

# COURT & CASE MANAGEMENT

## Role of JUDGES



**BY:**  
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**CHAIRMAN**  
**STATE LAW COMMISSION UP**

# Importance of punctuation:



- An English Professor wrote the sentence:-

**“Woman without her man is nothing”**

on the blackboard and

directed the students to correct  
it.



- The guys wrote:
- “woman,
- without her man,
- is nothing.”



- The girls wrote:
- “Woman! Without her, man is nothing.”



- SPEED is calculated as **MILES** per hour.
- BUT
- Life is calculated as **SMILES** per hour.
- So increase your SMILE and get extra mileage in life.

# WHAT IS CASE MANAGEMENT ?



- “The term “Case Management” is a comprehensive system of management of time and events in a law suit as it proceeds to the justice system from initiation to resolution.
- The two essential components of case management system are the setting of a timetable for pre-determined events and suspension of the progress of the law suit through its timetable.”





- “(A) the differential treatment of cases that provides for individualized and specific management according to their needs, complexity, duration and probable litigation careers;
- (B) early involvement of a judicial officer in planning the progress of a case, controlling the discovery process, and scheduling hearings, trials and other litigation events;
- (C) regular communication between a judicial officer and attorneys during the pre-trial process.”

# FOOD FOR THOUGHT



- What does the community expect from the Court?
- What court processes are most under fire? Why?
- **Are courts perceived to be responsible for the entire justice system and its improvement?**
- Does the public understand judicial independence? Separation of powers? Equal protection? Due process?



# SOME QUESTIONS



- What are courts accountable for, to whom, and how can they improve their accountability to the people?
- How should new demands, public needs, and expectations impact the court management?
- Can these relationships be better structured to address the needs of a multi-cultural society? *Pro se* litigants? Persons who meet physical, language, and other communication barriers when using courts? Racial, gender, age, sexual orientation, and economic barriers?
- What is the court's management role with regard to the bar, which guards the gates of justice?



- How do court management reconcile community empowerment, customer service, and access with equal protection, justice under law, and procedural due process?
- How can court management use technology to address the justice needs of a multi-cultural society in the 21<sup>st</sup> Century?
- Court Management: Survivors Or Agents Of Change?
- Do civilian court managers serve a perceived and defined function? Have they improved the efficiency and fairness of our judicial system?



- Have the means of survival, political expediency and management for efficiency's sake become the field's ends?
- Whether court management is essential to court effectiveness?
- Is there a growing disconnection between court - understanding of court purposes and our multi-cultural society and their day-to-day practice of court management?



- How can court participants use the *Trial Court Performance Standards* (CPS).
- How specifically can participants use the CPS productively as tools for planning, management, and leadership?
- Do awareness vary by community size, civilization, gender, age, and experience with actual court processes?
- Whether the courts should also be put under Consumer Protection Act?

# TOPICS, ISSUES FOR CONSIDERATION



- Review of the Fundamentals
- Analysing Your Information System
- Choosing A Calendar System
- Classification of cases
- Obtaining Early Dispositions, Differential Case Management,
- Establishing Firm Trial Dates
- Controlling Continuances and Appearances
- Reducing Backlogs and Meeting Time Standards, Analysing Your Caseload
- Developing a Vision of your System
- Implementing New Case flow Management Programs



- Formulating Research and Evaluation Projects
- Literature Review
- Research Designs
- Data Collection
- Introduction to Statistics
- Interpreting and Reporting Results
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- Build effective statistical management reports
- Discuss the practical theory of data Estimate current and future court resource needs



- Motivating Judges, Accounting for Judicial Time,
- The Future of Court Performance Assessment
- Using Standards and Measures to Drive Performance
- Court Metrics - The New Language of Court Administration
- **Court Performance Measurement Indexing**
- **Performance Based Strategic Planning (PBSP)**
- **Self-Assessment of Your Current Performance Measurement System**
- Performance Dashboard and Other Display Systems
- The Court Performance Inventory - Short Version



- Design a state-of-the-art court performance measurement system using the:
- Use the performance measurement system and PBSP to plan, lead, and manage their court
- **Explore alternative methods of assessing the need for judges and court support staff**



# TIMELINESS



- The time taken by the advocate after calling the case can be utilized for reading the file which is coming up for hearing.
- The Judge should identify urgent matters and adjourn all other cases.
- **Cases should be so arranged that the desired action be taken on each file and old cases be given priority in the disposal.**
- Every judicial officer should do at least 2 hours of homework. This will be helpful in directing and controlling advocates who take more time in examination and argument.



- Awareness of position of law and the facts of the case will save a lot of time at the stage of arguments.
- Judicial officers should allot time for dictation work in the morning and fix time for administrative work in the afternoon.
- **Circulars from higher authorities and their supervision will be helpful in time management.**
- Adopting A D R methods will save time.
- Liberal adjournments should be avoided.



