



# State of the Judiciary

A Report on Infrastructure, Budgeting, Human Resources, and ICT



Centre for Research & Planning  
**Supreme Court of India**  
November 2023





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**SUPREME COURT OF INDIA**  
November 2023

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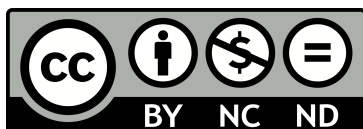
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## LIST OF ABBREVIATIONS

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<b>ACR</b>	Annual Confidential Report
<b>ADR</b>	Alternative Dispute Redressal
<b>AI</b>	Artificial Intelligence
<b>AIJS</b>	All India Judicial Service
<b>AoR</b>	Advocate-on-Record
<b>BSNL</b>	Bharat Sanchar Nigam Limited
<b>CCTNS</b>	Crime and Criminal Tracking Network and Systems
<b>CIS</b>	Case Information System
<b>CJI</b>	Chief Justice of India
<b>CNR</b>	Case Number Record
<b>CPWD</b>	Central Public Works Department
<b>CSM</b>	Central Selection Mechanism
<b>CSC</b>	Central Selection Committee
<b>CSS</b>	Centrally Sponsored Scheme for Development of Infrastructure Facilities For The Judiciary
<b>DIT</b>	Department of Information Technology
<b>DJURE</b>	District Judge Recruitment Examination
<b>DoA</b>	Date of Advertisement
<b>DOEACC</b>	Department of Electronics and Accreditation of Computer Courses
<b>DoJ</b>	Department of Justice
<b>DoR</b>	Date of Result
<b>EWS</b>	Economically Weaker Section
<b>FASTER</b>	Fast and Secured Transmission of Electronic Records
<b>FIR</b>	First Information Report
<b>FOSS</b>	Free and Open Source Software
<b>GeM</b>	Government e-Marketplace
<b>GIGW</b>	Guidelines for Indian Government Websites

<b>HDI</b>	Human Development Index
<b>HJS</b>	Higher Judicial Service
<b>ICJS</b>	Interoperable Criminal Justice System
<b>ICMIS</b>	Integrated Case Management Information System
<b>ICT</b>	Information and Communication Technology
<b>IEC</b>	Information, Education and Communication
<b>iJURIS</b>	Integrated Judicial Upgradation and Reforms on Infrastructure and Services
<b>ISRO</b>	Indian Space Research Organisation
<b>IT</b>	Information Technology
<b>JDPS</b>	Judicial Digital Preservation System
<b>JH</b>	Judicial Hour
<b>LAN</b>	Local Area Network
<b>MACT</b>	Motor Accidents Claims Tribunal
<b>MCQ</b>	Multiple Choice Question
<b>N/A</b>	N/A signifies that data is not available
<b>NALSA</b>	National Legal Services Authority
<b>NCMS</b>	National Court Management System
<b>NIC</b>	National Informatics Centre
<b>NITI</b>	National Institution for Transforming India
<b>NJDG</b>	National Judicial Data Grid
<b>NJIAI</b>	National Judicial Infrastructure Authority of India
<b>NLP</b>	Natural Language Processing
<b>NSTEP</b>	National Service and Tracking of Electronic Processes
<b>OAIS</b>	Open Archival Information System
<b>OBC</b>	Other Backward Classes
<b>OCP</b>	Order Communication Portal
<b>OCR</b>	Optical Character Recognition
<b>OMR</b>	Optical Mark Recognition

<b>PFMS</b>	Public Financial Management System
<b>PSC</b>	Public Service Commission
<b>PWD</b>	Public Works Department
<b>PwD</b>	Persons with Disabilities
<b>RTI</b>	Right to Information
<b>SEBC</b>	Socially and Educationally Backward Classes
<b>SNA</b>	Single Nodal Agency
<b>SOP</b>	Standard Operating Procedure
<b>SS</b>	Sanctioned Strength
<b>ST</b>	Scheduled Tribes
<b>SUVAS</b>	Supreme Court Vidhik Anuvaad Software
<b>UC</b>	Utilisation Certificate
<b>UTs</b>	Union Territories
<b>VC</b>	Video Conferencing
<b>VWDC</b>	Vulnerable Witness Deposition Centre
<b>WAN</b>	Wide Area Network
<b>WS</b>	Working Strength

# EXECUTIVE SUMMARY

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India has an estimated population of 139 crore and over 5 crore pending cases. These cases are handled by 20,580 judges working in the Supreme Court, the High Courts and District Courts. This demonstrates the sheer scale of India's justice delivery challenge. The pace and quality of adjudication depends on the number of judges and support staff, and the existence of adequate judicial infrastructure, which increasingly involves Information and Communication Technology (ICT) infrastructure.

This Report on the 'State of the Judiciary' studies the present state of India's justice delivery efforts, with a focus on the High Courts and the district judiciary. The Report is structured in four Parts: Part I '**Judicial Infrastructure**'; Part II '**Budgeting for the District Judiciary**'; Part III '**Human Resource Management**'; and Part IV '**ICT Enablement of Judiciary**'. Some of the key insights that emerge from the Report are summarised below.

## **KEY INSIGHTS**

- 1. Women in the Judiciary** - Women now constitute 36.3% of the working strength of the district judiciary. Notably, in 14 out of the 16 States examined for this Report, more than 50% of selected candidates in the last Civil Judge (Junior Division) recruitment exam were women. In the High Courts and Supreme Court, women constitute 13.4% and 9.3% of judges respectively (*refer to Figures 3.9 & 3.10, Part III*).
- 2. Infrastructure Gap: Courtrooms and Residential Units** - For the sanctioned strength of 25,081 judges in the district judiciary, there is a shortage of 4,250 courtrooms and 6,021 residential units. Notably, 42.9% of the total courtrooms have been under construction for more than 3 years (*refer to Figure 1.4, Part I, as on 1 April 2023*). Maharashtra has adequate courtrooms and residential units for judges in the district judiciary, whereas Jammu & Kashmir and Ladakh, and Tripura have the maximum shortage of courtrooms. Delhi and Jammu & Kashmir and Ladakh each have a 61% shortage of residential accommodations for judicial

officers. With respect to High Courts, the Andhra Pradesh and Gauhati High Courts have a shortage of 38% and 30% of courtrooms (*refer to Figure 1.1, Part I, as on November 2022*).

3. **Inclusive and Secure Infrastructure** - Only 13.1% of District Court complexes have a childcare room or facility. 50% of District Court complexes have ramps for PwDs. 40% of the District Court complexes have designated parking spots for PwDs. However, only 30.4% of District Court complexes have separate washrooms for PwDs, and other infrastructural support such as tactile paving, and wheelchairs is available in less than 30% of the court complexes. Further, only 15.9% of District Court complexes have Vulnerable Witness Deposition Centres. Notably, 35.7% of District Court complexes have functional CCTV surveillance facilities (*refer to Figures 1.12 , 1.13, and 1.14, Part I*).
4. **Public Health and Sanitation Facilities** - 88% of District Court complexes in India have toilets for males. 80% of the District Court complexes have separate ladies' toilets. However, only 6.7% of toilets have a facility for sanitary napkin vending machines and are female-friendly (*refer to Figures 1.8 and 1.9, Part I*).
5. **Vacancy of Judges** - As against the total sanctioned strength of judges, there is a shortage of 5,300 judges in district judiciary, with maximum vacancy in the States of Uttar Pradesh (1,204) and Bihar (460). Out of these 5,300 vacancies, 1,788 vacancies (21%) are in the District Judge Cadre against the sanctioned strength of 8,387 District Judges and 3,512 vacancies (21%) are in the Civil Judge Cadre against the sanctioned strength of 16,694 Civil Judges. This highlights the need for regular recruitment of judges. In the High Courts, there is a vacancy of 347 judges against the sanctioned strength of 1,114 judges (*refer to Figures 3.1 and 3.2, Part III*).
6. **Compliance with Recruitment Timelines prescribed in *Malik Mazhar*** - The Supreme Court in *Malik Mazhar Sultan v. U.P. Public Service Commission* prescribed a schedule for the regular recruitment of judges in the district judiciary. An analysis of actual time taken in the last recruitment process carried

out demonstrates that only 9 out of the 25 States<sup>2</sup> completed the recruitment of Civil Judge (Junior Division) within the stipulated time frame of the Supreme Court. Bihar (945 days) and Haryana (646 days) took the maximum time. For the District Judge (Direct Recruitment) exam, only Nagaland (106 days), Odisha (132 days) and Andhra Pradesh (142 days) completed the recruitment process within the apex Court's timeline, whereas Punjab & Haryana and Jammu & Kashmir took 1,270 and 1,173 days respectively to complete their Higher Judicial Services recruitment processes (*refer to Figure 3.6 and 3.7, Part III*).

**7. Unfilled Vacancies in Higher Judicial Services** - 70.9% of the advertised seats for District Judges (Direct Entry from Bar) in the 24 States examined in the Report remained vacant. Notably, none of the candidates qualified the Mains Examination in States of Assam, Chhattisgarh, Jammu & Kashmir and Uttarakhand. In Madhya Pradesh, no candidate could qualify the viva-voce (*refer to Figure 3.8, Part III*).

**8. e-filing and Digitisation of Case Records** - As of 31 July 2023, 18,36,627 cases have been e-filed of which 11,88,842 (65%) were e-filed in District Courts. However, as per data submitted by judicial officers on *iJuris*, only 48.6% of District Court complexes have a functional e-filing facility.

As per the e-Committee, Supreme Court of India, as of 22 November 2022, a total of 12,42,93,90,000 (12 billion) pages, primarily consisting of legacy records (disposed cases), require digital preservation. The financial outlay specified for the digitisation of case records in Phase-III of the e-Courts project is Rs. 2,038.4 crore (28.27 % of the total project outlay of 7,210 crore).

**9. Video Conferencing Facilities** - In Phase-I of the e-Courts project, the facility of video conferencing was made available in 493 court complexes and 347 jails. In Phase-II of the project, these figures rose to 3,240 court complexes and 1,272 jails. 86.7% of the district courtrooms have a working LAN/internet connection, and 69% have efficient bandwidth. However, as per data submitted by judicial officers on *iJuris*, only 57.4% of courtrooms in the district judiciary have VC-enabled computers on the judge's dais (*refer to Figure 4.6, Part IV*).

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<sup>2</sup> West Bengal, Punjab, Sikkim, Telangana, Maharashtra, Uttar Pradesh, Gujarat, Karnataka & Andhra Pradesh complied with the timeline prescribed for the recruitment of Civil Judge (Junior Division).

**10. Representation of Marginalised Sections in District Judiciary** - There is a lack of comprehensive data on the representation of marginalised sections of society including SCs and STs in the district judiciary. In the six States with the most vacancies of judicial officers studied for this Report, 66.3% of the total unfilled posts are from the reserved category. It was also found that in the six States examined, 142 (84.5%) of the total 168 seats reserved for the ST category remain unfilled (*refer to Figures 3.11 and 3.12, Part III*).

**11. Different Recruitment Authority for Recruiting Civil Judge (Junior Division)**

An examination of recruiting authorities in 25 States reveals that in 13 States, the State Public Service Commission (PSC) is the recruitment authority for Civil Judge (Junior Division), while in the remaining 12 States, the High Court conducts the recruitment process. For the last recruitment process conducted in these States, the average time taken by High Courts to complete the recruitment process was 335 days while PSCs took an average of 436 days (*refer to Annexure H*).

**12. Support Staff in the District Judiciary** - In the district judiciary, the vacancy of support staff is 27% (74,524) as against the total vacancy of 21% of judicial officers. This highlights the need to regularly recruit staff, alongside the recruitment of judicial officers. To facilitate this, Bihar and Assam have prescribed time frames in their service rules to conduct the recruitment of court staff.

**13. Use of Regressive Nomenclature** - The service rules for staff in District Courts in several States still use regressive terminology such as ‘Subordinate Court Staff’ and designations like ‘Jamadar’, reflecting a colonial mindset. Certain States have amended their rules in line with the Shetty Commission Report and re-categorised staff in Groups A, B, C, D while other States continue to use the less favoured Class I, II, III, IV to categorise their employees.

**14. Dedicated Cell for Fund Utilisation** - At the Chief Justices’ Conference in 2016, it was resolved that each High Court would constitute a Dedicated Cell to monitor the utilisation of funds under the 14th Finance Commission. Currently, 17 out of 25 High Courts have established the Dedicated Cells.



**15. Delay in Identification and Allotment of Land** - According to responses received by High Courts and District Courts, one of the primary reasons for inadequate infrastructure is the lack of space and delays in identifying and allotting suitable land. Often, the land suggested by local bodies is in isolated places that are not easily accessible to the public.

**16. Nyaya Vikas Portal** - The status of infrastructural projects for the construction of court complexes and residential units in the district judiciary can be tracked on the Nyaya Vikas Portal. However, the portal needs to be regularly updated to give real-time information on geo-tagged projects. Few construction projects that have in fact already been inaugurated are shown as pending on the Nyaya Vikas Portal dashboard.

**17. Conditions under the CSS Scheme** - As per the Revised Guidelines for Centrally Sponsored Scheme for Development of Infrastructural Facilities for Judiciary (CSS), no court halls/residential units are sanctioned to any State beyond the working strength of judicial officers. By tying apportionment to the working strength of judges instead of their sanctioned strength, the recruitment of new judges may be restricted due to a lack of infrastructure.

CSS Guidelines also require States and Union Territories to comply with mandatory conditions for the release of grants like the adoption of the Public Fund Management System (PFMS), designation of a Single Nodal Agency (SNA) Account, and submission of Utilisation Certificate (UC) of previous instalments. High Courts have raised concern regarding submission of UC of the last instalment for release of future grants.

**18. Lack of competition on Government-e-Marketplace (GeM)** - GeM is a procurement mode for purchasing commonly used goods and services by Government Departments. For procurement of necessary hardware and equipment under the e-Courts Project, particularly in remote areas, there is a lack of competition among the bidders on GeM.

# INTRODUCTION

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The judiciary is the sentinel protecting the fundamental rights of the citizens and upholding the rule of law. Hon'ble Dr. Justice D.Y. Chandrachud, the Chief Justice of India in the Chief Justices' Conference, 2022, said that justice is no longer merely a 'sovereign function', but an 'essential service'. Rendering the 'essential service' of justice delivery is reflected in the performance of judges, which substantially depends on sufficient physical and digital infrastructure, adequate human resources, and increasingly adopting state-of-the-art technology. Recognising these realities, the Chief Justice of India tasked the Centre for Research and Planning, Supreme Court of India to study the present state of the judiciary in India and prepare this Report. The primary focus of the Report is assessing the state of judicial infrastructure and budgeting, vacancies amongst judges and court staff in the district judiciary, and the use of ICT in judicial operations to identify areas for improvement. The Report consists of four parts. The aim and structure of these four Parts is discussed below:

**Part I** - The vision of 'Judicial Infrastructure' is to establish that there is a vital link between the judicial infrastructure and access to justice. This Part begins with analysing the judicial infrastructure, identifying infrastructure gaps with respect to courtrooms, residential accommodation for judicial officers, basic health and sanitation facilities and provision of other citizen-centric amenities, including e-Sewa Kendra. It also emphasises that the judicial infrastructure should be secure, inclusive and accessible to all, including persons with disabilities.

**Part II** - 'Budgeting for the District Judiciary' delves into fund allocation, disbursement and utilisation, primarily under the Centrally Sponsored Scheme for 'Development of Infrastructure Facilities for Judiciary' and the e-Courts Project. This Part examines the obligation of the Central and State Governments to provide funds to the judiciary for infrastructure augmentation commensurate with the sanctioned strength of judges and to ensure the timely release and utilisation of funds.

**Part III** - ‘Human Resource Management’ examines the vacancy of judges and staff in the district judiciary. It also examines various methods for computing adequate judge strength in light of the Supreme Court’s directions passed in *Imtiyaz Ahmad v. State of UP*.<sup>3</sup> It further checks the compliance of the timeline stipulated for the recruitment of judges in the district judiciary in *Malik Mazhar Sultan v. UP Public Service Commission*<sup>4</sup> and analyses the reasons for delays in the recruitment of judges. It also discusses the representation of women and marginalised sections in District Courts and the working conditions of the staff in the district judiciary.

**Part IV** - ‘ICT Enablement of Judiciary’ examines the major ICT initiatives spearheaded by the e-Committee of the Supreme Court in the three phases of the e-Courts Integrated Mission Mode Project, such as e-Court services, video conferencing, e-Filing, e-Payment, virtual court, National Service and Tracking of Electronic Processes (NSTEP), Fast and Secured Transmission of Electronic Records (FASTER), digitisation of case records and ICJS. It also analyses essential aspects for the judiciary’s ICT enablement like adequacy and inclusivity of physical, digital and communication infrastructure and the need for capacity building, and outlines various technological initiatives undertaken by High Courts.

### **Methodology**

A three-pronged approach has been employed in preparing the Report:– data collation, data presentation, and data analysis. The empirical data set out in this Report is based on the following key primary sources:

1. Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.
2. CJI Conference Questionnaire, Conference Secretariat, Supreme Court of India - as on April - July 2023, as the case may be.
3. Integrated Judicial Upgradation and Reforms on Infrastructure and Services (*iJuris*), National Judicial Data Grid, as on 25 September 2023.
4. Statistics received from the e-Committee, Supreme Court of India, 30 September 2023.
5. Data from the website of the Department of Justice, Government of India.

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<sup>3</sup> (2017) 3 SCC 658.

<sup>4</sup> (2008) 17 SCC 703.

Reliance has also been placed on other relevant sources such as reports of the Law Commission of India, reports of the National Court Management System (NCMS) Committee of the Supreme Court, resolutions passed in the Chief Justices' Conferences, newspaper reports, court documents, academic articles. Data was also collected from the websites of the Supreme Court of India, the High Courts, Central and State Governments, the National Judicial Data Grid (NJDG), applicable judicial precedents, and relevant legislation.

After systematic data collection and collation, the information has been studied in light of the responses received from the High Courts and District Courts and pictorially represented through tables and figures to give meaningful insights.



## PART I

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# JUDICIAL INFRASTRUCTURE

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## 1. BACKGROUND

Access to justice lies at the heart of the justice delivery system. Justice without accessibility to the litigant is an illusion. With the advent of technology and enhanced awareness of rights and duties, there is an increasing inflow of litigation. Dispensation of speedy and quality justice requires the judges to discharge their obligation at their optimum level of performance. This can be ensured with adequate and robust judicial infrastructure in place to provide functional support to judges. The Supreme Court of India has time and again pressed the need for revamping the judicial infrastructure. In *All India Judges Association. v. Union of India*,<sup>1</sup> while highlighting the infrastructural needs, the Supreme Court observed that:

*“1. A sound infrastructure is the linchpin of a strong and stable judicial system. The responsibility for securing justice to the citizenry of our country rests upon the judiciary which makes it imperative upon the State to provide the judicial wing the requisite infrastructure commensurate with the constitutional obligation of the judiciary. It needs to be understood that without a robust infrastructure, the judiciary would not be able to function at its optimum level and, in turn, would fail to deliver the desired results.*

*6. It has to be firmly borne in mind and accepted as a reality that raising the infrastructure standards in the court complexes is the need of the hour as it is the basic requirement for the courts in the twenty first century....The consumers of justice expect prompt and effective delivery of justice in an atmosphere that is acceptable. Therefore, infrastructure enhancement will go a long way in strengthening functioning of the court and would improve the productivity in the justice delivery system.”*

(emphasis supplied)

In the Indian judicial system, the district judiciary provides the primary interface between the litigant and the justice system. District Courts are, therefore, the most accessible and most widely used recourse for litigants at the grassroots level in India. In this context, the aim of this Part of the Report is to highlight the infrastructural needs of the district judiciary from a citizen-centric perspective. While the main focus is on the district judiciary, this Part of the Report also highlights several infrastructural gaps with respect to High Courts.

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<sup>1</sup> 2018 (9) SCR 419, dated 2 August 2018.

## **2. JUDICIAL INFRASTRUCTURE**

A court complex is the foundation of the physical infrastructure of any justice delivery system. It usually consists of courtrooms with attached chambers, washrooms and drinking water facilities, waiting area for litigants, judicial lock-ups, record room, space for members of the Bar, office space for support staff, and common citizen-centric facilities for efficient delivery of justice. The National Court Management System (NCMS) Committee of the Supreme Court, set up in 2012, set the standard design principles and essential components of a courtroom, judge's chamber, litigant's waiting area, secure lock-ups and other common amenities to make courts more user-friendly.<sup>2</sup> The fundamental guiding factors in the design of a court complex as highlighted by the NCMS Committee are:

- “1. To provide optimum working conditions leading to increased efficiency of judicial officers and the administrative staff;*
- 2. To provide easy access to justice to all and particularly to the underprivileged, persons with disabilities, women and senior citizens;*
- 3. To instil public trust in the judicial process;*
- 4. To provide for the safety and security of judges, administrative staff, litigants, witnesses and under-trial prisoners.”*

In light of these principles, this Part identifies the deficiencies in the current judicial infrastructure and suggests methods to strengthen the physical infrastructure and make it more inclusive and litigant-friendly.

### **2.1 Courtrooms**

A well-equipped courtroom in a court complex is the most basic aspect for augmenting the judicial infrastructure. A state-of-the-art courtroom is a pre-requisite for every judge for efficient justice delivery. However, the increase in infrastructure has not kept pace with the corresponding increase in the number of judges. At times, newly recruited judges in the district judiciary conduct courts on a double sharing basis, which may impact the quantum of judicial work that can be performed by a judge and may cause inconvenience to the lawyers and the support staff. Several High Courts are also in need of infrastructural augmentation. According to the data received from the High Court of Andhra Pradesh, as of November, 2022, 4 High Court judges were working in makeshift courtrooms and 3 judges were conducting

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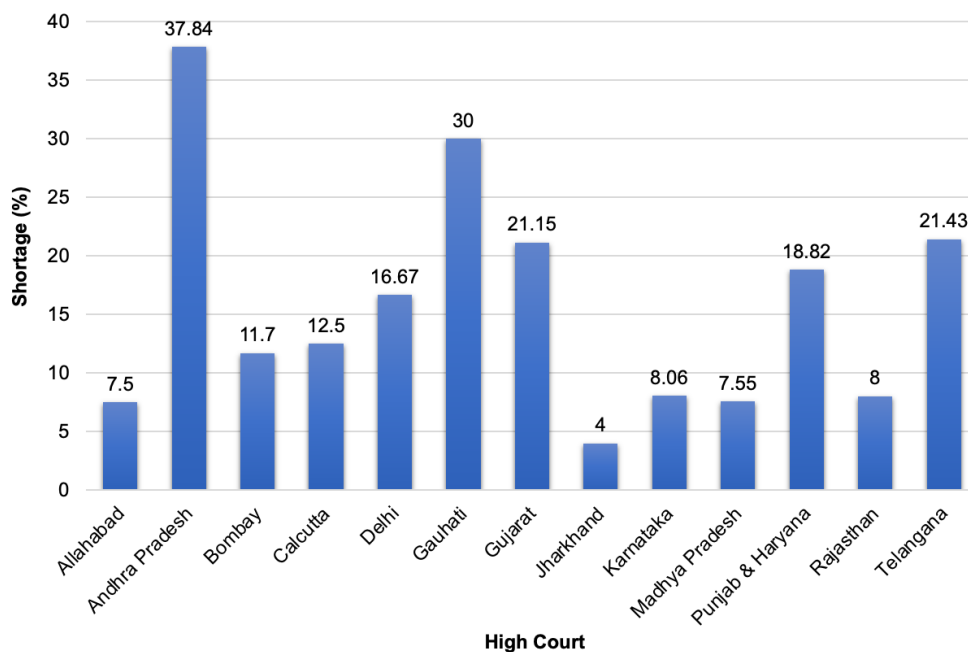
<sup>2</sup> NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting), Supreme Court of India (2012).



court proceedings in their chambers creating a difficult situation in performance of their judicial duties.<sup>3</sup> Further, Calcutta High Court submitted that a part of its main building is sinking as it is an old building wherein renovation, upgradation or vertical extension is not possible.<sup>4</sup>

With respect to the sanctioned strength of judges, there is a shortage of 134 courtrooms in High Courts (*refer to Table 1.2*). However, judges in High Courts also sit in Division Benches, which may lower the requirement of courtrooms depending upon the number of Division Benches in the High Court. It is also noted that the sanctioned strength of judges in High Courts increases from time to time.

The figures below depict the shortage of courtrooms in High Courts and District Courts with respect to the sanctioned strength of judges:

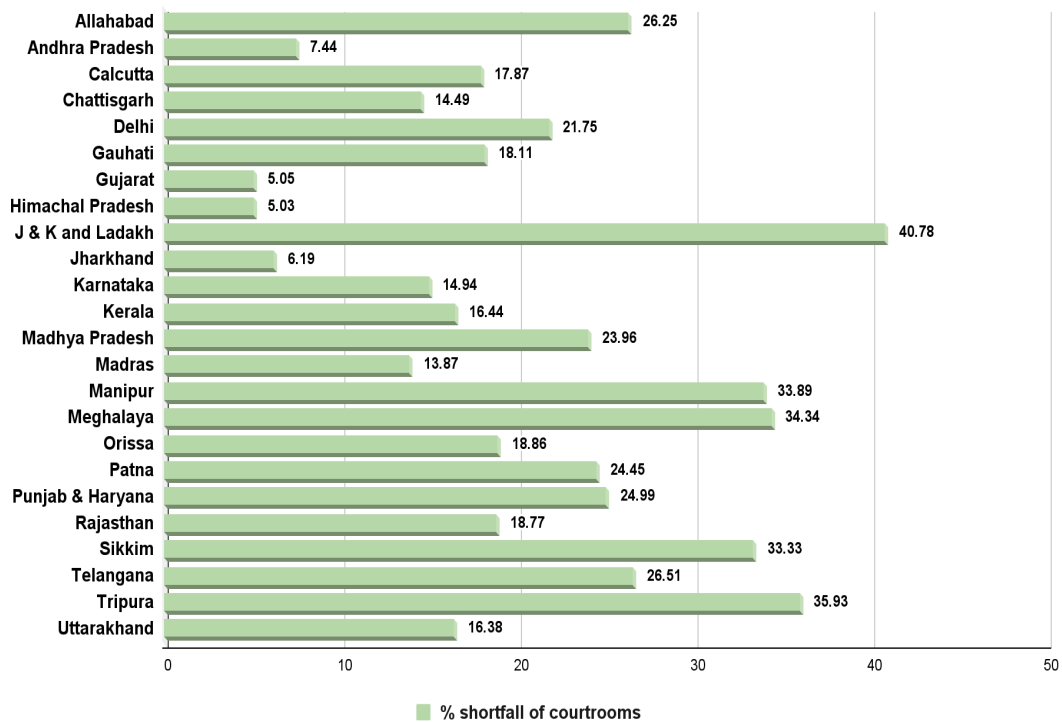


*Figure 1.1 : Shortage of courtrooms in High Courts (%), as of November, 2022<sup>5</sup>*

<sup>3</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>4</sup> *Ibid.*

<sup>5</sup> Annexure A, Judge Strength and Number of Courtrooms in High Courts. The figure only shows the High Courts which have a shortage of courtrooms.



*Figure 1.2 : Shortage of courtrooms in District Courts under the jurisdiction of respective High Courts (%) as on 1 April 2023<sup>6</sup>*

Figure 1.2 above shows the shortage of courtrooms in the district judiciary. Jammu & Kashmir and Ladakh has the maximum infrastructure gap of 40.78% courtrooms in the district judiciary. Taking judicial notice of the shortage of space and budget, Delhi High Court observed that the number of District courtrooms available in Delhi is not commensurate with the sanctioned strength of judicial officers.<sup>7</sup> Infrastructure gap with respect to courtrooms is therefore indicative of the number of courtrooms needed to accommodate the sanctioned number of judges. It does not include courts housed in rented premises. The point of reference is the ‘sanctioned strength of judges’ to ensure that recruitment or appointment of judges is not hampered for want of infrastructure. The formula for calculating the infrastructure gap is given:

$$\text{Infrastructure Gap (Courtroom)} = \text{Sanctioned Strength} - (\text{Courtrooms owned by the Judiciary} + \text{Courtrooms provided by the Government})$$

<sup>6</sup> Annexure B, Number of Courtrooms in District Courts.

<sup>7</sup> *Achla Dhawan v. State of NCT of Delhi*, W.P.(C) 4069/2021, dated 21 November 2023.

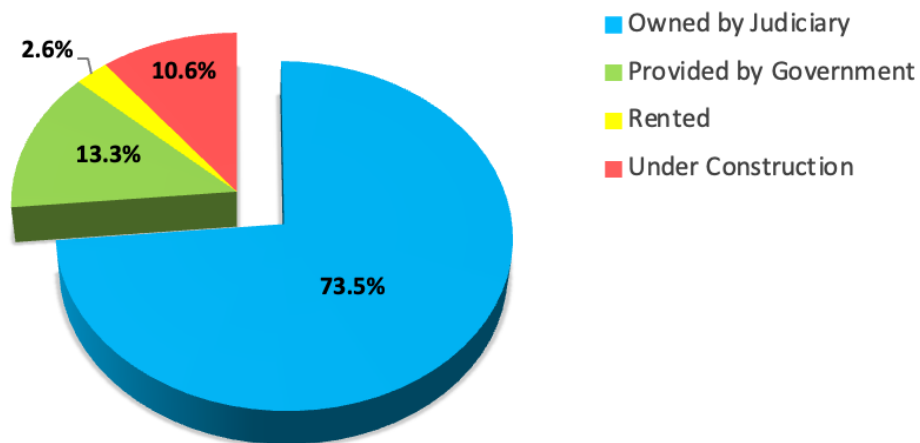
Sanctioned Strength of Judges in District Judiciary	Total No. of Courtrooms	Infrastructure Gap (Courtrooms)
25,081	20,831	4,250

*Table 1.1 : Infrastructure Gap (Courtrooms) in District Judiciary, as on 1 April 2023<sup>8</sup>*

Sanctioned Strength of High Court Judges in India	Total No. of Courtrooms	Infrastructure Gap (Courtrooms)
1,114	980	134

*Table 1.2 : Infrastructure Gap (Courtrooms) in High Courts as of November 2022<sup>9</sup>*

The infrastructure gap of 4,250 courtrooms in the district judiciary includes courtrooms that are under construction or are functional from rented premises. It is therefore essential to analyse the status of ownership of District Court premises *i.e.* whether the premises in which District Court complexes are built are owned by the judicial department, are provided by the State Government, are rented or are under construction.



*Figure 1.3 : Status of ownership of District Court premises<sup>10</sup>*

<sup>8</sup> Annexure B, Number of Courtrooms in District Courts.

<sup>9</sup> Annexure A, Judge Strength and Number of Courtrooms in High Courts.

<sup>10</sup> Annexure B, Number of Courtrooms in District Courts.

Figure 1.3 categorically shows that 73.5% of the available court premises are owned by the judiciary, 13.3% of court premises are owned by the Government and 2.6% (626 courtrooms) are rented premises.

As per information received from the High Court of Jammu & Kashmir and Ladakh, it is apparent that 35 courts in the district judiciary of Jammu & Kashmir and Ladakh are functioning on an *ad hoc* arrangement from rented accommodation or otherwise.<sup>11</sup> The High Court of Karnataka also submitted that 73 out of 1160 courts are made available by modifying/altering the office accommodation and Bar Association halls.<sup>12</sup> When courts function in private rented buildings or in stop-gap arrangements, they not only face the challenge of non-availability of necessary amenities but also of a secure work environment due to which all the stakeholders face inconvenience. Sharing the courts, within the same building as other government department offices, creates difficulties like that in the control and regulation of entry of public/individuals into courtrooms and offices. Besides, modification of essential amenities and construction of additional rooms such as vulnerable witness rooms, e-Sewa Kendra becomes infeasible. Courts housed in rented structures also constitute an undesirable drain on the funds allocated for the judicial system.<sup>13</sup> Besides, as submitted by the High Courts, the condition of many sub-divisional/outlying courts located in remote areas is also not satisfactory.<sup>14</sup>

Prestige of the judicial institution in the public eye is determined not only by the judicial performance but also by the ambience of court functioning. Regular maintenance and upgradation of the court buildings is of utmost importance to ensure qualitative access to justice and a congenial work atmosphere for the judges, court staff and the lawyers.

### **Status of Under Construction Courtrooms**

The infrastructure gap of 4,250 courtrooms in the district judiciary, as highlighted above, can be bridged by timely completion of under construction projects. In this

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<sup>11</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

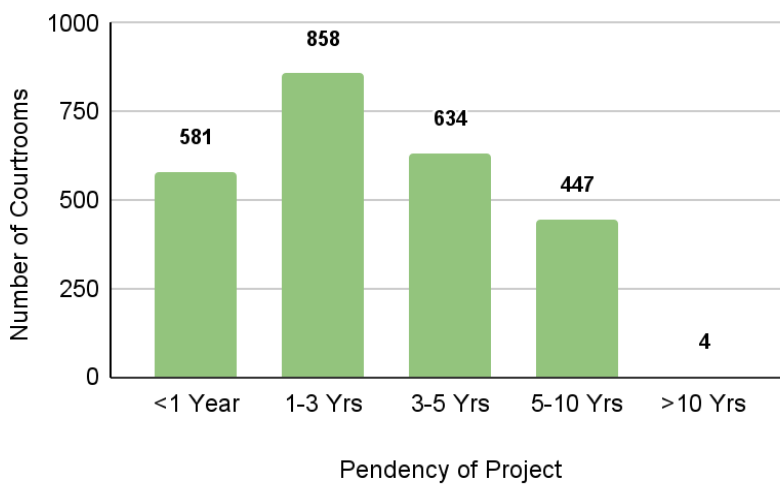
<sup>14</sup> *Ibid.*

regard, the following resolution has been passed at the Chief Justices' Conference, 2016.<sup>15</sup>

At the Chief Justices' Conference, 2016, it was resolved that the Chief Justices must adopt proactive steps to:

**(b) ensure the completion of ongoing projects that have been pending for three or more years on a mission mode basis.**

Despite the resolution passed at the Chief Justices' Conference, 2016, out of 2,524 under construction projects, 1,085 projects (42.9%) for construction of courtrooms are pending for more than 3 years, as of April 2023.<sup>16</sup> Figure 1.4 shows the status of courtrooms under construction in the district judiciary:



*Figure 1.4 - Status of courtrooms under construction in the district judiciary<sup>17</sup>*

Figure 1.4 shows that 451 courtrooms have been under construction for more than five years. Construction of court buildings should be completed within the stipulated time, so as to avoid the escalation cost. As per information provided by the Madras High Court, in practice, in most of the cases, the Public Works Department (PWD) authorities are approaching the Government for escalation of cost as against the

<sup>15</sup> Resolutions adopted in the Chief Justices' Conference, 2016 (22 & 23 April 2016), available at <https://main.sci.gov.in/pdf/sciconf/Resolutions%20adopted%20in%20the%20Chief%20Justices%27%200Conference,%202016.pdf> (last accessed on 20 August 2023).

<sup>16</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023).

<sup>17</sup> Annexure D, Status of Under Construction Courtrooms in District Judiciary.

original project cost.<sup>18</sup> There is a need for sincere adherence to timelines by the concerned State agencies and monitoring of ongoing projects.

### **Nyaya Vikas Portal**

The Department of Justice (DoJ) and Indian Space Research Organization (ISRO) developed an online monitoring system of 'Nyaya Vikas' web portal in 2018 to monitor the progress of judicial infrastructure projects under the Centrally Sponsored Scheme for Development of Infrastructure Facilities for the Judiciary (CSS) by geo-tagging the projects. It seeks to provide real time information of completed, under construction and proposed projects for construction of court complexes and residential units. The dashboard provides details, such as the name of project, date of initiation of project, estimated date of completion and status as per the last date of updation.<sup>19</sup> The delay in completion of under construction projects can be tracked from the dashboard of the Nyaya Vikas portal. *For instance, the project to build the Court Building at Kamalpur in Dhalai District of Tripura started on 4 October 2017 with estimated time of completion to be by 31 December 2019. However, as of 30 August 2023, the progress of construction is 70%.<sup>20</sup>* This is a matter of serious concern as the project is running around 4 years behind its estimated date of completion. Similarly, construction of the District Court Complex at Dehradun which was scheduled to be completed by 31 March 2023, was only 40% complete on the last date of updation i.e. 6 February 2022. Clearly, there is delay in completion of projects by the concerned Departments even after the sanctions are in place.

It is noteworthy that the Nyaya Vikas portal does provide comprehensive information pertaining to the status of under construction projects, however, there is a need for regular updation of data. Illustratively, the project to construct 50 courtrooms in the existing Tis Hazari Court Complex, Central District in Delhi started on 4 October 2019 with estimated date of completion to be 31 March 2021. The project was last updated on 3 October 2022 as 90% complete. On 28 April 2023, the said court

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<sup>18</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>19</sup> Department of Justice, Nyaya Vikas, Judicial Infrastructure Projects, available at <https://bhuvan-nyayavikas.nrsr.gov.in/dashboard/index.php> (last accessed on 10 October 2023).

<sup>20</sup> *Ibid.*

complex has already been inaugurated, however, the status has not been updated on the dashboard of the portal.<sup>21</sup> Similar is the case with few other construction projects.

The Nyaya Vikas portal is a move to bring in transparency by geotagging of projects and bolsters accountability by casting an obligation upon the concerned authorities to adhere to the time frame prescribed. Success of any data repository lies in its regular updation. Therefore, in order to monitor the performance of various departments with respect to the ongoing projects and to improve upon the reliability of data reported, it is crucial that the status of geotagged projects on the Nyaya Vikas dashboard is updated in a timely manner.

### **Quality of Judicial Infrastructure**

Adequacy of infrastructure does not lie merely in the provision of courtrooms commensurate with the sanctioned judicial strength but also in the sufficiency of the courtroom in terms of amenities. For any court to function efficaciously, it is necessary that the court building is in a functional condition, equipped with state-of-the-art facilities. The statistical data brings the infrastructural shortcomings to the surface, however, it does not depict the qualitative aspects of the judicial infrastructure. In the Shetty Commission Report, 1999, it was observed that there have even been incidents of falling ceiling plasters, narrowly missing the head of the judge.<sup>22</sup> In *Vidarbha Labour Law Practitioners Association v. State of Maharashtra*,<sup>23</sup> the Supreme Court acknowledged the grim condition of infrastructure and observed:

*“16. The report further points out that there are several cracks in the walls of the chambers of the Judges. The door frames of the chambers are in a broken condition. The stenographers have no separate rooms to sit and work. They are required to share the chamber with the Judges by using cloth curtains. Such a bad working atmosphere in the Court premises is bound to affect the justice delivery system adversely. The root cause of the problem is negligence on the part of the State Government to provide adequate finances to the Law and Judiciary Department of the State.”*

(emphasis supplied)

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<sup>21</sup> Delhi District Court official Youtube channel, Inauguration of Tis Hazari Courts Extension Block on 28 April 2023, available at <https://www.youtube.com/watch?v=yAk-Ts68YvY> (last accessed on 30 September 2023).

<sup>22</sup> Shetty Commission Report, Pay Structure of the Judicial Officers of the Subordinate Judiciary, 1999, available at [http://aijopc.nic.in/SHETTY\\_COMMISSION\\_REPORT.pdf](http://aijopc.nic.in/SHETTY_COMMISSION_REPORT.pdf) (last accessed on 1 September 2023).

<sup>23</sup> (2003) 6 Bom CR 468.

The construction of new court complexes is picking up pace. However, several incidents like that of falling of plasters, seeping rainwater are still reported as some of the magisterial courts operate from colonial-era facilities.<sup>24</sup> For instance, in May 2022, a dilapidated court boundary of Biharsharif District Court collapsed during the court proceedings, killing a woman.<sup>25</sup>

A court building extends beyond the mere presence of a physical structure. It encompasses within itself the provision for essential amenities, such as good lighting, proper ventilation, power backup, video conferencing facilities, witness box, sufficient furniture for court staff and lawyers. Back in 1988, the 127th Law Commission of India observed:<sup>26</sup>

*“3.4. Apart from court buildings, the existing court buildings have no amenities. Sufficient number of cupboards or almirahs for keeping files and records are not provided. Files and records are lying scattered on the floor. Large number of courts of Judicial Magistrate do not have printed forms for issuing summons or receipt books for acknowledging deposit of fines...The courts at many places are being held in chambers where neither the litigants can stand nor lawyers can argue. In fact, cases have come to light where when an additional court is sanctioned, the existing court room is divided by a cotton curtain partition dividing one court room as a court room for two courts. Both the courts are disturbed by the noise emanating from each...”*

(emphasis supplied)

Even today, several District Courts function with a lack of basic courtroom amenities. The NCMS Committee in its Baseline Report on Court Development Planning System recommended that the entire electrical provision in a courtroom should have

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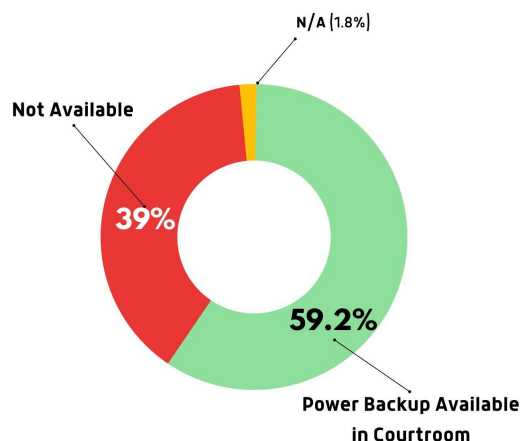
<sup>24</sup> ‘British-era Court has Leaking Roof’, Times of India, available at <https://timesofindia.indiatimes.com/city/pune/british-era-court-has-leaking-roof-pune-cantonment-board-says-cant-fix/articleshow/93381018.cms>, dated 6 August 2022 (last accessed on 5 October 2023); ‘Part of Ceiling in Sewri Sessions Court Collapses’, The Hindu,, dated 31 May 2017, available at <https://www.thehindu.com/news/cities/mumbai/part-of-ceiling-in-sewri-sessions-court-collapses/article18662332.ece> (last accessed on 29 October 2023).

<sup>25</sup> ‘1 killed, 6 injured as court wall collapses in Biharsharif’, Hindustan Times, dated 13 May 2022, available at <https://www.hindustantimes.com/cities/patna-news/1-killed-6-injured-as-court-wall-collapses-in-biharsarif-101652440150754.html> (last accessed on 1 November 2023).

<sup>26</sup> Law Commission of India, Resource Allocation for Infra-structural Services in Judicial Administration, 127th Report (1988), available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080875-1.pdf> (last accessed on 6 September 2023).



100% power backup.<sup>27</sup> However, as per data collected on *iJuris*, it was found that only 59.2% of the district courtrooms have power backup (*refer to Figure 1.5*).



*Figure 1.5 : Power backup in District courtrooms*<sup>28</sup>

Shortage of power backup not only causes inconvenience to the judges, staff and the lawyers in ensuring a swift process of trial in case of power outage, but also poses a barrier in realising the benefits of technology under the e-Courts project. Moreover, the shabby condition of record rooms in many of the District Court complexes leads to occupying much of the court space and furniture for record keeping. 32.2% of District Court complexes in India still lack record rooms.<sup>29</sup> Data with regard to the availability of other essential courtroom amenities in District Courts is listed in *Table 1.3*.

<sup>27</sup> NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting), Supreme Court of India (2012).

<sup>28</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>29</sup> *Ibid.*

S.No.	AVAILABILITY OF AMENITY	RESULT
1.	Separate Record Room for the Court	35%
2.	Air-conditioning in the Courtroom	30.8%
3.	Separate Library for Court	26.7%
4.	Separate Property Room for the Court	23.1%
5.	Separate Rooms for Counsellors in the Court	9.5%
6.	Witness Box in the Courtroom as per norms and guidelines	74.3%
7.	Proper Accused Box in the Courtroom	69.3%
8.	Comfortable and sufficient furniture in the Courtroom for Judge and Staff	64.7%
9.	Comfortable and sufficient furniture in the Courtroom for Lawyers and Litigants	58.7%

*Table 1.3: Availability of court amenities in the district judiciary<sup>30</sup>*

## **2.2 Residential Accommodation for Judges**

A degree of aloofness is consistent with the dignity of the judicial office.<sup>31</sup> The obligation of justice delivery requires independence and impartiality. Therefore, adequate residential accommodation is of utmost necessity for a judge to discharge the duties efficiently. The Shetty Commission Report highlighted the importance of the living condition of judges in administration of justice, and observed, “*The vast moral authority of courts in our system is bound up in the public mind with the visible adjunct of those who dispense justice, including certain way of living and the manner in which they commute to courts.*”<sup>32</sup> The Commission also adverted to Robert Stevens, the former Chancellor of the University of California, Santa Cruz, worded as:<sup>33</sup>

<sup>30</sup> *Ibid.*

<sup>31</sup> Restatement of Values of Judicial Life, available at [https://main.sci.gov.in/pdf/Notice/02112020\\_090821.pdf](https://main.sci.gov.in/pdf/Notice/02112020_090821.pdf) (last accessed on 14 September 2023).

