

PAPER BY THE SUB-COMMITTEE OF
JUSTICE A.M. KHANWILKAR ON
CASE MANAGEMENT-
REGARDING ELEMENT OF OBJECTIVE 3 AND
CHAPER VI OF THE POLICY AND ACTION PLAN

OBJECTIVE 3 OF THE POLICY AND ACTION PLAIN IS:

**“A system of Case Management to enhance
user friendliness of the judicial system.”**

Summary of Recommendations

INTRODUCTION

- Balance must be struck between procedural safeguards that cannot be reduced and a concern for prompt justice.
(pg.10)
- The reasonable time frames must reckon the procedural safeguards guaranteed to a party to the proceedings in the Code of Civil Procedure, 1908 and Code of Criminal Procedure, 1973, as the case may be.
(pg 12)
- Judge is expected to draw a schedule for ensuring timeliness in case processing.
(pg 13)
- The control of the court proceedings must vest in the Court.
- Time for service (of summons etc.) can be curtailed by use of electronic methods of communication.
(pg 17)
- The distribution of the total court time be factored with the case type, number of judge time available, type of pendency, stage etc.

(pg 19)

- More the value of utility more urgency of the case. The computerized case management system should provide for prioritizing and sequencing of cases in that order.

(pg 20)

CASE MANAGEMENT INFORMATION SYSTEM

- Design a proto-type of CMIS capable of analysing the real time progress of a given case in comparison with the Court wise development plan, pendency management system and individual case management.

(pg 23)

BEST PRACTICES FOR COURT MANAGEMENT

- The staffing pattern must be on the basis of number of cases and not as per the present pattern of per Judge Establishment Ratio.

(pg 27)

- Professional administrator with knowledge and experience of Court Management should be preferred.

(pg 28)

- Digitization of the entire Court record and integrating it with the Case Management Information System (CMIS) must be done.

(pg 29)

- Codes should be assigned to the stake holders, such as to (i) Advocates; (ii) Litigants; (iii) Judges; (iv) Court staff. These Codes can be linked with the National Unique Identification Numbers, which information can be made available to other State agencies.

(pg 31)

- The broad contours of best practices of management are:-

- a) Planning
- b) Organising
- c) Directing

- d) Coordinating
- e) Controlling

(pg 32)

CASE MANAGEMENT

- Performance evaluation:
 - Empirical data collated can be the basis for taking corrective measures.

- Effective use of provisions of Code of Civil Procedure necessary. (pg 51)

- Regarding Criminal Trials it is necessary to ensure:-
 - Increase in the number of judges in the criminal courts;
 - Enhancement of technological and infrastructural facilities; (pg 58)
 - Police reforms for administration of justice in criminal cases;
 - Capacity building of office of Public Prosecutors;
 - Routine production from Jail on video conferencing;
 - Establishment of separate cell in the local police stations to ensure service of summons;
 - Plea bargaining in appropriate cases. (pg 59)

PROCEDURE REGARDING- ASSIGNING CASES TO SPECIALISED COURTS

- Assign proportionate number of Judges in the context of total pendency and the pendency of special cases to be assigned to a given Court.
 - Assign cases to specialized Courts which are manned by Judges having expertise in that subject.
- (pg 64)

COMPUTERISATION OF PROCEDURES

- Computerization is the only way forward for effective and efficient implementation of the case management programme.
 - Computer applications should be able to generate information on slice and dice basis on the basis of primary data fed in the computer.
- (pg 65)
- Information Infrastructure; broadband network and national data centre should be there.
 - Interconnection of courts, prisons and police stations by network.
- (pg 68)
- Digitization of the entire court record is required.
 - E-filing of new cases.
 - E-Service needs to be provided for.
 - E-Orders, E-copies, E-causelists need to be generated & E-Libraries should be established.
 - E-administration for office is the need.
- (pg 69)
- Informative Website will have to be established.
 - E-Notification to provide electronic copies is the requirement.
- (pg 70)

USE OF VIDEO CONFERENCING FACILITIES

- Extensive use of video conferencing required.

(pg 71)

DEVELOPMENT OF INSTITUTIONAL CAPACITY BUILDING

- Articulation of schemes to promote and augment useful services for the stakeholders be done.

(pg 73)

FIVE YEAR DEVELOPMENT PLAN FOR-COURTS FOR EFFECTIVE MANAGEMENT

- Financial autonomy be ensured.
- Plans must be linked to the requirement at the grass-root level.
- Ensure Assistance of experts.
- Expenditure on administration of Justice must be treated as "Plan Expenditure."

(pg 74)

CASE RATIO AND STAFF CASE RATIO DETERMINATION

- The strength of judge case ratio and the staff case ratio should be keeping in mind the contemporary and future requirements.

(pg 75)

CONSTITUTING COURT MANAGEMENT COMMITTEES AT HIGH COURT LEVEL

- These Committees must be broad based. (pg 76)

ELEMENTS FOR DETERMINATION OF PERFORMANCE INDEX FOR JUDICIAL OFFICERS

- The performance of the Judicial Officer depends on variables like:-
 - (A) Ability of Judge to control proceedings; (pg 77)
 - (B) Advocates' co-operation;
 - (C) Availability of witnesses; (pg 78)
 - (D) Service of summonses;
 - (E) Litigants' co-operation. (pg 79)

APPOINTMENT OF ADEQUATE NUMBER OF- PUBLIC PROSECUTORS

- The State must not only appoint competent Public Prosecutors but must also appoint them in adequate numbers. (pg 80)

**UNIFORM AND CONSISTENT POLICY REGARDING
RECRUITMENT AND PROMOTIONS OF JUDICIAL
OFFICERS AND COURT STAFF : ITS TIMELINESS AND
ABIDANCE**

- There must be uniform and consistent policies in this regard. (pg 81)

**APPOINTMENT OF PUBLIC RELATION OFFICERS FOR
LIASIONING WITH THE LITIGANTS**

- Every Court must have facilitation counter where the litigant can interact and be assisted in getting requisite information regarding his case. (pg 82)

**SETTING UP OF IN-HOUSE INFORMATION-
TECHNOLOGY DEPARTMENT**

- Every Court must have in-house IT Department. (pg 83)

**IDENTIFY PRINCIPLES FOR-
EFFECTIVE COURT MANAGEMENT AND CASE
MANAGEMENT**

- Based on the nature of dispute, the evidence to be examined and the time to be taken for the completion of the suit, the suits need to be channelled in different tracks.

(pg 84)

COMMON NOMENCLATURE FOR- DIFFERENT TYPES OF MATTERS

- Common nomenclature for different types of cases in High Courts as well as subordinate Courts must be preferred.

(pg 90)