
Guwahati.

To

1. The Registrar,
Gauhati High Court, Kohima Bench, Kohima/Shillong Bench, Shillong/ Imphal
Bench, Imphal/Agartala Bench, Agartala/ Aizawl Bench, Aizawl.
2. The Deputy Registrar,
Gauhati High Court,
Itanagar Bench, Naharlagun.

Dated Guwahati the 3rd October, 2012

Sub: Actions recommended for improvement of the Justice Delivery System.

Sir,

With reference to the subject cited above, I am directed to request you to circulate the following directions/ instructions to all the subordinate Courts under your jurisdiction:-

Steps to be taken urgently for improvement of the justice delivery system -

(I). To circulate the views of Hon'ble the Chief Justice of the Jharkhand High Court regarding Case Management under the caption "**Lighting the Path**" to all the Judicial Officers under your administrative control.

(II). To ensure Result oriented Case Management, the information regarding the present status of long pending stay matters cases of the Subordinate Courts, pending in High Court, may be obtained from the Registrar (Judicial), Gauhati High Court, Guwahati through e-mail (chakravartyaparesh@gmail.com).and respective Registrars and Deputy Registrar in respect of the outlying Benches.

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(III). All the courts under your administrative control shall be directed to physically verify all pending cases. This exercise is to correct the statistics, so that cases, wrongfully shown as pending be deleted, and cases, which have not been shown as pending be added. While, doing so, specific care be taken not to include the GR cases pending for investigation, unless and until any challan has been filed or protest petition has been filed in that GR case and FIR itself shall not be treated as pending case, which is entered in G.R. registrar nor any complaint on which order under section 156(3) has been passed and sent for investigation to the police station be treated as pending case.

(IV). A Task Force Committee in each District and Sub-Divisions shall be constituted for service of summons, execution of warrant of arrest etc issued against witnesses/ accused etc.

The Task Force is to be set up in the following manner.

A Task Force Committee in each District and at Sub-Divisions be formed by the Superintendent of Police consisted of the Officer of the rank of Deputy Superintendent of Police or Inspector as the Superintendent of Police may deem fit and proper, who will be heading the Committee, 2 or more Sub-Inspectors, 5 or more Constables depending upon the number of cases in the District and the Committee be assigned with the job of collecting summons / warrant of arrest / process u/c 82/83 Cr.P.C. etc. from the office of concerned Court/ Prosecuting Inspector/ Prosecuting Sub-Inspector. The Deputy Superintendent of Police / Inspector shall see that each summon is served or warrant of arrest be executed against the witnesses / accused and execution report be submitted to the Courts concerned.

The Superintendent of Police may hold the Inspector responsible for non-service of the summon or execution of warrant or arrest against the witnesses or the accused. In case of failure on the part of the Task Force Committee, the Court concerned either himself or through the Sessions Judges may bring to the notice of the Superintendent of Police, so that the Superintendent of Police may take appropriate steps against the person responsible for non-serving the summon or non-executing the warrant of arrest against the witnesses or the accused.

The matter may be taken up with the concerned SP of the district for constituting the Task force.

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(V). All the cases of Petty nature covered by section 206(2) Cr.P.C pending for more than one year shall be disposed under the provisions of section 258 Cr.P.C. within a month. The compliance report should be submitted to the High Court by the District & Sessions Judges.

(VI). The relevant portion of the judgment **Afcons Infrastructure Ltd. Vs. Cherian Varkey Construction Co.(P) Ltd.,(2010) 8 SCC 24**, shall be circulated to all the Judicial Officers working in the civil side with a direction to submit quarterly statement of making reference and settlement of cases as per provisions of Section 89 CPC. The District Judge concerned shall procure the Judgment aforesaid from the Internet. The District Judge concerned has to furnish the compiled statement of the Officers to this Registry.

(VII). Steps be taken for Constitution of front office to give requisite information to the litigants through specifically Public Relation Officer, who may be a staff of District Legal Services Authority.