- Planning must be at the micro level and the macro level. Micro level planning can be done by individual judges and macro level by higher judiciary in a uniform pattern.
- **Judicial officers should avoid the habit of carrying daily case files home. If this is done, individuals get blocked down and pressurized by -next day's work.**
- Judicial officers should find time for reading partly heard matters posted on the next day.
- Judicial officers should fix the daily board, on the basis of cases manageable.



- Long dates should be given to cases which are not urgent.
- Evidence on affidavit must be strictly adhered to.
- Advocates are supposed to assist the court. Hence, duty of framing issues in civil matters and draft charges in criminal matters can be delegated to them.
- **In interim matters, judges should pass orders then and there.**
- **Subordinate staff should be trained in using new methods of taking evidence.**
- **In big cities, each police area must be attached to one magistrate only.**
- **Long pending cases should be disposed.**
- Presiding Officer should categorize the long pending cases and take the cases home to study it and earmark Mondays for the disposal of old cases



- **There should be special workshops for advocates to train them in the matters of speedy disposal of cases and how to cooperate with the Court for speedy disposal.**
- Judicial officers to undergo computer and laptop training and mediation workshops and training in order to know technique for expeditious disposal of cases.
- For execution of orders and judgments of family courts, one specific court should be established and equipped to execute the orders expeditiously.
- Proper infrastructure for each and every court, including that of good seating and working facilities and provision of AC for judicial officers.



- **Transfer of Class III employees after completion of 2 to 3 years to other seats.**
- Whenever there is recruitment of Class III staff and stenographers, there must be qualifications for computer training in the advertisements.
- Each court should be provided with stenographers.
- Judicial officers to undergo training time and again to know the tools and techniques for expeditious disposal of cases.
- State Judicial Academies to be established in each and every state to facilitate and provide training to judicial officers.



- Working conditions of judicial officers must improve.
- **Separate cadre in the police to be established, investigating agencies/prosecuting agencies/law and order maintenance agencies.**
- Vacancy of judicial officers/ministerial/clerical staff to be filled up expeditiously.
- Promotional avenues must be expanded and expedited.
- Plea bargaining introduced in the Cr.P.C under Section 265A which is a new subject and therefore there should be training of judicial officers in this subject.



- Post of Registrar, Civil and Session Court in every district to look after protocol matters.
- Establishment of special courts for disposal of minor and petty offences, 498A IPC cases and NI Act cases.
- Number of the cases on the docket should be limited.
- Procedural laws regarding admission and denial of facts/documents should be followed strictly.
- Recent judgments and circulars should be kept ready for ready reference.
- Section 89 of the CPC should be resorted to. The advocates and the members of the public should be made aware of importance of Sec 89 of the CPC.
- **Notes of the judgments should be prepared by the judges at home.**





- The judge should hear cases and the rest of the matters should be attended to by the bench clerks.
- Adjournment should not be granted only on general grounds.
- Pleadings and amendment should not be allowed after the evidence is taken.
- Judgment should be precise.
- Cases should be allotted to the courts by classification.
- Evidence by affidavit should be restricted to the disputed facts only.
- Sufficient infrastructure should be given.
- Work should be equally distributed.



- Sufficient time should be devoted to the administrative work.
- Proper relations should be maintained with subordinates, public and advocates to avoid further complications.
- The administrator should hear courteously and talk wisely, consider soberly and decide impartially with a grateful heart, thoughtful mind, kind word, friendly smile, helping hand and courageous spirit.
- Long pending cases should be disposed.
- P.O. to categorize the long pending cases, take them home to study them . and earmark Mondays for the disposal of old cases.



- Service of notice: Serve notice through courier services approved by the High Court. An additional measure may be to send process through postal services to accused and the witnesses, as courts face difficulty in the matter of service of summons through the agencies of police in criminal matters.(in summons cases).
- No acceptance of police report unless submitted by IO in accordance with provisions of law.
- Recommended time limits for disposal of cases:
  - a. Summons Cases: 6 months to 1 year
  - b. Warrant Cases: 1 year to 2 years.
  - c. In case of civil cases, a time-period for disposal may be fixed by individual Presiding Officer of the court, by looking into the circumstances prevailing.



- On joining a court, judges should first take note of the total pendency of cases year-wise, inspect the court diary and give priority to each case considering its age. That apart, judges can plan on a long-term basis by analyzing overall total pendency of cases.
- A particular time should be fixed to take up particular categories of cases. For instance, cases fixed for evidence can be taken up in the mornings, and other cases thereafter.
- Lawyers should be controlled from putting irrelevant questions to the witnesses.
- Short dates or consecutive dates must be fixed, as far as practicable.
- To ensure the presence of witnesses.
- In civil and complaint cases etc., directions can be given upon the parties;
- In criminal cases, specific directions can be given upon the public prosecutor or the police authority.