<sup>32</sup> Shetty Commission Report, Pay Structure of the Judicial Officers of the Subordinate Judiciary, 1999, Para 16.10.18, available at “[http://aijopc.nic.in/SHETTY\\_COMMISSION\\_REPORT.pdf](http://aijopc.nic.in/SHETTY_COMMISSION_REPORT.pdf)” (last accessed on 1 September 2023).

<sup>33</sup> *Ibid*; Robert Stevens, Independence of Judiciary: The View from the Lord Chancellor’s Office (Oxford Journal of Legal Studies, 1988, Page 121).

*"If judges have to live in mean houses, wear cheap clothes...not only would their work suffer by reason of their mental discomfort but the present high estimation in which the judiciary is everywhere held would also suffer. If the members of the judiciary are not regarded with respect, their impartiality will, such is human nature, come to be doubted..."*

(emphasis supplied)

Residential units for judges are often located within secure compounds or gated communities, in proximity to court complexes ensuring their safety and protection. This becomes more important as judges deal with sensitive cases which may attract threats or unwanted attention. Judicial Officers also serve as Remand Magistrates during holidays requiring them to perform their duties from the residential offices. However, many judges, due to shortage of government quarters, end up residing in private rented premises. On being newly recruited or transferred, the first worry of a judicial officer is often looking for a safe and proper place to live, for which they may have to wander from one house to another, dealing with landowners. In the phase of transition, judicial officers may struggle to find temporary accommodation even at the government guest house and circuit-house which have limited capacity. The necessity of official accommodation for judicial officers has been dealt with by the Supreme Court in *All India Judges' Association v. Union of India*<sup>34</sup> back in 1992 as:

*"34. Provision of an official residence for every judicial officer should be made mandatory. A judicial officer to work in a manner expected of him has to free himself from undue obligations of others, particularly owners of buildings within his jurisdiction who ordinarily may have litigations before him. This is mostly the case in rural areas where outstation judicial courts are located. We are aware of cases where a rural court is located in the building belonging to a lawyer or a client. Even the residential accommodation of the judicial officer belongs to people of that category. Such a situation often gives occasion to personal embarrassment to the judicial officer and it has to be avoided."*

(emphasis supplied)

Table 1.4 shows that there is a shortage of 6,021 residential units for judicial officers with respect to the sanctioned strength of judges in district judiciary. This gap does not include residential accommodations that are functional from rented premises.

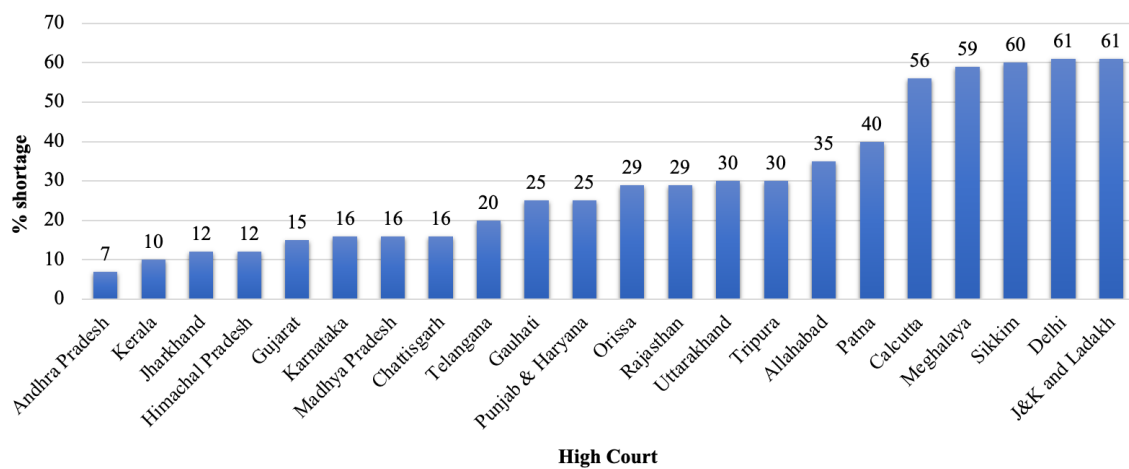
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<sup>34</sup> [1991] SUPP. 2 S.C.R. 206, dated 13 November 1991.

Sanctioned Strength of Judges in District Judiciary	Total No. of Residential Accommodations Available	Infrastructure Gap (Residential Accommodation)
25,081	19,001	6,021 <sup>35</sup>

*Table 1.4 : Infrastructure gap (residential accommodation) in district judiciary<sup>36</sup>*

Further, *Figure 1.6* shows the percentage of shortage of residential accommodations for judges in district judiciary.<sup>37</sup>



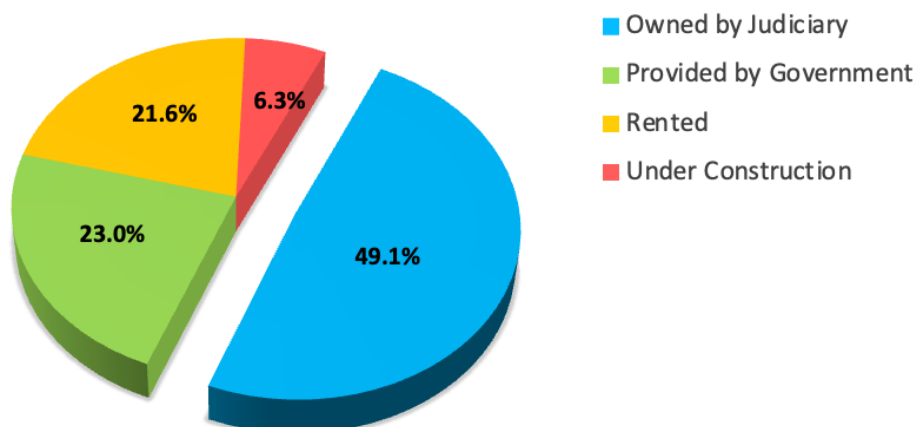
*Figure 1.6 : Shortfall (%) of residential accommodations in the district judiciary<sup>38</sup>*

<sup>35</sup> This figure does not include 4,379 residential accommodations that are functional from rented premises.

<sup>36</sup> Annexure C, Number of Residential Accommodations in District Courts.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.* Figure 1.6 does not include the States with adequate residential accommodations for judicial officers. Data for the State of Manipur is not available.



*Figure 1.7 : Status of ownership of residential accommodations in the district judiciary<sup>39</sup>*

Figure 1.6 shows that Delhi and Jammu & Kashmir & Ladakh have 61% shortage of residential accommodations for judicial officers. The above figure shows that 21.6% (4,379) of the total residential units are rented and 6.3% (1,266) of the residential units in the district judiciary are under construction. The major hurdle in providing adequate residential accommodation to judges is identification and allotment of suitable land and delay in administrative approvals and budgetary sanctions. Many projects are in the initial stage for want of land and funds. The latter is discussed at length in Part II of the Report.

### **Identification and allotment of suitable land**

Access to justice begins with easy access to courts. Court premises must be situated where there is end-to-end connectivity of public transport systems. However, getting sufficient and suitable land is one of the major hurdles to achieve the goal of self-sufficiency in terms of infrastructure. The main roadblock in construction of new court complexes is identification of land in proper area/location. Identification and allotment of land is the responsibility of the State Government.<sup>40</sup> Often, the lands suggested by the local bodies are in isolated places and far away from the prominent places viz. bus stop/railway station, Tehsil office, Police Station.<sup>41</sup> The court complexes are often located in the heart of the town in densely populated areas which

<sup>39</sup> Annexure C, Number of Residential Accommodations in District Courts.

<sup>40</sup> Ministry of Law & Justice, Revised CSS Guidelines, 2021, Conditions for release of grants to the States/UTs under the Scheme, available at [https://bhuvan-nyayavikas.nrsc.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrsc.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 17 August 2023).

<sup>41</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

does not leave any scope for expansion of additional courtrooms. This presents a unique challenge as there is no scope for additional construction within the existing premises and no suitable land is usually available in the vicinity for additional construction. For instance, in Bihar, there are 16 sub-divisions where the State Government is yet to propose suitable land.<sup>42</sup> Land should be identified in locations that are easily accessible to the public, free from encumbrances. In Maharashtra in a number of places like Rajapur, Yeotmal, Malabar Hill Quarters Mumbai, Pandharkawada, court complexes or residential quarters are located adjacent to funeral places.<sup>43</sup> Similarly, land initially identified for the court complex at Gopalganj, Bihar, turned out to be a moratorium land.<sup>44</sup> Allotment of land for construction of buildings takes a considerable period of time. As per information submitted by the Chhattisgarh High Court, allotment of land for Pandariya, Patan, and Surajpur in Chhattisgarh are awaiting approval since 2010, 2015 and 2016, respectively.<sup>45</sup> Sanction of grant of funds for infrastructure projects is a constraint as there is a considerable time lag in grant of financial sanction and later on, delay in disbursement of funds.

It is the obligation of the State Government to procure and allot suitable land. Given the ever-increasing need for constructing new courts and residential units, this omission acts as a roadblock in full utilisation of funds. *There is a need to have a land bank maintained by the State Government, where the land share of the judiciary is earmarked.* The local Government bodies are required to be directed to reserve sufficient and suitable land at places easily accessible to the litigants for the court complexes in the development plan so that infrastructure gaps may be expeditiously reduced.

### **2.3 Washrooms for all genders**

Facility of hygienic toilets for all genders at the workplace is a basic human right. In High Courts, the number of washrooms is adequate with respect to the current strength of judges. However, the count needs to be increased with respect to the sanctioned strength. The High Court of Andhra Pradesh expressed the need to

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<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

increase the number of washrooms to 3 times the existing number in the High Court premises.<sup>46</sup>

However, time and again, the deplorability of the condition of the district judiciary when it comes to the right to health and sanitation is brought to the fore. Twelve High Courts submitted that there is a stark inadequacy of toilets for judges, staff, lawyers and litigants in the district judiciary.<sup>47</sup> It is a ground reality that court complexes at the district level not only have inadequate washrooms but at times, have washrooms that are dysfunctional, with broken doors and do not have regular supply of running water.<sup>48</sup> Sometimes, washrooms are not attached with the chambers of judicial officers and both male and female judges have to share a common washroom.<sup>49</sup> Addressing a gathering on the occasion of his felicitation ceremony organised by the Supreme Court Bar Association, the Chief Justice of India, Dr. Justice D.Y. Chandrachud took into account the reality of this situation and said, *“I was told that women district judges have no washrooms and they leave home at 8 am and can use one only when they return home at 6 pm. For some, the washrooms are away from the courtroom so when the judge has to go to the washroom, she has to pass by the undertrials who are sitting, which is very embarrassing for a judge.”*<sup>50</sup>

Separate toilets for women is a basic necessity in order to ensure their safety and dignity. However, the number of washrooms for women are far less in comparison to the number of washrooms for males in court complexes. In District Court complexes, usually there are common male and female toilet facilities available for lawyers and litigants. 19.7% of the District Courts in India do not have separate toilets for females (refer to Figure 1.8).

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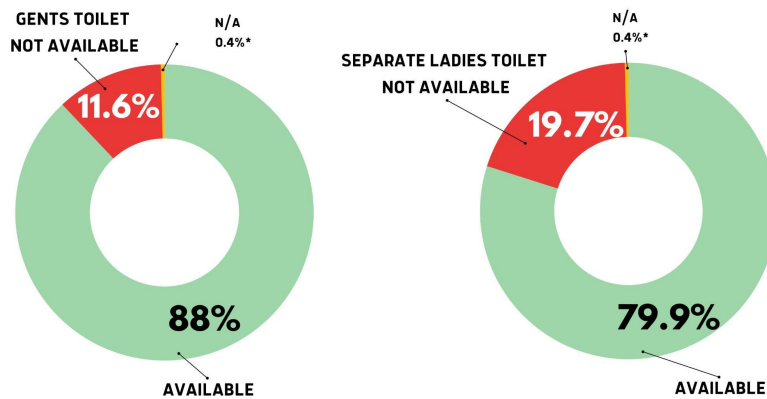
<sup>46</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023).

<sup>47</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>48</sup> *Ibid.*

<sup>49</sup> Jyoti Yadav, 'Courts not seen as workplace— In Hapur, 13 women judges, 200 lawyers have 1 working toilet', The Print, available at <https://theprint.in/feature/courts-not-seen-as-workplace-in-hapur-13-women-judges-200-lawyers-have-1-working-toilet/1172656/>, dated 26 October 2022 (last accessed on 6 September 2023).

<sup>50</sup> Speech-Supreme Court Bar Association, 'Felicitation Function in honour of Hon'ble Dr. Justice D.Y. Chandrachud, Chief Justice of India', available at [https://www.youtube.com/live/MPru9khjjok?si=7ZTJai\\_wgQ8bHWDE](https://www.youtube.com/live/MPru9khjjok?si=7ZTJai_wgQ8bHWDE) (last accessed on 7 October 2023).



*Figure 1.8 : Provision of toilets for males and females in District Court complexes<sup>51</sup>*

Availability and maintenance of any infrastructure go hand in hand. It is a common sight that the washrooms available in the District Court complexes are dirty and unhygienic to the extent of being unusable. Maintenance of washrooms in District Courts is usually outsourced or undertaken in-house or both. However, owing to the lack of sufficient cleaners for the regular washroom maintenance, there are instances when judges may have to engage sweepers and cleaners personally to ensure cleanliness and hygiene. In Peren district of Nagaland, there is no maintenance facility available to clean the toilets and the office staff usually cleans the toilets which depicts a sorry state of affairs.<sup>52</sup>

The sustainability of washrooms is dependent on adherence to a routine and efficient housekeeping system to ensure cleanliness of the washrooms. The concerned wings of the PWD must ensure that the condition of cistern, flush and commode of toilets in court precincts are routinely checked. At this juncture, it is important to point out that in District Courts of Jharkhand, paid washrooms are also available in newly constructed court buildings which ensures regular maintenance.<sup>53</sup>

- **Female-friendly toilets**

An increasing number of women in the Bar and on the Bench requires that the workplaces be made more inclusive. Females have distinct sanitation needs compared

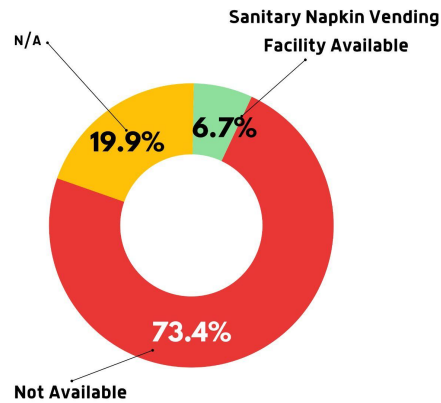
<sup>51</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>52</sup> Written submission, Annexure 3, Affidavit of Registrar General of High Court of Gauhati, *Rajeeb Kalita v. Union of India*, W.P.(C) No. 538 of 2023, Supreme Court of India.

<sup>53</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.



to males, especially with respect to menstrual hygiene, leading to a need for gender-based segregation of sanitation facilities.



*Figure 1.9 : Sanitary napkin vending machines in District Court complexes*<sup>54</sup>

Figure 1.9 shows that 73.4% District Court complexes do not have any sanitary pad vending machines.<sup>55</sup> In Maharashtra, there are 18 sanitary pad dispenser machines available in District Courts.<sup>56</sup>

To ensure equality, dignity and the right to menstrual health and sanitation facilities to women, it is essential that female toilets in institutions of justice have sanitary napkin vending machines with appropriate menstrual waste disposal options.

- **Washrooms for Third Gender**

The purpose of providing washrooms for the third gender or gender-inclusive restrooms is to create a more inclusive and equitable environment for all individuals, regardless of their gender identity. Using restrooms that do not align with their gender identity may cause discomfort and harassment to transgender persons. In *National Legal Services Authority v. Union of India*,<sup>57</sup> the Supreme Court of India recognised the fundamental right of the transgender community under Part III of the Constitution and observed that:

<sup>54</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023). N/A signifies that data is not available.

<sup>55</sup> *Ibid.*

<sup>56</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>57</sup> 2014 (5) SCR 119.

*“62...non-recognition of identity of hijras/transgender persons results in them facing extreme discrimination in all spheres of society, especially in the field of employment, education, healthcare, etc. Hijras/transgender persons face huge discrimination in access to public spaces like restaurants, cinemas, shops, malls, etc. Further, access to public toilets is also a serious problem they face quite often. Since, there are no separate toilet facilities for hijras/transgender persons, they have to use male toilets where they are prone to sexual assault and harassment. Discrimination on the ground of sexual orientation or gender identity, therefore, impairs equality before law and equal protection of law and violates Article 14 of the Constitution of India.”*

(emphasis supplied)

Analysis of the responses submitted by the High Courts reveals that District Courts generally do not have washrooms for the third gender.<sup>58</sup> In Kerala, washrooms for the third gender are available on a sharing basis with PwDs. In District Courts of Uttarakhand, there are 4 washrooms for the third gender across the State. In Tamil Nadu, washrooms for third genders are available only in 2 districts – Chennai and Coimbatore.<sup>59</sup>

Equality demands that the sexual orientation of each individual in society must be protected on every platform. It is the constitutional duty of the State to protect the right to privacy of the third gender and ensure effective access to justice by providing gender inclusive toilets in every District Court premises so that a transgender litigant, lawyer or a judge feels comfortable and safe in using sanitation facilities in a court complex.

#### **2.4 Facilities for Drinking Water**

It is crucial that court complexes are furnished with a centralised R.O. purification system and sufficient water joints and water coolers. However, a significant challenge arises from the inconsistency in the availability of these facilities across all the District Courts. While drinking water facilities are available in all the District Court premises, the installation of water purifiers or coolers is not uniform. In 62.8% of District Court complexes across India, drinking water with purifiers is available.<sup>60</sup> As

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<sup>58</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>59</sup> *Ibid.*

<sup>60</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

per the High Court of Chhattisgarh, 10 Civil Courts, 4 Family Courts and 11 Labour Courts have no drinking water facility.<sup>61</sup> Such courts are usually functioning in temporary Government buildings or rented premises.

Besides availability of drinking water facilities, regular maintenance and upgradation is key to ensuring this fundamental facility. In many District and Taluka courts, water coolers and purifiers need repairs.<sup>62</sup> For instance, as per the Bombay High Court, courts in need of repairs of water coolers/purifiers have made correspondence with the PWD officials to carry out the necessary repair work, however there seems to be a delay on part of the PWD in resolving the said issue.<sup>63</sup>

Access to drinking water is a basic necessity, more so because of the rigorous nature of work that the litigants, lawyers and support staff perform. Availability of water purifiers and water coolers within the District Court premises, therefore, assumes paramount importance. Regular inspection by the concerned State agencies and District Judges is necessary to ensure that the consumers of justice have access to the fundamental amenities inside the court premises.

## **2.5 Seating/Waiting Area for Litigants**

A clean and well-maintained seating area assumes great significance for the comfort of litigants who often endure long waiting times within court premises. Access to appropriate seating arrangements contributes to fostering an environment where individuals feel valued. The NCMS Committee in its Baseline Report on Court Development Planning System recommended that:<sup>64</sup>

*“These waiting-cum-movement areas need to be provided with sufficient seating facilities and at the same time ensuring an uninterrupted movement space in front of the court rooms. The entire area, being a public area, has to be declared as a No Smoking Zone.*

*The waiting areas must have provision of toilets for ladies and gentlemen and children, provision for drinking water, lifts for vertical movement, clear (written and graphic) signage/guide maps and fire exit location maps, main*

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<sup>61</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting), Supreme Court of India (2012).

*stairs /fire stairs etc. for efficient evacuation during any emergency and a good ventilation system preferably air-conditioning in the whole area for year-round comfort.”*

However, many District Courts do not have a dedicated space for seating/waiting areas for litigants. Arrangements are often made on the corridors and verandahs in front of the courtrooms for the litigants, in open places and under the canopies.<sup>65</sup> Figure 1.10 below shows that 21.6% of District Court complexes have waiting areas available for litigants.<sup>66</sup>

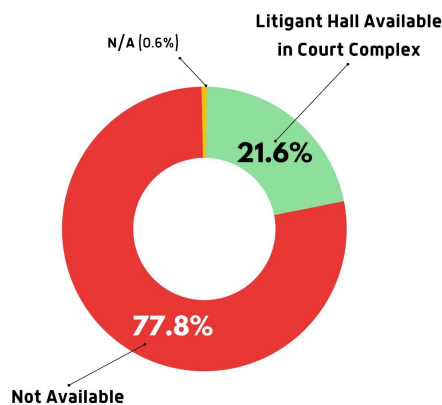


Figure 1.10 : Waiting halls for litigants in District Court complexes<sup>67</sup>

Some courts have also raised the issue pertaining to the paucity of space in the court complexes and functioning of courts from temporary Government buildings or rented premises.<sup>68</sup>

The goal is to create a conducive environment for litigants in the court premises and ensure that the path to access justice does not seem uphill and wearying. Litigants’ idea of justice starts with their experience in the District & Taluka Courts, right from the moment when they await their case call for extended hours. This places a pivotal responsibility upon the concerned States and the High Courts to ensure that the litigants navigate the justice system with dignity and respect, by facilitating them with well-furnished waiting areas.

<sup>65</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>66</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>67</sup> *Ibid.*

<sup>68</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

## **2.6 Waiting Room for Under-trials**

Under-trials are brought from jail to be produced before the court on a daily basis. During their waiting period in court, they are placed in judicial lock-ups, which are secure waiting rooms within the court premises. These lock-ups are known by names such as *Hajat, Bakshikhana*.<sup>69</sup> The security of these lock-ups is managed by the prison authorities. These waiting rooms at times lack proper light, ventilation and washrooms, and require upgradation. Laying emphasis on the basic human rights of under-trials, the Supreme Court in *Nilabati Behera v. State of Orissa*<sup>70</sup> observed that:

*“31. It is axiomatic that convicts, prisoners or undertrials are not denuded of their fundamental rights under Article 21 and it is only such restrictions, as are permitted by law, which can be imposed on the enjoyment of the fundamental right by such persons. It is an obligation of the State to ensure that there is no infringement of the indefeasible rights of a citizen to life, except in accordance with law, while the citizen is in its custody. The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicts, undertrials or other prisoners in custody, except according to procedure established by law. There is a great responsibility on the police or prison authorities to ensure that the citizen in its custody is not deprived of his right to life. His liberty is in the very nature of things circumscribed by the very fact of his confinement and therefore his interest in the limited liberty left to him is rather precious. The duty of care on the part of the State is strict and admits of no exceptions. The wrongdoer is accountable and the State is responsible if the person in custody of the police is deprived of his life except according to the procedure established by law...”*

(emphasis supplied)

To ensure that the under-trials are not denuded of the right to health and life, while they are detained in the waiting rooms, the NCMS Committee recommended the following design of waiting rooms for under-trials:<sup>71</sup>

- *“Separate lock-up rooms for male and female prisoners will have to be provided, each accommodating not more than 15 to 20 prisoners at a time. Separate lock-up rooms would also have to be provided for under-trials charged with serious offences (including those with criminal histories) and under-trials charged with petty offences.*

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<sup>69</sup> *Ibid.*

<sup>70</sup> 1993 (2) SCR 581.

<sup>71</sup> NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting), Supreme Court of India (2012).

- *A built-in toilet cubicle should be provided with every lock-up room.*
- *Light fittings and other fixtures in the lock-up room must be concealed and must be so fitted that it is not possible to remove, damage or break them so as to avoid infliction of any injury to fellow prisoners or to themselves*
- *For security reasons the entire lock-up room must be under CCTV surveillance. The security personnel should be able to watch the whole area of the room.*
- *All windows, openings, and ventilators need to have strong steel grills.*
- *The lock-up rooms should be fully ventilated and need to have forced ventilation instead of ceiling fans for security reasons. Air cooling can also be provided through this forced ventilation during the summer months.”*

In some court complexes such as the District Courts of West Bengal, Jammu & Kashmir, due to the dearth of space, there are no dedicated waiting rooms for under-trials.<sup>72</sup> In the District Courts of Maharashtra, out of a total 385 places, only 14 headquarters and 91 talukas have waiting rooms for under-trial prisoners, and around 280 places do not have waiting rooms for under-trial prisoners.<sup>73</sup> In Uttar Pradesh, these lock-ups are without toilets in most of the districts.<sup>74</sup> 62.4% of District Court complexes in India don't have toilets attached to lock-up facilities.<sup>75</sup>

It is also essential that male, female, and juvenile under-trials have separate waiting rooms. However, only 32% of District Court complexes have separate lock-up facilities available for women.<sup>76</sup> With advent of technology, production of under-trials in courts is facilitated through video conferencing, which is encouraged, however, it is in no way a cover for shabby condition of lock-ups in court complexes.

## **2.7 Electronic Case Display Boards**

In District Courts, the Bench Clerk calls up the case details as per the cause list. Very often, due to congestion in courts and corridors, the audibility of the call is compromised, leaving the litigants and advocates unaware of which case is being

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<sup>72</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>76</sup> *Ibid.*

taken up. This is where electronic case display boards play a pivotal role. An electronic display board is a live tracker which displays the sequence and timing of the cases, the courtroom number, details of sitting judges, the ongoing case number and the status of the case proceedings on a real time basis.

While in High Courts, display boards are adequately installed inside and outside the court halls and are functional along with a web based utility, displaying the case status on a web browser. In some of the District Courts, the number of electronic display boards is inadequate. The locations where the display boards are installed are often inoperational due to non-availability of sufficient staff for its maintenance. The Sikkim High Court has submitted that the display screen installed outside the district courtrooms for the advocates/litigants to keep track of their cases, requires to be upgraded to bigger screen sizes of 29 inches or above.<sup>77</sup>

It cannot be gainsaid that the district judiciary is at the forefront of the justice dispensation system, making these display boards even more requisite. The electronic case display boards are not just a citizen-centric utility, but also serve as a connecting device between the court and the lawyer/litigant, making the process of justice delivery more accessible and transparent. It is therefore of utmost importance that electronic display boards are installed at all conspicuous places in the court complexes like bar association, litigant's waiting area, canteen, filing counter, entry and exit points and undeniably, inside and outside of the court halls.

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<sup>77</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

## 2.8 Creche

Women strength in the judicial system is on the rise. It is, therefore, essential to establish the vital link between enabling infrastructure and participation of women. The conjoint reading of the fundamental right of equality of opportunity under Article 16 and the right to adequate means of livelihood under Article 39(a) of the Constitution puts a positive obligation upon the State to ensure that the infrastructure of workplaces is inclusive and supportive of women. A childcare support system in every court complex enables lawyers, judges and staff to strike a balance between their role as a parent and a professional. *It ensures that motherhood is not a barrier to career progression.*<sup>78</sup> Fostering this spirit, Section 11A of the Maternity Benefit Act, 1961 was added in 2017 which reads as:

**“11A. Crèche facility—***(1) Every establishment having fifty or more employees shall have the facility of crèche within such distance as may be prescribed, either separately or along with common facilities: Provided that the employer shall allow four visits a day to the creche by the woman, which shall also include the interval for rest allowed to her.”*

Creche facility in courts is essential to ensure that the Bar, the Bench, and the support staff can perform its duties without worrying about leaving their young children unattended. As per data on *iJuris*, 13.1% of District Court complexes have a child care room/facility.<sup>79</sup> In Uttar Pradesh, Andhra Pradesh and Uttarakhand, there is no facility of creche in any of the District Court complexes.<sup>80</sup> In Rajasthan, only 2 out of 340 District Court complexes have a creche facility, which shows that there is an implementation gap in securing the equality of opportunity to women in court complexes in true sense.<sup>81</sup> It is noteworthy that out of the 23 District Courts in Chhattisgarh, 15 District Court complexes have a room for creche by the name ‘*Kilkari*’ which is a step towards making infrastructure more equitable and inclusive of women’s needs.<sup>82</sup>

One of the major challenges in providing creche in court complexes, apart from space constraint, is that there is *no specified post* for looking after children in the creche.

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<sup>78</sup> For a larger debate, see Claudia Goldin, *Career and Family: Women’s Century-Long Journey toward Equity*, Princeton University Press (2023).

<sup>79</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*



This personnel crunch is one of the reasons that creches are not functioning at the desired level. There is a need to create dedicated posts of creche workers and helpers, who may be trained at the time of their appointment. The District Judges and High Courts should ensure that the existing and newly constructed court complexes, both in the High Courts and District Courts, identify space for functional and nurturing creches, with a separate baby feeding area and play areas for children to ensure the overall development of the wards of the workforce. This will effectively reap the demographic dividend in the context of increasing participation of women and their empowerment in the process of administration of justice.

## **2.9 Other Citizen-Centric Facilities**

A litigant lies at the centre of the justice delivery system. The legal processes and the atmosphere of the court can be overwhelming to the litigant, who moves the court with an expectation to redress their grievance. It is therefore necessary that courts are user-friendly enough to prioritise convenience of the public accessing the judicial system. The following figure encapsulates the basic citizen-centric amenities that every court complex ought to have:



*Figure 1.11: Common citizen-centric facilities*

Integration of essential utilities on site, such as banking facility, post office, dispensary, canteen, stationary shops within court premises reduces the logistical challenges and gives the litigant a conducive court atmosphere. Available data shows that in District Court complexes across India, only 7.8% have a post office, 22.6%

have canteen facilities and merely 4.3% of them have banking facilities in the court premises.<sup>83</sup>

There should also be adequate and accessible parking space for judges, lawyers, litigants and other visitors to regulate the movement of traffic and save time of the stakeholders. All court premises should also establish a fully operational help desk at major alighting points with trained court staff, to brief and guide the litigants about the layout of the court premises, free legal aid programs, Lok Adalat and Mediation Centre facilities, e-Sewa Kendra and other citizen-centric facilities.

### **3. ACCESSIBILITY FOR PERSONS WITH DISABILITIES (PwD)**

Access to justice and the ability to access justice are intertwined concepts. Judicial infrastructure ought to be inclusive and enabling in order to ensure that persons who are disabled and need compensative skills to go about their daily lives, are able to access courts and seek redressal of their grievances.<sup>84</sup> The vitality of the issue of accessibility vis-à-vis persons with disabilities (PwD) can be gauged clearly in *Disabled Rights Group v. Union of India*<sup>85</sup> where the Supreme Court observed that:

*“12. ...A disability is only actually a disability when it prevents someone from doing what they want or need to do. A lawyer can be just as effective in a wheelchair, as long as she has access to the courtroom and the legal library, as well as to whatever other places and material or equipment that are necessary for her to do her job well...”*

(emphasis supplied)

Accessibility is not limited to PwD but is also essential for persons who are vulnerable due to their social background, gender, age and physical ability like the elderly, infants, and pregnant women. The Supreme Court acknowledged this vital aspect in *All India Judges Association v. Union of India* as:<sup>86</sup>

*“12.2. We must further ensure that all our court complexes are conducive and friendly for the differently-abled and towards this end, the court complexes must have certain features for the benefit of the vulnerable persons such as persons with disability or visually impaired persons. We have to move from disabled friendly buildings to workable and*

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<sup>83</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>84</sup> *Rajive Raturi v. Union of India*, 2017 (12) SCR 827.

<sup>85</sup> 2017 (12) SCR 988.

<sup>86</sup> 2018 (9) SCR 419, dated 2 August 2018.

*implementable differently-abled friendly court infrastructure. Ramps for such categories of persons must be operable, feasible, tried and tested. Such ramps should definitely have steel railings and handles. The court infrastructure must also keep in view the accessibility for visually impaired persons and, therefore, court complexes must have tactile pavements and signage in braille for the benefit of visually impaired citizens...*

(emphasis supplied)

This endeavour to strengthen the ability to access justice irrespective of any disability has translated into various laws, regulations, and guidelines, some of which are discussed below.

1. **Rights of Persons with Disabilities (RPwD) Act, 2016** - India has been a signatory to the United Nations Convention on the Rights of Persons with Disabilities since 2007. In 2016, the RPwD Act was enacted with the objective to give effect to the international agreement and ensure that PwD enjoy the right to equality, life with dignity and respect for integrity, equally with others.<sup>87</sup> It is relevant to reproduce Section 12 of the Act:

**“Section 12. Access to Justice—(1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.”**

2. **Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Disabled and Elderly Persons, 2016** - The Central Public Works Department (CPWD) under the Ministry of Urban Affairs & Employment developed these Guidelines to harmonise CPWD Guidelines, 1998, National Building Code, 2005 and Manual on Barrier Free Environment, 2002.<sup>88</sup> The Harmonised Guidelines are applicable to all the public buildings in India including those which are open to the general public to ensure integration of PwD into the social mainstream. These guidelines explicitly cover universal accessibility standards which may be used as an effective tool for the executing agencies, planners, designers, contractors,

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<sup>87</sup> Section 3(1), Rights of Persons with Disabilities Act, 2016.

<sup>88</sup> Centre Public Works Department, Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Disabled and Elderly Persons, 2016, available at <https://cpwd.gov.in/publication/harmonisedguidelinesreleasedon23rdmarch2016.pdf> (last accessed 4 September 2023).

civic agencies, development authorities and urban local bodies to pave the way for an inclusive and accessible environment. It also provides an access audit checklist to review the accessibility of spaces.<sup>89</sup>

3. **Revised Guidelines: Centrally Sponsored Schemes for Development of Infrastructure Facilities for Judiciary, Department of Justice, 2021**<sup>90</sup> - The Revised Guidelines provide that special attention should be paid to ensure accessibility for the differently-abled. It also states that a court building may incorporate facilities such as accessible lifts, ramps, steps and stairs, handrails, and unobstructed circulation areas.

Advancement of court infrastructure needs to take into account the above frameworks. Laws form the bedrock for any reform, but they are infused with life once they are implemented.

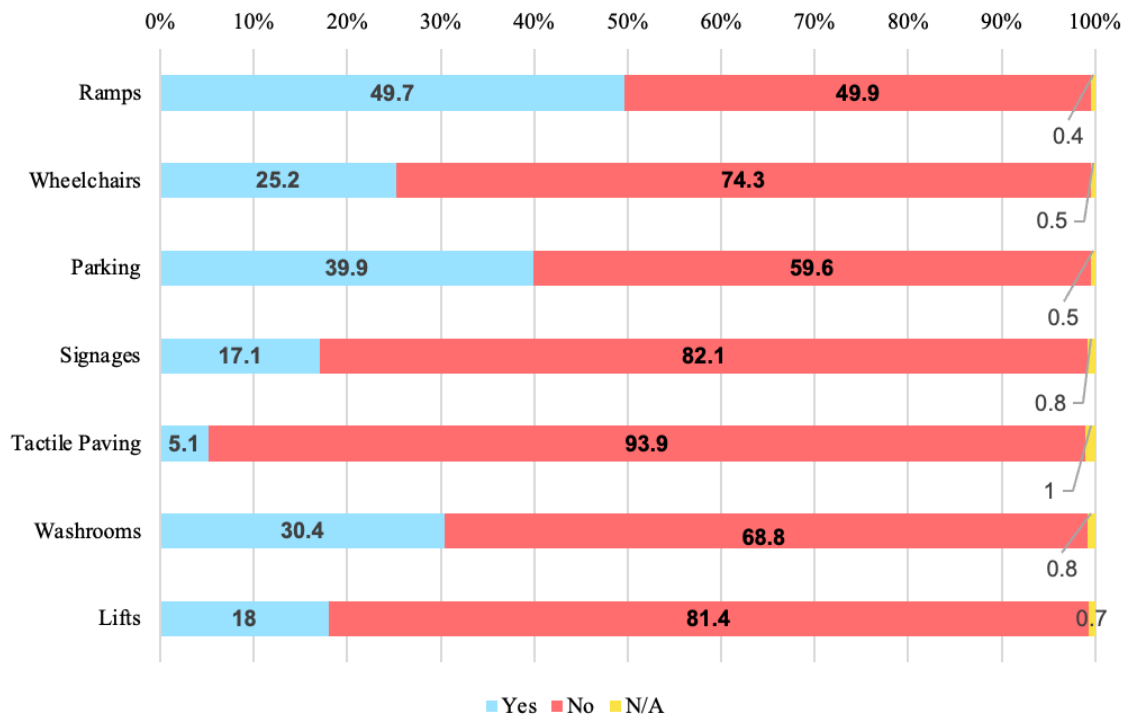
The High Courts have taken proactive steps to make infrastructure disabled-friendly. However, the High Courts that are housed in old heritage buildings like that of Allahabad High Court and the main building and PWD building of the Bombay High Court, any construction or modification to the building is not possible without the permission of the Heritage Committee.<sup>91</sup> On the other hand, District Courts are in need of significant improvement to become disabled-friendly. *Figure 1.12* demonstrates the status of disabled-friendly facilities in District Courts:

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<sup>89</sup> *Ibid.*

<sup>90</sup> Annexure 2, Terms & Conditions, Revised Guidelines: Centrally Sponsored Schemes for Development of Infrastructure facilities for judiciary, Ministry of Law & Justice, dated 19 August 2021, available at [https://bhuvan-nyayavikas.nrsc.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrsc.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed at 13 October 2023).

<sup>91</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.



*Figure 1.12 : Status of disabled-friendly facilities in District Court complexes<sup>92</sup>*

The above data can be analysed systematically by classifying disabilities/impairments into the following broad categories:

1. Mobility Impairment - Mobility Impairment may be non-ambulatory or semi-ambulatory to the extent that a person has difficulty in walking. To facilitate persons with mobility impairment, court buildings should have accessible pathways, accessible entrance and exit, accessible ramps, toilets, lifts, wheelchairs and dedicated parking space close to the entrance. *Figure 1.12* shows that only 25.2% of District Court complexes have availability of wheelchairs. As per information received from the High Court of Andhra Pradesh, in some District Courts, wheelchairs are arranged with the donations from bar associations, NGOs.<sup>93</sup> The above figure also shows that disabled-friendly facilities like ramps are provided in 49.7% of District Court complexes in India. Required provisions are being made in the newly constructed buildings. However, with respect to the existing buildings, it has been submitted by a few High Courts that it is difficult to make alterations in

<sup>92</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023). N/A signifies that data is not available.

<sup>93</sup> *Ibid.*

the old buildings or those functioning from temporary accommodations due to structural limitations and space constraints.<sup>94</sup> Further, while accessible toilets for PwD hold fundamental importance, *only 30.4% of District Court complexes have separate disabled-friendly toilets.*<sup>95</sup>

2. Visual Impairment - Inclusivity and accessibility to justice can be ensured to persons with visual impairment by giving them instructions that are accessible to the tactile or auditory senses. Provision for tactile paving, signages with tactile and braille inscriptions, audio signals and braille instructions in lifts and text-to-speech devices may ensure swift access to courts to the visually-impaired persons. *Figure 1.12* shows that only 5.1% of District Courts have tactile paving to assist persons with visual impairments in navigating the court building.
3. Hearing Impairment - For persons who are deaf or have difficulty in hearing, signboards displayed at conspicuous places within the court premises makes the infrastructure more user-friendly. Sign language interpreters could also be engaged to assist persons with hearing impairment. Sign language interpreters who could be engaged to assist persons with hearing impairment in accessing court proceedings are available in only 2.8% districts in India.<sup>96</sup> The Supreme Court recently allowed a deaf lawyer to argue virtually with the help of a sign language interpreter.<sup>97</sup> Further, the Delhi High Court in *Akshat Baldwa v. Yash Raj Films*<sup>98</sup> had engaged the services of a sign language interpreter to enable a petitioner who was hearing impaired, to understand the court proceedings. There is a need for a comprehensive pool of sign language interpreters in every court whose services may be utilised to ensure accessibility to the hearing-impaired persons in legal settings.

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<sup>94</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>95</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>96</sup> *Ibid.*

<sup>97</sup> 'In a unique gesture, SC allows interpreter for a hearing-impaired lawyer during virtual hearing.' *The Hindu*, available at

<https://www.thehindu.com/news/national/in-a-unique-gesture-sc-allows-interpreter-for-a-hearing-impaired-lawyer-during-virtual-hearing/article67333439.ece> (last accessed on 10 November 2023).

<sup>98</sup> W.P.(C) 445 of 2023 & CM APPLs.1752 of 2023, dated 6 April 2023, High Court of Delhi.

The above analysis signifies a critical shortcoming in the judicial infrastructure with respect to accessibility, necessitating concerted attention and action. There is a need for regular inspection by the concerned agencies like the PWD in coordination with the District Judges to explore modifications that can be made in existing court buildings to make the judicial infrastructure disabled-friendly. Further, a grievance redressal mechanism may also be made available for PwD, who may experience physical barriers within the court premises. Courts that are accommodative of PwD, not only ensure accessibility but also assimilate differently-abled lawyers, staff and even judges into the mainstream of the justice delivery system.

Besides giving infrastructural support to the PwD, it is also necessary that the court staff is sensitised and encouraged to have a positive attitude towards the disabled and differently-abled persons. On 16 October 2023, the Chief Justice of India unveiled a one-of-a-kind report titled '*A Court for All: Paving the Way for Greater Accessibility in the Supreme Court for Persons with Disabilities, Women & Senior Citizens*',<sup>99</sup> prepared by the Supreme Court Committee on Accessibility, headed by Justice S. Ravindra Bhat. The Report presents an in-depth research into the physical infrastructure and functional services in the Supreme Court of India, addressing issues faced by PwD, women, particularly women during pregnancy, and senior citizens in the Supreme Court. The Report also lays emphasis on special court procedures for individuals who are HIV positive.

It is high time that PwD are perceived not from an eye of sympathy but from an empathetic and human rights perspective, and are given equitable opportunities and resources at the workplace.

- **Vulnerable Witness Deposition Centre Scheme (VWDC Scheme)**

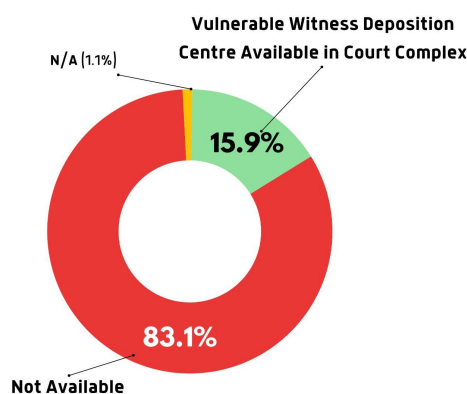
The salutary purpose of creating a safe and barrier free environment in a court complex also covers in its ambit a vulnerable witness. The definition of 'vulnerable witness' has been expanded by the Supreme Court in *Smruti Tukaram Badade v. State of Maharashtra*<sup>100</sup> to not be limited to a child who has not attained the age of 18 years of age but also to include, *inter alia*, witness suffering from mental illness or any

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<sup>99</sup> '*A Court for All: Paving the Way for Greater Accessibility in the Supreme Court for Persons with Disabilities, Women & Senior Citizens*', Supreme Court of India, available at [https://main.sci.gov.in/pdf/LU/06112023\\_140650.pdf](https://main.sci.gov.in/pdf/LU/06112023_140650.pdf) (last accessed on 15 November 2023).

<sup>100</sup> 2022 (1) SCR 443, Para 5.

disability, victims of sexual assault, witnesses deemed to have a threat perception under the Witness Protection Scheme 2018 and any other witness deemed to be vulnerable by the concerned court. In *State of Maharashtra v Bandu @ Daulat*<sup>101</sup>, directions were issued by the Supreme Court to High Courts to adopt guidelines for recording evidence of vulnerable witnesses in criminal matters on the lines of the guidelines issued by the Delhi High Court,<sup>102</sup> The apex Court further directed to set up “special centres for examination of vulnerable witnesses” to facilitate a conducive environment for recording the statements of vulnerable witnesses. *Figure 1.13* below represents the number of Vulnerable Witness Deposition Centres (VWDCs) available in court complexes in District Courts across India:



*Figure 1.13 : Availability of VWDCs in District Court complexes*<sup>103</sup>

*Figure 1.13* shows that 15.9 District Court complexes have VWDC. Much needs to be done to ensure that each court has a VWDC with equipment to record evidence of the vulnerable witness in hybrid mode. The High Court of Gauhati raised the concern that the State is required to release additional budget for the new facility of VWDC.<sup>104</sup> It is the duty of the State to provide for adequate financial resources to secure the right to dignity for the vulnerable witness and right to fair trial for the accused under Article 21 of the Constitution by eliciting coherent and reliable evidence from such witnesses.

