

# **ACTION TAKEN BY THE HIGH COURT OF MADHYA PRADESH FOR REDUCING THE PENDENCY**

## **FOR PENDENCY REDUCTION IN THE HIGH COURT**

### **STEPS TAKEN**

- In the High Court old cases are listed under three categories i.e. "Cases up to year 2000", "Cases more than 10 years old" and "Cases more than 5 years old". Old cases are being listed before concerned Benches on priority basis.
- For the disposal of old cases on priority basis, Hon'ble Arrears Committee-cum-Case Management Committee-cum-Committee for State Court Management System has resolved as under:-

#### **As resolved in the meeting dated 01.03.2017**

- It was resolved that a pilot project on the trial basis may be started in the High Court, and oldest 1000 pending cases be scrutinized and only those cases be listed in the final hearing list equally amongst all the Judges and the list be rolled over for a month before the same bench. Proposal was subject to approval of the Hon'ble the Chief Justice.
- **It is pertinent to mention here that as per direction of the Hon'ble Committee, 2137 oldest cases have been shortlisted and are being listed before the Hon'ble Court for their disposal.**

#### **As resolved in the meeting dated 28.03.2017**

- In that meeting it was resolved that the appeals pending in the High Court, where convicts are in jail, be identified and posted for hearing at the "Top of the cause list" in accordance with the year of their institution.
- It was also resolved that cases pending upto 1998 in the High Court be targeted and listed on priority basis for disposal at the earliest as per previous resolution of the Arrears Committee.
- **It is pertinent to mention here that as per resolution dated 28.03.2017 of the Hon'ble Committee Jail Appeals are being posted for hearing at the "Top of the cause list" in accordance with the year of their institution.**

### **STATUS :-**

- ❖ During the year of 2016, total 1,35,638 cases were instituted, total 1,20,020 cases were disposed of and total 2,88,364 cases (as on 31/12/2016) were pending in the **High Court**. In the year 2016, total 1,18,470, More than 5 years old cases were pending and total 7,510 cases have been disposed of during that year.

*C. N. K.*

- ❖ In the first quarter of the year 2017, total 1,21,870 numbers of More Than 5 Years Old cases were pending and 2948 numbers of More Than 5 Years Old cases have been disposed of in the **High Court**.
- ❖ Special Drive for the disposal of Jail Appeals has been initiated on 20/01/2017 and out of 542, total 132 numbers of Jail Appeals have been disposed of till 31/03/2017.
- ❖ In the year 2016, total 3516 Held-up cases were pending and total 1625 Held-up cases were disposed of in the High Court.
- ❖ As on 31/12/2016, total 81995 Civil Appeals and total 68522 Criminal Appeals were pending in the High Court and during this year, 1997 Criminal Appeals and 9926 Civil Appeals have been disposed of.
- ❖ In the High Court, Arrears Committee-cum-Case manage Committee-cum-Committee for State Court Management System is monitoring the disposal of cases in the High Court and District Courts and also a committee (viz. Committee for monitoring expeditious trial of under-trial prisoners in the State of Madhya Pradesh and for monitoring of Jail Appeals, complaints and other matters pertaining to Jails and under-trials) has been formed for monitoring of cases under Trial in Subordinate Courts and Jail Appeals in the High Court.
- ❖ In view of increased pendency in the High Court, request has been made to the Ministry of Law & Legislative Affairs, Department of Justice, New Delhi to increase the strength of Hon'ble Judges of High Court from existing strength of 53 to 68 and proposal is still pending for consideration before the Ministry.