(VIII). Steps be taken for imparting computer training to the Ministerial staff in consultation with the Registry.

The concerned Officers are directed to send the compliance report to this Registry within one month from the date of receipt of this communication.

Kindly treat the matter as **Most Urgent.**

Yours faithfully,

Enclosure:

1. As stated in Para 1 (in 3 pages)


REGISTRAR GENERAL


31/10/12

LIGHTING THE PATH

~ Justice Prakash Tatia,
Chief Justice, Jharkhand High Court.*

Three Fold Action:

- Reducing Pendency
- Old Cases Disposal Management
- Handling And Managing New Litigation

Management

Step I: Collection of facts and figure and development of strong Data Base.

(1) Correction, Collection and Management of Data Base

Without complete and correct data base under affective and continuous supervision by managing it properly, no system can work. Therefore, before start of work, we must address to this issue

(2) Correct the Data Base

(A) **Old Cases:** Collect old data and place them in proper way at proper place in your management system,

After collecting correct data, place them in proper format so that Data can be processed properly to find out what are the challenges and bottlenecks in case management and hurdles in early disposal of cases.

(B) **New Cases:** For this purpose:-

- Examine the institution.
- Classify the cases instituted at initial stage, i.e. at the time of institution and mark them not only as Civil, Criminal and Misc. but

(a) Whether they are petty cases or long trial cases;

(b) Bold Mark on the file

- i. Petty or short matters
- ii. Long cases

(c) Judicial Officer should keep his own diary to keep personal supervision over old cases.

(d) First bottleneck Defective filing.

(3) Update Data in Time

Preserve past for perpetuity which will help in reviewing the entire working so as to make correction time to time to improve the management after taking knowledge from past working so as to make the system active, not making our system stagnant, not to make it rigid, so as to not accept new and good suggestions.

Court Management: MANAGING OFFICER SHOULD MANAGE HIMSELF FIRST.

(I) Administrative Strong Control/Supervision & Management over Staff

- (A) Control over staff
- (B) Motivation
- (C) Efficiency evaluation of staff

(II) Judicial Work

- (A) Transparency and efficiency
- (B) Service of opposite parties

For both Civil and Criminal cases -

Supervision over serving persons and identifying the persons, who are regularly returning the process, un-served, and who are not serving process upon the party, himself.

Long time for filing replies for which court has to do nothing - yet long dates are given.

Admission denial

Examination of parties under Order 10 CPC

Framing of

- Issues
- Charge

Court itself must frame issues. Issues should be short, precise and clear

- No unnecessary issue
- No multiple issues
- No wrong mixing of issues.

Once this stage is passed the trial will get its speed.

Applications:

- *No long adjournment to parties.*
- *Order must be dictated on the same date even if it is to be pronounced at a future date. This will help the judicial officers in passing good and brief order and dealing with all the points raised by the parties.*
- *Frivolous applications - Cost must be imposed but may not be excessive and exorbitant.*

Stay of Proceedings:

- *No unnecessary adjournments on the ground of time for obtaining stay from Appellate, Revision Court or Writ Court.*
- *Continuous watch over stayed cases.*
- *Appellate Court shall inform the trial court if stay has been vacated or matter has been decided.*
- *Task may be given to Court Manager.*
- *Officer authorized in High Court to answer queries of subordinate court about the continuation of stay and its vacation.*
- *Subordinate court may obtain the updated information regarding the status of the case from the appellate court through messenger or on telephone.*
- *If time is granted and stay order is not produced, affidavit of party or advocate may be demanded and if so is not given; the court should proceed with the matter.*
- *Before hearing final arguments, ensure file has been properly arranged. Collection of facts and figure and development of strong Data Base.*

• *Hon'ble the Chief Justice's instructions on the Case Management distributed to the Judicial Officers when His Lordship interacted with the members of Superior Judicial Services on 18 September 2011, one week after assuming the charge of Chief Justice, Jharkhand High Court (11 September 2011).*