<sup>101</sup> 2017 INSC 1047.

<sup>102</sup> Delhi High Court, Guidelines for recording evidence of vulnerable witnesses in criminal matters, available at [https://delhicourts.nic.in/ejournals/Vulnerable\\_Witness\\_Guidelines.pdf](https://delhicourts.nic.in/ejournals/Vulnerable_Witness_Guidelines.pdf) (last accessed on 14 September 2023).

<sup>103</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023). N/A signifies that data is not available.

<sup>104</sup> *Bachpan Bachao Andolan & Sampurna Behura v. The State of Assam*, PIL No. 60 of 2019, dated 16 May 2023, Gauhati High Court.



#### **4. SECURE JUDICIAL INFRASTRUCTURE**

Independence of judiciary is not an abstract conception but a living faith.<sup>105</sup> It is a constitutional imperative to protect the judges from any kind of threat or influence, in order to ensure that independence of judiciary remains intact. It is therefore necessary that court complexes have a safe and secure environment to ensure that judges and lawyers discharge their obligations efficiently.

The District Courts which have the maximum footfall of litigants and lawyers often function with little or no security cover allowing easy ingress of disruptive elements.<sup>106</sup> In some of the District Courts, the entry points, passageways to the courtrooms, and the parking area are commonly shared by judges, advocates, and litigants, due to lack of space in the court complex, which may cause inconvenience to the judges.

Recently, there have also been several incidents wherein not only the safety of lawyers and litigants but also that of a judge has been under threat. For instance, in September 2021, two armed men disguised as lawyers, opened fire in a courtroom of Rohini Court complex in Delhi.<sup>107</sup> The same year, a bomb blast in Ludhiana Court complex left 1 dead.<sup>108</sup> In another incident, two police officers allegedly assaulted an Additional District Judge in his chamber.<sup>109</sup> This recent spurt of events inside the court premises threatening the well-being of the stakeholders of the justice system, shows that it is time that comprehensive steps are taken to ensure that court spaces are secure. This issue has also been raised in the Chief Justices' Conference 2022 where the following resolution was passed:<sup>110</sup>

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<sup>105</sup> *S.P. Gupta v. Union of India*, 1982 (2) SCR 365.

<sup>106</sup> *Re: Zila Adhivakta Sangh, Allahabad*, PIL No. 15895 of 2015, dated 24 March 2015, Allahabad High Court.

<sup>107</sup> “*Rohini shootout: 3, including gangster Jitender Gogi, killed as gunmen, police exchange fire*”, *Hindustan Times*, available at <https://www.hindustantimes.com/india-news/attackers-dressed-as-lawyers-open-fire-in-delhi-s-rohini-court-gangster-killed-101632472751668.html> (last accessed on 18 September 2023).

<sup>108</sup> “*Ludhiana court blast leaves 1 dead, 5 injured; Punjab on high alert*”, *India Today*, 23 December 2021, available at <https://www.indiatoday.in/india/story/blast-rocks-ludhiana-court-complex-police-spot-1891197-2021-12-23> (last accessed on 20 September 2023).

<sup>109</sup> “*Bihar police officers beat up judge for ‘summoning’ them*”, *The Times of India*, 18 November 2021, available at <https://timesofindia.indiatimes.com/city/patna/madhubani-judge-roughed-up-by-two-cops/articleshow/87787214.cms> (last accessed on 18 September 2023).

<sup>110</sup> Resolutions adopted in the Chief Justices' Conference, 2022, 29 April 2022.

In Chief Justices' Conference 2022, it was resolved that the Chief Justices shall take effective steps in coordination with the State Governments to ensure-

**3(d) that the State Governments provide adequate security to the serving Judicial Officers.**

The Supreme Court took note of the incidents across the country affecting day-to-day functioning of the courts, in *Pradyuman Bisht v. Union of India*<sup>111</sup> and observed that:

*“1. Would not hope for the litigants who visit the temples of justice dwindle, if the very halls of justice lack the shield of security? How can the litigants secure justice for them when those entrusted to render justice are themselves insecure?”*

*2....Preserving the sanctity of a court as a space where justice is administered and the rule of law upheld being non-negotiable, it is critical that judicial institutions take comprehensive steps to safeguard the well-being of all stakeholders. Such incidents, that too in court premises, are deeply concerning and pose significant risks to the safety of not only judges but lawyers, court staff, litigants and the general public.”*

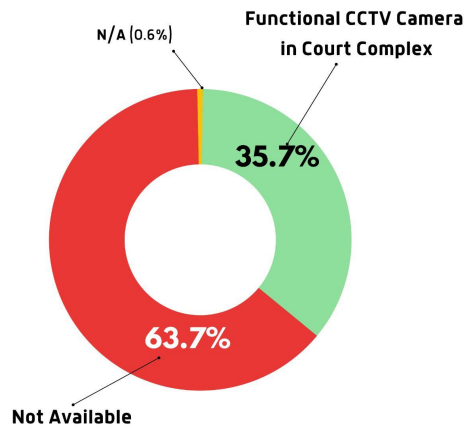
(emphasis supplied)

The NCMS Committee in its Baseline Report suggested that there should be segregated and dedicated alighting points for judges' vehicles, from where judges are able to reach their chambers on various floors through separate lifts and stairs to avoid entry by unauthorised persons.<sup>112</sup> There should also be a facility for baggage scanning of all personnel carrying baggage at every entry point, guarded with closed circuit TV surveillance. *Figure 1.14* shows that only 35.7% court complexes in the district judiciary have functional CCTV surveillance facilities available in India.

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<sup>111</sup> 2023 INSC 706.

<sup>112</sup> NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting), Supreme Court of India (2012).



*Figure 1.14 : Status of functional CCTV surveillance facility available in District Court complexes<sup>113</sup>*

The State Governments should provide the requisite funds for CCTV camera installation in each District Court. In *Pradyuman Bisht v. Union of India*,<sup>114</sup> the Supreme Court also observed that a security plan ought to be prepared by High Courts which may include a proposal for setting up of *permanent Court Security Unit(s) in each complex*. There is a need for a stringent access control mechanism in District Courts by way of court specific entry passes for visitors, functional baggage scanners and metal detectors at all entry points and biometric devices to enhance overall security of court buildings. The legal fraternity can perform its functions fearlessly and effectively only in a safe and secure environment.

### **Disaster Management**

Secure judicial infrastructure also includes safety of case records and evidence. Court complexes are a hub of activities with lawyers, litigants and other stakeholders along with the employees and officers. Such a public office may be prone to various natural or man-made disasters like floods, fires, and stampedes. In District Courts situated in flood prone areas, judges may have to pass orders to place the case records at an elevated level as a makeshift measure. There is an absence of a *disaster preparedness culture* to deal with any disaster. Disaster preparedness includes prompt response to a disaster, assessing the severity of a disaster and undertaking evacuation, rescue, relief,

<sup>113</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>114</sup> 2023 INSC 706.

and reconstruction in District Courts, which emphasises proactive planning and readiness to mitigate the impact of natural or man-made disasters. It is not only the responsibility of the State but also of the District Judge to work in tandem with the concerned authorities to devise preventive measures to deal with any untoward incident in the court premises. It is essential that every District Court has a Disaster Management Plan specific to its local conditions, in line with the Disaster Management Act, 2005 for quick response of the stakeholders in event of a disaster. In this regard, digitisation of case records will be a transformative step towards making courts paperless.

## **5. CONCLUSION**

While it is the foremost responsibility of the State to ensure that there is swift allotment of land to provide ample infrastructure, District Courts and High Courts in collaboration with the work agencies of the State Government may take proactive measures to explore possibilities of vertical expansion. Besides, available space can always be optimised with concerted efforts of the PWD and experts to ensure that the existing infrastructure is inclusive and citizen-centric. The strength of judiciary lies in its potential to deliver timely justice. This can be effectively secured with the availability of adequate physical and digital infrastructure, which in turn is dependent on a smooth and transparent framework of budget allocation, release and its utilisation. The infrastructure gaps identified in this Part take us to the solutions which lies in the availability of financial resources and its optimum utilisation, as discussed at length in Part II - 'Budgeting System for the District Judiciary'.



## PART II

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# BUDGETING SYSTEM FOR THE DISTRICT JUDICIARY

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## 1. INTRODUCTION

The district judiciary is the first forum for redressal for most litigants at the district level in India. As of 1 September 2023, there are around 4.4 crore cases pending in District Courts across India, compared to about 60.75 lakh cases pending in the High Courts and 80,550 cases in the Supreme Court.<sup>1</sup> Disposal of a vast majority of cases and reduction of the mounting arrears significantly depends upon the district judiciary. Therefore, it is paramount that there is adequate budgeting apportioned to it to enhance the efficacy of the district judicial system in ensuring access to quality and timely justice.

In *All India Judges Association v. Union of India*,<sup>2</sup> the Supreme Court observed that:

*“8. It brings us to the focal point i.e. judicial infrastructure which has been given relatively low importance, if not long neglected. That needs an overhaul. Apart from the metropolitan cities and State capitals, infrastructure in courts, especially in the interior parts of the country, is dying out. It would not be wrong to say that some of them are just on the ventilator. A decrepit or crumbling court infrastructure inevitably results in causing impediment in access to justice. Undeniably, access to justice and rule of law is intrinsically linked. No democracy can afford to undermine the core values of rule of law. Thus, strengthening of court infrastructure requires immediate attention in the form of planning, enhanced budgeting and structured implementation or execution of the plans. Presently, most of the States are making budgetary provision as low as less than 1% of their total budget for the judiciary.”*

(emphasis supplied)

In the Union Budget of 2018-19, Rs. 4,905.34 crore (around 0.2% of the total budget estimate) was allotted to the Ministry of Law and Justice, out of which Rs. 630 crore was allotted for infrastructure facilities for the district judiciary.<sup>3</sup> Similarly, in the Union Budget 2023-24, the allocation for the Ministry of Law and Justice is 4,752

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<sup>1</sup> National Judicial Data Grid, Pendency in District Courts, available at <http://njdg.ecourts.gov.in>; Pendency in High Courts, available at <https://njdg.ecourts.gov.in/hcnjdgnew/>; Pendency in Supreme Court of India, available at <https://njdg.ecourts.gov.in/scnjdg/> (as on 1 September 2023).

<sup>2</sup> 2018 (9) SCR 419.

<sup>3</sup> Government of India, Ministry of Finance (Budget Division), Expenditure Budget 2018-2019, available at <https://www.indiabudget.gov.in/budget2018-2019/ub2018-19/eb/vol1.pdf> (last accessed on 10 August 2023).

crore, approximately 0.1% of the total budget estimate. Out of this estimate, Rs. 1,061 crore have been allotted for infrastructure facilities for the judiciary.<sup>4</sup>

The gaps identified in the current state of infrastructure in the district judiciary, in Part I of the Report *inter alia* stem from the delay in identification and allotment of land, lack of funds in some States and lack of effective coordination among the implementation agencies leading to delay in release of allocated funds.<sup>5</sup> The gaps so identified speaks volumes about the need to discuss the present system of budgeting and optimum utilisation of funds.

This Part of the Report thus focuses on the vital link between effective budgeting for the district judiciary and the reduction of backlog in cases. It highlights how a need based budgeting approach can ensure that the judiciary has adequate infrastructure, leading to enhanced judicial capacity. It aims to analyse the present budget framework with a focus on the ‘Centrally Sponsored Scheme for Development of Infrastructure Facilities for the Judiciary’ (CSS) and the e-Courts project, the coordination mechanism between the Centre, the State Governments and the High Courts, and the challenges faced by the judiciary in utilisation of funds.

## **2. PRESENT FRAMEWORK OF BUDGET ALLOCATION**

The process of releasing funds for the district judiciary starts with the High Court requiring the District Judges to submit their consolidated budget estimates for all the courts in their unit in a financial year and, on receiving the same, the High Court submits the demand to the State Government for the release of funds. For new construction projects, the District Level Committee, composed of the District Judge, District Collector, and the Chief Engineer, Public Works Department (PWD) prepares plans and sends proposals to the High Court Building and Management Committee, which sends the proposal to the concerned State administrative departments for administrative sanction.<sup>6</sup> The National Court Management Systems (NCMS) Committee of the Supreme Court, in its Policy and Action Plan, 2012, observed that

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<sup>4</sup> Government of India, Ministry of Finance (Budget Division), Expenditure Budget 2023-2024, available at <https://www.indiabudget.gov.in/doc/eb/allsbef.pdf> (last accessed on 10 August 2023).

<sup>5</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>6</sup> National Judicial Academy, Fiscal And Budgetary Planning For District Judiciary, available at [https://nja.gov.in/Concluded\\_Programmes/2019-20/P-1209\\_PPTs/3.FISCAL\\_AND\\_BUDGETARYPLANNING\\_FOR\\_DISTRICT\\_JUDICIARY.pdf](https://nja.gov.in/Concluded_Programmes/2019-20/P-1209_PPTs/3.FISCAL_AND_BUDGETARYPLANNING_FOR_DISTRICT_JUDICIARY.pdf) (last accessed on 10 September 2023).



the demands for funds and grants made in previous years are often re-used in the subsequent years and are forwarded to the Government.<sup>7</sup>

Expenses incurred by the judiciary can broadly be divided into revenue expenditure and capital expenditure. Revenue expenditure is the recurring expenditure towards establishment costs like salaries, allowances and other daily expenses, whereas the expenditure to create long-term assets like the acquisition of land, buildings, machinery, and equipment is referred to as capital expenditure. Revenue expenditure is a necessary expense and is, therefore, prioritised by the State Government.

### **2.1 Centrally Sponsored Scheme for Development of Infrastructural Facilities for the Judiciary (CSS)**

The Centrally Sponsored Scheme for Development of Infrastructure Facilities for the Judiciary was introduced by the Union Government in response to the recommendations of the Malimath Committee on Arrears in 1990 to increase the central assistance for the States to tackle the growing problem of judicial arrears. The CSS mandates financial assistance by the Centre to the States and the Union Territories for the construction of court buildings, residential accommodations for judicial officers, lawyer halls, toilet complexes and digital computer rooms in District Courts.<sup>8</sup> The expenditure on the Scheme is borne both by the Central and the State Governments in a fund sharing pattern of 60:40 respectively. The Centre allocates funds with the understanding that the States have made adequate provision in their State budget to meet their prescribed share of 40%.<sup>9</sup> The North-Eastern and the Himalayan States' funding pattern is 90:10. Central funds to the Union Territories are granted without a fund sharing requirement. The State Governments/UTs submit proposals yearly to the Department of Justice seeking financial assistance under the CSS for new and ongoing projects based on an Action Plan.<sup>10</sup>

CSS started in 1993 and has now been extended for another five years, from 2021 to

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<sup>7</sup> Supreme Court of India, National Court Management Systems, Policy & Action Plan, 2012, available at <https://main.sci.gov.in/pdf/NCMSP/ncmspap.pdf> (last accessed on 30 August 2023).

<sup>8</sup> Government of India, Ministry of Law and Justice, *Revised CSS Guidelines*, 2021, available at [https://bhuvan-nyayavikas.nrscc.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrscc.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 10 August 2023).

<sup>9</sup> *Ibid.*

<sup>10</sup> Ministry of Law & Justice, *Revised CSS Guidelines*, 2021, Conditions for release of grants to the States/UTs under the Scheme, Para 9, available at [https://bhuvan-nyayavikas.nrscc.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrscc.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 17 August 2023).

2026, at a total cost of Rs. 9,000 crore, of which the Central share will be Rs. 5,357 crore.<sup>11</sup> From 1993 to 2020, the Centre released a total of around Rs. 7,460.24 crore to the States and UTs under the Scheme.<sup>12</sup> The Scheme is implemented in a mission mode through the National Mission for Justice Delivery and Legal Reforms. It is set to be implemented from 2021 to 2026 by apportioning the following fund:<sup>13</sup>

S.No.	PROJECT	EXPENDITURE
(a)	Construction of 3,800 court halls and 4000 residential units for Judicial Officers	Rs. 4,500 crore
(b)	Construction of 1450 Lawyers' Halls	Rs.700 crore
(c)	Construction of 1,450 toilet complex	Rs. 47 crore
(d)	Construction of 3,800 Digital Computer Rooms	Rs. 60 crore
(e)	Operationalisation of Gram Nyayalayas in implementing states	Rs. 50 crore
	<b>TOTAL</b>	<b>Rs. 5,357 crore</b>

*Table 2.1: Split of Central share of Rs. 5357 crore for infrastructural development of the judiciary (2021-2026)*<sup>14</sup>

## **2.2 e-Courts Integrated Mission Mode Project**

The e-Courts Mission Mode Project is a Central project as part of the National e-Governance Plan to provide designated services to litigants, lawyers, and judges by ICT enablement of courts. It is implemented by the Department of Justice (DoJ) in association with the e-Committee, Supreme Court of India in a decentralised manner through the respective High Courts.

The DoJ has a well-laid down process for the release and disbursement of funds under the e-Courts Project. The DoJ is responsible for necessary financial and other approvals

<sup>11</sup> Press Information Bureau, Gram Nyayalayas Scheme to be implemented in a Mission Mode through National Mission for Justice Delivery and Legal Reforms, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1735375> (last accessed on 10 August 2023).

<sup>12</sup> National Judicial Academy, Budget Preparation and Fiscal Management for Administration of Justice, 10 April 2022, available at [https://nja.gov.in/Concluded\\_Programmes/2021-22/P-1292\\_PPTs/1.Budget%20Preparation%20and%20Fiscal%20Management%20for%20Administration%20of%20Justice.pdf](https://nja.gov.in/Concluded_Programmes/2021-22/P-1292_PPTs/1.Budget%20Preparation%20and%20Fiscal%20Management%20for%20Administration%20of%20Justice.pdf) (last accessed on 10 September 2023)

<sup>13</sup> Press Information Bureau, Gram Nyayalayas Scheme to be implemented in a Mission Mode through National Mission for Justice Delivery and Legal Reforms, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1735375> (last accessed on 10 August 2023).

<sup>14</sup> *Ibid.* Both new and ongoing projects.

from competent authorities and for the disbursement of funds. Proposals requesting sanctioning funds for implementation of components under the e-Courts Project are prepared by respective High Courts and forwarded to the e-Committee of the Supreme Court for approval.<sup>15</sup> The e-Committee, after examining and approving the proposal, forwards it to the DoJ for the release of funds. The DoJ on the recommendation of the Integrated Finance Department, releases funds directly to the concerned High Court.<sup>16</sup>

In Phase-I (2011-2015) of the e-Courts project, Rs. 639.41 crore were spent out of a total outlay of Rs. 935 crore.<sup>17</sup> Under Phase-II (2015-2023), out of a total outlay of Rs. 1,670 crore, there has been an expenditure of Rs. 1,668.43 crore by the High Courts and concerned agencies like the National Informatics Centre (NIC), Bharat Sanchar Nigam Limited (BSNL), and the e-Committee of the Supreme Court of India.<sup>18</sup> Further, Phase-III (2023 onwards) of the e-Courts Project, spanning four years and with a financial outlay of Rs. 7,210 crore, has also been approved. It aims to usher in a regime of maximum ease of justice by moving towards digitisation.<sup>19</sup> The vision of Phase-III is ICT coverage of the judicial process from filing to execution and all administrative activities to ensure affordable access to justice. The three phases of the e-Courts project have been discussed in detail in Part IV of the Report titled 'ICT Enablement of the Judiciary.'

### **3. IDENTIFIED ISSUES**

As highlighted in Part I of the Report, there is an infrastructure gap of 4,250 courtrooms and 6,021 residential accommodations for judges in the district judiciary. There are some bottlenecks in the swift execution of the CSS, as has been submitted by the High Courts in their responses.<sup>20</sup>

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<sup>15</sup> Press Information Bureau, available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1945462> (last accessed on 10 August 2023).

<sup>16</sup> *Ibid.*

<sup>17</sup> Department of Justice, Funds released under the eCourts Project, available at <https://dashboard.doj.gov.in/ecourts-projects-phaseII/funds.php> (last accessed on 11 August 2023).

<sup>18</sup> *Ibid.*

<sup>19</sup> Press Information Bureau, available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1956919#:~:text=The%20Union%20Cabinet%20chaired%20by,7210%20crore> (last accessed on 30 September 2023).

<sup>20</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

### **3.1 Rationale in Fund Allocation**

The criterion of budget allocation is directly linked with the achievement of the end goal, *i.e.* providing adequate judicial infrastructure. The closer the rationale of fund allocation to the institution's need, the better the performance of the budget and its actualisation into results. As per the CSS Guidelines, allocation of funds to States/UTs by the Centre is restricted to the budgetary provision available under the Scheme during the financial year.<sup>21</sup> In the initial two decades of the CSS, a total of 3,444 crore were allocated for infrastructure development, which averaged at 164 crore per year. This called for demand-driven budgeting over supply-driven, meaning, the rationale for budget allocation should be based on the measurable need for infrastructure in the judiciary. The NCMS Committee, in its Baseline Report on Court Development Planning System, also recommended:<sup>22</sup>

*“The outlay of finances for the judiciary should not be viewed as percentage of the total budget. It must be based on the need for infrastructure and must be based upon the requisite judge strength... Thus, what is to be seen is not how much the government is willing to spare for the judiciary but what is the need for achieving an efficient and robust judicial system. There must be a shift from this supply orientation to the demand driven budgeting for the judiciary if the governments want to attain a state of zero or near zero arrears.”*

(emphasis supplied)

In 2015, a Sub-Group of Chief Ministers in consultation with the Central Ministries including NITI Aayog and the Ministry of Finance acknowledged this issue of rationalisation of the Centrally Sponsored Schemes and observed that there was no transparent criteria for inter-State allocations in CSS.<sup>23</sup> Therefore, in 2021, the CSS guidelines were amended to ensure a scientific criteria-based distribution of funds amongst States which is discussed on the next page:

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<sup>21</sup> Ministry of Law & Justice, Revised CSS Guidelines, Para 5, available at [https://bhuvan-nyayavikas.npsc.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.npsc.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 17 August 2023).

<sup>22</sup> NCMS Baseline Report on Court Development Planning System, Para 59, 60, available at <https://main.sci.gov.in/pdf/NCMS/Court%20Development%20Planning%20System.pdf> (last accessed on 30 August 2023).

<sup>23</sup> NITI Aayog, Report of The Sub-Group of Chief Ministers on Rationalisation of Centrally Sponsored Schemes, October, 2015, available at <https://www.niti.gov.in/sites/default/files/2019-08/Final%20Report%20of%20the%20Sub-Group%20submitter%20to%20PM.pdf> (last accessed on 20 August 2023).

## **Revised CSS Guidelines**

The CSS guidelines were amended in 2021 and considered the following weightage criteria for allocation of funds:<sup>24</sup>

<b>S. No.</b>	<b>Criteria/Parameter</b>	<b>Weightage</b>
A.	No. of Court Halls left for construction	40%
B.	No. of Residential Units left for construction	40%
C.	Working Strength of Judicial Officers	10%
D.	Pendency of 10 years and more old cases in district judiciary	10%

*Table 2.2 : Weightage given in allocation of funds under CSS<sup>25</sup>*

As per the revised guidelines, parameters 3 and 4 are considered an incentive. The States filling up more vacancies and disposing of more 10-year-old cases are given preference in terms of fund allocation under the Scheme. Moreover, the calculation as per the above parameters is done with respect to the sanctioned strength; however, *no court halls/residential units are sanctioned to any State beyond the working strength of judicial officers.*<sup>26</sup> This is a matter of concern because it is only after the increase in working strength by regular recruitment that States can re-initiate the process for the disbursement of funds. Given that securing funding and subsequently building infrastructure is a lengthy process, the result is that, for the interim period, the working strength of the judicial officers may exceed the available infrastructure.

With an increasing backlog of cases, the justice delivery system cannot afford more waiting by going through the cumbersome process again, right from the stage of identification and allotment of land, disbursement of funds, to initiation of construction and completion of the project. There is a need for allotment of budget commensurate with the sanctioned strength of judges in order to enable the States to submit their demand for release of more funds, before the recruitment and appointment of new judicial officers. Adequate judicial infrastructure is a prerequisite for new recruitment, not the other way round.

<sup>24</sup> Government of India, Ministry of Law and Justice, “Revised CSS Guidelines, 2021,” available at [https://bhuvan-nyayavikas.nrsrsc.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrsrsc.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 10 August 2023).

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

This issue has been acknowledged in the deliberations of the Joint Conference of Chief Ministers and Chief Justices held on 30 April 2022. A resolution was sent by the Supreme Court to the Ministry of Law and Justice (*refer to Figure 2.1 below*). The resolution stated that the Central Government may provide all adequate funds in their entirety, commensurate with the projected additional strength of judges as per the Interim Report of the NCMS Committee, as elaborated in Part III of the Report. Thus, funds would be allotted not with respect to the sanctioned strength of judges but based on the projected requisite judge strength as per the Weighted Disposal Method, which is much more than the current sanctioned strength. However, the Ministry of Law and Justice has quoted the *status quo* of the existing fund allocation system for infrastructure under the CSS, *i.e.* allotment of budget taking into account the unspent funds of previous years (*refer to Figure 2.2 below*). The comparison of the Resolutions sent by the Supreme Court to the Department of Law and Justice and the proposed Resolution by the Ministry of Law and Justice is shown below.

“(b) As a one-time measure, **the Central Government may provide all adequate financial support to put in place the required infrastructure commensurate with the projected additional strength of Judicial Officers** in terms of the 2016 NCMS Report submitted in Imtias Ahmad case, since the gaps between funding between the funds provided by the Central Government and the State Governments is proving to be a hurdle.”

*Figure 2.1 : Resolution sent by the Supreme Court to Dept. of Justice in April 2022*

In the light of the deliberations made, following resolutions may be adopted:

“(b) **the Central Government may consider providing further financial support in the light of the optimal utilisation of already released funds** including unspent balance of Rs. 1000 Cr. for previous years under the Centrally Sponsored Scheme for development of Judicial Infrastructure in District and Subordinate courts, recently extended up to 31.03.2026 with a total budgetary outlay of Rs. 9000 Cr. including Rs. 5357 Cr. as Central Share.”

*Figure 2.2 : Proposed Resolution by the Ministry of Law and Justice in August 2022<sup>27</sup>*

### **3.2 Output and Outcome Budget Framework**

In 2005, ‘Outcome Budget’ became an integral part of the budgeting process, where expenditure is associated with specific goals by setting out measurable outputs and

<sup>27</sup> As per information received from the Registry, Supreme Court of India.

outcomes to be achieved in a financial year. An outcome budget broadly covers financial outlay, output, *i.e.* the deliverables measured in physical units, and outcome, *i.e.* the collective result brought about in the delivery of these services. The Outcome Budget for ‘Infrastructure Facilities For Judiciary’ from 2018-2024 is as follows:<sup>28</sup>

Financial Year	Financial Outlay (Cr.)	TARGET	
		No. of court halls to be completed in FY	No. of residential units to be completed in FY
2018-2019	630	600	350
2019-2020	720	600	350
2020-2021	762	600	350
2021-2022	776	375	225
2022-2023	858	628	662
2023-2024 <sup>29</sup>	1051 <sup>30</sup>	760	800

*Table 2.3: Outcome budgets for infrastructure facilities for judiciary from 2018 to 2024<sup>31</sup>*

Illustratively, for the year 2023-2024, output is the construction of court buildings, residential units, lawyers’ halls, toilet complexes, and digital computer rooms sought to be built (indicated by ‘Target’ shown above), whereas outcome is the reduction in the gap between the sanctioned strength of judges and the available judicial infrastructure. Output is also indicated as the total number of courtrooms targeted to be made available by the end of the current financial year (2023-24), which is 22,260.<sup>32</sup> Notably, the target is dependent upon the actual allocation of funds under the Scheme and the implementation of the Scheme at the end of State Government/High Courts.<sup>33</sup>

At this juncture, it is worth noting that the number of district courtrooms under construction as of 1 April, 2023 is 2,532 which is substantially greater than the output

<sup>28</sup> Output Outcome Frameworks, Government of India, Ministry of Finance, available at <https://dea.gov.in/outcome-budget> (last accessed on 28 September 2023).

<sup>29</sup> Output Outcome Framework for FY 2023-2024, Government of India, Ministry of Finance, available at [https://www.indiabudget.gov.in/doc/OutcomeBudgetE2023\\_2024.pdf](https://www.indiabudget.gov.in/doc/OutcomeBudgetE2023_2024.pdf) (last accessed on 20 September 2023).

<sup>30</sup> This outlay also covers construction of 290 Lawyers’ Halls.

<sup>31</sup> Output Outcome Frameworks, Government of India, Ministry of Finance, available at [https://www.indiabudget.gov.in/doc/OutcomeBudgetE2023\\_2024.pdf](https://www.indiabudget.gov.in/doc/OutcomeBudgetE2023_2024.pdf) (last accessed on 28 September 2023).

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

targets fixed in the outcome budgets over the last five years.<sup>34</sup> Therefore, while there is great detail about targets to be achieved in a particular financial year, *there is a need to indicate the progress made in the previous years, along with the output targets fixed for the next financial year in the instrument of outcome budget as has been done in Delhi.* In the Outcome Budget of Delhi, the actual achievements (actuals) of the previous years' targets are also shown, which serves as a measure of progress made by the departments.<sup>35</sup> This data will bolster accountability and bring more transparency to the budgeting scheme.

With respect to State budgets, the NCMS Committee observed that the judiciary gets only that much, which the State Governments keep aside for it.<sup>36</sup> As per the India Justice Report, 2022, except for two Union Territories, Delhi and Chandigarh, no State spends more than 1 per cent of its total annual expenditure on the judiciary.<sup>37</sup> It is important to note that as of 2021, only select departments and sectors of 11 States publish Outcome Budget Statements.<sup>38</sup> To ensure more transparency, accountability and actualisation of targeted outcomes, the State governments should enhance investment in capital expenditure in the justice delivery system and present outcome budgets of the concerned departments every financial year, along with their State budgets.

### **3.3 The Tardy Process of Budget Release to Utilisation**

Budget allocation is only useful when it is effectively utilised, which largely depends on its ready accessibility. As per the CSS guidelines, release of funds can be made to a State only if the State has utilised funds up to 75% of the last release. At this stage, it is noted that against the release of central funds of Rs. 9,812.51 crore from the inception of the Scheme (1993) till March 2023, the States have a total unspent

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<sup>34</sup> Output Outcome Frameworks, Government of India, Ministry of Finance, available at <https://dea.gov.in/outcome-budget> (last accessed on 28 September 2023); Annexure B, Number of Courtrooms in District Courts (as on 1 April 2023).

<sup>35</sup> Delhi Outcome Budget, 2022-23, Government of NCT of Delhi, Planning Department, available at <https://delhiplanning.delhi.gov.in/planning/outcome-budge-2022-23> (last accessed on 1 October 2023).

<sup>36</sup> NCMS Baseline Report on Court Development Planning System, Para 59, 60, available at <https://main.sci.gov.in/pdf/NCMS/Court%20Development%20Planning%20System.pdf> (last accessed on 30 August 2023).

<sup>37</sup> India Justice Report, 2022, Ranking States on Police, Judiciary, Prisons & Legal Aid, available at [https://indiajusticereport.org/files/IJR%202022\\_Full\\_Report1.pdf](https://indiajusticereport.org/files/IJR%202022_Full_Report1.pdf) (last accessed on 20 August 2023).

<sup>38</sup> Outcome Budgeting in India: The Efforts being made at the Union and State Levels, 2021, Centre for Budget and Governance Accountability, available at <https://www.cbgaindia.org/wp-content/uploads/2021/07/Outcome-Budgeting-in-India-1.pdf> (last accessed on 1 October 2023).



balance of Rs. 983.51 crore, including the State's share.<sup>39</sup> This highlights the need to identify and address the roadblocks in the budgeting process that impede the expenditure of the funds allocated to the judiciary.

Right from the stage of preparation of estimates and approval of plans to the execution of work, it takes several years to complete a construction project. The involvement of several agencies in obtaining administrative sanctions for the execution of projects often leads to the lapse of budget, delayed release of funds (often at the fag end of the year), and as a result, its underutilisation. This issue of administrative delay in the process-ridden system of budgeting has also been acknowledged in 2016 by a Division Bench of Bombay High Court in *Sangli Bar Association, Sangli v. State of Maharashtra* as:<sup>40</sup>

*“13...it is the constitutional obligation of the State Government to provide adequate infrastructure to the Judiciary. It is also held that when it comes to the requirement of infrastructure of the judiciary, the views of the Judiciary will have a primacy. By the said judgment and order dated 7 and 13 August 2015, this Court disposed of three Petitions wherein the grievance was about the inordinate delay in completing construction of the Court buildings at Ahmednagar, Panvel and New Bombay. In fact the said judgment and order will show that as far as the construction of Court building at New Bombay is concerned, right from the stage of allotment of the land till the release of funds for construction, intervention of this Court was necessary. But for the intervention by this Court, the buildings would not have been constructed. In the said judgment, this Court has noted that due to delay on the part of the State Government in releasing the funds, the construction of Court buildings is delayed which results into escalation of the cost of construction. This Court has also observed that there are administrative delays as files travel from one department to another and all sorts of objections are raised by the Finance Ministry. The reason for filing number of Writ Petitions/PILs in this Court for inviting the attention of the Court to the failure of the State to complete the construction of Court buildings is due to the failure of the State Government to perform its mandatory duty.”*

(emphasis supplied)

This budgeting process, involving several agencies, often leads to the non-release of sufficient funds in time for ongoing and fresh projects in some States. The Allahabad High Court submitted that under CSS, the State Government has made budgetary

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<sup>39</sup> National Judicial Infrastructure Fund, Unstarred Question No. 4047, Lok Sabha, 24 March 2023, available at <https://sansad.in/ls/questions/questions-and-answers> (last accessed on 27 September 2023).

<sup>40</sup> Civil Writ Petition No. 11608 of 2015, dated 23 August 2016, Bombay High Court.

allocation but total allocated funds are not being released by the State as of November, 2022.<sup>41</sup> Similarly, the Jharkhand High Court submitted that out of the budgetary provision of Rs. 62 crore, the Ministry of Law and Justice had released only Rs. 6 crore of the Central share for financial year 2021-22 which was fully utilised.<sup>42</sup> On the other hand, Chhattisgarh High Court submitted that, with the passage of time, there has been considerable improvement in the release of funds in the last two years, where there is 77.37% increase in comparison to the financial year 2021-2022 and 436% increase in comparison to financial year 2020-2021.<sup>43</sup> It is now important to address the underlying technical challenges in the process of fund release and utilisation:

1. **New PFMS System** - Public Financial Management System (PFMS) is an online financial management platform launched by the Central Government to enhance public accountability in the implementation of plan schemes by tracking funds released and utilised in real time under the schemes of the Government of India.<sup>44</sup> Under the CSS, adopting the new PFMS system and designation of a Single Nodal Agency (SNA) is mandatory.<sup>45</sup> Every State Government has to designate a SNA in PFMS, like the Law Department, which has a designated SNA account to receive and transfer funds. The SNA transfers funds in favour of the executing agencies only upon receiving fund release requisition from the concerned PWD Divisions.<sup>46</sup> However, delay in opening SNA accounts by the State Governments and its integration on the PFMS portal has impeded the timely disbursal and utilisation of the funds. This has been observed by the Department-Related Parliamentary Standing Committee On Personnel, Public Grievances, Law And Justice in its 128th Report (2023-24) as follows:<sup>47</sup>

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<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>44</sup> Public Financial Management System (PFMS), available at <https://pfmsdashboard.gov.in/> (last accessed on 10 August 2023).

<sup>45</sup> Procedure for Release of Funds under Centrally Sponsored Schemes and Monitoring its Utilisation, Department of Expenditure, dated 23 March 2021, available at <https://pfms.nic.in/static/NewLayoutCommonContent.aspx?RequestPagename=Static/SNAOrdersandCirculars.aspx?master=blank> (last accessed on 5 August, 2023).

<sup>46</sup> *Ibid.*

<sup>47</sup> Rajya Sabha, Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 128th Report on 'Demands For Grants (2023-24) of The Ministry of Law And Justice,' Para 1.20, available at [https://sansad.in/getFile/rsnew/Committee\\_site/Committee\\_File/ReportFile/18/171/128\\_2023\\_5\\_14.pdf?source=rajyasabha](https://sansad.in/getFile/rsnew/Committee_site/Committee_File/ReportFile/18/171/128_2023_5_14.pdf?source=rajyasabha) (last accessed on 9 November 2023).

*“1.20 The Committee observes that the pace of release of funds has slowed down due to revised procedural guidelines for release of CSS funds under the new Public Financial Management System (PFMS). Due to stringent conditions attached for release of funds, most of the States are finding it difficult to get their quota of funds despite having huge requirements for funds for their projects both ongoing and new. From the data provided by the Department, 11 out of 21 general category States and 5 out of 8 NE States did not get any funds during 2022-23 due to such norms. Though the Committee is happy to note that the Department of Justice is taking all possible measures to ameliorate the hardship faced by the States in this regard, and to ensure that all of them become PFMS compliant, the Committee, however, recommends the Department to approach the MoF to get the guidelines on release of funds under the CSS relaxed, wherever the States are facing genuine difficulties in the implementation of such guidelines.”*

(emphasis supplied)

As per the data received for the Chief Justices’ Conference, 2022, the Uttarakhand High Court submitted that having the PFMS in place, it duly transferred the funds allocated by the State Government to the implementing agencies; however in most of the places, the funds could not be transferred as construction agencies did not have the necessary bank account for receiving the said funds which further delayed timely utilisation of funds.<sup>48</sup> Due to these conditions attached for the release of funds, many States face difficulties in getting their quota of funds despite having a huge requirement for funds for their projects both ongoing and new. As the Parliamentary Standing Committee pointed out, these stringent conditionalities may be relaxed until all the States have the required procedure in place.<sup>49</sup> Further, concerned officers of States/UTs should be regularly trained to ensure compliance with PFMS procedures and guarantee the timely release of funds.

2. **Allotment of land** - Once the land is identified by the State Government (as discussed in Part I of the Report), the allotment of land for construction takes a considerable time. As per the present system, the proposals/requests from the

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<sup>48</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>49</sup> Rajya Sabha, Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 116th Report on Demand for Grants for Department of Justice (2022-2023), Para 2.12, available at [https://sansad.in/getFile/rsnew/Committee\\_site/Committee\\_File/ReportFile/18/110/99\\_2019\\_3\\_17.pdf?source=rajyasabha](https://sansad.in/getFile/rsnew/Committee_site/Committee_File/ReportFile/18/110/99_2019_3_17.pdf?source=rajyasabha) (last accessed on 3 October 2023).

High Court are considered by the Home Department of the State Government and are then forwarded to the Finance Department. In case of allotment of land, the requests are again forwarded to the State's Revenue Department. After that, the PWD takes up the task of construction.<sup>50</sup>

The SNA transfers funds upon receiving fund release requisition from the concerned PWD Divisions, which is done only after land is available, all clearances are in place, and the State provides a certificate to this effect.<sup>51</sup> This time-consuming process by PWD adds to the time lag in the grant of financial sanction and disbursement of funds which later on affects the cost. Cost escalation leads to revised estimates with additional requirements, thereby, delaying the completion of the project. As per the data submitted by the Chhattisgarh High Court, allotment of land for sub-divisions Pandariya, Patan, and Surajpur District in Chhattisgarh has been awaiting approval since 2010, 2015 and 2016, respectively.<sup>52</sup> In Madhya Pradesh, 400 District Court halls are under construction. However, the State Government has provided administrative and financial sanction only for the construction of 25 new court halls, and since November 2018, 70 projects for the construction of 329 court halls are pending with the State Government.<sup>53</sup> In hilly terrains, the additional step of obtaining forest clearances further increases the time lag. Implementing agencies like PWD must maintain the pace of work by scrupulously adhering to timelines. The Bombay High Court has mandated that stage-wise fixed time frames should be adopted to ensure compliance with timelines.<sup>54</sup>

3. **Non-submission of Utilisation Certificate** - Utilisation Certificate (UC) is a document that certifies how much expenditure has been incurred by the State Government from the funds released. It is proof of utilisation of the disbursed funds. UCs are furnished to the Department of Justice upon receipt of the same from the executing agency concerned. Submission of this UC for previous grants released to the States/UTs, along with the utilisation of prescribed State share, is a

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<sup>50</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> *Mumbai Grahak Panchayat and another v. State of Maharashtra*, PIL No. 156/2011, dated 5 May 2017, Bombay High Court.

mandatory condition for the release of funds under the CSS.<sup>55</sup> This serves as a check against the parking of funds with the State Governments and implementing agencies. However, some of the State Government's work agencies do not submit the utilisation certificates against balance funds on time, which leads to late release of next instalments, as release of future grants is usually tied to the expenditure of previous grants.<sup>56</sup> It has been recommended by the Sub-Group of Chief Ministers on Rationalisation of the Scheme in 2015 as:<sup>57</sup>

*“4.33 The Sub-Group finds merit in the suggestion that release of an instalment should not be predicated on producing Utilisation Certificates of the last instalment and recommends that release should be based on the UC furnished of the last to last instalment. This approach will provide adequate flexibility to the State without compromising the principles of financial prudence.”*

Thus, furnishing UCs of the previous instalment should not be a condition precedent for the future release of funds; rather, UCs of the instalment prior to the last one may form the basis for release in the current year. This will smoothen the process of future fund release and their utilisation to complete the infrastructural projects on time.

### **Format of Utilisation Certificate**

The UCs submitted by the implementing agencies of Rajasthan, Uttarakhand, Delhi and Kerala have been perused to examine the format of the UCs submitted.<sup>58</sup> From this perusal, it is apparent that there is no uniform format for the UC. They contain details focussing only on grants sanctioned, released, and utilised amounts. For better transparency and accountability of the States and its agencies, the UC may also include information like details of the infrastructure project undertaken and duration of its completion (start date and end date).

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<sup>55</sup> Conditions for release of grants to the States/UTs under the Scheme, Para 5(f), available at [https://bhuvan-nyayavikas.nrsr.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrsr.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 16 September 2023).

<sup>56</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>57</sup> NITI Aayog, Report of the Sub-Group of Chief Ministers on Rationalisation of Centrally Sponsored Schemes, October, 2015, available at <https://www.niti.gov.in/sites/default/files/2019-08/Final%20Report%20of%20the%20Sub-Group%20submitter%20to%20PM.pdf> (last accessed on 20 August 2023).

<sup>58</sup> Annexure F, Utilisation Certificates of Delhi, Kerala, Rajasthan and Uttarakhand.

### **3.4 Coordination between Stakeholders**

The fiscal system is primarily federal, involving the Central Government, the State Government and various executing agencies at different levels. One of the major shortcomings in the budgeting system is the lack of single ownership due to which coordination between the agencies, right from the process of allotment of funds to completion of projects, is hampered. This leads to delay in augmenting judicial infrastructure. It is a constant endeavour of High Courts that construction of buildings is completed within the stipulated time without any delay to avoid the escalation cost. However, in most cases, the PWD authorities approach the State Government for escalation of cost as against the original project cost.<sup>59</sup> This calls for direct coordination between the fund granter, utiliser *i.e.* the judiciary and the executing agencies. The existing coordinating and monitoring mechanisms are discussed as follows:

#### **1. Dedicated Cell for Fund Utilisation**

At the Chief Justices' Conference in 2016, it was resolved that each High Court would constitute a Dedicated Cell to monitor the utilisation of funds under the 14th Finance Commission and the following strategy be adopted by the High Courts for, *inter alia*, utilisation of funds under the Scheme :

*“(i) Constitution of a Dedicated Cell for the utilisation of funds. The composition of the Cell should consist of policy makers, experts in planning and budgeting, senior judicial officers and persons to be nominated by the Chief Justice. The Cell shall be assigned the task of :*

- a. Preparing perspectives/annual plans and time lines;*
- b. Drawing up budget estimates;*
- c. Monitoring and review of the implementation of each scheme;*
- d. Taking up the matter with the State Government to ensure release of funds.”*

According to the data collected, 17 High Courts have complied with the above

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<sup>59</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

resolution and have constituted Dedicated Cells.<sup>60</sup> As per the Resolution, the composition of the Cell should consist of policy-makers, experts in planning and budgeting, senior judicial officers and persons to be nominated by the Chief Justice. However, there needs to be consistency with respect to the constitution of the Dedicated Cells in High Courts. For example, the Dedicated Cells of the Madras, Bombay, Gujarat and Jammu & Kashmir and Ladakh High Court consist of only sitting High Court judges and do not have any experts in the field of policymaking, planning and budgeting, which deviates from the spirit of the Resolution of the Chief Justice Conference, 2016.<sup>61</sup> Moreover, only 11 High Courts have reported that they have formulated an Annual Plan for utilising funds.<sup>62</sup> For overseeing the timely use of funds, it is essential that the Dedicated Cells so constituted convene regular meetings to formulate annual action plans and submit annual and quarterly reports to the Chief Justice of the concerned High Court regarding the receipt and use of funds.