*(Signature)*

## FOR PENDENCY REDUCTION IN THE DISTRICT COURTS

### STEPS ALREADY TAKEN

Sl. No.	Action Plan	Targets/ achieved
1	<p><b>New work standard (Unit System)</b></p> <p>In the State of Madhya Pradesh (including Chhattisgarh as part at that time) there were large number of cases pending in the Subordinate Courts with limited infrastructure and manpower. With the intention to achieve the target as per resolution of Hon'ble the Chief Justice of India in 1993 with the idea of "Litigation Free Districts", work standard for Subordinate Courts standard revised vide D.O. No. 2267/III-1-46/58(ii), Jabalpur, dated 26.05.1994, from March, 1994 which has been modified time to time as per requirement. The revised work standard has provided good result and has become a milestone in achieving the target.</p> <p>Total <b>15,98,288</b> cases were pending at the beginning i.e. as on 01.01.1994.</p> <p>Data of pendency, institution, disposal and success rate is as under :-</p> <p style="text-align: center;">Pendency as on 01.01.1994 – 15,98,288  <u>Institution during 01.01.1994 to 31.12.2016 – 2,32,74,066</u>  <b>Total (Pendency + Institution) 2,48,72,354</b>  Disposal during 01.01.1994 to 31.12.2016 – <b>2,31,11,717</b></p>	<p>Total Targeted Cases - 24872354  Cases Disposed of – 23111717  <b>Percentage of disposal – 92.92%</b></p>
2	<p><b><u>Pilot Project</u></b></p> <p>The Pilot Project was a milestone to achieve the target according to the resolution of Hon'ble the Chief Justice of India in 1993 at the Judicial Officers Conference His Lordship mooted the idea "Litigation Free District".</p> <p><b>1<sup>st</sup> Phase – (From 01.11.1994 to 01.01.1997)</b></p> <p>As per resolution of Hon'ble the Chief Justice of India Pilot Project scheme was launched in four districts namely Seoni, Rajnandgaon, Guna, Ratlam, later it was further extended for Guna district.</p> <p><b>2<sup>nd</sup> Phase – (From 01.07.1996-01.09.1997)</b></p> <p>In the second phase Pilot Project in 4 other new districts namely Sagar, Shahdol, Dhar, Bilaspur including Guna district was launched, which provided fruitful results.</p> <p><b>3<sup>rd</sup> Phase – (From 01.10.1998-30.09.2000)</b></p> <p>In the third phase Pilot Project was started in 4 new districts namely Balaghat, Chhindwara, Khandwa and Rewa.</p>	<p>Total Targeted Cases - 216956  Cases Disposed of – 136196  <b>Percentage of disposal – 62.77%</b></p> <p>Total Targeted Cases - 297889  Cases Disposed of – 138997  <b>Percentage of disposal – 46.66%</b></p> <p>Total Targeted Cases - 259899  Cases Disposed of – 167135  <b>Percentage of disposal – 64.30%</b></p>

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3	<p>Special drive started to dispose of cases pending for 5 years or more and, Memo No. B/610/III-1-5/57 Ch-19, Jabalpur, dated 05.02.2011 was issued to the District &amp; Sessions Judges with direction to dispose of such cases by 31.12.2011. This deadline was further extended upto 30.09.2014, with further direction to distribute the cases equally amongst the judicial officers of the district and prohibition to further transfer it.</p> <p>District &amp; Sessions Judges were directed to keep regular vigil on the progress and report were to the Registry of the High Court.</p> <p>Registry of the High Court was directed to quarterly evaluate such matters.</p>	<p>Total Targeted Cases - 208731 Cases Disposed of – 144672 <b>Percentage of disposal – 69.31%</b></p>
4	<p>Vide Memo No. B/2199, B/2200/III-1-5/57 Ch-19, Jabalpur, dated 22.09.2011 and Memo No. A/71/III-1-5/57 Ch-19, Jabalpur dated 10.01.2012, all the District &amp; Sessions Judges were directed to dispose of cases pending for more than 20 years upto June, 2012.</p>	<p>All the cases pending for more than 20 years have been disposed of and at present no case is pending for more than 20 years.</p>
5	<p>Vide Memo No. 270/III-1-5/57 Ch-19, Jabalpur, dated 05.11.2014, direction was issued to all the District and Sessions Judges, that all cases pending for 5 years or more as on 01.10.2014 be equally distributed amongst the judicial officers except Special Judges under Prevention of Corruption Act. Direction was to disposed of such cases in a time frame.</p> <p>District &amp; Sessions Judge and Principal Judge, Family Court were directed to supervise the progress and submit monthly report to the Registry for evaluation of Hon'ble the Cases Management Committee.</p>	<p>As on 01.10.2014 total <b>147892</b> more than 5 years old cases were pending, out of which total <b>66820</b> cases have been disposed of till 31.08.2016, which was almost <b>45.18%</b> of old pendency.</p>
6	<p>In the past cutoff date for 5 year old cases was 01.10.2014. Vide Memo No. C/3308 dated 16.08.2016, the age of the case has been determined from the date of first institution.</p> <p>On 16.08.2016, Hon'ble Arrears Committee-cum-Cases Management Committee-cum-Committee for State Court Management System prepared an action plan to clear backlog of cases pending for more than five years.</p> <ul style="list-style-type: none"> <li>o Direction issued to follow "Case Management Rules" in disposal of cases and also to dispose of cases pending for more than 5 years.</li> <li>o To dispose of the targeted cases pending for 10 years or more.</li> <li>o Direction issued for grouping of identical cases of Motor Accident Claim.</li> <li>o Direction issued to formulate Special Board Scheme for old cases to be heard 3 days in a week.</li> <li>o Direction issued to restrict adjournment and in any case it should not be more than 14 days.</li> <li>o Direction issued to District &amp; Sessions Judges to supervise the matters and take note of such cases in the ACR of judicial officers.</li> <li>o Provisions have been made for awarding additional units for disposal of cases which are more than 5 and 10 years old.</li> </ul>	<p>As on 01.09.2016 <b>116663</b> more than 5 years old cases were pending, out of which <b>40350</b> cases have been disposed of till 28.02.2017, i.e. almost <b>34.58%</b> of old pendency is cleared <b>in short period of 6 months.</b></p>