- Target time can be fixed in cases like those pertaining to Sec. 138, NI Act, matrimonial cases and some other cases. In order to achieve this goal, ADR system can be resorted to. On its failure, the case can be taken up for trial.
- Ejectment suits should be disposed of within 4-6 months. Other civil suits, except suits for partition etc. should be disposed of within 12-13 months.
- It should be ensured there is strict adherence to the principles and procedures prescribed in the CPC as amended. In this regard, resort should be taken to Section 89, Orders 10, 12, 17 CPC to dispose of cases speedily.
- Plea bargaining is also another option to be explored to give speedy relief.
- Personal attention should be given to each record fixed for the day to achieve the target.
- In case of misc-appeals, stay should not be granted to the lower court judgments unless extremely necessary.
- Priority should be given when accused are in custody.



- Appellate Court should give top priority to old cases/appeal where the proceedings are stayed.
- Any application filed in an execution proceeding should be given top priority.
- It is the personal duty of the Judicial Officer to fix such cases which he can manage in a day. In this context if he is on leave, he should take personal care not to fix the case. Miscellaneous Appeals and Revision cases should be decided as early as possible.
- Seeing the pendency of a particular province, a time period should be fixed for disposal like the province of Madhya Pradesh. Hon'ble M. P. High Court and some other High Courts has issued a notification for disposal of cases by a Track System. This system should be followed in other states.



- Senior Citizen litigants should be given priority.
- Cases which are ripe for trial should be listed for disposal. There should be a Special List Disposal System and this system can be followed in both civil and criminal cases.
- Time should be fixed for different types of cases in a day. After fixing time, if the party does not turn up then the case may be disposed of on merit.
- Vexatious petitions filed by the lawyers should be discouraged by the presiding officers.
- Cases of Child and Women Trafficking should be decided as early as possible.



- Art of Yoga is necessary, i.e. breathing exercises, laughing therapy, musical therapy which eliminate mental stress.
- It is noticed that several cases are pending because of non-service of summons to the opposite parties. The following strategy must be adopted:



# TIME FRAME



- a. No fixed time can be decided however tentative/expected time frame can be decided
- b. Nature of case
- c. Number of witness
- d. Nature of witness
- e. Travelling distance of witness to reach the court f. Sensational cases
- g. Guidelines/rules framed by different High Courts as track I,II,III, etc
- h. Pendency /work load in the Court
- i. Clubbing of cases of similar nature



- Advocate Co-operation is required for the overall disposal of matters. Generally if the directions are from the Superior Courts and the court is firm then advocates Co-operate.
- If complaint is received about the judges who want to show progress in the matter, then the Superior court must protect the Judge.
- Depending upon the volume of the case or point involved, a judge himself can fix the time to decide that case and seek co-operation from the lawyers and decide the matter.
- The time table may get disturbed if certain orders are passed and are challenged in superior courts and trial proceedings are stayed.
- Specific time limit can be given to the advocates to attend to a particular stage like filing written Statements, arguments etc.
- Priority to the old cases, progress of each case

# PROCEDURE CODE



- **TIME SCHEDULE AS GIVEN UNDER THE CODE OF CIVIL PROCEDURE AFTER THE 1999 AND 2002 AMENDMENTS  
W.E.F. 01.02.2002**

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- **Step**
- **Time Frame**
- **Issue and Service of Summons**
- **30 days from the date of institution of suit**
- **Furnishing of copies of plaint for service on the defendant and process fee for the same (O.7 R.9)**
- **7 days from the date on which summons are ordered to be issued**
- **Written Statement (O.5(1)(1) and O.8R.1]**
- **30 days from the date of service of summons, and can be extended up to 90 days**



- **Filing of subsequent pleadings [O.8 R.9]**
- **Maximum 30 days**
- **Application for fresh summons [O.9 R.5(1)]**
- **7 days from the date of return of the pervious summons**
- **For admitting documents [O.12 R.2]**
- **7 days from the date of application**
- **For examination of witness or production of documents before framing issues [O.14 R.4]**
- **7 days maximum**
- **For filing application for issue of witness summons [O.16 R.1(4)]**
- **5 days from the date of filing the list of witnesses**
- **For payment of bhatta etc. for summoning witnesses [O.16 R.2 (1)]**
- **7 days form the date of making application for issue of witness summons**



- **Adjournment [O.17 R.1(1)proviso]**
- **Maximum 3 adjournments during the hearing of a suit**
- **Submission of report of Commissioner appointed for recording evidence [O.18 R.4(5)]**
- **60 days from the date of issue of commission unless extended by Court**
- **Arguments [O.18 R.2(3D)]**
- **Time limit for oral arguments shall be fixed by court in its discretion**
- **Judgment [O.20 R.1(1)]**
- **30 days from the day on which the hearing is concluded and 60 days in exceptional or extraordinary circumstances**
- **Preparation of Decree (O.20 R.6A(1))**
- **15 days from the date of judgment**
- **For making deposit with an application under O. 21 R.89 (O. 21 R. 92(2))**
- **60 days from the date of sale**



Thanks