## **2. High Court Level Monitoring Committee in the State**

The CSS visualises separate State and Central level monitoring committees to monitor project progress and timely completion and facilitate coordination between the various stakeholders and Department officials.<sup>63</sup> As per the CSS Guidelines, there is a High Court Level Monitoring Committee at the State level chaired by the Chief Justice of the respective High Court. It consists of the Registrar General of the High Court, Portfolio Judges, Law/Home Secretary of the State and Secretary of the State PWD. The Committee is tasked with reviewing the physical and financial progress of the ongoing construction every 6 months and overall monitoring, ensuring the quality standards of works and timely completion of projects.<sup>64</sup>

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<sup>60</sup> Data as per CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023).

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> Conditions for release of grants to the States/UTs under the Scheme, Para 11, available at [https://bhuvan-nyayavikas.nrsc.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrsc.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 16 September 2023).

<sup>64</sup> *Ibid.*

### **3. Central Level Monitoring Committee in the Department of Justice**

This Committee is chaired by the Secretary (Department of Justice, Government of India) and comprises of representatives from all States (Department of Law/Home, High Courts and PWD), the Joint Secretary (Department of Justice, Government of India), Financial Advisor (Ministry of Law and Justice, Government of India), and the Deputy Secretary (Department of Justice) who is the Convenor.<sup>65</sup> The Committee reviews the status of all the projects and the UCs submitted by the States/UTs to ensure the achievement of the objectives of the Scheme. It also reviews the physical and financial progress of the construction of court halls, lawyers halls, toilet complexes, and digital computer rooms, and residential units for judicial officers every six months. From the constitution of the Central Committee, it is apparent that the judiciary, which is the ultimate consumer of the Scheme, is not represented in the process at the Central level. It is imperative in the interest of judicial independence and effective monitoring that the judiciary has a decisive role in the budgeting process.

Despite the above coordination mechanisms to facilitate the interface between the High Courts and the State Governments, the challenges in fund utilisation that cause delay persist. Prof. (Dr.) Ranbir Singh, in the Conference of National Initiative to Reduce Pendency and Delay in Judicial System organised by the Supreme Court of India said:<sup>66</sup>

*“It is time to move beyond the vicious circle of committees and reports.”*

It is not the number of monitoring committees but rather their efficacy in stringent monitoring, identifying the causes of delay and, most importantly, fixing accountability of officers responsible for the unexplained delay in the construction of the infrastructural projects that is crucial. The monitoring committees should conduct regular meetings and submit progress reports in the next scheduled meetings to ensure timely execution of the construction projects and utilisation of funds so released.

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<sup>65</sup> Conditions for release of grants to the States/UTs under the Scheme, Para 11, available at [https://bhuvan-nyayavikas.nrs.c.gov.in/documents%2FimpDocs%2F10\\_Revised--CSS-Guidelines-dated-19-08-2021.PDF](https://bhuvan-nyayavikas.nrs.c.gov.in/documents%2FimpDocs%2F10_Revised--CSS-Guidelines-dated-19-08-2021.PDF) (last accessed on 16 September 2023).

<sup>66</sup> National Initiative to Reduce Pendency and Delay in Judicial System, Supreme Court of India, 2018, available at <https://main.sci.gov.in/publication> (last accessed on 3 October 2023).



## **National Judicial Infrastructure Authority of India (NJIAI)**

Over the past years, the pace of construction of court buildings and residential units has picked up. However, the challenges concerning the timely release and utilisation of funds, land allotment and coordination gap persist. The present budgeting system for the judiciary leaves the management of funds, identification and allotment of land at the behest of the executive without fixing any accountability for any delay caused. The absence of judicial representation at the central level (*as discussed above in 'Central Level Monitoring Committee'*) has raised a call for a dedicated Central body, with the judiciary having a decisive role along with other stakeholders. Such a body would be responsible for laying down the road map for planning, creation, development, maintenance, and management of functional infrastructure for the Indian judiciary.<sup>67</sup>

To do away with the coils of procedures, administrative bottlenecks, and delays caused by multiple implementation agencies in infrastructural projects, the Law Commission in 1988, in its 127th Report, recommended a working solution to set up a Finance Consultative Committee.<sup>68</sup> It recommended:

*4.14. The Law Commission would like to suggest a working solution in this behalf. The Law Commission has already recommended setting up of the National Judicial Service Commission for dealing with problems of appointment of judicial officers at various levels, restructuring Judiciary by setting up Indian judicial Service, training of judicial officers, et al. This body can be entrusted with additional task of determining and finalising the financial needs and budgets of the courts. National Judicial Service Commission itself may set up a new body, called the **'Finance Consultative Committee'**, which must undertake the task of periodically assessing financial needs of the Judiciary at various levels and it must have liaison with the Finance Ministry and ordinarily its recommendations must be accepted. The Committee may consist of—*

- 1. The Chief Justice of India in respect of the Supreme Court or the Chief Justice of the High Court in respect of the High Court;*

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<sup>67</sup> Lok Sabha No. 17, Unstarred Question No. 3363 on National Judicial Infrastructure Authority of India dated 2022-08-05, available at: <https://sansad.in/lis/questions/questions-and-answers> (last accessed on 14 September 2023).

<sup>68</sup> Resource Allocation for Infra-Structural Services in Judicial Administration (A continuum of the Report on Manpower Planning in Judiciary: A Blueprint), Report No. 127, Law Commission of India, 1988, Para 4.14, available at [https://lawcommissionofindia.nic.in/cat\\_supreme\\_court\\_and\\_high\\_court/](https://lawcommissionofindia.nic.in/cat_supreme_court_and_high_court/) (last accessed on 25 August 2023).

2. *Administrative Judge of the High Court;*
3. *Administrative Officer of the court in charge of finance;*
4. *Secretary, Ministry-in-charge of Judiciary; and*
5. *Secretary, Ministry of Finance, Department of Expenditure.*

(emphasis supplied)

The Law Commission also recommended that the budget be proposed by the High Court or the Supreme Court, as the case may be. Once the budget is approved, the matter should be referred to the Finance Consultative Committee which must finalise it.<sup>69</sup> This Committee will serve as a meeting ground for interaction and interfacing between the representatives of the judiciary and the executive at the central level and will be instrumental in arriving at a consensus and monitoring the execution of projects in a speedier and more efficacious manner. However, since 1988, no such dedicated body has been created.

In 2021, the then Chief Justice of India, Justice N.V. Ramana, envisioned the National Judicial Infrastructure Authority of India (NJIAI) as a special purpose vehicle at the central level to coordinate the augmentation and creation of judicial infrastructure.<sup>70</sup> The NJIAI was proposed not merely as an *ad hoc* coordination mechanism but a governing body with the Chief Justice of India as the patron-in-chief. At the Chief Justices' Conference held on 29 April 2022, a resolution was passed for the creation of NJIAI along with complementary State bodies (*refer to Figure 2.3*).<sup>71</sup> This was also discussed during the Joint Conference of Chief Ministers and Chief Justices held on 30 April 2022.

The Chief Justice of India also wrote to the Central Government regarding the creation of NJIAI at the Central level and State Judicial Infrastructure Authorities at the State level, modelled after the successful National Legal Services Authority (NALSA).<sup>72</sup> However, there was near unanimity amongst the Chief Ministers to establish such a body only at the State level, namely, the Committee for Judicial Infrastructure, composed of nominees of the Chief Minister and Chief Justice of the

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<sup>69</sup> *Ibid.* Para 4.15.

<sup>70</sup> “CJI N.V. Ramana Sends Proposal to set up National Judicial Infrastructure Authority of India”, 3 December 2021, *The Economic Times*, available at <https://economictimes.indiatimes.com/news/india/cji-n-v-ramana-sends-proposal-to-set-up-national-judicial-infrastructure-authority-of-india/articleshow/88077036.cms> (last accessed on 10th October 2023).

<sup>71</sup> Resolution 4(a), Resolutions Adopted in Chief Justices' Conference, 29 April 2022, New Delhi.

<sup>72</sup> *Ibid.*

High Court.<sup>73</sup> A comparison of the Resolution sent to the DoJ and the proposed resolution by the DoJ as received by the Supreme Court of India is as follows:

“(a) **National Judicial Infrastructure Authority of India (NJIAI) along with complementary State bodies** be created as a special purpose vehicle that will act as a chief coordinator as well as driving force for augmentation/creation of judicial infrastructure as per the proposal sent by Hon’ble the Chief Justice of India to the Union Government.”

*Figure 2.3 : Resolution passed in the Chief Justices’ Conference, 2022 and sent by the CJI to the Department of Justice*

In the light of the deliberations made, following resolutions may be adopted:

(a) It was agreed to form a **Committee for Judicial Infrastructure at the State level** in which the Chief Minister of State and Chief Justice of the High Court would be having their nominee and would be working in close coordination.

*Figure 2.4 : Proposed Resolution by the Ministry of Law and Justice<sup>74</sup>*

The issue is yet to be resolved.

### **3.5 Challenges in the Utilisation of the Funds under e-Courts Project**

With the e-Committee playing a decisive role, the budget allocation process is convenient and smooth, leading to timely fund releases and subsequent utilisation by the High Courts. However, there is an inherent problem in facilitating technology in places where the court complexes are situated in rural areas, mountainous regions, or remote places which are difficult to access.<sup>75</sup> Maintenance issues and hardware servicing in court complexes situated in remote/rural areas where there is less feasibility for providing robust internet connectivity is a hurdle.<sup>76</sup> Furthermore, the prolonged delay in the construction of court buildings delays the utilisation of funds for such projects and procurement of Information Technology (IT) equipment also gets stalled. Besides the geographical impediment, there are two more pressing technical challenges, which are elaborated on the next page:

<sup>73</sup> Shortage of Infrastructural and Basic Facilities in Courts, Unstarred Question No. 4846, Lok Sabha, 31 March 2023, available at <https://sansad.in/ls/questions/questions-and-answers> (last accessed on 27 September 2023).

<sup>74</sup> As per information received from the Registry, Supreme Court of India.

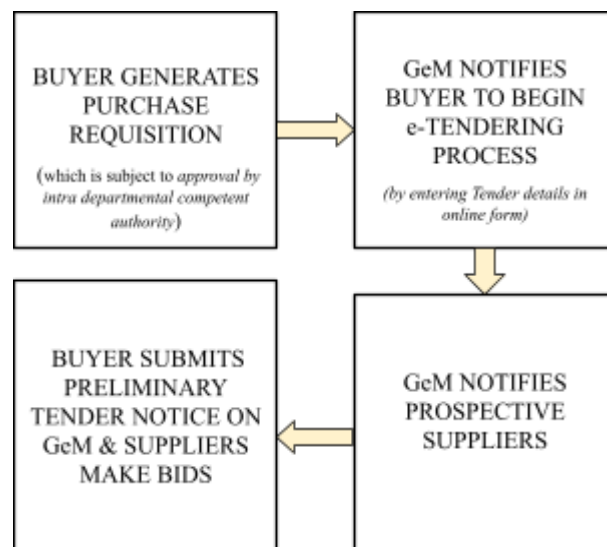
<sup>75</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>76</sup> *Ibid.*

**(a) Process of e-Tendering/Bidding on GeM**

Procuring hardware or any service starts by inviting quotations and accepting bids on those quotations by the vendors. The Government of India amended the General Financial Rules, 2017 and made the Government-e-Marketplace (GeM) a procurement mode for purchasing commonly used goods and services in the State by Government Departments/PSUs/Autonomous Bodies. For the procurement of goods and services above Rs. 25,000/-, it is mandatory for all Government Departments to use GeM. The prices of goods on the GeM portal are much lower than other modes of procurement.<sup>77</sup> If the item is unavailable on GeM, it could be procured through other modes of procurement.

The process of e-tendering, as explained below (*refer to Figure 2.5*) begins with the High Courts or District Courts floating tenders on the GeM portal, to which vendors submit their bids and then, as per requirements and after approval by the buyer, the tender is allocated to a specific vendor.



*Figure 2.5 : Process on GeM*

The issue in implementing this process arises when there is a lack of competition in the bidding process, especially in rural areas where the bids are less lucrative for the bidders compared to urban areas. This lack of participation from bidders in the

<sup>77</sup> Government e-MarketPlace (GeM), *Guideline on Government e-MarketPlace*, Addition of Rule 149, General Financial Rules, 2017, Page Nos. 7 & 8, available at <https://www.suniv.ac.in/docs/Guide-line-on-GeM-SU.pdf> (last accessed on 31 August 2023).

e-tenders often leads to the existence of a single bidder.<sup>78</sup> Therefore, there is a need to incentivise the authorised/registered suppliers to submit bids for tenders in such areas so that geographical and development constraints are not an impediment in securing access to justice for citizens in every nook and corner of the country.

There are also instances where the procurement agencies of the State Government fail to float e-tenders. The Calcutta High Court submitted that Webel Technology Ltd. (WTL), a procurement agency of the State Government, was requested to float e-tenders for the procurement of different hardware and Local Area Network (LAN) items. However, it could not initiate the process of e-tendering even after repeated reminders, and as a result, the Computer Committee had to cancel the proposal of WTL.<sup>79</sup> To redress this issue, there should be a centralised procurement agency to expedite the process of floating tenders by ensuring timeliness and accountability in case of unexplained inaction.<sup>80</sup>

A dedicated section for the judiciary on the GeM portal under the aegis of National Mission for Justice Delivery & Legal Reforms, may facilitate the High Courts and District Courts in procuring hardware swiftly. The Government of India has also started special initiatives like ‘Poshan Abhiyan Initiative’ and ‘Swachh Bharat’ on the GeM portal, which feature specially curated products with respect to the initiatives. A list of specially curated goods and services may also be made available on GeM, in line with the deliverables of the e-Courts project.

### **(b) Procurement of Sufficient and Updated Hardware**

Non-availability of hardware within the suggested price range and as per specifications provided by the e-Committee is one of the major obstacles in the utilisation of funds. For instance, the Madhya Pradesh High Court submitted that there is an issue regarding the delivery of network components and computer hardware articles on time due to a shortage of chips at the international level, which is adversely affecting the supply in the State.<sup>81</sup> It is essential to expand the supply pool

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<sup>78</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>79</sup> *Ibid.*

<sup>80</sup> Supreme Court of India, e-Committee, *Digital Courts Vision & Roadmap, Phase III*, available at: <https://cdnbbsr.s3waas.gov.in/s35d6646aad9bcc0be55b2c82f69750387/uploads/2021/10/2021101232.pdf> (last accessed on 21 August 2023).

<sup>81</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

of hardware required under the e-Courts project, so that the purpose of creating a national marketplace is not defeated by engaging in other procurement modes due to a lack of goods.

Another aspect that needs due consideration is that with advancements in technology, specifications for hardware items like computer systems, printers, and PTZ (pan-tilt-zoom) cameras fixed by the e-Committee become outdated.<sup>82</sup> Lower specification models with lower price margin, as fixed by the e-Committee may not be available in the market or on the GeM portal for procurement. Due to the availability of higher specifications with higher prices, the funds allocated by the e-Committee as per the older specification and price margin are often not sufficient enough to complete the procurement of prescribed ICT hardware for the allotted items in time. In order to procure hardware of higher specification, the High Courts have to raise demand for additional funds from the State Government, which creates a time lag in the effective utilisation of funds.<sup>83</sup> Allocation of funds is based on the prevalent price index. It is essential that while calculating the requirement of funds in the coming financial years, the relative changes in hardware costs with respect to the present year (*i.e.* the cost index) are also considered.

#### **4. CONCLUSION**

Addressing the issue of pendency in the district judiciary necessitates a holistic approach, of which budget allocation is a fundamental component. Considerable time has elapsed since the Central government spearheaded the Centrally Sponsored Scheme, but the infrastructural gaps persist. Infrastructure augmentation is a continuous process. Proactive and well-monitored steps must be taken to realise the constitutional ideal of a resourceful and self-sufficient justice delivery system. Geotagging projects on the online monitoring system of the Nyaya Vikas portal is an appreciable attempt to make the budgeting system more transparent and accountable. The Bombay High Court in *New Bombay Advocates Welfare Association v. State of Maharashtra*<sup>84</sup> highlighted the need for fixing accountability for the delay caused in the process and observed that:

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<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> PIL No. 239 of 2009, dated 7 August 2015, Bombay High Court.

*“We propose to direct the State Government to take appropriate policy decision laying down a comprehensive scheme dealing with the preparation of plans and estimates, sanction thereof, release of funds as well as completion of projects of the judiciary within a time bound schedule. ... The policy decision to be taken must also provide a mechanism for fixing responsibility on the concerned officials in the event of delays in completion of projects of the Court buildings and judicial quarters.”*

(emphasis supplied)

It is time that delay in administrative and financial approvals is effectively addressed and fixed to ensure that by 2026, there are adequate and well-equipped court halls and residential accommodations to cater to the sanctioned judges of the district judiciary.<sup>85</sup> Priority should be accorded to having a strong full-time coordination mechanism involving all the stakeholders of the budgeting process, such as the civil administration, technical team of architects and engineers from the PWD, and other implementation agencies of the State Government, Law Department, the judicial functionaries from the District Court as well as from the High Court, to ensure that there is sincere ownership, transparency and accountability for the quality and timely completion of the infrastructural projects. Effective coordination results from cooperation and willingness of the people involved in the process. An efficient system of budget allocation, disbursement and utilisation is an investment in the rule of law, access to justice, and the overall efficiency of the Indian judicial system.

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<sup>85</sup> CSS extended till 2026.







## PART III

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# HUMAN RESOURCE MANAGEMENT

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## **1. INTRODUCTION**

Human resources are the foundation on which institutions thrive. With a sufficient and efficient workforce, the output in terms of the performance of any institution can be realised to its fullest extent. The constitutional imperative of expeditious disposal of cases can only become a reality with the judicial strength working to its optimum capacity in High Courts and the District Courts. Maximum judicial capacity can be achieved not only by increasing the number of judges but also by a proportionate increase in the court staff, which ensures that the adjudication process is smooth and effective. There is, thus, a need for a quantitative enhancement of the technical and skilled staff of the judges corresponding to the increase in the judge strength. In *All India Judges Association v. Union of India*,<sup>1</sup> the Supreme Court held that:

*“25. An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure... We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional Judges, not only will the posts have to be created but infrastructure required in the form of additional courtrooms, buildings, staff etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the subordinate courts at all levels should be filled...”*

(emphasis supplied)

The district judiciary represents the justice system at the grassroots level. It is the first point of contact with the public, and therefore, it is essential to study the methods for computing the number of judges in the district judiciary required to reduce the pendency.

This Part of the Report aims at studying the recruitment process of Civil Judge (Junior Division) and District Judge (Direct Recruitment from Bar) and compliance with the timelines stipulated by the Supreme Court in *Malik Mazhar Sultan v. U.P. Public Service Commission*<sup>2</sup> (hereinafter referred to as ‘*Malik Mazhar’s case*’) for conducting

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<sup>1</sup> 2002 (2) SCR 712, dated 21 March 2002.

<sup>2</sup> 2008 (17) SCC 703.

the judicial services examination. This Part also analyses the vacancy of staff in the district judiciary and their working conditions.

## **2. ANALYSIS OF REQUISITE JUDGE STRENGTH**

In a population of 139.23 crore citizens in India,<sup>3</sup> there is a pendency of 5.05 crore cases,<sup>4</sup> handled presently by 20,580 judges<sup>5</sup> working at all levels of the judiciary, i.e. the Supreme Court, High Courts, and the district judiciary. To ensure speedy and quality delivery of justice, assessing the number of judges needed to cut down the arrears of cases without creating any new backlog is essential. For that purpose, it is necessary to identify the current gap between the sanctioned strength and the working strength of judges. The maximum number of judges a court can have in office is the sanctioned strength. Working strength is the number of judges in a court, at any given time. *Figures 3.1 and 3.2* on the next page demonstrate the vacancy of judges in District Courts, as on 1 April 2023 and in High Courts, as on 4 October 2023.

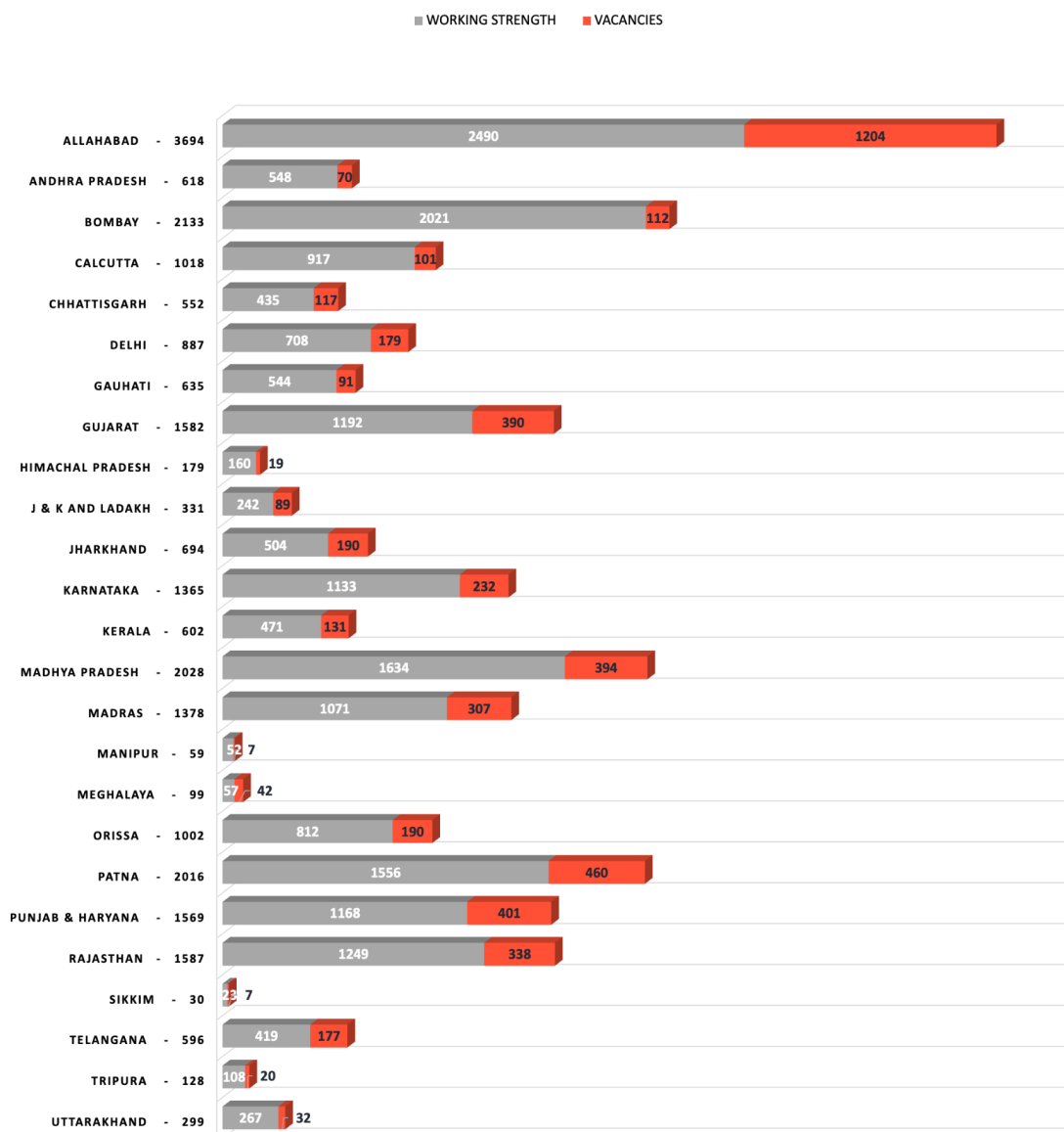
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<sup>3</sup> Government of India, Ministry of Home Affairs, (as on 1 July 2023), available at <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2023-pdfs/LS-25072023/890.pdf> (last accessed on 13 September 2023).

<sup>4</sup> National Judicial Data Grid (as on 12 September 2023); <https://main.sci.gov.in/statistics> (as on 1 September 2023) (last accessed on 13 September 2023).

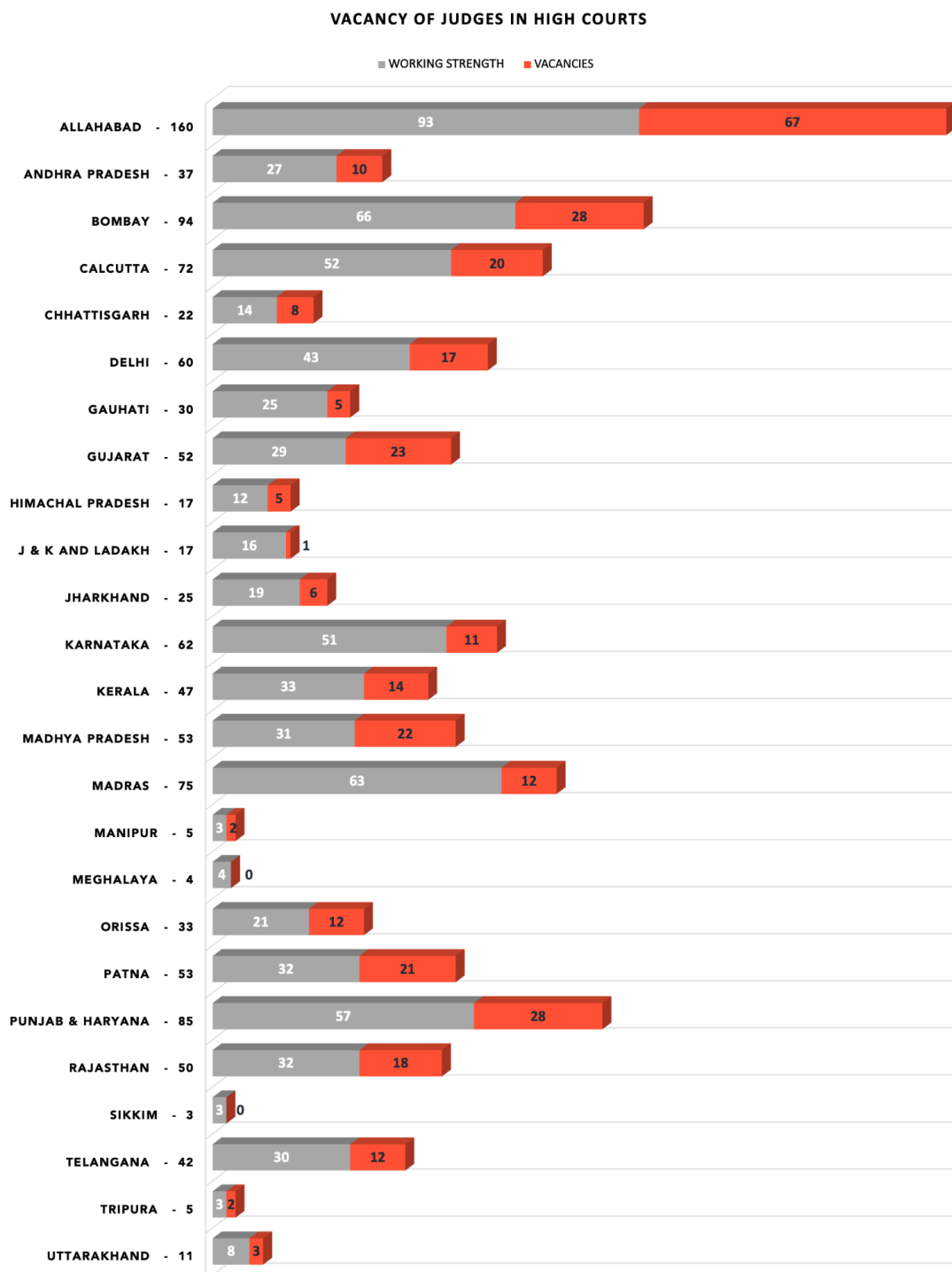
<sup>5</sup> Annexure A, Judge Strength and Number of Courtrooms in High Courts (as on 1 October 2023); Annexure G, Judicial Strength in District Courts (as on 1 April 2023); Judges in Supreme Court of India - <https://main.sci.gov.in/chief-justice-judges> (as on 1 October 2023) (last accessed on 6 October 2023).

### VACANCY OF JUDGES IN DISTRICT COURTS



*Figure 3.1 : Sanctioned strength, working strength, and vacancy of judges in District Courts under the jurisdiction of respective High Courts, as on 1 April 2023<sup>6</sup>*

<sup>6</sup> Annexure G, Judicial Strength in District Courts.



*Figure 3.2 : Sanctioned strength, working strength and vacancy of judges in High Courts, as on 1 October 2023<sup>7</sup>*

The above figure shows that as on 1 October 2023, there is a vacancy of 347 judges (31%) in the High Courts as against the sanctioned strength of 1,114 judges.<sup>8</sup> Further, as of 1 April 2023, the total sanctioned strength of judges in the district judiciary is

<sup>7</sup> Annexure A, Judge Strength and Number of Courtrooms in High Courts (as on 1 October 2023).

<sup>8</sup> *Ibid.*

25,081, and the working strength is 19,781 leading to a deficit of 21% judges (5,300).<sup>9</sup> There are 1,788 (21%) vacancies in the District Judges' Cadre against the sanctioned strength of 8,387 District Judges, and 3,512 vacancies (21%) in the Civil Judge Cadre against the sanctioned strength of 16,694 Civil Judges.<sup>10</sup>

## **METHODS TO CALCULATE JUDGE STRENGTH**

The considerable backlog and increasing inflow of cases necessitates that the judge strength is sufficient to tackle the caseload. The Supreme Court (Number of Judges) Act, 1956 was amended in 2019 to increase the sanctioned strength of judges in the Supreme Court from 30 to 33 (excluding the CJI).<sup>11</sup> For the High Courts, 208 new posts of judges were created from 1 July 2014 till 19 July 2023, increasing the judge strength of High Courts from 906 in 2014 to 1,114 in 2023.<sup>12</sup> In the district judiciary, the sanctioned judge strength was 20,558 on 31 December 2015, which increased to 25,081 by 1 April 2023.<sup>13</sup>

Over the years, there have been several attempts at formulating a method to compute the requisite strength of judges in the district judiciary to clear the mounting pendency. They are set out as follows:

### **2.1 The Demographic Method**

In 1987, the Law Commission of India, in its Report on '*Manpower Planning in Judiciary: A Blueprint*' recommended the use of the ratio of judges' strength per million population as the criterion to plan the judicial staffing. The Report stated that:<sup>14</sup>

*“If legislative representation can be worked out, as pointed out earlier, on the basis of population and if other services of the State – bureaucracy, police etc. – can also be similarly planned, there is*

<sup>9</sup> Annexure B, Number of Courtrooms in District Courts (as on 1 April 2023).

<sup>10</sup> Annexure G, Judicial Strength in District Courts (as on 1 April 2023).

<sup>11</sup> Article 124 (1) of The Constitution of India and the Supreme Court (Number of Judges) Amendment Act, 2019.

<sup>12</sup> Ministry of Law and Justice, Increase in Sanctioned Strength of Judges of High Courts, available at <https://pib.gov.in/PressReleaseFramePage.aspx?PRID=1814540> (last accessed on 1 September 2023).

<sup>13</sup> As per data submitted by the High Courts to the Information and Statistics Secretariat, Supreme Court of India.

<sup>14</sup> Law Commission, Report No. 120, July 1987, available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080852.pdf> (last accessed on 30 August 2023).

*no reason at all for the non-extension of this principle to the judicial services. It must also be frankly stated that while population may be a demographic unit, it is also a democratic unit. In other words, we are talking of citizens with democratic rights including right to access to justice which it is the duty of the State to provide.”*

The Demographic Method was the most commonly advocated method. It suggested increasing the then ratio of judges of 10 judges per million population to 50 judges per million population.<sup>15</sup> This was also endorsed by the Supreme Court in 2002 in *All India Judges Association v. Union of India*<sup>16</sup> in which it directed the Government to increase the judge strength from the then existing ratio of 13 judges per million population to 50 judges per million population within five years in a phased manner. The Method is:

REQUISITE JUDGE STRENGTH = 50 JUDGES PER MILLION POPULATION
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Currently, there are around 14.2 judges per million population in the country.<sup>17</sup> If this demographic standard is adopted in 2023, *India with its present population of around 1,392 million, would need a total of 69,600 judges as against its current sanctioned strength of 25,081 judges* to have an optimum judge-to-population ratio and arrive at the target of 50 judges per million population.<sup>18</sup>

This demographic approach to ascertaining the judge strength takes into account the populace as the criterion. However, it did not consider that the rate of institution of new cases per capita varies across geographical units, as filing of cases largely depends upon the social and economic condition of the population. Moreover, this method excludes significant aspects like the judicial time taken to clear the backlog and the weight of each case type.

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<sup>15</sup> *Ibid.*

<sup>16</sup> 2002 (7) SCR 712.

<sup>17</sup> Annexure G, Judicial Strength in District Courts (as on 1 April 2023).

<sup>18</sup> Government of India, Ministry of Home Affairs, (as on 1 July 2023), available at <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2023-pdfs/LS-25072023/890.pdf> (last accessed on 13 September 2023).



## 2.2 The Disposal Method

The Law Commission of India 2014 in its Report on ‘*Arrears and Backlog: Creating Additional Judicial (wo)manpower*’ re-assessed the method to calculate the required judge strength for District Courts.<sup>19</sup> The Commission defined ‘backlog’ as the difference between the institution and the disposal of cases. It recommended that the total number of judges required to cut down the pendency can be calculated by computing the number of judges required to clear the existing backlog and the new filings of cases, based on the average disposal of cases per judge (A). The Disposal Method is demonstrated in *Table 3.1* below.

<ul style="list-style-type: none"> <li>• <i>Annual rate of disposal per judge</i><sup>20</sup> = <math>\frac{\text{TOTAL DISPOSAL IN A YEAR}}{\text{WORKING STRENGTH}}</math></li> <li>• <i>Calculate average rate of disposal (A) by calculating average of the annual rates of disposal</i></li> </ul>	
<b>NEW INSTITUTION OF CASES</b>	<b>BACKLOG</b>
<p><i>No. of judges required to dispose of the average institution i.e. (Breakeven No. (B))</i><sup>21</sup></p> $B = \frac{\text{AVERAGE INSTITUTION PER YEAR}}{\text{AVERAGE RATE OF DISPOSAL (A)}}$	<p><i>No. of judges required to dispose of the backlog in 1 year</i><sup>22</sup> (C)</p> $C = \frac{\text{CASES PENDING FOR MORE THAN A YEAR}}{\text{AVERAGE RATE OF DISPOSAL (A)}}$
<b>REQUIRED JUDGE STRENGTH = B + C</b>	

*Table 3.1: Disposal Method*<sup>23</sup>

Applying this method in 2014, the Law Commission recommended that an additional number of 348 judges were required to dispose of the newly instituted cases and

<sup>19</sup> Law Commission of India, Report No. 245, July 2014, available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081643.pdf> (last accessed on 17 August 2023).

<sup>20</sup> Average rate of disposal is to be calculated for each Cadre separately as per Report No. 245, Law Commission of India.

<sup>21</sup> Breakeven is when the annual disposal is equal to the annual institution of cases so as to avoid creation of fresh backlog.

<sup>22</sup> Number of judges required to dispose of the backlog in 2 or 3 years can be calculated by dividing C by 2 or 3, as the case may be.

<sup>23</sup> Law Commission, Report No. 245, July 2014, available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081643.pdf> (last accessed on 17 August 2023).

11,677 judges to clear the backlog in one year in the 14 States/UTs that were analysed by it.<sup>24</sup> The lacunae of the Disposal Method is that it treats all types of cases at par and does not give ‘weightage’ to the case, depending on its nature and complexity. For instance, the disposal of a trap case and a case of cheque bounce are both weighed on the same scale while calculating the average disposal per judge. Besides, the formula does not consider the time required to dispose of a particular type of case and the reasonableness of the workload for a judge.<sup>25</sup>

### **2.3 The Forecast Method**

In 2016, the Centre for Research and Planning, Supreme Court of India prepared a report ‘*Subordinate Courts of India: A Report on Access to Justice, 2016*’ to project the volume of cases likely to be filed in the District Courts by 2040.<sup>26</sup> It analysed factors like the Human Development Index (HDI), literacy rate, and the Demographic Method that affect the case filing trend.

The Report predicts future case filings by analysing the projected growth of HDI in States and UTs. It also studies the connection between literacy rate and case-filing data by grouping the States/UTs by their literacy rates and the average institution per million. To achieve a judge-population ratio of 50 judges per million in 2040, the Report combines data from States/UTs and projects future case filings using average institution figures from the forecasts based on the above factors.

The Report observed that based on an analysis of litigation and its nexus with the development indicators, the total number of judges required in 2040 for District Courts will be in the range of 40,000 to 80,000 judges. This Report of Centre for Research & Planning was taken on record in a judicial order dated 2 January 2017 in the case of *Imtiyaz Ahmad v. State of UP*.<sup>27</sup>

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<sup>24</sup> *Ibid.* Andhra Pradesh, Bihar, Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Punjab, Haryana, Chandigarh, Sikkim, Uttarakhand were the States analysed by the Law Commission in its 245th Report.

<sup>25</sup> Interim Report of NCMS Committee to Calculate Required Judge Strength for Subordinate Courts.

<sup>26</sup> *Subordinate Courts of India: A Report on Access to Justice 2016*, Centre for Research & Planning, Supreme Court of India, available at <https://main.sci.gov.in/pdf/AccessstoJustice/Subordinate%20Court%20of%20India.pdf> (last accessed on 14 September 2023).

<sup>27</sup> 2017 (1) SCR 305, dated 2 January 2017.

## **2.4 Weighted Disposal Method**

The Supreme Court, while hearing the Criminal Appeal in *Imtiyaz Ahmad v. State of UP*<sup>28</sup> directed the National Court Management Systems (NCMS) Committee of the Supreme Court to examine the recommendations of the Law Commission of India and furnish its recommendations on computing adequate judge strength. In its Interim Report, the NCMS Committee analysed the Disposal Method and proposed that the assessment of the required judge strength should be made by applying the prevailing ‘unit system’ of High Courts to attribute ‘weightage’ to cases based on their nature and complexity.<sup>29</sup>

- **The Unit System**

Unit is the credit awarded to a judicial officer for the disposal of a case (including the important stages and orders passed in the case), depending on the case type. Units are also allocated to evaluate the miscellaneous work performed by the judicial officers, such as conducting administrative and custodial death inquiries, Lok Adalat, and inspection of courts. It is a standard set by the respective High Courts for the performance assessment of judges in the district judiciary. Based on a fixed range of units earned over a period (say a quarter), the judicial officer is graded from excellent/outstanding, very good, average, below average, and poor, as prescribed by the respective High Courts. The unit system, besides the performance assessment of a judicial officer, also serves as a standard to measure the weight of the case and identify case types.

The system was thus recommended in the Interim Report of NCMS Committee for computing the required judge strength. The disposal performance expected of a “Very Good” performing judge forms the basis for determining the requisite judge strength. The step-by-step formula as suggested by the Committee in the Interim Report is set out in *Table 3.2* on the next page.<sup>30</sup>

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<sup>28</sup> (2017) 3 SCC 658, dated 20 August 2014.

<sup>29</sup> Interim Report of NCMS Committee to Calculate Required Judge Strength for Subordinate Courts.

<sup>30</sup> *Ibid.*

<ul style="list-style-type: none"> <li>• Each court should calculate in units: <ol style="list-style-type: none"> <li>1. Average annual filing over the previous 5 years</li> <li>2. Backlog (the number of cases pending for more than the maximum time standard set by it for disposal, e.g. 3 years) (D)</li> </ol> </li> <li>• Assuming, No. of annual units required by a judge for 'VERY GOOD' performance = A</li> </ul>	
<b>NEW INSTITUTION OF CASES</b>	<b>BACKLOG</b>
<p>No. of judges required to dispose of the average institution in that court i.e.</p> <p>Breakeven No (B) = <math>\frac{\text{ANNUAL FILING UNITS}}{A}</math></p>	<p>Annual disposal of backlog = <math>\frac{\text{TOTAL BACKLOG (D)}}{\text{NO. OF YEARS REQUIRED TO CLEAR BACKLOG}}</math></p> <p>No. of judges required to dispose of the backlog (C) = <math>\frac{\text{ANNUAL DISPOSAL OF BACKLOG}}{A}</math></p>
<b>REQUIRED JUDGE STRENGTH = B + C</b>	
<b>TRIGGER FOR CREATION OF NEW COURT IS WHEN</b> <i>Annual filing units + annual disposal of backlog &gt; 1.5 × A</i>	
<b>ADDITIONAL JUDGES REQUIRED TO BRING CASELOAD BELOW TRIGGER</b> $= \frac{(\text{ANNUAL FILING UNITS} + \text{ANNUAL DISPOSAL OF BACKLOG}) - (1.5 \times A)}{1.5 \times A}$	

*Table 3.2 : Weighted Disposal Method<sup>31</sup>*

The NCMS Committee, in its Interim Report, applied this method in 2 districts of Bihar and 4 districts of Maharashtra to calculate the additional judge strength required in these courts. The Weighted Disposal Method can be better understood by applying the formula to the data of one of these courts– Civil Judge (Senior Division), Pune, Maharashtra, demonstrated in *Table 3.3* on the next page.

<sup>31</sup> Interim Report of NCMS Committee to Calculate Required Judge Strength for Subordinate Courts.

Column	1	2	3	4	5	6	7	8	9
<b>Court</b>	Annual Filing in Units in 2014	Backlog of Cases in Units as on 31.12.2013 <b>(D)</b>	Desired time period in which backlog units to be cleared (no. of years)	Units required to be disposed of each year to clear backlog <b>(Column 2/3)</b>	Total units to be disposed of each year <b>(Col 1+ Col 4)</b>	Units required to be disposed of by one judge for “Very Good” performance in one year <b>(A)</b>	Proposed Trigger for creation of new court (1.5 times A) <b>(1.5 × Column 6)</b>	Units, if any, in excess of Trigger <b>(Col 5- Col 7)</b>	<b>Additional No. of Judge required to bring caseload of court below trigger (Col 8/ Col 7)</b>
<b>Civil Judge (Sr. Div), Pune</b>	570	4274.9	5	854.98	1424.98	354.85	532.28	892.71	<b>1.68</b>

*Table 3.3 : Calculation of additional judges required in Pune District of Maharashtra*<sup>32</sup>

Table 3.3 shows that the Court of Civil Judge (Senior Division), Pune required 1.68 (~2) additional judges to dispose of the cases in order to bring the court caseload equal to 1.5 times the annual units for ‘Very Good’ Performance.

The Weighted Disposal Method devised by the NCMS Committee integrated the Disposal Method suggested by the Law Commission of India with the prevailing unit system used by the High Courts, which assigns weightage to cases based on their nature and complexity. The unit system and the grading yardstick differ from State to State. For instance, units are awarded stage-wise in some States like Delhi. Taking this variation into account, the NCMS Committee gave a caveat that *unit systems ought to be rationalised and strengthened with as much uniformity across the country as feasible*. The Supreme Court in *Imtiyaz Ahmad v. State of UP*<sup>33</sup> directed the High Courts to apply the Interim Method devised by the NCMS Committee and gave the following directions:

*“22. Having regard to the above background, we now proceed to formulate our directions in the following terms:*

- i. Until NCMSC formulates a scientific method for determining the basis for computing the required judge strength of the district judiciary, the judge strength shall be computed for*

<sup>32</sup> Annexure 2 of the Interim Report of NCMS Committee to Calculate Required Judge Strength for Subordinate Courts.

<sup>33</sup> 2017 (1) SCR 305.

each state, in accordance with the interim approach indicated in the note submitted by the Chairperson, NCMSC.

ii. *The state governments shall take up with the High Courts concerned the task of implementing the interim report of the Chairperson, NCMSC (subject to what has been observed above) and take necessary decisions within a period of three months from today for enhancing the required judge strength of each state judiciary accordingly...*

iii. *...The final report submitted by NCMSC may be placed for consideration before the Conference of Chief Justices. The directions in (i) above shall then be subject to the ultimate decision that is taken on receipt of the final report...*”

(emphasis supplied)

In 2019, NCMS Committee submitted its Final Report, i.e. the Time Weighted Disposal Method, to compute the required judge strength of the district judiciary for consideration of the Supreme Court in *Imtiyaz Ahmad v. State of UP*.<sup>34</sup>

## **2.5 Time Weighted Disposal Method**

For the first time, the NCMS Committee of the Supreme Court came up with a scientific formula to compute judge strength by factoring in the number of hours a judge is expected to work. The Final Report of the NCMS Committee determines the total number of judicial hours required for disposing of each court’s caseload. It correlates units with the time required to dispose of a case (in terms of ‘judicial hours’).<sup>35</sup> Total time taken in the adjudication process, i.e., both by the court staff and the judge, when the court is in session and when it is not is called a ‘court hour’. On the other hand, ‘judicial hour’ is the total working hours devoted by the judge, on and off the dais. It includes time devoted to adjudication (E), administrative work (F) and non-adjudicatory legal services per court complex like Lok Adalat, ADR (G) and time set aside for professional development like that in judicial education, conferences, research (H) (*refer to Figure 3.4 and 3.5*). The Committee recommends that this judicial hour should be the standard for weighing a case in its Final Report.