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7	<p><b>Programme for cases of under trial prisoners</b></p> <p>Time to time special drives were started for disposal of cases regarding under trial prisoners in Subordinate Courts, which gave remarkable result.</p> <p><b>01.01.2011-31.12.2011</b></p> <p style="padding-left: 40px;">Pendency as on 01.01.2011 - 11908</p> <p style="padding-left: 40px;"><u>Institution during 01.01.2011 to 31.12.2011 - 30320</u></p> <p style="padding-left: 40px;"><b>Total (Pendency + Institution) 42228</b></p> <p style="padding-left: 40px;">Disposal during 01.01.2011 to 31.12.2011 - 27666</p> <p><b>01.01.2013-31.12.2013</b></p> <p style="padding-left: 40px;">Pendency as on 01.01.2013 - 16847</p> <p style="padding-left: 40px;"><u>Institution during 01.01.2013 to 31.12.2013 - 28958</u></p> <p style="padding-left: 40px;"><b>Total (Pendency + Institution) 45805</b></p> <p style="padding-left: 40px;">Disposal during 01.01.2013 to 31.12.2013 - 31582</p> <p><b>01.01.2014-30.06.2014</b></p> <p style="padding-left: 40px;">Pendency as on 01.01.2014 - 14223</p> <p style="padding-left: 40px;"><u>Institution during 01.01.2014 to 30.06.2014 - 17289</u></p> <p style="padding-left: 40px;"><b>Total (Pendency + Institution) 31512</b></p> <p style="padding-left: 40px;">Disposal during 01.01.2014 to 30.06.2014 - 15797</p>	<p style="padding-left: 40px;">Total Targeted Cases - 42228</p> <p style="padding-left: 40px;">Cases Disposed of - 27666</p> <p style="padding-left: 40px;">Percentage of disposal - 65.51%</p> <p style="padding-left: 40px;">Total Targeted Cases - 45805</p> <p style="padding-left: 40px;">Cases Disposed of - 31582</p> <p style="padding-left: 40px;">Percentage of disposal - 68.95%</p> <p style="padding-left: 40px;">Total Targeted Cases - 31512</p> <p style="padding-left: 40px;">Cases Disposed of - 15797</p> <p style="padding-left: 40px;">Percentage of disposal - 50.13%</p>
8	<p><b>Mission Mode Programme (July 2012 - Dec. 2012)</b></p> <p>A campaign was started to reduce the pendency in the Subordinate Courts which provided remarkable results.</p> <p><b>Programme for pending cases more than one year and less than five years.</b></p> <p><b>Programme for pending cases more than five year and less than ten years.</b></p> <p><b>Programme for pending cases more than ten years.</b></p> <p><b>Programme for disposal of cases pertaining to marginalized group.</b></p> <p><b>Programme for disposal of cases of under trial prisoners.</b></p>	<p style="padding-left: 40px;">Total Targeted Cases - 658279</p> <p style="padding-left: 40px;">Cases Disposed of - 187565</p> <p style="padding-left: 40px;">Percentage of disposal - 28.49%</p> <p style="padding-left: 40px;">Total Targeted Cases - 148965</p> <p style="padding-left: 40px;">Cases Disposed of - 40278</p> <p style="padding-left: 40px;">Percentage of disposal - 27.03%</p> <p style="padding-left: 40px;">Total Targeted Cases - 45227</p> <p style="padding-left: 40px;">Cases Disposed of - 18097</p> <p style="padding-left: 40px;">Percentage of disposal - 40%</p> <p style="padding-left: 40px;">Total Targeted Cases - 88241</p> <p style="padding-left: 40px;">Cases Disposed of - 16938</p> <p style="padding-left: 40px;">Percentage of disposal - 19.20%</p> <p style="padding-left: 40px;">Total Targeted Cases - 24554</p> <p style="padding-left: 40px;">Cases Disposed of - 6307</p> <p style="padding-left: 40px;">Percentage of disposal - 25.68%</p>