The formula suggested for calculating additional judge strength in the Final Report of

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<sup>34</sup> Miscellaneous Application No. 2362-2370 of 2019, dated 29 November 2019.

<sup>35</sup> NCMS Committee Final Report on Computing Judge Strength of District Judiciary for each State (as directed in *Imtiyaz Ahmad v. State of UP*, 2017 (1) SCR 305).

the NCMS Committee takes into consideration the working hours required of a judicial officer per year, which is 1650 hours based on the working hours required of a Central Government Officer, taking into account 8 casual leaves, 30 earned leaves and about 15 national holidays.

As per the Final Report, to calculate judicial hours, the first step is to allocate a ‘case type’ to every case pending before each court as approved by each High Court. The second step is to convert the pendency in each case type into units, as per norms established by the High Court based on the co-relation of units and judicial hours. For ease of understanding, the NCMS Committee assumed 1 unit = 1 judicial hour. The third step is to calculate E, that is the total judicial hours needed for adjudication which can be calculated by calculating judicial hours for disposal of the backlog (B), cases to be disposed of in the current year (C), and anticipated future inflow of cases without creating backlog for the next 10 years (D) (*refer to Table 3.4*). The data variables used in the Method are explained in *Figures 3.3, 3.4 and 3.5* on the next page.

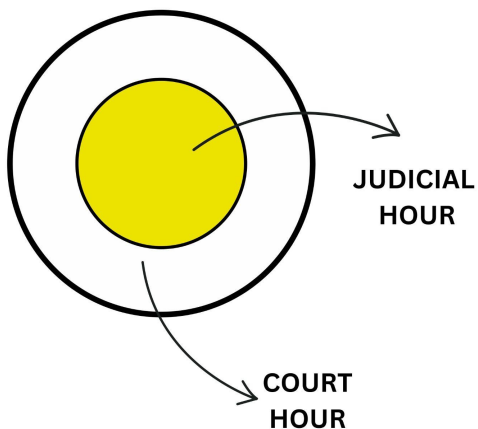


Figure 3.3: Total time spent in adjudicating a case (including court staff and judge)

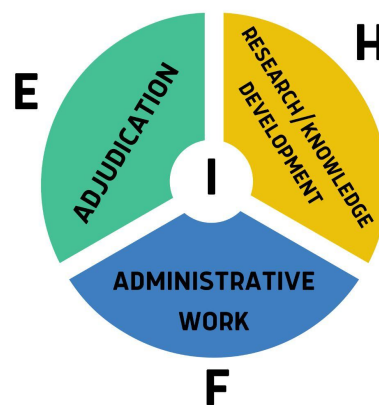


Figure 3.4: What constitutes a judicial hour in a court?

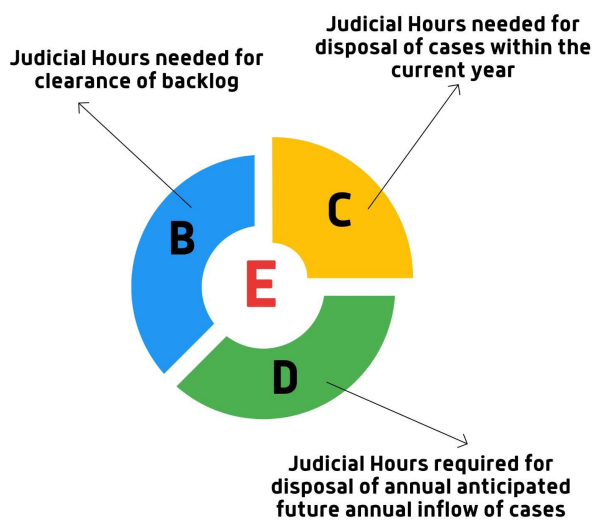


Figure 3.5 : Total judicial hours needed in a court for adjudication [E=B+C+D]

The final step is to check the trigger for creating a new court, which occurs whenever “I” exceeds the workload of 2 courts, i.e. 3300 hours. The detailed method of calculation is demonstrated in *Table 3.4* on the next page:



<b>CURRENT YEAR (C+D)</b>		<b>BACKLOG (B)</b>
Calculate C which is judicial hours (JH) needed to dispose of cases which are in the docket of the current year.	Calculate D which is JH needed to dispose of the anticipated future annual flow of cases (in units) for the next 10 years based on the average inflow of last 5 years (let's say $D_1$ to $D_5$ ) and the average rate of increase per year, if any. $D = \frac{(D_1 + D_2 + D_3 + D_4 + D_5)}{5} + \frac{(D_2 - D_1) + (D_3 - D_2) + (D_4 - D_3) + (D_5 - D_4)}{4}$	(A) Backlog = All cases pending as of 31 December of the calendar year previous to the year in which this exercise is undertaken.  JH needed for clearance of arrears/backlog (B) <sup>36</sup> $= \frac{A}{5}$
<p><b>Total JH needed in a court for adjudication (E) = B + C + D (See Figure 3.5)</b></p> <p><b>Total JH needed for every court (I) = E + F + H (See Figure 3.4)</b></p> <ul style="list-style-type: none"> <li>➤ F = Total JH needed in a court for administrative work</li> <li>➤ H = Total JH needed for each judge for professional/knowledge development i.e. training at Academy, etc. which may be recommended to be 5% of total working hours i.e. 80 hrs/year.</li> </ul>		
<p><b>TRIGGER FOR CREATION OF NEW COURT</b></p> <p>Demand for existing court in terms of JH &gt; Workload of 2 courts (i.e. 3300 hours)</p> <p>i.e. Additional Judges per court<sup>37</sup> = <math>\{(\frac{I}{1650}) - 2\}</math></p>		

*Table 3.4 : Time Weighted Disposal Method*

To calculate the total demand for judicial hours in a district (K), the sum of 'I' for all the courts and 'G', which is judicial hours needed for non-adjudicatory legal services at the district level, is to be calculated. Similarly, the judge strength needed for each State (L) and for the country (M) may be calculated by adding together the judge strength required for all districts (K) and all the States (L) respectively, which will give the additional number of judges required for disposal.

<sup>36</sup> 5 years is assumed to be the reasonable time in which arrears are to be cleared for the purpose of calculation as per NCMS Committee Final Report.

<sup>37</sup> Additional judges to dispose of work of each court to achieve time norms of five plus zero aiming to one plus zero.

The Time Weighted Disposal Method is one step ahead of the Weighted Disposal Method as it adds the dimension of time to calculate the judge strength required to reduce the pendency. This method is more scientific as it considers not merely the pendency but the time taken by a judge to dispose of each case type.

- **APPLICATION OF THE TIME WEIGHTED DISPOSAL METHOD**

For proper implementation of the scientific formula devised in the Final Report of the NCMS Committee, it is necessary to establish a link between unit and judicial hour. This correlation can be most accurately achieved when each case type has a standard time frame fixed for its disposal. In this regard, the NCMS Committee, in its Final Report, noted the following:<sup>38</sup>

*“12. In an ideal world, the number of estimated judicial hours (and court hours) required for adjudication should be decided for every case and the total judicial hours required for a court calculated by aggregating the demand for each case. However, a case-by-case assessment of the demand for judicial time required for adjudication is not a feasible alternative that can be immediately implemented in India at this point of time as this would require systemic changes in procedure, infrastructure and practice and would also need to take the Bar along.*

*21. We would recommend that the determination of the number of judicial hours required for disposal of each case type be systematically studied empirically by systematically collecting data on actual cases and calculating a "mean" duration of time taken...”*

(emphasis supplied)

These time frames linked with units, will not only serve as a yardstick for the performance assessment of judicial officers but will also be instrumental in calculating the judge strength required to reduce pendency. These time frames, as also suggested by the Law Commission of India, will be regulatory and not mandatory:<sup>39</sup>

*“...Time frames serve as performance benchmarks and provide guidance to Courts as well as other stakeholders on what*

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<sup>38</sup> NCMS Committee Final Report on Computing Judge Strength of District Judiciary For Each State, Para 5 (as directed in *Imtiyaz Ahmad v. State of UP*, 2017 (1) SCR 305).

<sup>39</sup> Law Commission of India, Report No. 245, Arrears and Backlog: Creating Additional Judicial (wo)manpower, July 2014.

*constitutes the timely disposal of a case, and enable them to determine both whether an individual case is being processed in a timely manner; and whether a Court or system as a whole is providing timely justice. Where time frames are not mandatory, they can be departed from, but only in limited circumstances, and often with the requirement of justification for why such departure from the time frame is necessary. This provides the flexibility needed to individualize case processing, while at the same time, taking care of the systemic concerns over timeliness...*”

(emphasis supplied)

At this point, it is important to discuss the experimental pilot project called the ‘Zero Pendency Courts’ Project, which the Delhi High Court has run to calculate judicial timelines for disposing cases by collecting and studying data over a course of 2 years.<sup>40</sup> In this experiment, 11 District Courts of Delhi referred to as ‘*pilot courts*’ were assigned fresh cases from 1 January 2017, with no backlog to study timelines in ideal conditions. To ensure that these courts had sufficient work, old cases that were ripe for disposal (*i.e.* at the stage of final hearing or judgment) were also assigned to them as ‘*fillers*’ and then, the performance of these pilot courts was studied in comparison with 11 other courts with regular workload referred to as ‘*reference courts*’. As per the proforma mandated for daily work done, pilot courts were required to capture the details of cases daily and most importantly, the number of minutes spent on the disposed cases at different stages. Thereafter, the time frame required to dispose of the case was calculated in both criminal cases in Sessions Court, special fast track court (rape cases), and civil cases in District Courts, Labour Courts, Motor Accidents Claims Tribunals (MACTs) and Rent Controller Courts. The time frames for disposal of criminal cases by the pilot courts were found to be on the next page:

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<sup>40</sup> Daksh, Zero Pendency Courts Project, Final Report on the Pilot Project by High Court of Delhi, available at [https://www.dakshindia.org/wp-content/uploads/2019/05/PublicNotice\\_3MRRIN3QTHN.pdf](https://www.dakshindia.org/wp-content/uploads/2019/05/PublicNotice_3MRRIN3QTHN.pdf) (last accessed on 4 September 2023).

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

*Table 3.5 : Time frames for disposal of criminal cases by pilot courts in Zero Pendency Courts Project<sup>41</sup>*

A similar systematic project may also be undertaken by all the District Courts in India for the application of the formula proposed in the Final Report by the NCMS Committee, wherein, each District Court may fill a daily timesheet and then, an average time frame can be calculated for a specific case type in a district and in a State leading to a standard time frame for all the case types in India. This timesheet may have fields like total number of cases pending in a court, case types of pending cases, annual filing in a current year, time taken in disposal of a specific case type, and time spent on administrative and non-adjudicatory work.

An online platform may be created where all the inputs made by the judges of the district judiciary may be entered to calculate the additional judge strength required per court automatically. For regular updates and realising the best results without compromising judicial time, a designated data analyst must be made available to courts to collate and maintain the judicial statistics regularly. At the Chief Justices' Conference in 2022, it was resolved that the State Governments create a cadre of statisticians and data analysts for District Courts.<sup>42</sup>

In 2016, the High Courts applied the Interim Method of the NCMS Committee and calculated the additional judge strength, based on the prevailing unit system for the previous year 2015. The additional judge strength in 2016 was projected to be 22,687

<sup>41</sup> *Ibid.*

<sup>42</sup> Resolutions adopted in the Chief Justices' Conference, 2022, 29 April 2022.

more than the existing sanctioned strength.<sup>43</sup> In 2016, the sanctioned strength of judges in the district judiciary was 20,558, which called for a 110.3% increase in the sanctioned strength. It was resolved in the Chief Justices' Conference, 2022, that this benchmark for additional judge strength, as set out by the NCMS Committee in 2016, should be met for increasing the sanctioned strength of judges. The Resolutions are:<sup>44</sup>

At the Chief Justices' Conference, 2022, it was resolved that the Chief Justices shall take effective steps in coordination with the State Governments to ensure:

“3(a)(i) that the **sanctioned strength of Judicial Officers for District Judiciary be increased** in phased manner in accordance with the directions issued vide judgment dated 02.01.2017 in *Imtiyaz Ahmad v. State of Uttar Pradesh*, (2017) 3 SCC 658 along with that of requisite subordinate staff (administrative, technical and court case management).

(ii) that the **benchmark of required additional strength of Judicial Officers as delineated by NCMS in the year 2016 in *Imtiyaz Ahmad case* be met** as first step towards enhancing the sanctioned strength State wise and to provide corresponding infrastructure and human resources thereof.”

Table 3.6 compares the status of pendency and the increase in sanctioned strength of judges in district judiciary for the years 2015 and 2022.

Year	Pendency of cases	Sanctioned Strength of Judicial Officers
As on 31.12.2015	2,71,76,029	20,558
As on 31.12.2022	4,32,93,727	25,114
Percentage Increase	<b>59%</b>	<b>22.16%</b>

Table 3.6 : Comparison of pendency and sanctioned strength of judges in the district judiciary in 2015 and 2022<sup>45</sup>

<sup>43</sup>Annexure 1, NCMS Committee Final Report on Computing Judge Strength of District Judiciary for each State.

\*Data not received from High Court of Uttarakhand. As per the High Court of Kerala, framing of units for filing, disposal and backlog of cases in each court is under consideration.

<sup>44</sup> Resolutions adopted in the Chief Justices' Conference, 2022, 29 April 2022.

<sup>45</sup> As per data submitted by the High Courts to the Information and Statistics Secretariat, Supreme Court of India.

It is evident from Table 3.6 that from 2015 to 2022, the pendency of cases saw an increase of 59%. *The judge strength in the district judiciary has increased by 22%*. The benchmark delineated by the NCMS Committee of the Supreme Court in 2016 was an increase of 110% in sanctioned judge strength.<sup>46</sup> There emerges a need to augment the infrastructure commensurate with the sanctioned strength of judges and also analyse the process of recruitment of judges in district judiciary and the time taken to complete the process to ensure timely recruitment.

The Final Report of the NCMS Committee is under consideration by the Supreme Court in *Imtiyaz Ahmad v. State of UP*.<sup>47</sup> For the implementation of the Final Report, it is a condition precedent that case types are identified and time frames are computed to correlate units with judicial hours. Until then, concerted action should be taken to comply with the recruitment timelines and increase the sanctioned strength as per the Interim Method, as has also been resolved in the Chief Justices' Conference, 2022.

### **3. RECRUITMENT PROCESS & COMPLIANCE OF DIRECTIONS PASSED IN MALIK MAZHAR'S CASE**

The conjoint reading of Article 233 and Article 309 of the Constitution of India lays down that the Governor of the State appoints the District Judges in consultation with the concerned High Court.<sup>48</sup> The selection and appointment of persons other than District Judges to the judicial service of a State is the responsibility of the High Courts and State Governments concerned.<sup>49</sup> According to Article 235 of the Constitution, the control over District Courts, including the posting and promotion of judicial officers below the post of District Judge, is vested in the High Court. The relevant constitutional provisions in this regard are reproduced hereunder:

*“Article 309. Recruitment and conditions of service of persons serving the Union or a State — Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to*

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<sup>46</sup> Annexure 1, NCMS Committee Final Report on Computing Judge Strength of District Judiciary for each State.

<sup>47</sup> Miscellaneous Application No. 2362-2370 of 2019, dated 7 July 2021.

<sup>48</sup> Article 236 (a) of the Constitution of India, defines the expression “district judge” to include judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge.

<sup>49</sup> Article 234 of the Constitution of India.

*public services and posts in connection with the affairs of the Union or of any State.*”<sup>50</sup>

**“Article 233. Appointment of District Judges —** (1) *Appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.*

(2) *A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.*

**“Article 234. Recruitment of persons other than district judges to the judicial service —** *Appointments of persons other than District Judges to the judicial service of a State shall be made by the Governor of the State in accordance with rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.*”<sup>51</sup>

It is also apposite to refer to the judgment in *All India Judges' Association v. Union of India*,<sup>52</sup> where the Supreme Court interpreted the provisions of Article 233 of the Constitution of India, and outlined three ways of appointing District Judges:

- 1) 25% of the total strength of District Judges is recruited by way of direct recruitment from the members of the Bar who have completed at least seven years of practice;
- 2) 10% of the posts are filled via promotion based strictly on merit through a Limited Departmental Competitive Examination (LDCE) from among the judicial officers holding the rank of Civil Judge (Senior Division) for a minimum period of five years to seven years, depending on the rules framed by each High Court;<sup>53</sup>

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<sup>50</sup> Chapter I of Part XIV of the Constitution of India.

<sup>51</sup> Chapter VI of Part VI of the Constitution of India.

<sup>52</sup> (2010) 15 SCC 170, dated 20 April 2010.

<sup>53</sup> NCMS Baseline Report on Human Development Strategy, available at <https://main.sci.gov.in/pdf/NCMS/Human%20Resource%20Development%20Strategy.pdf> (last accessed on 31 August 2023).

- 3) Remaining 65% are appointed by way of promotion based on merit-cum-seniority from Civil Judges (Senior Division).

The High Court, exercising jurisdiction in the respective State conducts the Higher Judicial Services Exam to fill the 25% posts of District Judges. Currently, the judicial officers at the entry level are recruited in the cadre of Civil Judge (Junior Division) from amongst law graduates through a competitive examination conducted either by the High Court or the State Public Service Commission. The examination is conducted in three stages- Preliminary Examination, Main Examination and Viva-Voce to assess the candidate's merit. The officers of the Junior Division Cadre are then considered for promotion to the rank of Civil Judge (Senior Division) and, thereafter for promotion to the cadre of District Judge.

#### **Compliance of Malik Mazhar Sultan v. U.P. Public Service Commission<sup>54</sup>**

The gap between the working strength and sanctioned strength of judges in the district judiciary is a significant impediment to tackle the large number of arrears and increasing litigation in India. This gap is primarily due to the delayed recruitment of judges, leading to unfilled vacancies. To tackle this issue, the Supreme Court in *Malik Mazhar v. U.P. Public Service Commission*<sup>55</sup> has stipulated the importance of having a prescribed schedule for conducting the Judicial Service Examinations. It highlighted the need for having a fixed timeline for each step of the examination process and observed that:

*“23. It is absolutely necessary to evolve a mechanism to speedily determine and fill vacancies of judges at all levels. For this purpose, timely steps are required to be taken for determination of vacancies, issue of advertisements, conducting examinations, interviews, declaration of the final results and issue of orders of appointments. For all these and other steps, if any, it is necessary to provide for a fixed time schedule so that the system works automatically and there is no delay in filling up vacancies. The dates for taking these steps can be provided for on the pattern similar to filling of vacancies in some other services or filling of seats for admission in medical colleges... The exception can be provided for where sufficient number of vacancies do not occur in a*

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<sup>54</sup> (2008) 17 SCC 703.

<sup>55</sup> (2006) 9 SCC 507.



given year. The adherence to strict time schedule can ensure timely filling of vacancies..."

(emphasis supplied)

Subsequently, the Supreme Court, through its judicial order in *Malik Mazhar's* case<sup>56</sup> provided a time frame to be adhered to by the recruitment authorities to fill vacancies. The Supreme Court, however, granted liberty to the High Courts and State Governments to apply for a variation of the schedule in any event of difficulties arising due to peculiar geographical and climatic conditions and other relevant considerations.<sup>57</sup>

The timeline for the recruitment process of Civil Judge (Junior Division) and District Judge (Direct Recruitment) as prescribed in the judgment is tabulated below in *Table 3.7* and *3.8* respectively:

S. No.	Stage of Recruitment	Timeline
1.	Number of vacancies to be notified by the High Court	15th January
2.	Advertisement inviting applications from eligible candidates	1st February
3.	Last date for receipt of application	1st March
4.	Publication of list of eligible applicants	2nd April
5.	Dispatch/Issue of admit cards to the eligible applicants	2nd to 30th April
6.	Preliminary written examination	15th May
7.	Declaration of result of preliminary written examination	15th June
8.	Final written examination Subjective/Narrative	15th July
9.	Declaration of result of final written examination	30th August

<sup>56</sup> (2008) 17 SCC 703.

<sup>57</sup> The High Court of Himachal Pradesh has been allowed to conduct the exam twice in a year. See I.A. No. 130 of 2014, Supreme Court of India; Rule 5(3), Himachal Pradesh Judicial Service Rules, 2004.

10.	Viva voce	1st to 15th October
11.	Declaration of final select list and communication to the appointing authority	1st November
12.	Issue of appointment letter by the competent authority for all existing vacant posts as on date	1st December
13.	Last date for joining	2nd January of the following year

*Table 3.7 : Time frame for appointment to the post of Civil Judge (Junior Division) by direct recruitment<sup>58</sup>*

Based on the stage-wise timeline as prescribed by the Supreme Court, the recruitment process starting from the date of issue of the advertisement and culminating with the date of appointment, is expected to take 321 days for recruitment of Civil Judges (Junior Division) and 183 days for District Judges (Direct Recruitment) as shown below.

S.No	Stage of Recruitment	Timeline
1.	Number of vacancies to be notified by the High Court	31st March
2.	Advertisement inviting applications from eligible candidates	15th April
3.	Last date for receipt of application	30th April
4.	Publication of list of eligible applicants	15th May
5.	Dispatch/Issue of admit cards to the eligible applicants	16th May to 15th June
6.	Written examination	30th June
7.	Declaration of result of written examination	16th August
8.	Viva voce	1st to 7th September

<sup>58</sup> (2008) 17 SCC 703, Para 7(D).

9.	Declaration of final select list and communication to the appointing authority	15th September
10.	Issue of appointment letter by the competent authority for all existing vacant posts as on date	30th September
11.	Last date for joining	31st October

*Table 3.8 : Time frame for filling up vacancies in the cadre of District Judge by direct recruitment<sup>59</sup>*

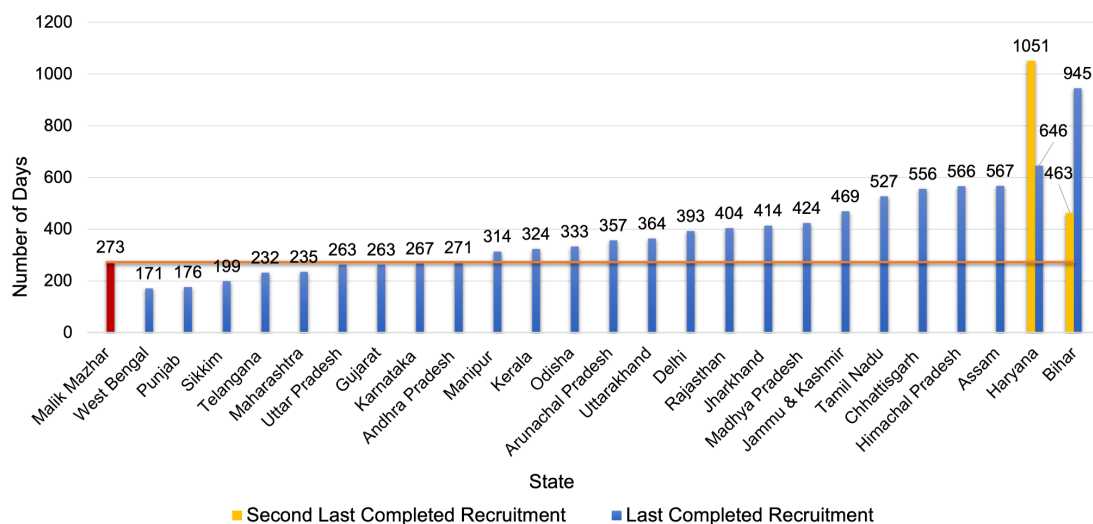
To analyse the due compliance of the schedule in *Malik Mazhar's* judgment,<sup>60</sup> time taken by the recruitment authorities to complete the recruitment process of both Civil Judge (Junior Division) and District Judge (Direct Recruitment) was calculated from the advertisements and published results, as available on the websites of respective High Courts and Public Service Commissions (PSCs).<sup>61</sup>

For the purpose of analysis, the total time taken to complete the recruitment of Civil Judges (Junior Division) and District Judge (Direct Recruitment) is computed from *the date of advertisement to the date of the final result which is 273 days and 153 days respectively*. Figure 3.6 is a graphical representation of the number of days taken to recruit Civil Judges (Junior Division) in 25 States against the benchmark of 273 days.

<sup>59</sup> (2008) 17 SCC 703, Para 7(A).

<sup>60</sup> (2008) 17 SCC 703.

<sup>61</sup> Annexure H, Recruitment Agency and Actual Time Taken for Recruitment of Civil Judge (Junior Division) in 25 States; Annexure I, Actual Time Taken for Recruitment to Higher Judicial Services (HJS) in 24 States.



*Figure 3.6 : Actual time taken for recruitment in 25 States examined v. time prescribed in Malik Mazhar's Case (273 days) for Civil Judge (Junior Division)<sup>62</sup>*

From the data collated, it was found that 9 out of 25 States adhered to the timeline and completed the recruitment process for the post of Civil Judge (Junior Division) within 273 days.<sup>63</sup>

A comparative analysis of data reveals that Bihar took 945 days to complete the last recruitment process of Civil Judge (Junior Division), computed from the date of advertisement (9 March 2020) to the date of final result (10 October 2022). The High Court of Patna submitted that the COVID-19 pandemic derailed the process of timely appointment, and to overcome this delay, the Selection and Appointment Cell, Patna High Court in coordination with the Government clubbed the vacancies to meet the timelines to ensure compliance.<sup>64</sup> However, even if we attribute a part of the delay of around three years to the pandemic, the situation before the pandemic was not very encouraging. The recruitment process of 2018-19 in Bihar took 463 days (*refer to Figure 3.6 above*).

Similarly, in Haryana, the latest completed recruitment process took 646 days. Before that cycle, it took a total of 1,051 days (20 March 2017 to 3 February 2020).<sup>65</sup> In

<sup>62</sup> Annexure H, Recruitment Agency and Actual Time Taken for Recruitment of Civil Judge (Junior Division) in 25 States.

<sup>63</sup> *Ibid.*

<sup>64</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

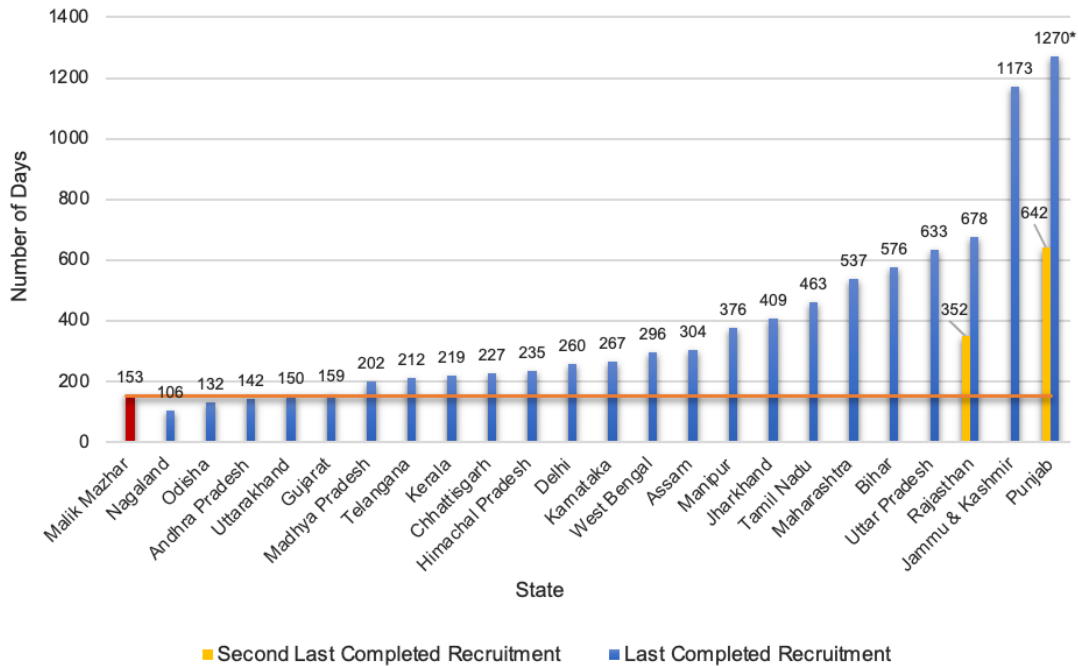
<sup>65</sup> It is important to point out that on account of paper-leak, the High Court of Punjab & Haryana scrapped the Preliminary examination of 16 July 2017 and posts were re-notified. (*As considered in Pranav Verma v. Registrar General of High Court of Punjab & Haryana & Anr. 2019 INSC 1374*).

Haryana, in the last 10 years (2014 to 2023), only two recruitment processes for Civil Judge (Junior Division) were conducted, filling 145 out of 363 advertised vacancies in totality.

It is noteworthy that Uttar Pradesh has the maximum number of vacancies in the district judiciary. The recruitment process of the last Civil Judge (Junior Division) examination was successfully completed in 263 days (from date of advertisement to date of final result).

**HIGHER JUDICIAL SERVICES**

Figure 3.7 below shows the time taken in the Higher Judicial Services examination in 24 States as against the benchmark of 153 days.



*Figure 3.7 : Time taken for HJS Examination in 24 States v. time prescribed in Malik Mazhar’s case (153 days)<sup>66</sup>*

With respect to the appointment of District Judges, out of the 24 States examined, only Nagaland (106 days), Odisha (132 days) and Andhra Pradesh (142 days) adhered to the time frame prescribed in Malik Mazhar’s case. The remaining 21

\* In 2019, a combined exam was conducted for Punjab & Haryana Superior Judicial Services in which the Haryana Public Service Commission took 1,270 days. Punjab took 642 days to complete the second last recruitment process (2016-18). See Annexure I, Actual Time Taken For Recruitment Of Higher Judicial Services (HJS) in 24 States.

<sup>66</sup> Annexure I, Actual Time Taken For Recruitment Of Higher Judicial Services (HJS) in 24 States.

States exceeded 153 days, as shown in the above figure. Although Uttarakhand High Court took 150 days to complete the recruitment process, it is noteworthy that this period did not include time taken to conduct the interview, as none of the candidates qualified the Mains examination.

Out of the 24 States examined, Punjab and Jammu & Kashmir and Ladakh took the maximum time to complete the Higher Judicial Services examination process. In 2019, a combined examination was held for Haryana and Punjab Superior Judicial Services, with different advertisement dates. The period computed from the date of advertisement (31 May 2019) to the date of final result (21 November 2022) was 1,270 days for Punjab/Haryana Superior Judicial Service Examination.<sup>67</sup> The main reasons for the delay was litigation and lapses in the recruitment process.<sup>68</sup> Even in 2017, the Punjab Superior Judicial Services examination was completed in 642 days (*refer to Figure 3.7*). Jammu & Kashmir High Court took 1,170 days to complete the recruitment process from 5 November 2018 to 21 January 2022.<sup>69</sup>

Similarly, Rajasthan took 678 and 352 days respectively for the last two recruitment processes held in 2021-22 and 2018-2019 respectively. In Uttar Pradesh, the last two HJS examinations took 633 and 465 days respectively for 2020-2022 and 2016-2017.<sup>70</sup> It is noteworthy that there was a delay in the declaration of the final result for the 2016-2017 recruitment exam as it was revised and again declared on 1 August 2020, in compliance with the judgment of *Dheeraj Mor v. Hon'ble High Court of Delhi*.<sup>71</sup> Because of this delay, many eligible candidates cross the maximum age limit and are deprived of the opportunity to appear in these exams.<sup>72</sup>

At the Chief Justices' Conference in 2016, it was resolved that the selection and appointment committees in the High Courts periodically monitor the process of filling up vacancies in the district judiciary and regularly submit reports to the Chief Justice of the concerned High Courts.<sup>73</sup> As of 1 July 2023, 18 High Courts have submitted the

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<sup>67</sup> *Ibid.*

<sup>68</sup> *Harkirat Singh Ghuman v. Punjab & Haryana High Court*, 2022 INSC 879.

<sup>69</sup> Annexure I, Actual Time Taken For Recruitment Of Higher Judicial Services (HJS) in 24 States.

<sup>70</sup> *Ibid.*

<sup>71</sup> 2020 (2) SCR 161. After declaration of revised result on 01 August 2020, actual time taken - 1545 days.

<sup>72</sup> *High Court of Delhi v. Devina Sharma*, 2022 (2) SCR 513.

<sup>73</sup> Resolutions adopted in the Chief Justices' Conference, 2016 (22 & 23 April 2016), available at <https://main.sci.gov.in/pdf/sciconf/Resolutions%20adopted%20in%20the%20Chief%20Justices%27%20Conference,%202016.pdf> (last accessed on 20 August 2023).

periodic reports to the Chief Justice of the respective High Courts.<sup>74</sup> At this juncture, it is important to identify the reasons causing delays in the recruitment of judges in the district judiciary.

#### **4. CHALLENGES CAUSING DELAY IN RECRUITMENT OF JUDGES**

##### **4.1 Litigation**

Examinations conducted by the recruiting authorities are often subject to litigation, initiated by candidates who challenge various stages of the examination *vis-à-vis* the correctness of questions and answers, the advertisement, the result, and the implementation of quotas. This compounds the existing delay in the selection and recruitment of judges in district judiciary. In certain compelling circumstances, courts have to intervene by staying the exam, withholding the result or conducting the exam afresh.

In *Harkirat Singh Ghuman v. Punjab & Haryana High Court*,<sup>75</sup> the Supreme Court took into account serious lapses on the part of the recruiting authority. The issue considered by the Court pertained to the Punjab/Haryana Superior Judicial Service Examination, 2019 which was held after 4-5 years. The fate of the 2019 examination was *sub-judice* in the Court until 29 August 2022.<sup>76</sup> The Court observed that fairness and transparency are a *sine qua non* in public employment, and therefore in the process of holding an examination, it is always advisable that a provisional answer key is uploaded, inviting objections from the candidates within a reasonable time. It was further held that after collating such objections, the same be placed before a subject expert committee to be constituted by the recruiting/competent authority. After the report is submitted by the subject expert committee, the recruiting authority may examine the same, and thereafter the final answer key is to be uploaded.

Writ petitions are also filed to challenge the procedural aspects of the recruitment process. For instance, the High Court of Andhra Pradesh declared Rule 5(2)(a)(i) of

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<sup>74</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India, the Selection & Appointment Committees of 7 High Courts viz. High Courts of Andhra Pradesh, Himachal Pradesh, Jammu & Kashmir and Ladakh, Kerala, Madras, Sikkim, Tripura have not submitted the periodic reports as on 1 July 2023.

<sup>75</sup> 2022 INSC 879.

<sup>76</sup> *Harkirat Singh Ghuman v. Punjab & Haryana High Court*, 2022 INSC 879.

the Andhra Pradesh Judicial Service Rules, 2007 as illegal, arbitrary and incorrect, which mandated three years of legal practice as an essential eligibility criteria for the post of Civil Judge.<sup>77</sup> Recently, a writ petition has been filed in the High Court of Madhya Pradesh challenging amendment to Rule 7(g) of the M.P. Judicial Service (Recruitment and Conditions of Service) Rules, 1994. As per the amendment, a candidate must have a continuous practice of three years as an advocate or must have passed all exams on the first attempt by securing at least 70% marks in the aggregate, in case of the General and OBC categories and at least 50% marks in the aggregate in case of candidates from SC and ST category in the five/three years in Law.<sup>78</sup> Further, in the Delhi HJS examination, after the publication of the advertisement, writ petitions were filed challenging the minimum age eligibility criterion in Delhi Higher Judicial Services Rules, 1970, due to which the date of the preliminary examination was postponed.<sup>79</sup>

Moreover, several representations are also filed by the candidates before the High Court challenging the answer key despite an internal objection redressal mechanism by the recruitment agency. In this context, the High Court's role in exercising writ jurisdiction under Article 226 of the Constitution of India is extremely limited. In *Ran Vijay Singh v. State of Uttar Pradesh*,<sup>80</sup> the Supreme Court observed:

*“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:*

*30.1 If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;*

*30.2 If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;*

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<sup>77</sup> *U. Surekha v. The State of Andhra Pradesh*, W.P.No.7934 of 2019, High Court of Andhra Pradesh.

<sup>78</sup> *Atul Rana v. The State of Madhya Pradesh Law and Legislative Affairs Dept.*, WP No.15551 of 2023, High Court of Madhya Pradesh.

<sup>79</sup> *Nisha Tomar v. High Court of Delhi*, W.P.(C) 3636 of 2022 dated 4 March 2022, High Court of Delhi.

<sup>80</sup> 2017 (12 ) SCR 95.



*30.3 The court should not at all re-evaluate or scrutinize the answer sheets of a candidate-it has no expertise in the matter and academic matters are best left to academics;*

*30.4 The court should presume the correctness of the key answers and proceed on that assumption; and*

*30.5 In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.*

*31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse-exclude the suspect or offending question.*

(emphasis supplied)

For effective adherence to the timeline given in *Malik Mazhar's* case,<sup>81</sup> the cases regarding recruitment processes ought to be expeditiously decided. For that purpose, a dedicated Division Bench of the concerned High Court may be constituted to expedite the disposal of such cases. This will not only ensure that candidates have a sense of faith and satisfaction in the exam process and grievance redressal mechanism but will also ensure timely recruitment, leading to an increase in the working strength of judges.

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<sup>81</sup> (2008) 17 SCC 703.

## **4.2 Different Recruitment Authority**

Article 234 of the Constitution lays down that the Governor shall make the appointment of persons other than District Judges to the judicial service in accordance with rules made by him in that behalf after consultation with the State PSC and with the respective High Court. The recruitment of Civil Judge (Junior Division) is therefore done through competitive examinations conducted either by the High Court or the State PSC.

After an analysis of the Civil Judge (Entry Level) examination in 25 States, it was found that in 13 States, the recruitment process is undertaken by the State Public Service Commission, while the respective High Courts conduct the exam in the remaining 12 States.<sup>82</sup> Upon further assessment of the time taken in the recruitment process by the PSCs and High Courts from *Figure 3.6* and *Annexure H*, it was found that High Courts took an average of 335 days to complete the Civil Judge (Junior Division) exam, whereas the PSCs took an average of 436 days to complete the recruitment process. This shows that the PSCs took significantly more time in completing the recruitment exam of Civil Judge (Junior Division).

There are several instances where the process of recruitment of Civil Judge (Junior Division) by the PSC was delayed due to reasons such as material errors in questions and the leak of the paper. In 2019, in *Kumar Sorav v. State of Chhattisgarh*,<sup>83</sup> the Chhattisgarh High Court quashed the final result of the preliminary examination conducted by the Chhattisgarh Public Service Commission for the post of Civil Judge (Junior Division) and directed the PSC to conduct a fresh preliminary examination, after finding as many as 41 errors out of a 100 questions in the answer key published for the examination. Similarly, in *Balwinder Kumar Sharma v. Hon'ble Punjab and Haryana High Court*,<sup>84</sup> the High Court pointed out that the Haryana Civil Services (Judicial) Preliminary Examination was scrapped, and a Special Investigation Team (SIT) was ordered to conduct an investigation of the alleged leakage of the question paper of the Preliminary Examination.

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<sup>82</sup> Annexure H, Recruitment Agency and Actual Time Taken for Recruitment of Civil Judge (Junior Division) in 25 States.

<sup>83</sup> WP (C) No. 2403 of 2019, dated 15 November 2019, High Court of Chhattisgarh.

<sup>84</sup> Civil Writ Petition No. 7539 of 2021 (O & M), dated 28 May 2021, High Court of Punjab & Haryana.

The Punjab & Haryana High Court raised another concern that the recruitment process gets delayed due to the State Government's and PSC's unwillingness to sanction the posts and hand over the process of recruitment to the High Court.<sup>85</sup> Further, in February 2013, the Calcutta High Court decided to replace the West Bengal Public Service Commission in conducting judicial exams for Civil Judges (Junior Division). Initially, the PSC continued until a High Court Examination Cell was established and interviews were conducted by a committee appointed by the Chief Justice. However, the PSC disagreed with these changes, and the issue remains unresolved.<sup>86</sup> In *Malik Mazhar Sultan v. U.P. Public Service Commission*,<sup>87</sup> the Supreme Court took note of a resolution adopted in a previous Chief Justices' and Chief Ministers' Conference regarding the selection process and noted that:

*“5. Reference can be made to the decision taken in a conference held between the Chief Justices and Chief Ministers held on 11-3-2006, minutes whereof show that in some of the States, selection of subordinate judicial officers at all levels of Civil Judges is already being made by the High Courts. Some States, where selection is still being made by the Public Service Commission, were agreeable to entrust the selection to the High Courts whereas Chief Ministers/Ministers of Himachal Pradesh, West Bengal, Punjab and Kerala were of the view that the present system may continue but the decision taken jointly was that in the said States (Himachal Pradesh, West Bengal, Punjab and Kerala) setting up of question papers and evaluation of answer sheets be entrusted to the High Court. Further decision taken was that in other States where selection of subordinate judicial officers is not being done by the High Courts, such selection be entrusted to the High Courts by amending the relevant rules...”*

(emphasis supplied)

The NCMS Committee reiterated this in its Baseline Report on Human Development Strategy, wherein the NCMS Committee recommended that there should be a

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<sup>85</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>86</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023).

<sup>87</sup> (2008) 17 SCC 703.

committee for the recruitment process at all levels of the District Courts.<sup>88</sup> The relevant part of the Report reads as:

*“...Although quite a few of the High Courts in the country are presently conducting the process of recruitment in the subordinate judiciary, the Public Service Commissions of the other States have been entrusted to select judges based on competitive examinations conducted by them. They seem to be overburdened. The delays in the process make the system unworkable. It would not at all be a bad idea to entrust a committee, by whatever name called, with the task of recruitment at all levels of the courts subordinate to the High Courts. The committee of each State, to supervise and monitor the recruitment procedure, may comprise of two/three puisne Judges of the High Court, and an expert nominated by the Hon’ble the Chief Justice of that High Court...”*

(emphasis supplied)

Recently, on 26 September 2023, the Supreme Court dismissed an interlocutory application filed by the Haryana government, seeking directions that the judicial examinations in the State be conducted by the PSC, and held that the High Courts were best suited to fill the vacancies as they were aware of local requirements, and were equipped to oversee the process independently.<sup>89</sup> The relevant extract is reproduced hereunder:

*“26. There is an urgent need to ensure that the existing 175 vacancies of Junior Civil Judges are filled up at the earliest. The State Government shall, therefore, within a period of two weeks from the date of this order, take necessary steps to ensure that the recruitment is conducted by a Committee consisting of (i) three Judges of the High Court nominated by the Chief Justice; (ii) the Chief Secretary of the State of Haryana; (iii) the Advocate General of Haryana; and (iv) the Chairperson of the Haryana Public Service Commission...”*

(emphasis supplied)

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<sup>88</sup> NCMS Baseline Report on Human Development Strategy, Supreme Court of India (2012), available at <https://main.sci.gov.in/pdf/NCMS/Human%20Resource%20Development%20Strategy.pdf> (last accessed on 31 August 2023).

<sup>89</sup> *Malik Mazhar Sultan v. U.P. Public Service Commission*, Civil Appeal No. 1867 of 2006, dated 26 September 2023, Supreme Court of India.

The above discussion shows that States need to develop a consensus to entrust the task of recruitment of Civil Judge (Junior Division) to a Committee comprising of High Court Judges along with other members with clearly defined roles to ensure that the *Malik Mazhar*'s timeline is complied with to enhance the number of judges in the district judiciary.

#### **4.3 Varied Tiers in Conducting HJS Exam**

The recruitment process, as discussed earlier, is usually conducted in three stages. For recruitment of Civil Judge (Junior Division), all the States follow a three-stage recruitment process (preliminary, written examination and viva-voce). *Per contra*, for the appointment of District Judge (Direct Recruitment), a few States like Chhattisgarh, Himachal Pradesh follow a two-tier process (written examination and viva-voce), and other States like Madhya Pradesh, Andhra Pradesh, and Delhi follow a three-tier process.<sup>90</sup> This variation in the HJS exam is vital to be considered for compliance with the timeline. In *Malik Mazhar*'s case,<sup>91</sup> the timeline for appointment of District Judges (Direct Recruitment) was prescribed to be lesser than that of Civil Judge (Junior Division) exam, taking into account that the HJS examination is conducted in two stages only (Written Examination and Viva Voce). This could also be a probable reason for the delay in the recruitment process in Higher Judicial Services, especially in States having a three-tier recruitment process.

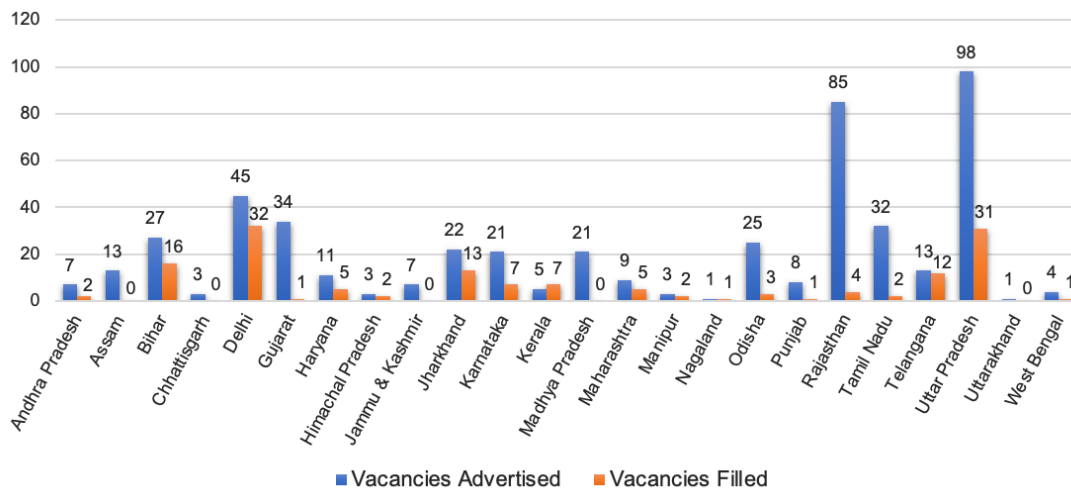
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<sup>90</sup> Advertisements on the Official Websites of respective High Courts, available at <https://aphc.gov.in/recruitment.html>; <https://mphc.gov.in/>; <https://delhihighcourt.nic.in/>; <https://hphighcourt.nic.in/>; <https://highcourt.cg.gov.in/> (last accessed on 19 August 2023).

<sup>91</sup> 2008 (17) SCC 703.

#### 4.4 Unfilled Vacancies in HJS Exam

There is a vacancy of 21.3% against the sanctioned strength of 8,387 judges in the District Judge Cadre.<sup>92</sup> As discussed earlier, 25% of the total strength of District Judges is recruited by way of direct recruitment from the members of the Bar who have completed at least seven years of practice. Earlier, members of the judicial service were also eligible for the District Judge (Direct Recruitment) Examination. However, after the judgment of the Supreme Court in *Dheeraj Mor v. Hon'ble High Court of Delhi*,<sup>93</sup> it was held that under Article 233 of the Constitution, a judicial officer, regardless of her or his previous experience as an Advocate with seven years' practice, cannot apply and compete for appointment to any vacancy in the post of District Judge; her or his chance to occupy that post would be through promotion. So far as the selection and recruitment of District Judge (Direct Recruitment from the Bar) is concerned, the success rate of the candidates in 24 States is represented in *Figure 3.8* below:



*Figure 3.8 : Vacancies advertised v. vacancies filled in HJS Exam in 24 States in India*<sup>94</sup>

This analysis shows that the number of candidates qualifying the minimum qualifying criteria in the HJS examination in many States is very low as compared to the number of vacancies notified. In the last completed recruitment process in 24 States examined, only 29.1% of seats were filled in the HJS exam. Notably, none of the candidates qualified the Mains Examination in Assam, Chhattisgarh, Jammu & Kashmir and

<sup>92</sup> Annexure G, Judicial Strength in District Courts.

<sup>93</sup> 2020 (2) SCR 161.

<sup>94</sup> Annexure I, Actual Time Taken for Recruitment to Higher Judicial Services (HJS) in 24 States.

Uttarakhand. Similarly, in Madhya Pradesh, no candidate could qualify the viva-voce. Further, the following data has been submitted by the Rajasthan High Court with respect to the Rajasthan Higher Judicial Services examinations conducted over a span of six years:

S. No.	Year	Notified Vacancies	Final Selection
1.	2015	44	21
2.	2018	48	05
3.	2020	85	04
TOTAL		177	30

Table 3.9 : Direct recruitment to the District Judge Cadre in Rajasthan HJS examination<sup>95</sup>

The above table shows that out of 177 vacancies in Rajasthan, only 30 were filled. To redress this problem of unfilled vacancies in the HJS examination over the years, the Gujarat High Court amended the Gujarat State Judicial Service Rules to lower the minimum qualifying standard for the Written Exam of HJS from 60% to 50%.<sup>96</sup> Similarly, the Allahabad High Court reduced the minimum qualifying marks from 50% to 45%.<sup>97</sup>

It is important to note that in *All India Judges Association v. Union of India*,<sup>98</sup> the Gauhati High Court raised this issue and prayed that the unfilled posts of direct recruitment from the Bar (25%) be filled by the judicial officers in-service who are entitled to promotion. This was allowed by the Supreme Court as follows:

*“13. It is stated that in the States of Assam and Meghalaya, despite the best efforts made by the High Court, it is not possible to find suitable candidates to fill up the 25% vacancies of District Judges to be promoted under the limited competitive examination as they are not available and it is prayed that these 25% of the candidates be filled up by the candidates who are entitled to get regular*

<sup>95</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>96</sup> Rule 8, Gujarat State Judicial Service (Amendment) Rules, 2011.

<sup>97</sup> Rule 18, The Uttar Pradesh Higher Judicial Service Rules, 1975.

<sup>98</sup> 2011 (12) SCC 677.

*promotion. This prayer is allowed and 25% seats earmarked for being filled up by limited competitive examination be filled up by regular promotion of Civil Judge (Junior Division)...*”

(emphasis supplied)

It was also prayed that the written test be done away with, and selection be made only based on an oral interview; however, the apex Court rejected it.

The ratio of this judgment allowing the filling of vacancies by judicial officers entitled to promotion was followed by some States. For instance, in Madhya Pradesh, Proviso to Rule 5 of MP Higher Judicial Services (Recruitment and Services) Rules, 2017 made provision that:<sup>99</sup>

*“...Provided that if for any reason, the posts meant for direct recruitment remain vacant even after two consecutive recruitment years, the same shall be filled up by promotion from amongst the Civil Judges (Senior Division), in accordance with clause (a)...”*

A similar provision was also made in Rule 8(2) of the UP Higher Judicial Service Rules, 1975, which provided that if the number of selected direct recruits available for appointment is less than the number of recruits decided by the Court to be taken from that source, the Court may increase correspondingly the number of recruits to be taken by promotion from the judicial services. The NCMS Committee also recommended this in its Baseline Report on Human Development Strategy:<sup>100</sup>

*“...Insofar as direct recruitment to 25% and jump promotion to 10% posts of the cadre of District Judge are concerned, it has been experienced in the past that while the former quota remains unfilled, suitable candidates far outnumber the latter quota. This has a two-pronged adverse effect on the system. First, the system has to work without adequate number of judicial officers manning the Additional District and Sessions courts, and secondly, those who qualify in the examinations conducted for the purpose but are unfortunate in not being promoted may feel morose and lose the interest and vitality to perform, at least till they overcome the shock. It would be in the best interest of the system if the unfilled posts of the 25% quota for a particular year are filled up from amongst the*

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<sup>99</sup> The Madhya Pradesh Higher Judicial Services (Recruitment and Services) Rules, 2017.

<sup>100</sup> NCMS Baseline Report on Human Development Strategy (2012), available at <https://main.sci.gov.in/pdf/NCMS/Human%20Resource%20Development%20Strategy.pdf> (last accessed on 31 August 2023).



*inservice candidates found suitable but who are unable to secure a promotion having regard to the limited number of vacancies...*”

(emphasis supplied)

Despite these amendments and recommendations, the challenge of unfilled posts in Higher Judicial Services persists.

#### **4.4.1 Central Selection Mechanism (CSM)**

On 28 April 2017, the Secretary, Ministry of Justice issued a letter proposing the creation of a Central Selection Mechanism (CSM) for the appointment of District Judges across the country. The Supreme Court took *suo motu* cognisance of this letter in *Re Central Selection Mechanism for Subordinate Judiciary*.<sup>101</sup>

The main reason provided for setting up a CSM is to provide a regular pool of meritorious candidates to recruitment and selection bodies for state judicial services across India.<sup>102</sup> At this stage, it is noteworthy that Article 312 of the Constitution provides for the creation of an All India Judicial Service (AIJS) to centralise the appointment of District Judges for all States; the relevant part of the provision reads as:

*“Article 312...(1) Notwithstanding anything in Chapter VI of Part VI or Part XI, if the Council of States has declared by resolution supported by not less than two thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all India services (including an all India judicial service) common to the Union and the States, and, subject to the other provisions of this Chapter, regulate the recruitment, and the conditions of service of persons appointed, to any such service.*

*(3) The all India judicial service referred to in clause (1) shall not include any post inferior to that of a District Judge as defined in article 236...”*

(emphasis supplied)

Over the years, the idea of creating an AIJS has been discussed on many occasions,

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<sup>101</sup> *Suo Moto W.P. (C) No 1/2017*, Supreme Court of India.

<sup>102</sup> The Concept Note on CSM in *Re Central Selection Mechanism for Subordinate Judiciary*, *Suo Moto W.P. (C) No. 1/2017*, available at <https://main.sci.gov.in/pdf/LU/Concept%20Note.pdf> (last accessed on 31 August 2023).

starting with the Law Commission of India's Report on '*Formation of an All India Judicial Service*' in 1986.<sup>103</sup> In *All India Judges Association v. Union of India*,<sup>104</sup> the Supreme Court left the Centre at liberty to undertake the exercise of creating the AIJS and explore the feasibility of implementing the recommendations of the Law Commission.

Further, at the Chief Justices' Conference in 2015, an agenda was discussed with respect to the "Uniform procedure for appointment of District Judges: Creation of a judicial service commission to help the Chief Justices of the High Courts in conducting a common written examination for recruitment to the post of District Judges and review of selection process of judges/judicial officers at all levels". However, it was resolved to leave it open to the respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies for the appointment of District Judges expeditiously.<sup>105</sup>

In *Re Central Selection Mechanism for Subordinate Judiciary*,<sup>106</sup> the Supreme Court considered an exercise for centralisation of the selection process of District Judges. The idea of instituting a CSM had been agreed in principle by 21 High Courts by a resolution passed on 22 April 2017. Thereafter, the *amicus curiae* prepared a Concept Note describing the CSM. The Concept Note describes the CSM as a system in which a regular annual examination, namely the 'District Judges Recruitment Examination' (DJURE) is conducted for appointment of District Judges.<sup>107</sup>

Further, the Concept Note provides for the constitution of a Central Selection Committee (CSC) comprising a chairperson and four other members, preferably representing the four regions of the country, all nominated by the Chief Justice of India (CJI), and may include sitting or retired judges. Under the CSC, a Secretariat shall also be constituted, which will be responsible for conducting the DJURE written exams (MCQ), and constituting interview boards for conducting interviews.<sup>108</sup> It

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<sup>103</sup> Law Commission of India, Report No. 116 on '*Formation of an All India Judicial Service*', 1986.

<sup>104</sup> 1993 Supp 1 SCR 749, dated 24 August 1993.

<sup>105</sup> Resolutions adopted in the Chief Justices' Conference, 2015, 3 & 4 April 2015, available at <https://main.sci.gov.in/pdf/sciconf/Resolution%20adopted%20in%20the%20Chief%20Justices%20Conference,%202015.pdf> (last accessed on 1 September 2023).

<sup>106</sup> *Suo Moto W.P. (C) No. 1/2017*, Supreme Court of India.

<sup>107</sup> The Concept Note on CSM in *Re Central Selection Mechanism for Subordinate Judiciary*, (*Suo Moto W.P.(C) No. 1/2017*), available at <https://main.sci.gov.in/pdf/LU/Concept%20Note.pdf> (last accessed on 31 August 2023).

<sup>108</sup> *Ibid* Para A2.

further states that DJURE is different from AIJS as it will maintain the autonomy of the State and the Interview Board will have adequate representation of High Courts. Since the process of selection is proposed to be centralised, if implemented, it would allow a candidate to apply for more than one State through a singular selection process.<sup>109</sup>

The matter is *sub-judice* in the Supreme Court of India.

#### **4.5 Miscellaneous Issues in Examinations**

##### **Clashing of Examinations**

One of the many causes of litigation at the behest of candidates is clash of examinations. The Supreme Court in *Nisha Kumari v. Haryana Public Service Commission*<sup>110</sup> directed that the Mains Examination of Haryana Civil Service (Judicial Branch), 2021 be rescheduled from 6 May to 8 May 2022 to 21 and 22 May 2022 given its clash with the Preliminary Exam of Madhya Pradesh Judicial Services Examination, 2021. It is constraining to note that initially, the mains examination was scheduled for 15 to 17 April 2022, which was postponed to 22 to 24 April 2022, because of a clash of dates with the Delhi Judicial Services examination. These dates were again postponed by notification dated 30 March 2022 to be conducted on 6 May to 8 May 2022, which coincided with the Madhya Pradesh Preliminary Exam as stated above.<sup>111</sup>

Rescheduling an examination causes delay in the timely completion of the recruitment process and leads to administrative hardships in making arrangements to conduct the examination again. Such a situation may be avoided with the preventive measure of bringing about a ‘tentative schedule’ of all the three tiers of examination in advance at the time of advertisement. Recently, the High Court of Madhya Pradesh released a schedule for the Higher Judicial Services Exam, 2023, which comprehensively provides a tentative schedule from the date of the preliminary examination to the declaration of final results, including a schedule for inviting objection(s) online to the

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<sup>109</sup> *Re Central Selection Mechanism for Subordinate Judiciary*, Suo Moto W.P. (C) No. 1 of 2017, dated 10 July 2017, Supreme Court of India.

<sup>110</sup> Writ Petition(s) (Civil) No(s). 310 of 2022, dated 9 May 2022, Supreme Court of India.

<sup>111</sup> *Ibid.*

proposed model answer key.<sup>112</sup> A tentative timeline will serve as a tool for the recruitment authorities to remain well-coordinated with regard to fixing the dates of examinations, thereby reducing the chance of delay caused due to coinciding dates.

Besides delays in the recruitment process, at times, vacancies are not readily notified for District Judges because of delay in recording of the judicial officers' Annual Confidential Reports (ACRs). This in turn, may have a cascading effect, thereby delaying the promotion of judicial officers, and consequently impacting the timely notification of vacancies. In some of the High Courts like Calcutta, ACRs of the judicial officers are submitted physically, which adds to the impediment in the process.<sup>113</sup> Further, for promotion to Senior Civil Judge Cadre and District Judge Cadre, judgments are called from eligible judicial officers, and the evaluation of these judgments also takes some time.<sup>114</sup> Preparing ACRs may preferably be computerised using an 'ACR Software' as has been done in many High Courts like the Punjab & Haryana High Court, the Jharkhand High Court, and the Bombay High Court.<sup>115</sup>

### **Time taken in inviting objections**

In the responses collected from the Chief Justices' Conference in November 2022, the Delhi High Court pointed out that when the schedule was laid down in *Malik Mazhar's* case, there was no concept of inviting objections to the model answer keys of the Objective Type Examination (Preliminary Examination).<sup>116</sup> However, over time, it was realised that the invitation of objections to model answer keys gives an opportunity not only to the candidates who can point out errors, if any, in the question/answer keys but also to the registry of the High Court, to address the issues before declaration of the result and avoid unnecessary litigation. With this objective, the stage of inviting objections to model answer keys was incorporated. Analysis of objections by the committee of judges/experts requires time, thereby causing delay in the declaration of the examination result.

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<sup>112</sup> High Court of Madhya Pradesh, Time Schedule for M.P. Higher Judicial Service District Judge (Entry Level) Direct Recruitment from Bar, Examination, 2023, dated 10 November 2023, available at [https://mphc.gov.in/PDF/web\\_pdf/RE/Time%20Schedule%20MPHJS%20Bar%20Exam-2023.pdf](https://mphc.gov.in/PDF/web_pdf/RE/Time%20Schedule%20MPHJS%20Bar%20Exam-2023.pdf) (last accessed 15 November 2023).

<sup>113</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>114</sup> *Ibid.*, High Court of Gujarat.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

#### **4.6 Representative and Diverse Judiciary**

An institution that administers justice must be reflective of the population it serves. This is particularly significant in a pluralistic democracy like India, where there is vast social, geographical and religious diversity. A representative and inclusive judiciary reposes faith in the public in the justice system. In this endeavour, the Report analyses the representation of female judges in the Supreme Court, High Court and District Courts. It also examines the representation of marginalised sections in the district judiciary.

Appointments of judges to the Supreme Court and the High Courts are made under Articles 124 and 217 of the Constitution of India respectively, which do not provide for reservation for any caste, class or gender of persons. The Supreme Court Collegium has clearly laid down ‘diversity’ as one factor to consider in appointing judges to the Supreme Court. This includes caste, gender, religion, and regional diversity from various High Courts.<sup>117</sup>

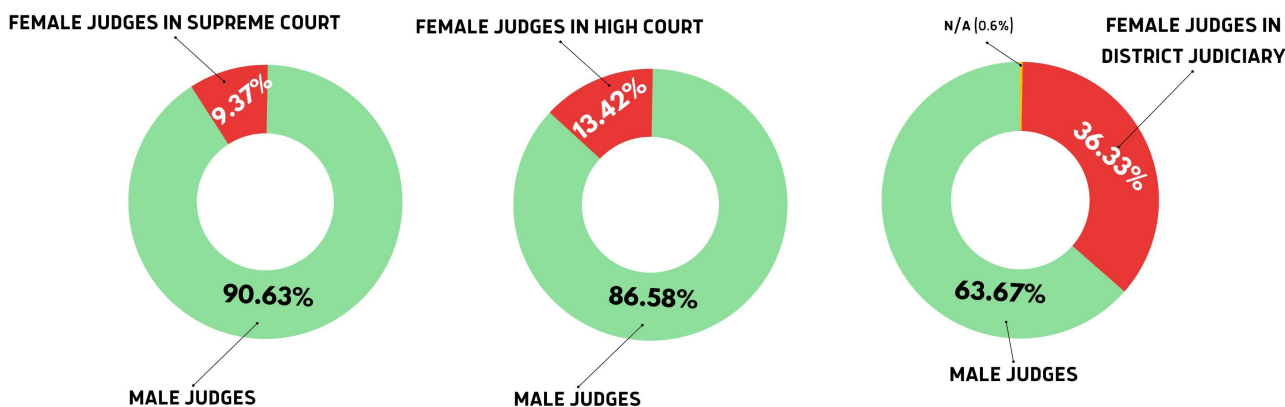
- **Representation of Women in the Judiciary**

The data in *Figure 3.9* represents the number of female judges in the judiciary. India’s highest court presently has only 3 female judges (9.3%) out of its working strength of 32 judges, as of 1 October 2023.<sup>118</sup> Similarly, there are only 103 female judges (13.42%) out of 767 permanent and additional judges in the High Courts across India. In the district judiciary, female judges comprise 36.33% of the total judge strength.

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<sup>117</sup> Centre for Research and Planning, Supreme Court of India, *Re: Filling up vacancies of judges in the Supreme Court*, available at [https://main.sci.gov.in/pdf/Collegium/06112023\\_142822.pdf](https://main.sci.gov.in/pdf/Collegium/06112023_142822.pdf). (last accessed 8 November 2023).

<sup>118</sup> Women Judge Strength in the Supreme Court, Supreme Court of India, available at <https://main.sci.gov.in/chief-justice-judges> (as on 1 October 2023).



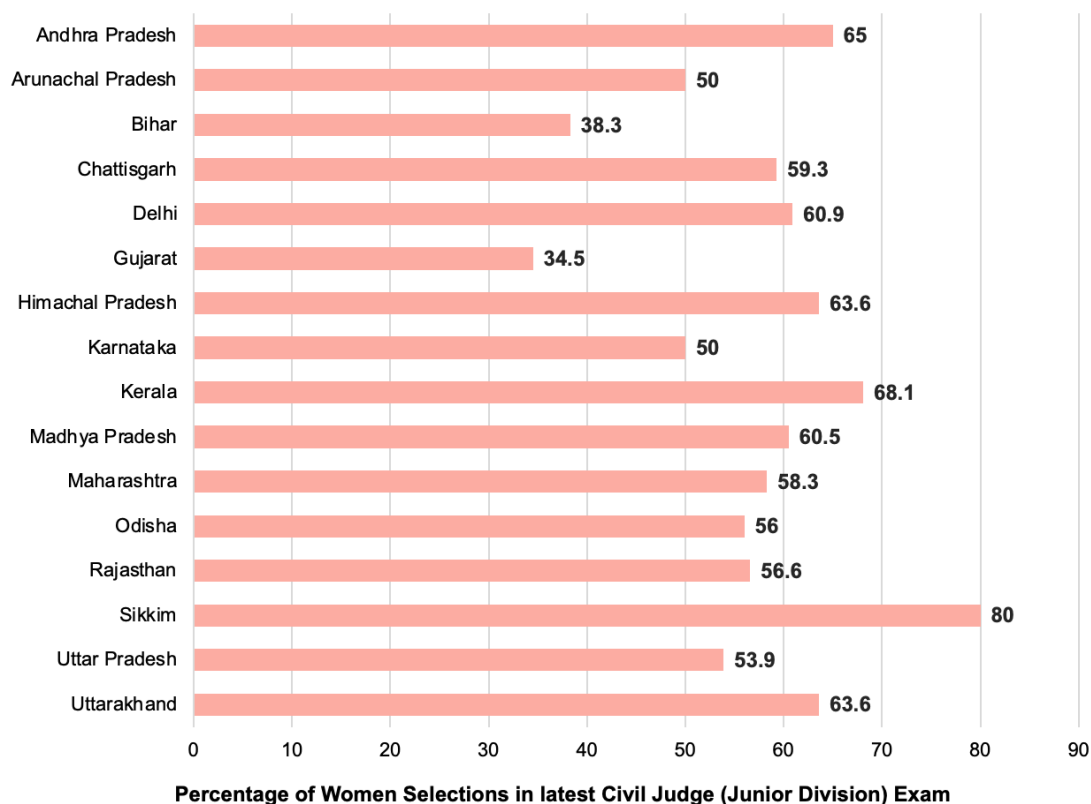
*Figure 3.9 : Representation of female judges in the judiciary (%)*<sup>119</sup>

The appointment of judicial officers in the district judiciary is the responsibility of the State Governments and respective High Courts. Many States like Andhra Pradesh, Bihar, Chhattisgarh, Karnataka, Odisha, Rajasthan, Tamil Nadu, and Uttar Pradesh provide reservations for women in judicial examinations to promote gender diversity.<sup>120</sup> *The strength of female judges has substantially been increasing in the district judiciary, as demonstrated by the results of the last conducted Civil Judge (Junior Division) recruitment exam in the 16 States examined.*<sup>121</sup> This is demonstrated in *Figure 3.10* given on the next page:

<sup>119</sup> *Ibid*; Women Judge Strength in High Court, available at <https://doj.gov.in/vacancy-position/>; Women Judge Strength in District Judiciary, as per data available on *iJuris*, National Judicial Data Grid portal (as on 1 October 2023) (last accessed on 6 October 2023).

<sup>120</sup> Official websites of respective High Courts and State Public Service Commissions (last accessed on 3 October 2023).

<sup>121</sup> *Ibid*.



*Figure 3.10 : Women candidates (%) selected in the last Civil Judge (Junior Division) examination across 16 States examined<sup>122</sup>*

As evident above, out of 16 States examined, 14 States had more than 50% selection of women judicial officers in the last conducted Civil Judge (Junior Division) recruitment examination.

The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in its 99th Report, recommended that the strength of women judges should be around 50% of the total strength of the judges to ensure gender diversity on the bench.<sup>123</sup> The obligation to enhance women's judge strength comes with a responsibility to provide an inclusive infrastructure such as functional creches, female-friendly washrooms (*as discussed in Part I of the Report*) and most importantly, a gender sensitised and dignified atmosphere at the workplace. Gender

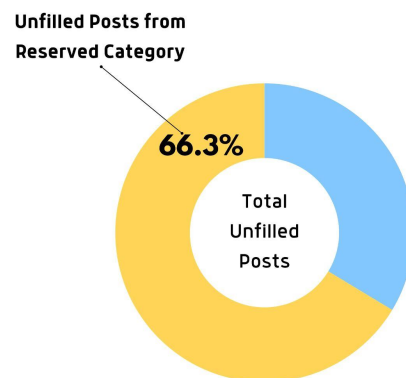
<sup>122</sup> Official websites of respective High Courts and State Public Service Commissions, Published Results of Civil Judge (Junior Division) in 16 States; Complete data not available for other States.

<sup>123</sup> Rajya Sabha, Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 99th Report on Demand for Grants of Department of Justice (2018-2019), available at [https://sansad.in/getFile/rsnew/Committee\\_site/Committee\\_File/ReportFile/18/110/99\\_2019\\_3\\_17.pdf?source=rajyasabha](https://sansad.in/getFile/rsnew/Committee_site/Committee_File/ReportFile/18/110/99_2019_3_17.pdf?source=rajyasabha) (last accessed on 3 October 2023).

parity on the dais at all tiers of the justice system will undeniably lead to better justice delivery in society.

- **Representation of Marginalised Sections**

Articles 15 and 16 of the Constitution of India enable the State and Central Governments to reserve seats in government services for reserved categories such as the Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), and Economically Weaker Sections (EWS). In the recruitment of judges to the district judiciary, reservation is provisioned for the above categories. For the purpose of analysis, the status of recruitment of Civil Judges (Junior Division) from the reserved category is examined in six States with the maximum vacancies of judges, namely Bihar, Gujarat, Madhya Pradesh, Rajasthan, Haryana and Uttar Pradesh.<sup>124</sup> In these States, out of 1,389 seats advertised for the Civil Judge (Junior Division) exam, 766 posts were advertised for the reserved category, which includes SCs, STs, OBCs, EWS, and others, as applicable to each State. *Figure 3.11* below and *3.12* shows the percentage of unfilled vacancies in Reserved Category:



*Figure 3.11 : Unfilled posts in the reserved category out of total unfilled posts in the six States examined with maximum vacancy of judges (%)*<sup>125</sup>

In the six States examined, 37.5% seats of the posts advertised for the reserved category remained unfilled. These unfilled vacancies contribute to 66.3% of the overall seats that remained unfilled in the last recruitment exam of the Civil Judge

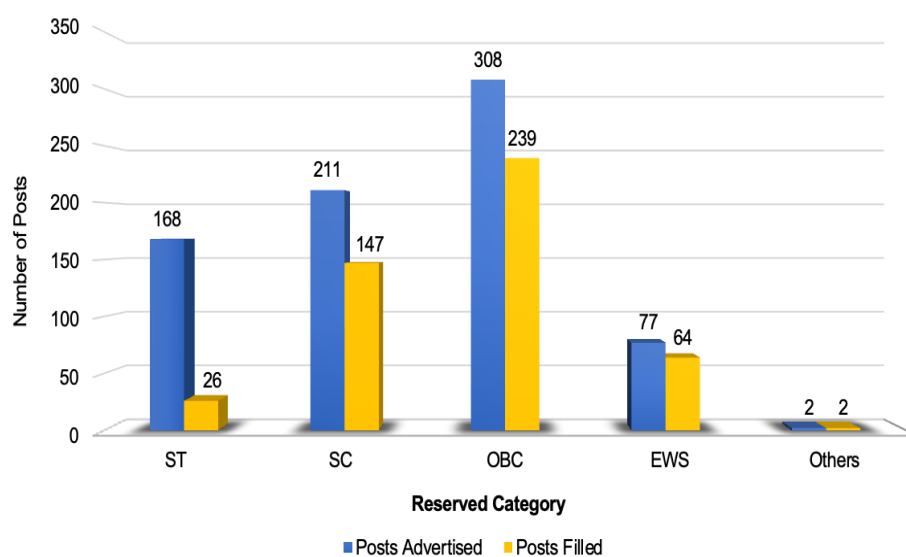
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<sup>124</sup>Annexure J, Breakup of vacancies for the Reserved Category in the last recruitment of Civil Judge (Junior Division) in six States examined with maximum vacancies of Judges.

<sup>125</sup> *Ibid.*



(Junior Division). *Figure 3.12* further depicts the posts filled as against the posts advertised in each reserved category.



*Figure 3.12 : Breakup of unfilled posts in the reserved category in recruitment of Civil Judge (Junior Division) in six States with maximum vacancy of judges<sup>126</sup>*

*Figure 3.12* shows that the maximum seats that lay vacant were from the ST category which is 84.5% (142 seats).

A district judiciary that is diverse and socially representative, fosters public confidence in the justice system and adds to diversity at the higher levels of courts.<sup>127</sup> It may also be noted that in High Courts, 492 out of the 650 judges appointed between 2018 to 2023 belong to the General Category.<sup>128</sup> At a time when judiciary needs maximum judge strength to cut down the mounting arrears, unfilled vacancies, especially from the reserved category, calls for sincere action. It is a positive obligation upon the State to take affirmative steps to ensure that the marginalised sections are enabled and empowered enough to be participative in the mainstream decision-making process in society.<sup>129</sup>

<sup>126</sup> *Ibid.*

<sup>127</sup> Anurag Bhaskar and Neil Modi, *Challenges for Dalits in South Asia's Legal Community*, American Bar Association Center for Human Rights, October 2021, available at [https://www.americanbar.org/content/dam/aba/administrative/human\\_rights/justice-defenders/dalit-india-chapter-3.pdf](https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/dalit-india-chapter-3.pdf) (last accessed on 6 October 2023).

<sup>128</sup> Ministry of Law & Justice, Rajya Sabha, Unstarred Question No. 598, Appointment of Judges in the Supreme Court and the High Courts.

<sup>129</sup> *Indra Sawhney v. Union of India*, 1992 Supp 2 SCR 454.

## **5. COURT STAFF**

The staff in District Courts discharges a plethora of functions, including maintaining cause lists, placing files before the judge, maintenance and upkeep of case records, ensuring compliance of orders, serving processes, maintaining order and cleanliness, managing the correspondences and other administrative functions essential for the smooth functioning of a court. With the Information and Communication Technology (ICT) enablement of courts under the e-Courts project, the court staff are now also required to perform tasks like clearing undated cases, uploading orders and judgments, and sending periodic status reports. Besides court staff, every District Court has an English Department, which deals with the administration of the District Court, Accounts Department, Nazareth dealing with cash and serving of process, purchase of articles, Record Room for preservation of records and Copying Department dealing with supply of copies.<sup>130</sup>

This wide range of work categorically shows that the staff in District Courts are in many ways a support system for judges and the backbone of the district judiciary. The indispensable role played by the court staff has been well-expressed in the Report of the Shetty Commission (2003) on ‘Improvement of the Service Conditions of Non-Judicial Staff in Subordinate Courts’ as:<sup>131</sup>

*“...When we refer to administration of justice, we think only of the judges of the Courts. The judge of a Court, no doubt, is indispensable to our notion of a Court. But, the judge alone cannot administer justice. The working of a Court does not depend only on the work of the Judicial Officer in taking evidence, hearing arguments and rendering judgment. These functions are necessarily to be supplemented by the staff of the Court. Their work extends to pre-trial, during trial and post-trial stages of a case. Without their contribution at all these stages, there cannot be prompt and satisfactory termination of any case.”*

(emphasis supplied)

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<sup>130</sup> NCMS Baseline Report on Human Development Strategy (2012), Supreme Court of India, available at <https://main.sci.gov.in/pdf/NCMS/Human%20Resource%20Development%20Strategy.pdf> (last accessed on 31 August 2023).

<sup>131</sup> Report of The First National Judicial Pay Commission, Bangalore on Improvement of the Service Conditions of Non-Judicial Staff in Subordinate Courts, 2003, available at <https://nagaonjudiciary.gov.in/study%20material/Shetty%20Comm%20Recommendation.pdf> (last accessed on 31 August 2023).

Undeniably, the importance of support staff in District Courts is paramount for the efficient functioning of the judicial system. The Shetty Commission Report had raised the concern of dearth of court staff back in 2003.<sup>132</sup>

*“Over the last several years, the pendency of cases in all Courts is on the rise. But the staff strength in every Court is generally static. During this period, almost all the Government Departments have swelled to the brim with additional staff and multiple of top brass, but the Subordinate Judiciary languish with inadequate number of Courts and insufficient staff..”*

(emphasis supplied)

The Supreme Court in *Malik Mazhar’s* case,<sup>133</sup> while giving directions to the High Court of Rajasthan to fill the vacancies of supporting staff, observed that:

*“Out of the total number of 14910 sanctioned posts of supporting staff, 4122 posts in different grades/cadres like Ministerial, Stenographer, Driver, Class-IV, etc. are vacant. The Registrar General of the High Court of Rajasthan is directed to take necessary action in terms of the above.”*

However, even today, there is a need to increase the staff strength in the district judiciary. *Figure 3.13* shows the State-wise vacancy of court staff as of 1 July 2023.<sup>134</sup> While there is a vacancy of 21% of judges in the district judiciary, the vacancy of staff in District Courts is 27%.<sup>135</sup> As against the total sanctioned strength of 2,73,696 staff in District Courts in India, there is a vacancy of 74,524 staff personnel in the district judiciary.<sup>136</sup>

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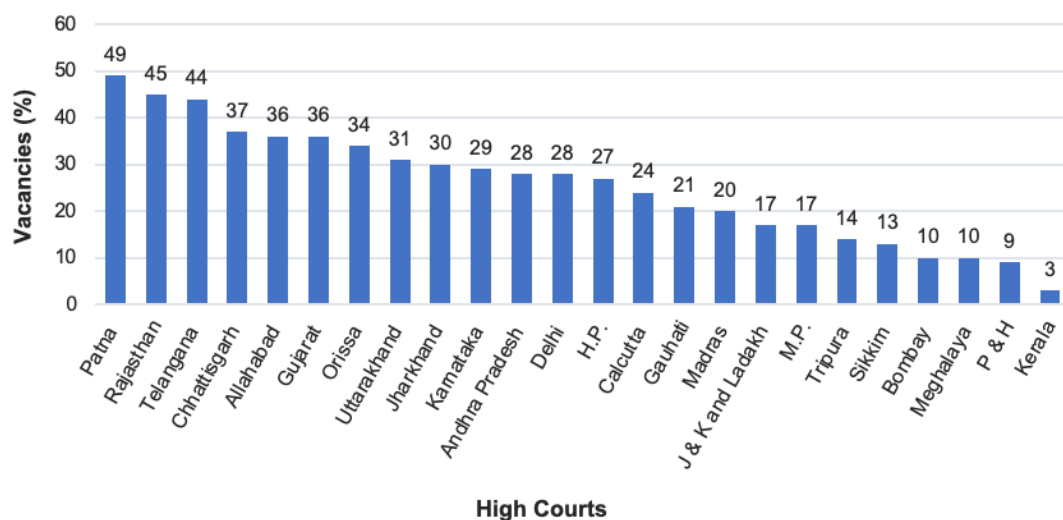
<sup>132</sup> *Ibid.*

<sup>133</sup> Civil Appeal No (s). 1867 of 2006, dated 19 February 2019, Supreme Court of India.

<sup>134</sup> Annexure K, Staff Strength in District Courts (as on 1 July 2023).

<sup>135</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023).

<sup>136</sup> *Ibid.*



*Figure 3.13 : Vacancy of staff in District Courts under respective High Courts (%)<sup>137</sup>*

The above figure shows that several States are operating with a shortage of court staff, at times functioning with almost half the prescribed staff strength. For instance, Bihar has a vacancy of 49% among staff in District Courts. Rajasthan and Telangana also suffer from a 45% and 44% staff deficit respectively. This deficiency has a direct impact on the administration of justice. Access to justice can be efficaciously secured when the ‘behind the scenes’ operations of a District Court are well oiled.

### **5.1 Ramifications of Shortage of Court Staff**

Adequate support staff is crucial for ensuring timely compliance with orders and effective administration of justice. The NCMS Committee, in Para 5.2 of Chapter - 5 (Personnel) of its Policy and Action Plan Report, identified the issue of provision of staff irrespective of pendency in court and observed:<sup>138</sup>

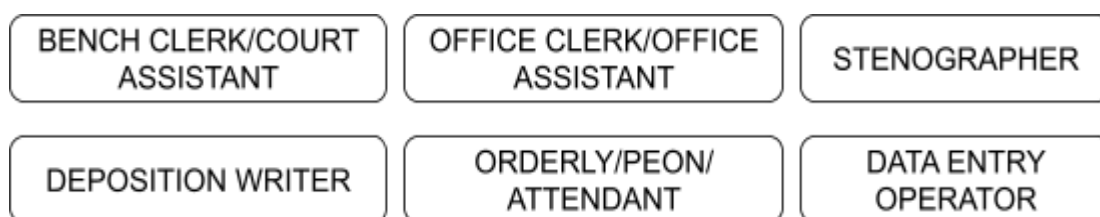
*“...Minimum number of staff in a given Court is fixed by Government Circulars unmindful of the number of matters in that Court. Most of the times, one Bench Clerk, one Assistant Bench Clerk, one Stenographer and two Peons, are provided to Judicial Officers of Joint Courts. Same staff is required to deal with files whether they are 800 or 8000 files. Increase in Court files does not result in increase in number of staff....”*

(emphasis supplied)

<sup>137</sup> *Ibid.*

<sup>138</sup> Policy and Action Plan, NCMS Committee, Para 5.2.

Further, in its Baseline Report on Human Resource Development Strategy, the NCMS Committee recommended that in every Court of Additional District and Sessions Judge or special court handling 500 cases, a minimum of 2 Bench Clerks, 2 Stenographers, and 2 Group-D employees is essential. The court of Civil Judge (Senior Division) requires a minimum of 2 Bench Clerks, one Stenographer, one Data Entry Operator, and 2 Group-D employees to manage a caseload of 1000 cases. Further, each court of Civil Judge (Junior Division) or Judicial Magistrate, responsible for handling cases up to 1,500, requires 2 Bench Clerks, one Stenographer, and 2 Group-D employees.<sup>139</sup> The staff personnel of a judge in a District Court may usually comprise of a bench clerk/reader, an office clerk, a deposition writer, a stenographer, an orderly and a data entry operator to ensure the day-to-day functioning of the court (*refer to Figure 3.14*).<sup>140</sup> For a Civil Judge, there may be an additional need for a sheristadar/assistant administrative officer.



*Figure 3.14 : General staff personnel of a judge in the district judiciary*

As per data from 17,234 judicial officers on *iJuris*, 37.3% of the judicial officers submitted that they do not have adequate personal support staff as per their entitlement.<sup>141</sup> One of the implications of staff shortage is that the court staff starts to undertake more than one role, thereby affecting their efficiency in rendering their duties. For example, the Bench Clerk/Peshkar is indispensable during court proceedings. They prepare cause lists, readies the case files for the day, marks the exhibited documents and assists the presiding officer on the dais. Their role corresponds to that of a Court Master in the High Court and Supreme Court.<sup>142</sup> However, at times, due to a shortage of staff, the duties of the Office Clerk and Bench

<sup>139</sup> NCMS Baseline Report on Human Report Development Strategy.

<sup>140</sup> NCMS Baseline Report on Human Report Development Strategy; Report of The First National Judicial Pay Commission, Bangalore on Improvement of the Service Conditions of Non-Judicial Staff in Subordinate Courts, 2003.

<sup>141</sup> As per data on *iJuris*, National Judicial Data Grid (as on 28 August 2023).

<sup>142</sup> Report of The First National Judicial Pay Commission, Bangalore on Improvement of the Service Conditions of Non-Judicial Staff in Subordinate Courts, 2003.

Clerk may have to be performed by the same person. Bench Clerks of heavily burdened courts, due to being overworked, may tend to delegate their work to unofficial/private people which is a major concern in some parts of the district judiciary.

It is also apposite to mention that judges may have to type/write their orders and judgments themselves due to lack of provision of stenographers. In many States, judicial officers who have not been provided with the facility of a stenographer are awarded extra units (for example, 5% of total units are awarded in Jharkhand) to compensate them for the lack of this facility.<sup>143</sup> Moreover, due to a lack of deposition writers, judges end up recording lengthy evidence on their own which usually takes up more court time and impacts the pace of trial. It is also important to note that as per the National Judicial Data Grid (NJDG), there are *8,03,966 undated cases* in District and Taluka Courts.<sup>144</sup> Therefore, each court must have a Data Entry Operator to clear the undated cases daily, mark delay reasons, and if any, upload orders and judgments regularly.

It is also noteworthy that the Supreme Court and High Courts have a designated post of Law Clerk-cum-Research Associate/Assistant to assist the judges in the discharge of the judicial and administrative work through extensive legal research. There may be a similar provision for a law clerk, especially for District Judges, to aid them in legal research, thereby saving their time and enhancing the efficiency of the judges. This will also allow recent law graduates to observe and engage with trial proceedings closely.

Overworked court staff deal with an arduous work environment and pressure daily. Besides court staff, the process servers/bailiffs at the process establishment, system officers, record keepers in the Record Room, copyists and other staff personnel at other departments of District Courts also ensure the smooth functioning of the court. For effective court management, it is necessary that there is adequate staff to perform administrative duties. The issuance of summons and warrants forms a crucial part of the trial as it ensures the appearance of the accused and witnesses. Shortage of process

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<sup>143</sup> Official website of Jharkhand High Court, available at [https://jharkhandhighcourt.nic.in/sites/default/files/rules/acr\\_rules\\_18082015.pdf](https://jharkhandhighcourt.nic.in/sites/default/files/rules/acr_rules_18082015.pdf) (last accessed on 2 September 2023).

<sup>144</sup> National Judicial Data Grid, available at [https://njdg.ecourts.gov.in/njdgnew/?p=alert\\_dashboard/index](https://njdg.ecourts.gov.in/njdgnew/?p=alert_dashboard/index) (last accessed on 10 October 2023)

servers in process establishment may delay the trial at the very outset and hamper case progression. Managing caseload effectively is a team effort and adequate and efficient support staff is crucial to this endeavour.

## **5.2 Irregular Recruitment**

The staff of District Courts is under the direct control of the District Judge, subject to the overall control of the High Court under Article 235 of the Constitution of India.<sup>145</sup> The service conditions of staff are regulated by rules framed by the State Legislature under Proviso to Article 309 of the Constitution. In *Malik Mazhar's* case,<sup>146</sup> the Supreme Court prescribed a fixed schedule to expedite the recruitment of judges in district judiciary. However, judges cannot administer justice in isolation. There has to be a proportionate increase in staff strength commensurate with the increase in judge strength.

It is appropriate to note that the recruitment authority that undertakes the process of staff selection across all the States is not uniform.<sup>147</sup> In some States like Odisha and Delhi, the concerned District and Sessions Judge recruits the staff, while in other States like Tripura, Rajasthan, and Uttar Pradesh, the High Court ensures the staff recruitment. In Kerala, the State Public Service Commission conducts the exam for recruitment of staff personnel, while in Bihar, the recruitment authority is a Centralised Selection and Appointment Committee, of which the District and Sessions Judge, Patna is the Convenor. The Full Court of the Rajasthan High Court, in its meeting dated 30 July 2022, resolved that the current process of recruitment to the post of Class IV Employees may be given to the Rajasthan Staff Selection Board.<sup>148</sup> The Supreme Court of India in *Renu v. District and Sessions Judge, Tis Hazari*<sup>149</sup> dealt with appointments of staff which were shown to be illegal and the outcome of arbitrariness, and passed the following directions:

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<sup>145</sup> Report of The First National Judicial Pay Commission, Bangalore on Improvement of the Service Conditions of Non-Judicial Staff in Subordinate Courts, 2003, available at <https://cacharjudiciary.gov.in/shetty%20comm.html> (last accessed on 1 October 2023).

<sup>146</sup> (2008) 17 SCC 703.

<sup>147</sup> Annexure L, Recruitment Authorities for Recruitment of Staff in District Judiciary (as on 1 July 2023).

<sup>148</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023).

<sup>149</sup> 2014 (2) SCR 537.