- With a view to avoid backlog a criteria of 15% has been fixed for every Judicial Officer to dispose of cases pending for more than 3 years. For this purpose a clause has been added in the ACR of every Judicial Officer
- The District & Sessions Judges in the State have been requested to impress upon all the Special/Designated courts working under their control to ensure that the cases relating to offences against women, Prevention of Corruption Act and NDPS Act, which are pending for over 5 years be disposed of within a time frame of 3 month and other categories of cases within a time frame of 6 month.

*C. S. J. / 10/10/12*

- Vide Registry Memo No. C/254, dt. 10.1.17, 50% units in addition to the prescribed units have been granted to the Judicial Officers for disposing of old pending Criminal Cases of 10 years or more than 10 years.
- Instructions and Guideline have also been issued to Judges of District Courts to earmark 3 days of a week for more than 5 years old cases and identify old matters which can be disposed of in a month and that hearing of such cases should be done on day to day basis.
- Unit System for Subordinate Courts has been revised vide D.O. No. 2267/III-1-46/58(ii), Jabalpur, dated 26.05.1994, from March, 1994 which is being modified from time to time as per requirement, by which 92.92% cases have been disposed of from March, 1994 to December, 2016.

<b>STEPS TO BE TAKEN</b>	
1	As directed by Hon'ble Supreme Court in the Cr.Appeal No. 509 of 2017 ( <b>Hussain and Anr. Vs. Union of India</b> ) the cases of under trial prisoners are to be decided on priority basis, specially cases of under trial prisoners languishing in jail from more than 3 years.
2	As directed by Hon'ble Arrears Committee-cum-Case Management Committee-cum-Committee for State Court Management System following instructions have been issued to all the District Judges :- <b><u>As resolved in the meeting dated 01.03.2017</u></b> <ul style="list-style-type: none"> <li>• Pace should be maintained and disposal of old cases be expedited so that cases pending for "More than 10 years" can be disposed of by June, 2017 and cases pending for "More than 5 years" can be disposed of by June, 2018 as directed by the Hon'ble NCMS Committee.</li> </ul> <b><u>As resolved in the meeting dated 28.03.2017</u></b> <ul style="list-style-type: none"> <li>• Cases which are pending for more than 5 years and 10 years, all efforts will be made to decide these cases as expeditiously as possible.</li> <li>• Hon'ble Portfolio Judges will closely monitor if possible by video conferencing in the 9 districts having higher pendency of cases for 5 years or more namely – Bhopal, Gwalior, Indore, Jabalpur, Morena, Ratlam, Rewa, Satna and Ujjain and 8 districts where cases are pending for more than 10 years namely Bhopal, Indore, Jabalpur, Morena, Rewa, Sidhi, Gwalior and Satna.</li> </ul>
3	As directed by Hon'ble Arrears Committee-cum-Case Management Committee-cum-Committee for State Court Management System following instructions being issued to all the District Judges :- <b><u>As resolved in the meeting dated 17.04.2017</u></b> <ul style="list-style-type: none"> <li>• Five Member Committee comprising of District Judge, Senior Most Additional District Judge, Chief Judicial Magistrate, Senior Most Civil Judge Class-I and Senior Most Civil Judge Class-II, presided over by the District Judge will be constituted in every district within a period of two weeks. <u>Let the necessary communication in this regard be sent to the concerned districts with the approval of Hon'ble the Chief Justice without any delay.</u></li> <li>• The Secretary of the above District Level Committee will be the Chief Judicial Magistrate.</li> <li>• The first meeting of the District Level Committee shall be convened on 06th May, 2017 and the Committee will meet at monthly interval.</li> <li>• The Committee will scrutinize the old pending cases on the basis of their nature, category and duration of pendency.</li> <li>• The District Judge as far as possible shall equally distribute such cases amongst the available judges and the District level Committee shall send the report in this regard to the Secretary of the Arrears Committee in the High Court disclosing the number of cases pending before each court after distribution.</li> <li>• The District Level Committee will hold a meeting through Video Conferencing with the Judges in the Districts at <u>regular intervals</u> to ensure the speedy and timely disposal of pending cases.</li> <li>• The Secretary of Arrears Committee shall formulate the standard Agenda for consideration in the next meeting of the District Level Committee.</li> <li>• The District Level Committee as also the Judges at the District level will make every endeavour to ensure that the cases pending for more than 10 years are disposed of by June, 2017 as per the earlier Resolution of the Committee.</li> <li>• The Action Plan of Punjab &amp; Haryana High Court be also circulated to all the District Judges to ensure speedy and timely disposal of the cases by following the said action plan with requisite modification as per the local condition.</li> <li>• The State Govt. be requested through P.S. Law &amp; Legislative Affairs Department to appoint Special G.P./ A.G.P. in the NDPS cases and Members for Juvenile Justice Board for expeditious disposal of these cases.</li> </ul>