“35. i) All High Courts are requested to re-examine the statutory rules dealing with the appointment of staff in the High Court as well as in the subordinate courts and in case any of the rule is not in conformity and consonance with the provisions of Articles 14 and 16 of the Constitution, the same may be modified...

iv) Each High Court may examine and decide within six months from today as to whether it is desirable to have centralised selection of candidates for the courts subordinate to the respective High Court and if it finds it desirable, may formulate the rules to carry out that purpose either for the State or on Zonal or Divisional basis.

v) The High Court concerned or the subordinate court as the case may be, shall undertake the exercise of recruitment on a regular basis at least once a year for existing vacancies or vacancies that are likely to occur within the said period, so that the vacancies are filled up timely, and thereby avoiding any inconvenience or shortage of staff as it will also control the menace of ad-hocism...”

(emphasis supplied)

It is important to note that in Jharkhand, the last recruitment of staff was made in 2018.<sup>150</sup> In Bihar, a notification to fill the post of stenographer was advertised in September 2022 and the preliminary examination is scheduled to be conducted in December 2023.<sup>151</sup> Parallel to the recruitment process of Higher Judicial Services and Civil Judge (Entry Level), recruitment of staff must be regularly conducted. In doing so, it is essential to adhere to a time-bound schedule to ensure that judges work to their maximum capacity and deliver justice efficiently. The State must ensure sufficient fund allocation and logistics for conducting exams to recruit adequate and meritorious staff.

From an analysis of respective rules governing staff recruitment in District Courts of all the States, it was found that the *States of Assam and Bihar provide a timetable for recruiting staff*. Schedule E of the Bihar Civil Court Officers & Staff (Recruitment, Promotion, Transfer & Other Service Conditions) Rules, 2022 provides for a tentative

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<sup>150</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023).

<sup>151</sup> Employment Notice no. 02/2022& 03/2022, Patna, available at <https://districts.ecourts.gov.in/sites/default/files/Notice%20dated%2025-09-2023%20-%20Date%20of%20Examination%20for%20the%20post%20of%20Stenographer%20and%20Court%20Reader-cum-Deposit.pdf> (last accessed on 8 October 2023).



schedule for recruitment of District Court Staff in Bihar, where it takes 203 days to complete the process (*refer to Table 3.10*).

Calculating number of vacancies	31st December
Date of sending vacancies	7th January
Processing of vacancies	22nd January
Advertisement	1st March
Date of receipt of applications	By 1st April
Date of scrutiny of applications and issuance of Admit Card	By 1st May
Date of Examination	1st June
Date of Publication of Result	1st July
Date of Driving Test/Skill Test/Interview	7th July
Date of publication of Final Result	22nd July
<b>Total Days</b>	<b>203 Days</b>

*Table 3.10 : Tentative time schedule for recruitment of court staff in Bihar*<sup>152</sup>

In Assam, the recruitment of court staff by direct recruitment takes 190 days, while filling vacancies through promotion and limited departmental examination takes 153 days.<sup>153</sup> There is a need for a similar time-bound schedule for regular staff recruitment like that of recruitment of judges prescribed in *Malik Mazhar's case*. A time-bound recruitment of staff commensurate with the judge strength will be instrumental in the swift and speedier administration of justice.

There are several digital initiatives by some High Courts for staff recruitment. The Judicial Recruitment Cell, Madras High Court is utilising IT infrastructure for processes, such as receiving applications, evaluation of OMR answer sheets, and attendance sheets.<sup>154</sup> The Telangana High Court, with the assistance of Tata Consultancy Services Ltd., has also initiated online recruitment to fill all staff vacancies in an effort to maintain transparency and curtail delay in the recruitment

<sup>152</sup> Schedule E of the Bihar Civil Court Officers & Staff (Recruitment, Promotion, Transfer & Other Service Conditions) Rules, 2022.

<sup>153</sup> Annexure M, Time schedule for Central Recruitment Committee for filling up vacancies in Assam.

<sup>154</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

process of staff.<sup>155</sup> Further, in compliance with Resolution 2B(iv) of the Chief Justices' Conference, 2016, the Tripura High Court is using a software application called 'Vacancy Monitoring System' which can generate instant reports regarding vacant positions at different grades of staff, a list of staff within the zone of promotion and retirement, and a list of staff against whom disciplinary action is pending or previously has been taken.<sup>156</sup>

### **5.3 Healthy Work Environment**

The staff forms a critical part of the administration of justice in District Courts. They directly impact the functioning of the court and the performance of the judge. It is, therefore, important to ensure that the court and ministerial staff of District Courts have a congenial and dignified work environment. The Supreme Court also acknowledged the need for improving the service conditions of the court staff and observed:<sup>157</sup>

*“...The Service conditions of the Court Staff of the subordinate Courts is a significant factor having relevance in the functioning of the subordinate Courts. This question is, therefore, directly connected with the administration of justice and thereby with the rule of law...”*

In this regard, the efforts of Orissa High Court towards space management to accommodate the staff are notable. Earlier, cleanliness was a major constraint for the Orissa district judiciary due to a shortage of staff and funds, which adversely impacted the employees' working conditions. With the intervention of the Orissa High Court, funds were provided by the State Government and accordingly, outsourced to agencies w.e.f. 1 August 2022 for cleaning, maintenance, and electrical services in the District and Taluka Courts.<sup>158</sup> This has resulted in improving the working conditions of the employees and creating a better ambience for the lawyers, litigants and the public at large. The Annual Report of the Orissa High Court noted

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<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> *All India Judges Association v. Union of India*, I.A. filed in W.P. (Civil) No.1022 of 1989, dated 17 December 1997, Supreme Court of India.

<sup>158</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

the importance of the judicial officers in keeping the staff motivated by having healthy interactions with them:<sup>159</sup>

*“Also please encourage every judicial officer in your judgeship to have interaction with the staff working with them, preferably over a cup of tea, at least once in a month, so that a congenial working environment is created and that channels of communication between the staff and the officers are kept open. This also helps to ease any tension/misunderstanding that can inevitably develop during the course of working. Such interactions facilitate the development of team spirit, which needs to be inculcated in every member of the staff including the judge himself or herself.”*

(emphasis supplied)

Further, there may be an introduction of dress code for the District Court staff to maintain standards and discipline in court. A dress may be designed to ensure comfort level according to the weather. In addition, to create ethos in work culture, the retiring employees may be felicitated by the District Judge with a certificate of appreciation honouring their contribution to the judicial institution. It may also be ensured that the District Judges publish an Annual Report of their respective districts, mirroring the activities and functioning of the District Court. It may cover various aspects like infrastructural developments, judge strength, rate of institution, disposal and pendency, the status of undated cases, the performance of Lok Adalats and District Legal Services Authority, implementation of the e-Courts project, retiring employees and demises if any, and other significant initiatives and achievements. This will boost the confidence of the judicial workforce, aid the Inspecting/Administrative Judges during inspections and inculcate a culture of transparency in the efficient functioning of the District Courts.

Implementing the phases of the e-Courts project and constant upgradation of the existing technology poses a need for regular training of the staff personnel. Adequate training modules should be handy and readily available for the staff. State Judicial Academies should conduct regular staff training in areas like basic ICT skills, etiquette in dealing with the Bar and litigants, particularly persons with disabilities and litigants from different social backgrounds, stress management, gender

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<sup>159</sup> *Ibid.*

sensitisation, and induction and refresher courses to improve efficiency and productivity of court staff. A well-trained and satisfied court staff will go a long way in ensuring access to justice for litigants.

#### **5.4 Working Conditions of Court Staff**

An effective management should consistently offer advancement prospects for talented employees. An organisation that successfully develops a robust promotions procedure stands to reap the rewards of optimised administrative efficiency, well-allocated personnel resources, and heightened morale among its workforce. In *Dr. Ms. O.Z. Hussain v. Union of India*,<sup>160</sup> the Supreme Court observed:

*“This Court, has on more than one occasion, pointed out that provision for promotion increases efficiency of the public service while stagnation reduces efficiency and makes the service ineffective. Promotion is thus a normal incidence of service.”*

However, one of the concerns of the court staff is that they need more promotional opportunities. The Bombay High Court submitted that as regards technical and skilled support staff, the recruitment is a long-drawn process after experiencing which, good talent is not attracted due to the contractual nature of work and lack of promotional avenues, and the frequency of persons leaving contractual jobs becomes high.<sup>161</sup> Similarly, the Gujarat High Court and the High Court of Gauhati raised the concern that due to limited promotional avenues and low pay structure, many of the technical staff opt for other services.<sup>162</sup>

The High Court of Punjab & Haryana submitted that new recruits leave the job because they are paid the minimum pay band, for a period of 2 years.<sup>163</sup> This results not only in loss of experienced staff but also a deficiency in the number of staff. The High Court of Andhra Pradesh suggested that the sanction of posts with sufficient pay band is required and highlighted that highly skilled court staff are not opting in because the pay is low.<sup>164</sup> In District Courts, the officials in the Process Establishment have to travel long distances to serve the court’s processes like summons, notices,

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<sup>160</sup> 1989 SCR Supl. (2) 177.

<sup>161</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

warrants for execution of a decree, attachments etc. The main grievance of the staff in the Process Establishment is that the travelling allowance paid to them is inadequate.<sup>165</sup> Besides, court staff work overtime and undertake more than one role without additional pay.

The Shetty Commission recommended to improve the promotional avenues and provide assured career progressions for staff at suitable intervals. It also highlighted that the time-bound promotion scheme may bring certain financial benefits to the employees.<sup>166</sup> It is the constitutional duty of the State to provide sufficient remuneration, so that an employee can lead a dignified life.

### **Sanitation Workers**

Another consequence of inadequacy of staff is the recruitment of daily wage workers. The Supreme Court of India, in the *State of Jammu and Kashmir v. District Bar Association, Bandipora*<sup>167</sup> observed that:

*“22. ...The need to facilitate the proper functioning of the High Court and the district judiciary is a constitutional necessity which imposes a non-negotiable obligation on the state government to create an adequate number of posts and to provide sufficient infrastructure. The state government is to blame for the unfortunate situation which has resulted in a large number of persons being recruited on a daily wage basis...”*

(emphasis supplied)

In this regard, it must be ensured that the sanitation workers who are employed on a daily wage basis or are outsourced are treated with dignity and are provided sufficient pay. The Supreme Court of India has also held, *“To live is to live with dignity.”*<sup>168</sup> It is therefore necessary that regular staff is recruited for all positions in a timely manner in the district judiciary.

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<sup>165</sup> Report of First National Judicial Pay Commission on Improvement of Service Conditions of Non-Judicial Staff in Subordinate Courts, 2003, Pg. 10, available at [http://ajopc.nic.in/SHETTY\\_COMMISSION\\_REPORT.pdf](http://ajopc.nic.in/SHETTY_COMMISSION_REPORT.pdf). (last accessed on 1 September 2023).

<sup>166</sup> Report of The First National Judicial Pay Commission, Bangalore on Improvement of the Service Conditions of Non-Judicial Staff in Subordinate Courts, 2003, available at <https://cacharjudiciary.gov.in/shetty%20comm.html> (last accessed on 1 October 2023).

<sup>167</sup> 2016 (12) SCR 106.

<sup>168</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, 2017 (10) SCR 569.

## 5.5 Progressive Nomenclature

The Supreme Court in *All India Judges Association v. Union of India*<sup>169</sup> recognised the indispensable role of the district judiciary and accorded due respect to it by discontinuing the use of the phrase ‘subordinate judiciary’:

*“No longer should this Court refer to the district judiciary as ‘subordinate judiciary’. Not only is this a misnomer because the District Judge is not per se subordinate to any other person in the exercise of her jurisdiction but also is disrespectful to the constitutional position of a District Judge. Our Constitution recognizes and protects a District Judge as a vital cog in the judicial system. Respect ought to be accorded to this institution and its contribution to the country.”*

(emphasis supplied)

Consistent with the above nomenclature and carrying the spirit forward, the existing nomenclature of staff in District Courts, like Subordinate Court Staff, Subordinate Court Establishment and Judicial Ministerial Subordinate Service, should give way to a more respectful nomenclature. The staff must feel that they belong to an integrated justice delivery system and therefore, the court staff of the district judiciary may be termed *‘District Court Staff’/‘District Court Service’*.<sup>170</sup>

The Shetty Commission had also recommended classifying staff into Classes I, II, III and IV brings out 'class consciousness' within the service. The court staff must form a homogeneous unit in whatever cadre they serve and, therefore for a healthy and dignified atmosphere it may be beneficial to redesignate the existing cadres of Class I, II, III and IV into Group A, B, C and D.<sup>171</sup> However, in some States like Gujarat, the class classification continues.<sup>172</sup>

Further, in a move to redesignate posts that reflect colonial mindsets, the Supreme Court on 11 April 2023, by a notification amended the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961 regarding change of

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<sup>169</sup> 2023 (7) SCR 26.

<sup>170</sup> Report of First National Judicial Pay Commission on Improvement of Service Conditions of Non-Judicial Staff in Subordinate Courts, 2003, available at <https://cacharjudiciary.gov.in/shetty%20comm.html> (last accessed 1 October 2023).

<sup>171</sup> *Ibid.*

<sup>172</sup> The Non-Judicial Officers and Staff of the Courts (Recruitment and Conditions of Service) Rules, 2017 (Gujarat).

nomenclature/designation of the posts of Jamadar (Farash) and Jamadar (Safaiwala) to Supervisor.<sup>173</sup> Many posts have also been redesignated in Schedule A of the Assam District Court Employees Service Rules, 2018 like ‘Sheristadar’ to Civil Judge which was redesignated as ‘Administrative Officer/Bench Assistant I’.

However, regressive nomenclatures are still prevalent in the staff service rules of various High Courts. ‘Jamadar’ as a post for Peon/Orderly finds mention in staff rules of States like that of Jammu & Kashmir, Odisha and West Bengal.<sup>174</sup> Shedding imperial nomenclatures from the designations is fundamental to ensuring dignity and giving an inclusive and holistic identity to the staff in District Courts, who are an integral part of the justice delivery mechanism.

## **6. CONCLUSION**

The vision behind ensuring adequate infrastructure, sufficient number of judges, and support staff is to achieve ‘five plus zero’ pendency. This means that cases pending for more than five years or more are to be disposed of on a priority basis until such pendency is brought down to zero.<sup>175</sup> In this endeavour, ‘time’ is of the utmost essence, be it the time taken to disburse funds, recruit judges to fill vacancies or fill the infrastructural gaps. For continuous monitoring of vacancies, the Chief Justices at the Chief Justices’ Conference, April 2016 resolved that an online portal be developed.

In the same spirit, in January 2023, a three-judge Bench headed by Hon’ble CJI Dr. Justice D.Y. Chandrachud in *Malik Mazhar Sultan v. UP Public Service Commission*<sup>176</sup> issued a direction to prepare a concept note for setting up a web portal on which information can be updated on the position of judicial appointments in the district judiciary and on infrastructure on a real-time basis. In April 2023, the Supreme Court on its administrative side developed an online platform for online

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<sup>173</sup> The Gazette of India, Supreme Court of India, 2468 GV2023, available at [https://main.sci.gov.in/pdf/Gazette/27042023\\_101812.pdf](https://main.sci.gov.in/pdf/Gazette/27042023_101812.pdf) (last accessed on 1st October, 2023).

<sup>174</sup> Schedule A, Jammu and Kashmir Ministerial Staff of Subordinate Court (Recruitment and Conditions of Services) Rules, 2016; Appendix B, Odisha District and Subordinate Courts’ Group-D Employees (Method of Recruitment and Conditions of Service) Rules, 2021; Rule 16 of West Bengal District Courts (Constitution of Service, Recruitment, Appointment, Probation and Discipline of Employees) Rules, 2015; Schedule-A, Uttar Pradesh State District Court Service Rules, 2013 uses the nomenclature ‘Sweeper-cum-Farrash and Bhisti’.

<sup>175</sup> *Imtiyaz Ahmad v. State of UP*, 2017 (1) SCR 305, Para 18.

<sup>176</sup> Civil Appeal No.1867/2006, dated 19 January 2023, Para 5, Supreme Court of India.

update of data related to the functioning of the district judiciary, by the name 'Integrated Judicial Upgradation and Reforms on Infrastructure and Services' (*iJuris*). This step will ensure transparency by shedding light on the gap between the proposed reforms and reality. Such a portal should be regularly updated. A platform having real-time data of the progress made towards building a strong judiciary was much needed.

Human resource development lies at the core of judicial reforms. It is the collective and collaborative obligation of both the State Governments and the High Courts to ensure that the judiciary is well-equipped with adequate and robust infrastructure and judicial workforce to wipe out the backlog within a target period of five years.





## PART IV

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# ICT ENABLEMENT OF JUDICIARY

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## 1. INTRODUCTION

Technology has been an accelerant in most aspects of human lives, including seeking and dispensing justice. From e-filing to virtual hearings and accessing orders and judgments online, digitisation bridges the gap between the court and the litigant, *ensuring justice not only at the doorstep of the citizens but at their fingertips*. The outbreak of the pandemic strengthened this interplay between law and technology, creating the capabilities which ensured the delivery of justice to citizens even when physical courts were closed. These capabilities must be continually strengthened and fine tuned if the promise of access to justice is to be fulfilled in future decades. This part of the Report analyses the technological developments in the judiciary under the e-Courts project and its impact on justice dispensation. It also identifies the issues faced by the District Courts and the High Courts in the implementation of the technological initiatives.

## 2. e-COURTS INTEGRATED MISSION MODE PROJECT

One of the most significant initiatives of the National Mission for Justice Delivery and Legal Reforms, which was launched in 2011, is leveraging Information and Communication Technology (ICT) for improved justice delivery. The e-Courts Integrated Mission Mode project was launched under the National-e-Governance Plan. ‘Mission mode’ implies that the project has clearly defined objectives, scopes, and implementation timelines, milestones, and measurable outcomes.<sup>1</sup> The e-Courts project was conceptualised based on the National Policy and Action Plan for implementation of ICT in the Indian judiciary, which the e-Committee, Supreme Court of India submitted on 1 April 2005.<sup>2</sup> It is monitored and funded by the Department of Justice (DoJ), Ministry of Law and Justice, Government of India for District Courts across the country. The entire project has been conceptualised and implemented using Free and Open Source Software (FOSS) which means there is no need to obtain any licence or pay subscription charges. This is perhaps the world’s largest FOSS based project and has resulted in an estimated saving of Rs. 340 crore.<sup>3</sup>

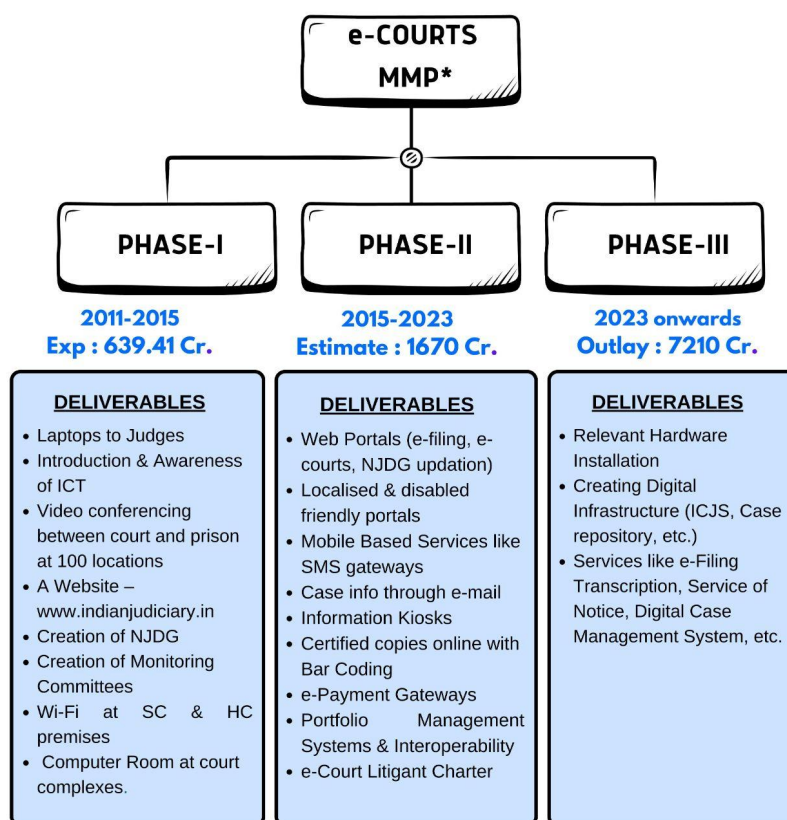
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<sup>1</sup> Ministry of Electronics & Information Technology, Mission Mode Project, available at <https://www.meity.gov.in/content/mission-mode-projects> (last accessed on 6 October 2023).

<sup>2</sup> Supreme Court of India, National Policy and Action Plan for Implementation of ICT in the Indian Judiciary, available at <https://main.sci.gov.in/pdf/ecommittee/action-plan-ecourt.pdf> (last accessed on 6 October 2023).

<sup>3</sup> e-Committee, Supreme Court of India, *Objectives Accomplishment Report as per Policy Action Plan Document*, available at

The e-Courts project is implemented in three phases - Phase-I, II and III. A brief outline of the three phases and the major deliverables is presented below:



*Figure 4.1: Deliverables in Phase I, II, III of the e-Courts project<sup>4</sup>*

- **Phase-I (2011-2015)** of the e-Courts project made significant progress in computerising the judicial system. This Phase was completed in 2015 with the launch of the e-Courts national portal<sup>5</sup> and the National Judicial Data Grid (NJDG). In this Phase, laptops were provided to 14,309 judicial officers and a video conferencing (VC) facility was installed between 347 jails and 493 courts.<sup>6</sup> Phase-I also ensured that computer training was imparted to over 4,000 court officials and 14,000 judicial officers.<sup>7</sup> The project covered District

<https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/05/2020053116.pdf> (last accessed on 21 August 2023).

<sup>4</sup> Supreme Court of India, National Policy and Action Plan for Implementation of ICT in the Indian Judiciary, available at <https://main.sci.gov.in/pdf/ecommittee/action-plan-court.pdf> (last accessed on 6 October 2023).

\*Mission Mode Project.

<sup>5</sup> Available at [ecourts.gov.in](https://ecourts.gov.in) (last accessed on 1 October 2023).

<sup>6</sup> Available at [https://dashboard.doj.gov.in/ecourts-projects-phaseI/judicial\\_officers.php](https://dashboard.doj.gov.in/ecourts-projects-phaseI/judicial_officers.php) (last accessed on 1 October 2023).

<sup>7</sup> “Initiatives taken by the Ministry of Law & Justice during the two years of the present government”, available at <https://lawmin.gov.in/sites/default/files/2year-achi.pdf> (last accessed on 14 August 2023);

and Taluka Courts in its initial phase, equipping them with computer hardware, Local Area Network (LAN) infrastructure, and Case Information System (CIS).<sup>8</sup>

- **Phase-II (2015-2023)** of the e-Court project focussed on citizen-centric software applications. Under the project, 3,240 court complexes and corresponding 1,272 jails have become VC enabled.<sup>9</sup> With respect to internet connectivity, 2,977 out of 2,992 sites have been commissioned with Wide Area Network (WAN) connectivity.<sup>10</sup> It facilitated the provision of online certified copies and e-payment gateways to make deposits, pay court fees and fines. Phase-II ushered in a new era of efficiency, transparency, and accessibility in the justice system, with digital initiatives like ‘JustIS Mobile App’, National Service and Tracking of Electronic Processes (NSTEP), Interoperable Criminal Justice System (ICJS), and establishment of e-Sewa Kendras and information kiosks at High Courts and District Courts. ICT infrastructure was also provided to all the State Judicial Academies, 652 District Legal Services Authorities and 2,275 Taluka Legal Services Committee. Solar panels were installed in 242 court complexes, covering 5% of total court complexes.<sup>11</sup>
- **Phase-III (2023 onwards)**<sup>12</sup> of the e-Courts project has an ecosystem-based approach. The vision of Phase-III is ICT coverage of the judicial process from filing to execution and all administrative activities. It includes developing a digital case registry, a repository of case law, intelligent scheduling of cases, a digital case management system, ICJS, e-filing of cases, and open digital hearings. Migrating to cloud technology is another major component under Phase-III. It also includes developing digital preservation of court records, intelligent scheduling of cases, the setting up of 4,400 fully functional e-Sewa

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<https://dashboard.doj.gov.in/ecourts-projects-phaseI/index.php>; <https://doj.gov.in/phase-iii/> (last accessed on 20 August 2023).

<sup>8</sup> Policy and Action Plan Document Phase II of the e-courts Project, available at <https://ecommitteesci.gov.in/document/policy-and-action-plan-document-phase-ii/> (last accessed on 12 October 2023).

<sup>9</sup> Department of Justice, E-courts Phase II, available at <https://dashboard.doj.gov.in/ecourts-projects-phaseII/wan.php> (last accessed on 12 October 2023).

<sup>10</sup> *Ibid.*

<sup>11</sup> As received from e-Committee, Supreme Court of India.

<sup>12</sup> *Ibid.*

Kendras covering all court complexes, the setting up of 2,150 paperless and online courts (phase-wise with all commercial courts becoming paperless in the first instance), live streaming of court proceedings, an online dispute resolution platform, enhancing the bandwidth for connectivity, and provisioning accessible ICT-enabled facilities to persons with disabilities.<sup>13</sup> A financial outlay of *Rs. 7,210 crore* over four years has been approved by the Union Government for Phase-III. *A major component of this outlay has been dedicated to scanning, digitisation and digital preservation of case records.*<sup>14</sup>

Phase-III of the e-Courts project envisions a judicial system that is more affordable, accessible, cost-effective, predictable, reliable, and transparent for every individual who seeks justice or is part of the delivery of justice in India. At its core, the use of technology in the judiciary is characterised by two principles of access and inclusion.

### **3. MAJOR ICT INITIATIVES**

To improve access to justice using technology in judiciary, a plethora of initiatives and innovations have been spearheaded by the e-Committee under the e-Courts project. Some of the major initiatives are discussed below.

#### **3.1 National Judicial Data Grid<sup>15</sup>**

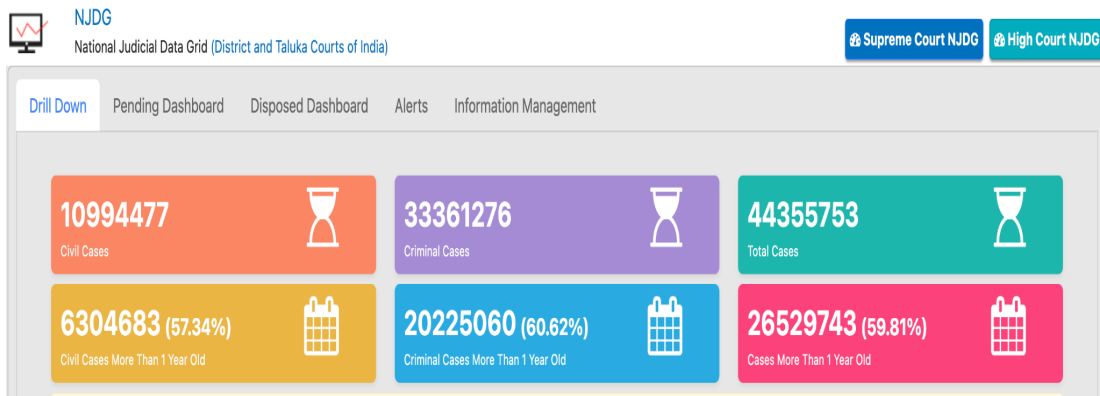
Inaugurated on 19 September 2015, the NJDG is a major step towards transparency and accountability. It provides aggregate data on the institution, disposal, and pendency of cases on a near real-time basis in courts across the country to the public. This data is linked to the individual cases, and thus the NJDG is also a data repository of orders, judgments and details of cases in the District Courts, High Courts and the Supreme Court. One can generate reports agewise, stagewise, case type-wise, and even isolate data such as the number of cases filed by senior citizens or women. The idea to create the NJDG was first envisioned by the e-Committee, under the ‘Phase-I’ of the e-Courts project. *Figure 4.2* shows pendency of cases in District Courts as on NJDG:

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<sup>13</sup> As received from e-Committee, Supreme Court of India.

<sup>14</sup> Department of Justice, available at <https://doj.gov.in/phase-iii/> (last accessed on 10 October 2023).

<sup>15</sup> <https://njdg.ecourts.gov.in/njdgnew/index.php> (last accessed on 20 November 2023).



*Figure 4.2: The NJDG portal*

The Policy and Action Plan for Phase-I under the heading, ‘Initiation of the ICT implementation in the judicial system,’ outlined the action plan for the NJDG as follows:

*“The Data Grid so enriched will help in creation of consensus national and state policies in respect of additional court requirements, performance assessments, adjournments, cost orders, performance appraisals of the court personnel, infrastructural requirements and the like. The Data Center, through state-specific customised software, will create automated reports, which the High Courts and District Courts require for judicial administration. These reports, at the required intervals, can be downloaded and hard copies so generated can be stored in physical files and can be appropriately used. This will avoid creation of voluminous monthly, quarterly, half-yearly and annual statements, which are presently prepared, processed and stored by manual process in various registers and consumes enormous time, energy and manpower.”<sup>16</sup>*

(emphasis supplied)

Under Phase-II of the e-Courts project, the uploading mechanism for the NJDG has gradually been shifted to an auto pull mechanism from cloud installations to ensure smooth and automatic updation of data on NJDG.<sup>17</sup>

<sup>16</sup> e-Committee, Supreme Court of India, ‘National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary’ dated 1 August 2005, available at <https://main.sci.gov.in/pdf/ecommittee/action-plan-ecourt.pdf> (last accessed on 15 November 2023).

<sup>17</sup> e-Committee, Supreme Court of India, ‘Policy And Action Plan Document Phase II of The Courts Project’, available at <https://ecommitteesci.gov.in/document/policy-and-action-plan-document-phase-ii/> (last accessed on 15 November 2023).

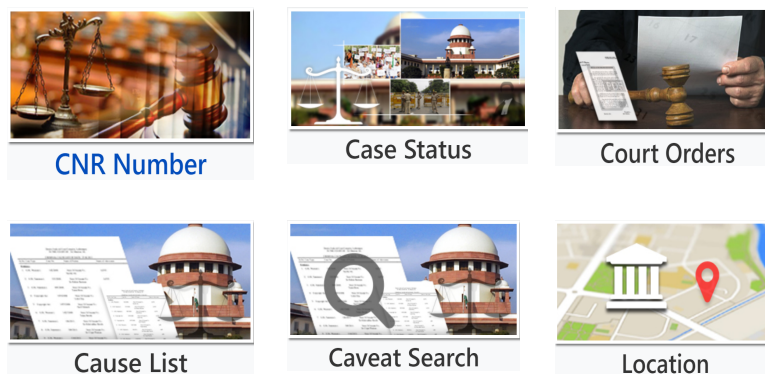
## **Current Pendency**

As of 21 November 2023, as per the NJDG, there is a pendency of 4.4 crore cases in the District and Taluka Courts, 61.7 lakhs in the High Courts and 79,593 cases in the Supreme Court. It is an important finding on the NJDG that out of the 4.4 crore cases that are pending in the District and Taluka Courts, 1.8 crore cases are pending at the stage of appearance/service. It also provides the details for undated cases and excessive dated cases (more than 3 years old) in the District Courts.

The NJDG's contribution to improving the ease of doing business in India has been lauded by the World Bank.<sup>18</sup> It serves as an efficient resource management tool by facilitating better monitoring of court performance at all levels.

## **3.2 e-Court Services**

e-Courts Services, a web portal, also available on mobile application, enables the litigant to obtain information on cases pending in District Courts and High Courts. It also serves as a personalised digital case diary for the litigant who can use 'My Cases' to get automatic updates with regard to multiple cases. The major services provided by e-Court Services are shown below:



*Figure 4.3 : e-Court Services*

As evident from *Figure 4.3*, litigants in a District Court can check their case status by entering a unique case locator in the form of a 16 digit number called Case Record

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<sup>18</sup> A World Bank Group Flagship Report, Doing Business 2018, available at <https://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2018-Full-Report.pdf> (last accessed on 10 November 2023).



Number (CNR).<sup>19</sup> For the effective application of e-Court Services, it is necessary that all cases of District Courts have a uniform CNR Number. It is also noteworthy that as per the NJDG, there are 8,03,966 undated cases in District and Taluka Courts, which signifies that more than 8 lakh cases are either not assigned the next date of hearing or even if assigned, have not been updated on the CIS software.<sup>20</sup> It is of utmost importance that the next date of hearing of every case is assigned and updated on CIS daily, and orders and judgments are uploaded regularly to ensure transparency in justice delivery for both courts and litigants.

### **3.3 Video Conferencing**

‘Access to justice’ was subjected to a unique challenge during the outbreak of the COVID-19 pandemic. Even in such trying times, the judicial system responded remarkably by harnessing technology to ensure justice delivery. It was video conferencing that emerged as the mainstay of the courts. Between the start of the COVID lockdown and 31 October 2021, District Courts heard around 1.01 crore cases, and the High Courts heard about 55 lakh cases using video conferencing.<sup>21</sup> The Supreme Court of India held around 1.5 lakh hearings during this period (upto 29 October 2021) making it the world leader in this aspect.<sup>22</sup>

Before the pandemic, the idea of using video conferencing was at a nascent stage. In 2003, the Supreme Court, for the first time, held that evidence can be recorded by electronic audio-visual means in civil cases.<sup>23</sup> Further, in *State of Maharashtra v. Dr. Praful B. Desai*,<sup>24</sup> the Supreme Court directed the evidence of a doctor residing outside India to be recorded through video conferencing under Section 273, the Code of Criminal Procedure. This was modified in *Re: Guidelines for Court Functioning through Videoconferencing during Covid-19 Pandemic*, in which the Supreme Court

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<sup>19</sup> e-Courts Services Mobile App, available at [https://tshc.gov.in/documents/admin\\_26\\_2021\\_06\\_18\\_17\\_10\\_52.pdf](https://tshc.gov.in/documents/admin_26_2021_06_18_17_10_52.pdf) (last accessed on 5 September 2023).

<sup>20</sup> National Judicial Data Grid, available at [https://njdg.ecourts.gov.in/njdgnew/?p=alert\\_dashboard/index](https://njdg.ecourts.gov.in/njdgnew/?p=alert_dashboard/index) (last accessed on 10 October 2023).

<sup>21</sup> Lok Sabha, Unstarred Question No. 2195, Video Conferencing in Criminal Cases, 10 December 2021, available at <https://sansad.in/lq/questions/questions-and-answers> (last accessed on 1 October 2023).

<sup>22</sup> *Ibid.*

<sup>23</sup> *Salem Advocate Bar Assn. v. Union of India*, 2002 (3) Suppl. SCR 353.

<sup>24</sup> 2003 (3) SCR 244 .

gave legal sanctity to court hearings done through video conferencing and directed that:<sup>25</sup>

*“6.7. Until appropriate rules are framed by the High Courts, videoconferencing shall be mainly employed for hearing arguments whether at the trial stage or at the appellate stage. In no case shall evidence be recorded without the mutual consent of both the parties by videoconferencing. If it is necessary to record evidence in a courtroom the Presiding Officer shall ensure that appropriate distance is maintained between any two individuals in the court.”*

(emphasis supplied)

Thereafter, the Model Rules for Video Conferencing were framed by a five-judge Committee of High Courts constituted by the Chairperson of the e-Committee, SC. These rules have been implemented by all the High Courts other than Andhra Pradesh after local contextualisation and also in District Courts under the jurisdiction of 27 High Courts except that of Andhra Pradesh.<sup>26</sup> *As per the Model Rules, video conferencing facilities may be used at all stages of judicial proceedings and proceedings conducted by the Court.*<sup>27</sup> The rules, as applicable to respective High Courts, lay down in detail the principles, facilities recommended for video conferencing, preparatory arrangement, and the procedure to be followed when video conferencing. It also notifies the manner of conduct of advocates and parties at the time of video conferencing.

As per the e-Committee, the total number of cases dealt through video conferencing in High Courts and District Courts as of 30 September 2023 is demonstrated as follows:<sup>28</sup>

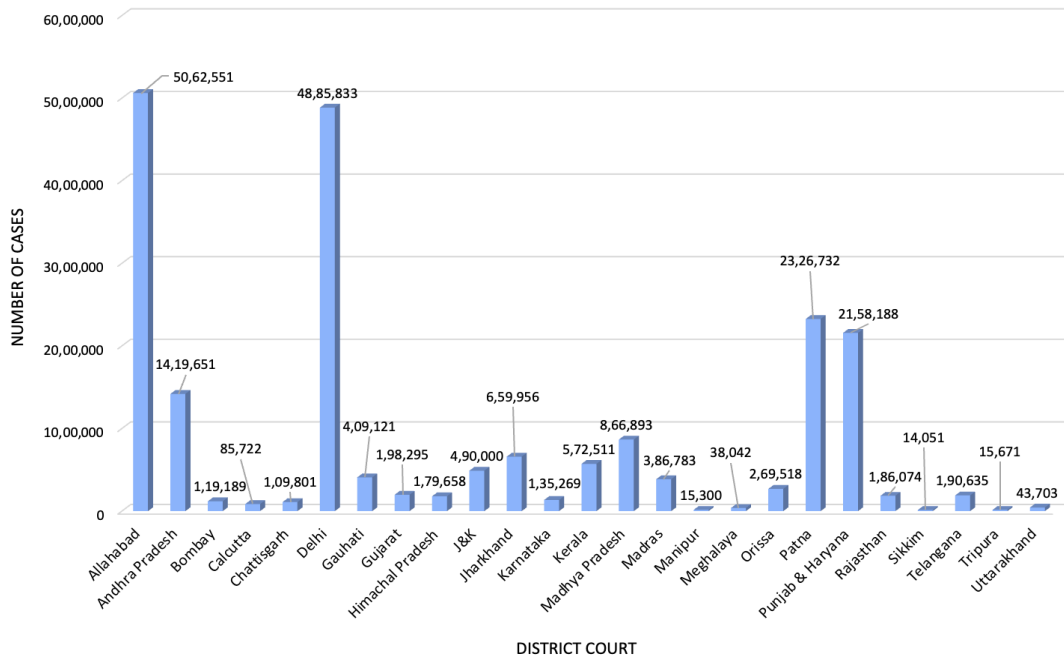
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<sup>25</sup> 2020 INSC 331.

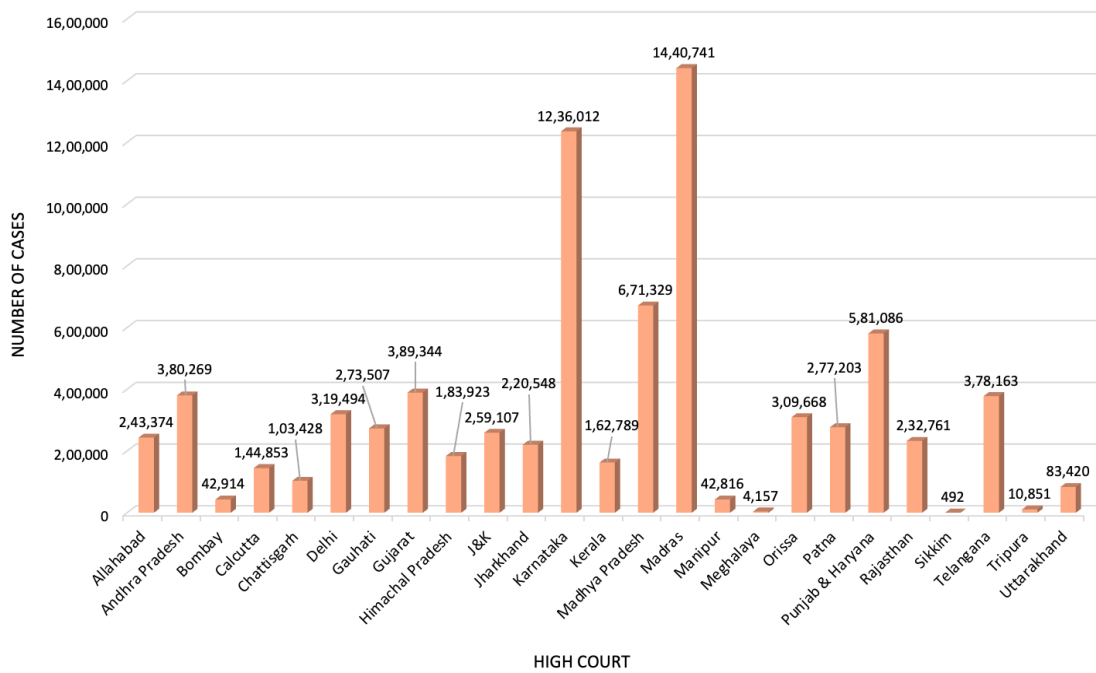
<sup>26</sup> Department of Justice, Video Conferencing, as on 31 July 2023, available at <https://doj.gov.in/video-conferencing/> (last accessed on 1 October 2023).

<sup>27</sup> Video Conferencing Rules, Chapter II, Rule 3(i), available at <https://ecommitteesci.gov.in/document/model-rules-for-video-conferencing-for-courts-2/> (last accessed on 1 October 2023).

<sup>28</sup>As per data received from eCommittee, Supreme Court of India.



*Figure 4.4 - Cases dealt with using video conferencing in District Courts, as of 30 September 2023<sup>29</sup>*



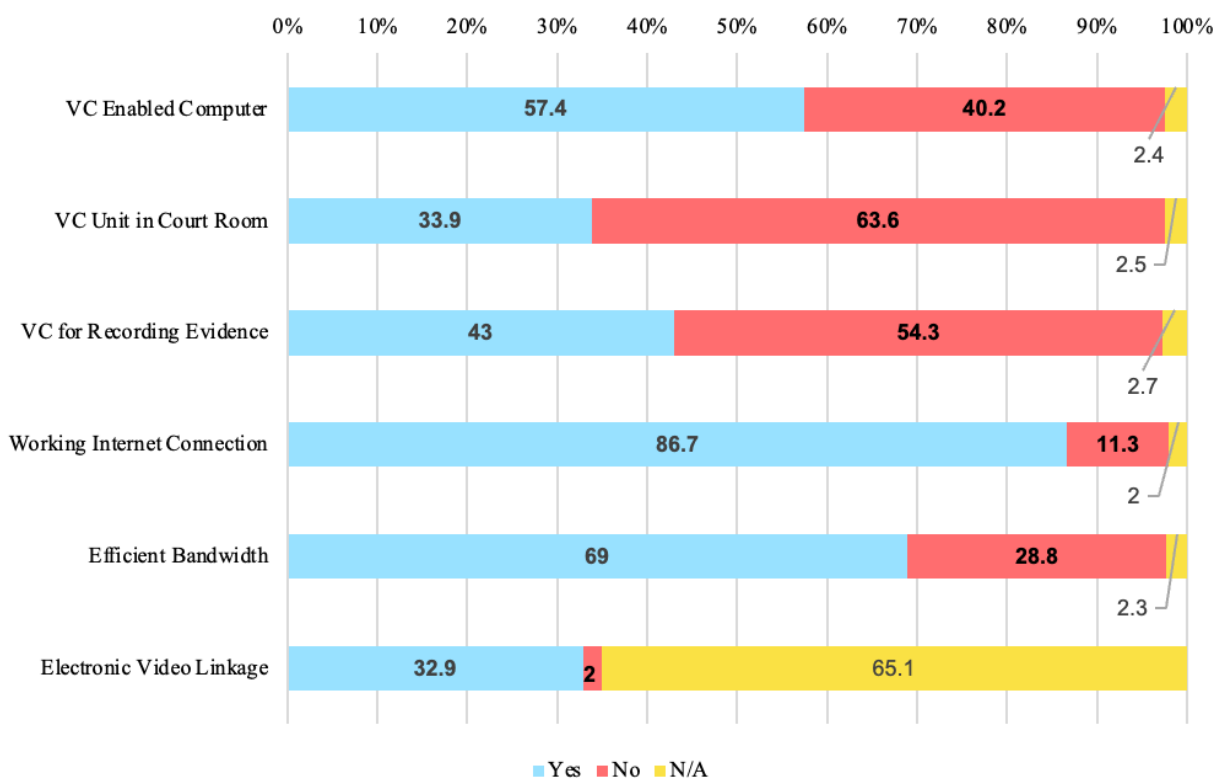
*Figure 4.5 - Cases dealt with using video conferencing in High Courts, as on 30 September 2023<sup>30</sup>*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

Figures 4.4 and 4.5 show that whereas the Allahabad High Court dealt with around 2.4 lakh cases through video conferencing, the District Courts under the jurisdiction of Allahabad High Court dealt with around 50 lakh cases. by The district judiciary under the Madras High Court dealt with around 3.8 lakh cases through video conferencing, while the Madras High Court dealt with 14.4 lakh cases through video conferencing.