*C.M.*

As on 24.02.1981 the State Government had created a single cadre of District Judges in the Higher Judicial Service and sanctioned 154 posts. Prior to formation of Chhattisgarh State, there were 303 posts in the Higher Judicial Service and 639 posts in the cadre of Civil Judges. However on reorganization of Madhya Pradesh and Chhattisgarh State, 248 posts in the cadre of Higher Judicial Service and 521 posts in M.P. Judicial Service (Civil Judge) remained in Madhya Pradesh.

Thereafter, from time to time, on the request of the High Court the State Government created posts in the cadre of Higher Judicial Service and M.P. Judicial Service (Civil Judge). In the year 2005 there were 363 posts in the cadre of Higher Judicial Service and 555 posts in the cadre of M.P. Judicial Service (Civil Judge) after enhancement in the cadre strength from time to time. In the year 2016 number of sanctioned posts have been reached to 505 posts in the cadre of Higher Judicial Service and 956 posts in the cadre of M.P. Judicial Service (Civil Judge).

As per recommendations of the Chief Justices' Conference, 2006, in the year 2008, the recruitment process has been taken up by the High Court and Examination Cell is following the time schedule fixed by Hon'ble Supreme Court in the case of **Malik Mazhar Sultan and others Vs. U.P. Public Service Commission**.

Due to time to time enhancement in the above cadre strength it has become helpful to reduce the pendency in the Subordinate Courts. Effect of this enhancement and timely recruitment conducted by High Court can be viewed as under:-

Before recruitment conducted by the High Court (2004-2008)			After enhancement of cadre strength and recruitment conducted by High Court (2009-2013)		
Total Targeted Cases	Cases Disposed of	Percentage of disposal	Total Targeted Cases	Cases Disposed of	Percentage of disposal
6608993	5037617	76.22%	7316639	6218981	84.99%

**STATUS :**

- ❖ During the year of 2016, total 11,42,969 cases were instituted, total 10,74,131 cases were disposed of and total 12,60,637 cases (as on 31/12/2016) were pending in the **District Courts**. In the year 2016, total 1,06,701 More Than 5 Years Old cases were pending and 62,714 More Than 5 Years Old cases have been disposed of during this year.
- ❖ In the first quarter of the year 2017, total 91,413 numbers of More Than 5 Years Old cases were pending and 16,474 numbers of More Than 5 Years Old cases have been disposed of in the **District Courts**.
- ❖ Several steps have been taken for the disposal of More Than 5 Years Old cases in the District Courts and in the year 2016 total 62,7014, total 58.77% old cases have already been disposed of and several instructions have been issued from time to time by the High Court for disposal of More Than 5 Years Old cases, Under Trial cases, cases against women & children, and cases under NDPS Act and Prevention of Corruption Act.