For video conferencing, speedy internet access and VC enabled computers are prerequisites. As per data from ‘iJuris’, it is evident that only 57.4% of courtrooms in the district judiciary in India have VC enabled computers on the judge’s dais and 86.7% district courtrooms have a working internet connection (refer to Figure 4.6 below).<sup>31</sup> For hassle-free video conferencing hearings, the internet connection must provide adequate bandwidth, and only 69% of courtrooms have efficient bandwidth.



*Figure 4.6 - Status of Video Conferencing Facility in courtrooms in District Judiciary*<sup>32</sup>

<sup>31</sup> As per data on iJuris, National Judicial Data Grid (as on 25 September 2023).

<sup>32</sup> As per data on iJuris, National Judicial Data Grid (as on 25 September 2023). N/A signifies that data is not available.

To promote virtual hearings, funds for 2,506 VC cabins and VC equipment for 14,443 courtrooms have been released, and 1,500 VC licences have been procured.<sup>33</sup>

**Virtual Courtroom System: Sarvesh Mathur v. Registrar General of High Court of Punjab & Haryana**<sup>34</sup>

The pandemic witnessed the use of video conferencing as an inevitable necessity. Post-pandemic, courts moved from the erstwhile virtual mode to a hybrid video conferencing mode. However, it has been a trend that some High Courts and District Courts are disbanding the use of video conferencing facilities and moving back towards the exclusive use of physical hearings. A three-judge Bench of the Supreme Court, headed by the CJI, in *Sarvesh Mathur v. The Registrar General of High Court of Punjab and Haryana*<sup>35</sup> issued several directions to ensure the continued use of video conferencing facilities across High Courts and Tribunals:

*“...(iii) The High Courts shall ensure that adequate internet facilities, including Wi-Fi facilities, with sufficient bandwidth are made available free of charge to all advocates and litigants appearing before the High Courts within the precincts of the High Court complex;*

*(iv) The links available for accessing video conferencing/hybrid hearings shall be made available in the daily cause-list of each court and there shall be no requirement of making prior applications. No High Court shall impose an age requirement or any other arbitrary criteria for availing of virtual/hybrid hearings;*

*(vii) The Union Ministry of Electronics & Information Technology is directed to coordinate with the Department of Justice to ensure that adequate bandwidth and internet connectivity is provided to all the courts in the North-East and in Uttarakhand, Himachal Pradesh and Jammu and Kashmir so as to facilitate access to online hearings;...”*

(emphasis supplied)

Certain High Courts, through their video conferencing rules, had imposed conditions on the use of video conferencing. For instance, in Delhi, a litigant or counsel could appear through hybrid video conferencing mode only upon submitting an application

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<sup>33</sup> Lok Sabha Unstarred Question No. 3748, Functional E-Courts, 11 August 2023.

<sup>34</sup> W.P.(CrI.) No. 351/2023, dated 6 October 2023, Supreme Court of India.

<sup>35</sup> *Ibid.*

24 hrs prior to the hearing date, but this rule has since been done away with.<sup>36</sup> The Supreme Court, to make sure that the use of hybrid mode of hearing is available to the citizens, directed that *the cause list of the concerned court must be furnished with video conferencing links to give the litigant/counsel an option to conveniently participate in virtual hearing*. From the litigant's viewpoint, it is necessary that the video conferencing rules of High Courts enable the litigant to join the proceedings from remote points to achieve an open court proceeding, subject to exceptions made where proceedings are to be conducted in-camera.

### **3.4 e-Filing**

The outbreak of the COVID pandemic nudged the judicial institution to move towards digitalisation. Earlier, advocates used to carry petitions and piles of documents to the filing counter to file their complaints, petitions and other documents in person. Now, the electronic filing facility has enabled lawyers to cut costs and save time by filing documents from any part of the country in any District Court or High Court.<sup>37</sup> Further, the new e-filing module 3.0 inaugurated on 9 April 2021 includes upgraded features like online submission of vakalatnama, readymade templates of pleadings, and allows advocates and litigants to record oath with an in-system video recording. It also provides the option of indexing of documents for advocates. Model Rules for e-filing have been framed by the e-Committee, SC and 22 High Courts have adopted these model Rules. As of 31 July 2023, 18,36,627 cases have been e-filed of which 11,88,842 were e-filed in District Courts.<sup>38</sup> However, as per *iJuris*, *only 48.6% of District Court complexes have a functional e-filing facility*.<sup>39</sup>

This paperless initiative is more challenging to implement in North-Eastern States. In Nagaland and Arunachal Pradesh, e-filing has not yet been implemented in the

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<sup>36</sup> High Court of Delhi, Office Order No. 01/RG/DHC/2023 dated 05.06.2023, 'Directions regarding Hybrid Hearing in Delhi District Courts issued by the Hon'ble Full Court, High Court of Delhi', available at [https://districts.ecourts.gov.in/sites/default/files/Office%20Order%20-%20Hybrid%20Hearing%20in%20Delhi%20District%20Courts\\_3.pdf](https://districts.ecourts.gov.in/sites/default/files/Office%20Order%20-%20Hybrid%20Hearing%20in%20Delhi%20District%20Courts_3.pdf) (last accessed on 9 October 2023).

<sup>37</sup>e-Committee, Supreme Court of India, A Step by Step Guide for e-filing, available at <https://districts.ecourts.gov.in/sites/default/files/Guide%20-%20efiling%20High%20Courts%20and%20District%20Courts%20%282%29.pdf> (last accessed on 5 September 2023).

<sup>38</sup>e-Committee, Supreme Court of India, Newsletter, available at <https://ecommitteesci.gov.in/publication/e-committee-newsletter-july-2023/> (last accessed on 5 September 2023); Model Rules available at <https://ecommitteesci.gov.in/document/model-rules-for-e-filing/> (last accessed on 5 October 2023).

<sup>39</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

District Courts.<sup>40</sup> As per responses from the High Courts, a concern has been raised that e-Filing 3.0 does not have a scrutiny module, which can lead to delays in scrutiny by the authorities.<sup>41</sup> Besides, an intimation process to inform the advocate in case of any defect in the field case would further enhance the utility of e-filing.<sup>42</sup> There are also specific software/operational limitations associated with e-filing portals, like the character limit for disproving the case and a limited period of an active session.<sup>43</sup>

Therefore, the High Courts in collaboration with the e-Committee of the Supreme Court may ensure that the e-filing module is continually improved and upgraded to enhance adoption. A grievance redressal officer at the District Court level usually deals with the technical issues in e-filing. On the same lines, a central nodal agency to monitor and resolve e-filing issues of all the High Courts may be a preferred solution for grievance redressal.<sup>44</sup> e-Filing is, indeed, an earnest step towards setting the process of justice in motion, obviating the need to visit the overcrowded filing counters in courts.

### **3.5 e-Payment**

Electronic payment is the natural corollary to the electronic filing of cases. This requires the online payment of court fees, fines, penalties, etc. This facility being available round the clock, does away with the hassle of obtaining physical judicial stamps. This mechanism also requires opening a bank account in a nationalised bank or another suitable bank to receive, hold and disburse such payments electronically. 23 High Courts have amended the Court Fees Act to enable e-payment.<sup>45</sup> *However, an online payment facility is available only in 33.8% of District Court complexes across India so far.*<sup>46</sup> Besides, the lack of an online refund mechanism with the State treasury and the levy of transaction charges upon the user may deter citizens from opting for

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<sup>40</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>41</sup> *Ibid*, Madras and Orissa High Court.

<sup>42</sup> *Ibid*.

<sup>43</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>44</sup> *Ibid*.

<sup>45</sup> e-Committee, Supreme Court of India, Newsletter, available at <https://ecommitteesci.gov.in/publication/e-committee-newsletter-july-2023/> (last accessed on 12 September 2023).

<sup>46</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

e-payment. To increase e-filing, it is essential to incentivise e-payment in order to encourage lawyers and litigants to use the e-payment facility.

### **3.6 Virtual Courts**

Virtual courts facilitate the adjudication of cases online, from filing to disposal, eliminating the need to visit court physically. This makes access to justice affordable and convenient for the litigants. In India, the scope of virtual courts covers the settlement of traffic challans and other petty offences for which summons can be issued under Section 206 of Code of Criminal Procedure.<sup>47</sup> On the *vcourts* portal, the vehicle owner can pay the fine imposed by the Virtual Traffic Court through an online payment system or choose to contest the case in the regular court.<sup>48</sup> Presently, out of 3,76,54,494 e-challans received, 3,49,97,934 cases were processed through virtual courts and Rs. 455,12,45,689/- (Rs. 455.12 crores) challan amount had been collected till 30 September 2023.<sup>49</sup> Real time realisation of fines poses a hurdle in the settlement of traffic challan cases, as often there is a delay of one or two days in the realisation of the fine/penalty when it is paid online.<sup>50</sup>

It is time that virtual courts under the e-Courts project operate beyond traffic challan cases and expand their scope to cheque dishonour cases and other cases involving petty offences for speedier disposal of cases. For example, Delhi District Courts facilitate disposal of all fresh cheque dishonour cases through Digital NI Act Courts w.e.f. 17 November 2020, and offer a completely paperless digital environment where hearings will take place via video conferencing.<sup>51</sup>

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<sup>47</sup> e-Committee, Supreme Court of India, Newsletter, available at <https://ecommitteesci.gov.in/service/virtual-courts/> (last accessed on 28 September 2023).

<sup>48</sup> Virtual Courts Portal, available at <https://vcourts.gov.in/virtualcourt/index.php> (last accessed on 12 September 2023).

<sup>49</sup> e-Committee, Supreme court of India, Newsletter, available at <https://ecommitteesci.gov.in/publication/e-committee-newsletter-july-2023/> (last accessed on 9 November 2023).

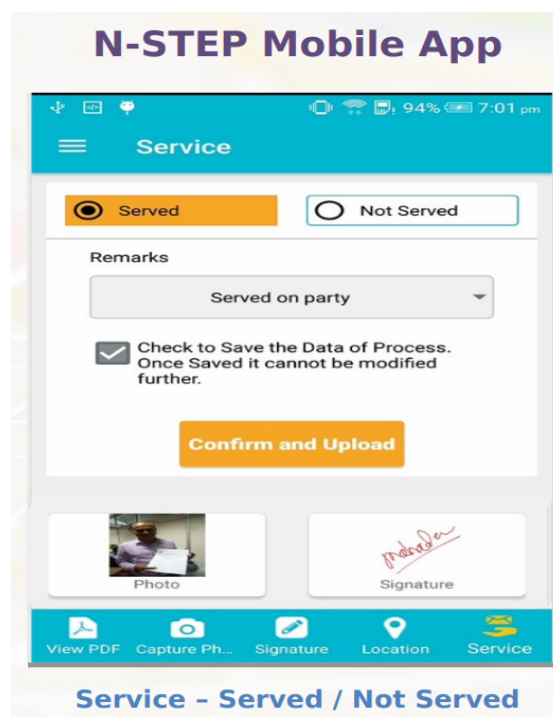
<sup>50</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>51</sup> Delhi District Courts, available at <https://delhidistrictcourts.nic.in/DigitalNIActCourtsProjectImplementationGuidelines.pdf>; <https://delhidistrictcourts.nic.in/digitalnicourts.html> (last accessed on 11 October 2023).



### **3.7 National Service and Tracking of Electronic Processes**

Service of processes is an important and often neglected aspect of a trial which plays a significant (and often time-consuming) role in judicial proceedings. Usually, the Office Clerk of a District Court prepares the process issued in the prescribed form and sends it to the Nazareth, where a process server is allotted the task of the service. The delay in submitting service reports and execution reports of such processes is one of the major bottlenecks in the process of trial. NSTEP launched under the e-Courts project, is a revolutionary initiative to curb the inordinate delay in the system.



*Figure 4.7 : NSTEP Android app*

NSTEP is an Android application that enables the electronic service of processes like summons, arrest warrants, notices etc. The Office Clerk generates the electronic process format from the CIS software and the file is sent to the Nazareth where a process server is assigned. The process servers use smartphones on which the GPS linked NSTEP App has been installed. The application enables the server to deliver a hard copy of the process and take the photograph and e-signature of the person on whom the process is served. This ensures transparency in the service process by generating e-service/execution reports and expedites the process of trial. Specialised training of court staff and process servers in the State Judicial Academies is the need of the hour to encourage and equip them with the technical know-how, so that the

NSTEP service could be used hassle-free. The dearth of funds for purchasing smartphones is a serious concern, as raised by the High Court of Uttarakhand.<sup>52</sup> The High Courts of Orissa and Rajasthan have provided the templates of all civil processes in Odia and Hindi languages respectively in NSTEP.<sup>53</sup> The High Courts may adopt a similar approach to providing the templates of processes in their respective regional languages.

### **3.8 Fast and Secured Transmission of Electronic Records (FASTER)**

A three-judge Bench of the Supreme Court of India headed by the then Chief Justice of India (CJI), Justice N.V. Ramana took *suo moto* cognizance of a report in a leading daily newspaper which reported that convicts lodged in Agra Central Jail had not been released on interim bail even after 3 days of the order passed by the Supreme Court, and observed that:<sup>54</sup>

*“We are concerned about the plight of the jail- inmates who are not released despite the bail orders passed by this Court due to delay in communication of such orders. It is high time to utilize the Information and Communication Technology tools for efficient transmission of Court’s orders. The FASTER (Fast and Secured Transmission of Electronic Records) system proposes transmission of e-authenticated copies of the interim orders, stay orders, bail orders and record of proceedings to the duty-holders for compliance and due execution, through a secured electronic communication channel...”*

(emphasis supplied)

*‘Bail is the rule and jail is an exception’* is a well-established legal principle.<sup>55</sup> However, if an accused/convict remains in custody despite being granted bail by a court, it is a deprivation of his liberty without due process under Article 21 of the Indian Constitution. The delay caused in sending physical copies of bail orders to the District Courts and jail has been sought to be remedied by the Supreme Court by launching the FASTER software.

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<sup>52</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Re: Delay in Release of Convicts after Grant of Bail*, Suo Moto Writ Petition (C) No(S).4/2021, dated 23 September 2021, Supreme Court of India.

<sup>55</sup> *State of Rajasthan v. Balchand*, 1978 (1) SCR 535.

For instantaneous communication of e-authenticated copies of judgments/final orders/interim orders through a secured network of duty-holders of the justice system, a FASTER Cell has been constituted in the Supreme Court Registry, which has a database of all the e-mail IDs of the duty-holders. There is a dedicated communication mechanism configured by the National Informatics Centre (NIC) with its own domain name, encrypted from both ends (senders and sendee). It facilitates the repository of all communications and audit trails and allows automatic delivery notification in the software.<sup>56</sup> The Nodal Officer/concerned duty holder acknowledges receipt of the orders and forwards the action taken report through the above email domain.<sup>57</sup> Many High Courts have amended their respective Rules for compliance with orders received through FASTER. An in-house software named ‘Supreme Court e-register’ has also been developed by the Patna High Court to monitor and track the orders of the Supreme Court and communicate them to the District Courts concerned.<sup>58</sup>

Such a system should not be limited to the apex Court. A lot of communication is made between High Courts, District Courts, jails, police stations, and other departments like the Transport Department, the Mining Department, the Directorial of Prosecution, the Forensic Science Laboratories, Government Hospitals, etc., for purposes like the calling for criminal antecedents, reports for the release of vehicles, forensic reports, injury reports, motor vehicle inspection reports etc., other than the transmission of bail orders, judgments and other final/interim orders. A similar model may be replicated to create a database of dedicated e-mail IDs of nodal officers of all such departments for speedier communication of orders and due compliance and execution thereof to curtail the delay caused by physical communication in the process of trial. The IT Committee of the High Court of Delhi has approved, in principle, such a system.<sup>59</sup>

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<sup>56</sup> Supreme Court of India, Annual Report 2020-21.

<sup>57</sup> The Standard Operating Procedure (SOP)/modalities for implementation of ‘FASTER’ system introduced by Supreme Court of India in its Registry.

<sup>58</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>59</sup> *Ibid.*

### **3.9 Digitisation of Case Records**

The transition to paperless courts is a fundamental element of the e-Court system. Digitisation of records addresses environmental concerns by reducing paper usage and ensures the smoother operation of courts. Digitisation is not an isolated project; it is closely linked with other initiatives of the e-Courts project. Digitisation, in conjunction with e-filing, may eliminate the clutter in courtrooms and paper storage facilities and empower judges to access files and make decisions from anywhere, as witnessed in the pandemic. In the Allahabad High Court, after digitising physical files, approximately 3,659 square metres of office space in various sections and storage areas became available for productive use.<sup>60</sup>

While digitisation of records was not initially part of Phase-II of the e-Courts project, a sub-committee under the e-Committee was formed to develop a standard operating procedure (SOP) for digital preservation. This SOP covers various aspects, such as scanning, storage, retrieval, digitisation, and preservation of judicial data, including legacy records.<sup>61</sup> Presently, the focus of digitisation is primarily on documents, but there is a potential for expanding this infrastructure to gradually include the preservation of other forms of digital data, including electronic evidence.<sup>62</sup> In *Jitendra Kumar Rode v. Union of India*,<sup>63</sup> the Supreme Court issued following directions for digitisation of records in the High Courts and District Courts:

*“42. Therefore, this Court finds it fit to issue the following directions:*

*1. The Registrar General of the High Courts shall ensure that in all cases of criminal trial, as well as civil suits, the digitization of records must be duly undertaken with promptitude at all District Courts, preferably within the time prescribed for filing an appeal within the laws of procedure.*

*2. The concerned District Judge, once the system of digitization along with the system of authentication of the digitized records is in*

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<sup>60</sup> *Ibid.*

<sup>61</sup> Ministry of Law and Justice, ‘Digitization of Supreme Court and High Courts Records’, as on 10 August 2023, available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1947489> (last accessed on 9 October 2023)

<sup>62</sup> e-Committee, Supreme Court of India, Digital Preservation- Standard Operating Procedure(SOP), available at <https://ecommitteesci.gov.in/document/digital-preservation/> (last accessed on 28 September 2023).

<sup>63</sup> 2023 INSC 419.

*place in their judgeship, to ensure that the records so digitized are verified as expeditiously as possible.*

*3. A continually updated record of Register of Records digitized shall be maintained with periodic reports being sent to the concerned High Courts for suitable directions.”*

Digitisation of court records is the central focal point in Phase-III. In fact, Phase-III envisages digitisation of around 3,108 crore documents and the setting up of the Judiciary Trusted Digital Repository as per the Open Archival Information System framework (probably the largest in the world).<sup>64</sup> The financial outlay specified for this goal is Rs. 2,038.4 crore (28.27 % of the total project outlay).<sup>65</sup>

- **Process of Digitisation**

Digitisation of files is a multiple-step process involving weeding, scanning, bookmarking and indexing, based on the SOP of the e-Committee. The procedure of digitisation can be broadly divided into three stages: (i) pre-scanning (ii) scanning and (iii) post-scanning.<sup>66</sup>

Stage I - Pre-scanning - This phase involves identifying and transporting case records, sorting and organising records by category, year, or chronological order, removing unnecessary documents, page numbering, indexing, and creating an inventory.

Stage II - Scanning - During this stage, the case records are scanned using high-resolution scanners. Various scanning methods, such as black and white, greyscale, and colour are employed based on the document types. Fragile or delicate records receive special care and may be placed in plastic sleeves.

Stage III - Post-scanning - Quality checks are conducted at two levels - Grid I and Grid II. Grid I staff compares the physical files with scanned images and associated metadata entries. Grid II quality checking officers thoroughly review the entire

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<sup>64</sup> e-Committee, Supreme Court of India, Digital Preservation- Standard Operating Procedure(SOP), available at <https://ecommitteesci.gov.in/document/digital-preservation/> (last accessed on 28 September 2023).

<sup>65</sup> Press Information Bureau, 'Cabinet approves eCourts Phase III for 4 years' dated 13 September 2023, available at <https://pib.gov.in/PressReleaselframePage.aspx?PRID=1956920> (last accessed 8 November 2023).

<sup>66</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

scanned files, ensuring that the digitised output is accurate. Once approved, the digitised output is available for download in PDF/A format.

- **Present Status of Digitisation of Case Records**

The e-Committee conducted a comprehensive survey to assess the progress of digitisation efforts in 21 High Courts across the country. The findings of the survey provide valuable insights into the status of digitisation in these courts. Survey-I revealed that courts had digitised only a relatively small portion of legacy records. 73,44,57,063 pages of legacy records (disposed cases) have been digitised by the High Courts, which is 5.9% of the total number of pages of legacy records.<sup>67</sup> Subsequent Survey-II and Survey-III found that *a total of 12,42,93,90,000 (12 billion) pages required digital preservation, which mainly include legacy records.*<sup>68</sup>

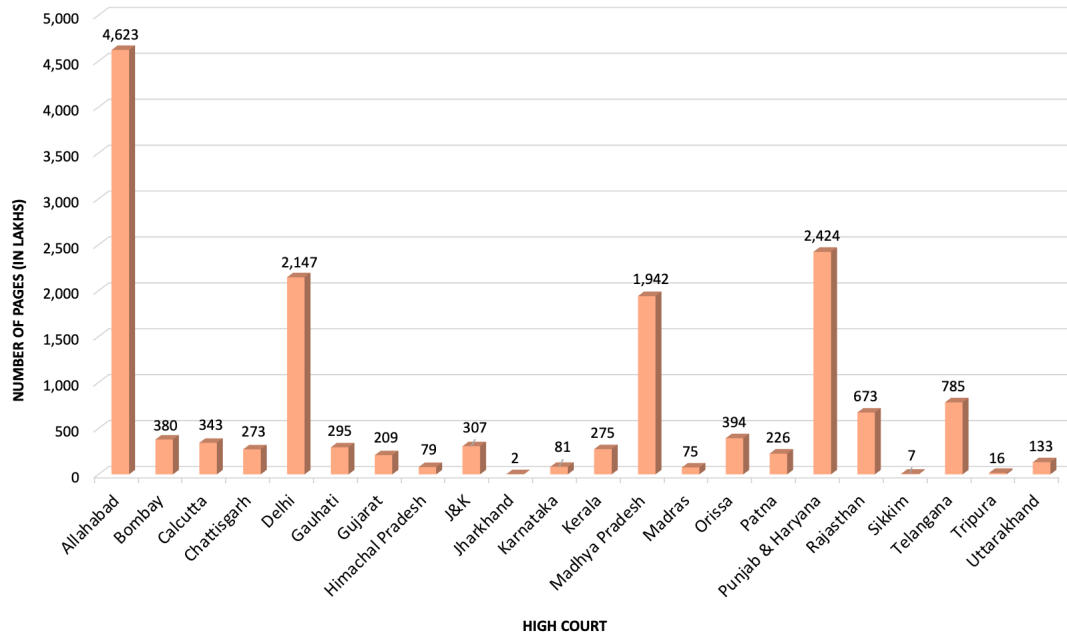
Many High Courts in India have embarked on digitisation endeavours, with progress levels varying considerably. While a few states like Delhi, Punjab and Haryana started digitisation a decade ago, the major impetus came with the COVID-19 pandemic.<sup>69</sup> The following figures show the number of pages digitised and scanned in High Courts and District Courts as of 1 July 2023.

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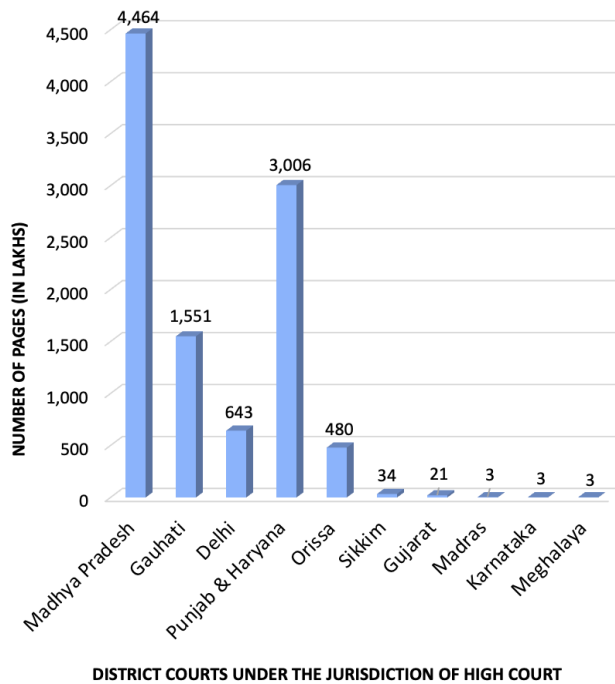
<sup>67</sup> e-Committee, Supreme Court of India, Digital Preservation - Standard Operating Procedure(SOP), available at <https://ecommitteesci.gov.in/document/digital-preservation/> (last accessed on 28 September 2023).

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*



*Figure 4.8 : Number of digitised and scanned pages in High Courts, as on 1 July 2023<sup>70</sup>*



*Figure 4.9 : Number of digitised and scanned pages in District Courts under the jurisdiction of respective High Courts, as on 1 July 2023<sup>71</sup>*

<sup>70</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023). Clarification received from Punjab & Haryana High Court.

<sup>71</sup> *Ibid.* Clarification received from Punjab & Haryana High Court. Data not received from remaining High Courts.

The above figure underscores the immense challenge faced by the Indian judiciary in digitising and preserving court records, particularly in the district judiciary. In Madhya Pradesh High Court, digitisation of legacy records has been completed to 95.80%, while that of pending records is 91.5%.<sup>72</sup> In District Courts in Madhya Pradesh, 66% of legacy records have been digitised. The Gauhati High Court has made substantial headway with a completion rate of approximately 32.52%. In Rajasthan, fresh filed cases are being scanned on the same day of filing, and all fresh cases since 1 July 2022 have been scanned.<sup>73</sup> So far, 163.09 crore pages have been scanned in Rajasthan High Court, but for the district judiciary, scanning has not started because of the lack of funds.<sup>74</sup> In Andhra Pradesh, digitisation has yet to begin even for the High Court.<sup>75</sup>

Earlier, the lack of SOPs, Information Technology (IT) hardware, and legal provisions for digitisation were the teething trouble for many States. However, in 2023, digitisation of case records has progressed in many High Courts. In the Jharkhand High Court, the absence of an SOP regarding scanning and digitisation of case records/files created a hindrance for the agency to whom the work for scanning of court records has been given. The agency has been directed to prepare the SOP at the earliest.<sup>76</sup>

The Bombay and Gujarat High Courts have developed in-house software for the flow of digitisation of court records and elastic technology for open search by using single live metadata.<sup>77</sup> The Jammu & Kashmir and Ladakh High Court is implementing customised software for data security and automated data backup.<sup>78</sup> The non-availability of suitable vendors and non-fulfilment of contracts have been pointed out by the Patna and Bombay High Courts.<sup>79</sup> A shortage of staff with technical know-how for checking and approving digitised documents is a challenge in several High Courts. The Telangana High Court has raised the concern that moving judicial and administrative records to a different place for digitisation is one idea, but it is

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<sup>72</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*



risky and requires closer management.<sup>80</sup> Digitisation goes beyond mere scanning for preservation, as it also includes the seamless retrieval of relevant data. Often due to illegible handwriting, degraded paper or missing pages, quality is reduced, making retrieval and interpretation of information challenging.<sup>81</sup>

The introduction of digitisation in Indian courts is a transformative step toward efficiency, accessibility, and environmental sustainability. Despite challenges, courts are making significant progress in digitisation, aided by the e-Courts Mission Mode project and outsourcing partnerships. Digitisation of court records has the potential to revolutionise the Indian legal landscape by making court processes more efficient and accessible to all stakeholders.

### **3.10 Interoperable Criminal Justice System (ICJS)**

ICJS is an initiative of the e-Committee, to enable seamless transfer of data and information among different pillars of the criminal justice system, like courts, police, jails, forensic science laboratories etc., on one platform. The system operates on a ‘one data, one entry’ principle, eliminating redundant data entry and promoting speed and transparency in the justice delivery system. ICJS was collectively conceptualised by the Ministry of Information Technology and Ministry of Home Affairs along with the DoJ under the guidance of the e-Committee in 2013. It was mainly intended to make the justice system more speedy and transparent. It has been implemented in 24 states.

ICJS facilitates access to FIR and charge sheet metadata for all High Courts and subordinate courts. Police upload critical documents, such as FIRs and charge sheets, in PDF format on the ICJS platform, ensuring real-time availability of case-related information for courts.<sup>82</sup> This platform is crucial in effective case and court management, enabling timely compliance with judicial orders and summons. In *Kuldeep & Monu v. State of Haryana*,<sup>83</sup> the issue before the Supreme Court was that

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<sup>80</sup> High Court for the State of Hyderabad, Telangana on *Scanning and Digitization*, available at <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/07/2023070681.pdf> (last accessed on 10 October 2023).

<sup>81</sup> e-Initiatives, High Court at Allahabad, available at <https://ecommitteesci.gov.in/ppt/> (last accessed on 10 October 2023).

<sup>82</sup> Interoperable Criminal Justice System-Making Information Sharing in Judicial System Seamless, Ministry of Home Affairs, available at [doc202262367401.pdf](https://pib.gov.in/doc202262367401.pdf) (pib.gov.in) (last accessed on 10 October 2023).

<sup>83</sup> Criminal Appeal No(s). 1000/2011, dated 17 April 2023, Supreme Court of India.

the general public had limited access to the ICJS portal. While the public could access the features of e-mulakat, visit status, and relevant statistics, the information pertaining to prisoners was accessible only to the ICJS agencies and was not made available to the general public. Information pertaining to proclaimed offenders was available only with the courts and not with other agencies on the ICJS portal which could apprehend the proclaimed offenders. To remedy the situation, the Supreme Court passed the following directions:<sup>84</sup>

*“...In view of the willingness expressed by the Home Ministry, we consider it appropriate to direct:*

*(a) Information pertaining to prisoners at present accessible only to ICJS agencies can be made available to the general public.*

*(b) Information regarding proclaimed offenders available with Courts under the supervision of E-Committee can also be made available to other agencies on the ICJS...”*

It is also apposite to note that the data entered in the Crime and Criminal Tracking Network and Systems (CCTNS) software by the police department concerning documents such as FIR and chargesheet is usually in the vernacular language. However, the CIS portal has the option to feed data only in English. As per the Allahabad High Court, State CCTNS data is in Hindi whereas data entry into CIS done on a bilingual basis. Data consumed from CCTNS fetches the Hindi fields record in English fields which increases the court time on correction of such details.<sup>85</sup> As per responses from the Jharkhand High Court, mandatory data fields for CIS 3.2 are being retrieved in Hindi from CCTNS, which creates difficulties in using the ICJS module.<sup>86</sup> One potential solution to this issue might involve employing AI to translate data uploaded in regional languages on CCTNS, similar to the approach the Supreme Court utilised in Supreme Court Vidhik Anuvaad Software (SUVAS). Additionally, mechanisms should be implemented to ensure the completeness and accuracy of entered data. For instance, a mandatory field-filing feature could be incorporated in forms where specific fields must be filled and digital signatures attached, with non-compliance rendering the form unsubmittable.

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<sup>84</sup> *Ibid.*

<sup>85</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>86</sup> *Ibid.*

#### **4. ESSENTIAL ASPECTS FOR EFFECTIVE ICT ENABLEMENT**

Effective ICT enablement of courts may be a boon in providing affordable and quick access to justice and reducing the mounting backlog in the courts. However, the hurdles of India's digital divide, skill divide, and lack of technical resources must be addressed. The administrative staff in court establishments must be encouraged and trained to adopt ICT. Providing specialised human resources, sufficient hardware, and regular training in State Judicial Academies will go a long way in ushering in a paperless era in the judicial system in India. It is imperative for the State to provide universal and affordable broadband connectivity in rural and hilly areas to bridge the unequal access of the common person in far-flung areas to information and communication technology.

The implementation of the e-Courts project in various courts across India has confronted a series of infrastructure-related challenges, which have obstructed the smooth operation of digital court systems and affected the efficiency of justice delivery.

##### **4.1 Adequate Infrastructure**

The optimal use of technology is contingent on the existence of adequate infrastructure. Infrastructure for ICT enablement can broadly be categorised as physical, digital and communication infrastructure.

**Physical infrastructure** includes the hardware requirements for effective implementation of the ICT initiatives. For instance, for video conferencing, VC enabled computer systems on the dais of every judge and VC cabins are a condition precedent. For NSTEP to deliver its services in all District Courts, it is necessary that GPS linked phones or tablets are furnished to all process servers in the Nazareth of the District Courts. Similarly, e-Sewa Kendras should be equipped with updated and functional hardware to facilitate e-filing and e-payment. Technology is dynamic, and therefore, regular maintenance and upgradation of hardware is of utmost importance to keep pace with the latest advancements and deliver better results in judicial performance and lawyer-litigant satisfaction. In addition to this, procuring suitable spaces to set up essential machinery like that for digitisation of records is imperative. Scarcity of space within court complexes, as highlighted in Part I of the Report has

emerged as a persistent concern, impairing the establishment of crucial e-Sewa Kendras and digitisation rooms. Even in cases where land or space is available, allocating funds becomes imperative to construct permanent structures to address these pressing needs.

Similarly, **digital infrastructure** in terms of software is as essential as the hardware. Concerning the provision of cloud space, the Allahabad High Court has submitted that the existing 1,500 GB of cloud storage has already been exhausted.<sup>87</sup> Further, video conferencing requires software applications such as Webex, Cisco, Zoom, Google Meet etc. The Kerala High Court has submitted that the non-availability of software enabling online requests for hybrid hearings and automated approvals and providing links to litigants and other stakeholders is impairing the conduct of hybrid hearings.<sup>88</sup> Each court has been given the flexibility to choose its preferred online platform by the e-Committee, resulting in a lack of uniformity in the virtual hearing process, posing challenges for both litigants and advocates. For instance, CISCO Webex VC licences have been provided to judges of the Patna High Court. In contrast, Microsoft Teams VC licences have been provided to the Judicial Officers of the State of Bihar. CISCO Webex licences have been procured for VC in the Rajasthan High Court, and Zoom VC Licences have been procured for the district judiciary. This shows that multiple video conferencing platforms are being used within the same State. There is a need for a dedicated FOSS like BharatVC to be used uniformly by all the courts. Establishing a consistent platform for judicial video conferences would streamline access to virtual hearings. The State should ensure that adequate funds are released to bridge any hardware or software gap in the judiciary.

**Disabled-friendly Digital Infrastructure** - As the judiciary moves towards a digital ecosystem, it is imperative that there is a level playing field for disabled lawyers and litigants when it comes to the digital infrastructure. The Guidelines for Indian Government Website (GIGW) have been framed with an objective to make Indian Government websites conform to the essential pre-requisites of the UUU trilogy i.e. Usable, User-Centric and Universally Accessible.<sup>89</sup> Alternative forms of CAPTCHA

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<sup>87</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>88</sup> *Ibid.*

<sup>89</sup> Government of India, Guidelines for Indian Government Websites, available at <https://guidelines.india.gov.in/frequently-asked-questions/> (last accessed on 4 September 2023).

(audio CAPTCHA) using output modes for different types of sensory perception are provided to accommodate different disabilities; resizing of text without assistive technology up to 200 percent without loss of content or functionality to enable better digital access to disabled persons. For instance, the official website of the Madras High Court has been redesigned in compliance with GIGW to make it disabled-friendly, by images and page views, changing background colour, navigation menu, and audio video content caption for visually impaired persons.<sup>90</sup> District Courts in Gujarat have also provided facilities for persons with disabilities with regard to the plans for ongoing and upcoming court buildings of the district judiciary such as the screen reader on Gujarat State Legal Services Authority and High Court's website.<sup>91</sup>

The e-Committee has also released an SOP for preparing accessible court documents in 2022.<sup>92</sup> The SOP raises the need to set up an Accessibility Committee in all the High Courts and District Courts in India.

**Communication infrastructure** is the backbone of the digital revolution. Communication infrastructure in terms of high-speed internet connectivity easily accessible to judges, staff and lawyers is a *sine qua non* for any e-initiative. With respect to court complexes, the WAN project under the e-Courts project is the backbone that ensures data connectivity. As per the Public Information Bureau, 2,977 out of 2,992 sites have been commissioned with 10 Mbps to 100 Mbps internet bandwidth.<sup>93</sup> *While 88.7% of computers in district courtrooms are connected to LAN, only 69% of judges reported that they have efficient bandwidth.*<sup>94</sup> A consistent and reliable internet connection is paramount for the new age virtual courtroom. Efficient internet connection is a necessity for lawyers as much as it is for judges. In this context, the Supreme Court issued directions in *Sarvesh Mathur v. The Registrar General of Punjab and Haryana High Court*,<sup>95</sup> directing the High Courts to ensure adequate internet facilities, including wi-fi, free of charge to all advocates and

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<sup>90</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>91</sup> *Ibid.*

<sup>92</sup> e-Committee, SC, available at <https://ecommitteesci.gov.in/document-category/standard-operating-procedures/> (last accessed on 10 November 2023).

<sup>93</sup> Press Information Bureau, available at <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1679933> (last accessed on 12 October 2023).

<sup>94</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>95</sup> W.P.(Crl.) No. 351/2023, dated 6th October, 2023, Supreme Court of India.

*litigants appearing before them.* The apex Court has further mandated that links for video conferencing must be made available in the cause list of the respective court, eliminating the need for a separate application to appear via virtual mode. However, courts situated in far-flung hilly areas do not have uninterrupted internet access. The possibility of providing satellite internet in high terrain areas may be explored to digitise the Indian judiciary further.<sup>96</sup>

#### **4.2 Adequate Workforce and Capacity Building**

The indispensable role of the support and administrative staff in the district judiciary has been highlighted in Part III of the Report. One of the challenges faced by the judicial institution is the need for more staff with basic computer skills required for specific purposes like post-e-filing tasks such as bookmarking and pagination. This staff deficiency calls for the need for additional personnel to handle these essential responsibilities efficiently.

For technical support in the processes of e-filing, e-payment, the technical staff is usually on a contractual basis or is outsourced from external agencies. Currently, the IT Cell of the High Court and the district judiciary is dependent upon various State/Central Government agencies *viz.* Department of Information Technology, NIC, which may often result in delayed implementation of ICT initiatives.<sup>97</sup> Many courts need help with irregular website updates and site maintenance, primarily due to the absence of specialised and trained employees dedicated to these tasks. The IT structure in place must be strengthened to meet various technological requirements and be capable of troubleshooting on its own. The technical workforce in District Courts under the jurisdiction of respective High Courts, as of 1 July 2023 is on the next page.<sup>98</sup>

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<sup>96</sup> Indian Express, available at <https://indianexpress.com/article/business/economy/bnl-to-soon-offer-satellite-net-in-n-e-wraps-up-ar-unachal-pilot-7726735/> (last accessed on 12 October 2023).

<sup>97</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>98</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023).

S. No.	High Court	Sanctioned Strength (Personnel per District)	Working Strength (Personnel per District)
1.	Allahabad	3	1.43
2.	Andhra Pradesh	0	0
3.	Bombay	199	131
4.	Calcutta	12	9
5.	Chattisgarh	92	50
6.	Delhi	51	17
7.	Gauhati	3	3
8.	Gujarat	2	1.09
9.	Himachal Pradesh	1	1
10.	J & K and Ladakh	3	3
11.	Jharkhand	0	0
12.	Karnataka	96	32
13.	Kerala	0	0
14.	Madhya Pradesh	200	1
15.	Madras	3	2
16.	Manipur	-	-
17.	Meghalaya	1	1
18.	Orissa	3	1
19.	Patna	0	0
20.	Punjab & Haryana	0	0
21.	Rajasthan	308	103
22.	Sikkim	3	3
23.	Telangana	0	0
24.	Tripura	3.5	3.25
25.	Uttarakhand	2	1.46
<b>TOTAL</b>		<b>985.5</b>	<b>364.23</b>

*Table 4.1: Sanctioned and working strength of the technical workforce in District Courts under jurisdiction of respective High Courts<sup>99</sup>*

A well-equipped and dedicated workforce is a must for a faster and more efficacious ICT enablement of judiciary. There is a need for a *permanent technical cadre in the district judiciary*. For this purpose, it is vital to establish a comprehensive policy framework at the national level, defining the required strength of the technical workforce in District Courts and outlining cadre rules and regulations which the State Governments and High Courts may adopt.

### **Capacity Building**

The training of judicial personnel is a major component of the digitisation process of the judicial system. Besides a dedicated IT Cadre, the present administrative and support District Court staff should also be equipped with basic IT know-how. Under

<sup>99</sup> *Ibid.*

the e-Courts project, the e-Committee, Supreme Court of India has proposed that training of court staff and judges in ICT tools be entrusted to the nodal agency of the Department of Electronics and Accreditation of Computer Courses (DOEACC), a Central Government instrumentality.<sup>100</sup>

Training sessions on e-filing have been periodically conducted for advocates, advocate clerks, and District Court staff on multiple occasions under the directive of the e-Committee. As of 1 July 2023, out of the 629 District System Administrators trained in CIS by the e-Committee, 575 are working in the District Courts and delivering technical services.<sup>101</sup> Further, there are 3,300 System Administrators trained in CIS, of which 2,904 are serving in the district judiciary.<sup>102</sup> Proactive steps may be taken by imparting training to all process servers/bailiffs to ensure the effective implementation of the NSTEP software at the grassroots level, as has been done by the High Court of Andhra Pradesh.<sup>103</sup>

Addressing the skill gap not only among the court staff but also among judges and lawyers is paramount. Regular certified computer training, comprehensive fresher, and advanced courses on the latest video conferencing rules should be imparted in State Judicial Academies for judges. As part of the DoJ's Information, Education and Communication (IEC) campaign, several initiatives have been taken to educate the judicial officers, lawyers and public about the facilities available under the e-Courts project.<sup>104</sup> On the Youtube channel, '*eCourts Services India*', e-filing tutorial videos in 7 regional languages, in addition to English and Hindi have been uploaded and circulated for advocates.<sup>105</sup> Other platforms like Whatsapp and Telegram may also be used to disseminate information and share tutorials. Online training with practice sessions at the national level for lawyers and judges will also be instrumental in fostering a tech-friendly culture and achieving the desired results of the e-Courts project.

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<sup>100</sup> Supreme Court of India, available at <https://main.sci.gov.in/pdf/ecommittee/action-plan-ecourt.pdf> (last accessed on 10 October 2023).

<sup>101</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023).

<sup>102</sup> *Ibid.*

<sup>103</sup> Supreme Court of India, available at <https://main.sci.gov.in/pdf/ecommittee/action-plan-ecourt.pdf> (last accessed on 10 October 2023).

<sup>104</sup> Department of Justice, available at <https://doj.gov.in/information-education-communication-iec/> (last accessed on 12 October 2023).

<sup>105</sup> Ecourt Services India, available at <https://www.youtube.com/@ecommittee> (last accessed on 20 October 2023).



### **4.3 Connectivity and Digital Accessibility for the Litigant**

Digitalisation of the justice delivery mechanism is not a panacea for the challenges posed by the physical world. Overall internet penetration in the country is 61.62% with 850.95 million internet subscribers, as of 30 September 2022.<sup>106</sup> While digitisation has permeated most aspects of modern human life, it also gives rise to the challenge of digital inequality. There is a digital divide, particularly among the litigants and advocates residing in remote areas with weaker internet penetration, which presents a significant challenge. The benefits of ICT initiatives like e-filing, e-payment, e-court services and most importantly, video conferencing, cannot be effectively utilised by those with inadequate digital connectivity.

Various initiatives under the flagship scheme of the Government of India's Digital India Programme aim to provide universal and equitable internet access to all the villages. In *M.P. High Court Bar Association v. Union of India*,<sup>107</sup> the Supreme Court observed that:

*“13. At the same time, the Court cannot be unmindful of the fact that there is a digital divide in the country and not all citizens have access to the internet or the facilities required for the effective use of technology. Technology is an enabler and a facilitator. Hence, no segment of the citizens should be left behind in the adoption of technology, least of all, in terms of access to justice. The submission of Mr. Siddharth R Gupta is borne out by realities at the grass roots in the legal profession. Not all lawyers may have access to the facilities required. Their needs can and should be addressed by providing facilities in court establishments.”*

(emphasis supplied)

Access to e-justice is not confined to providing last-mile internet connectivity for courtrooms but also ensuring that the litigant has the capability to use the electronic medium. This capability can be ensured by universal smartphone and data penetration across the length and breadth of the country and programs to bolster digital literacy.

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<sup>106</sup> Government of India, Ministry of Communications, Lok Sabha, Unstarred Question No. 2351, Internet Connectivity In Rural Areas, 15 March 2023.

<sup>107</sup> 2023 (7) SCR 347.

### **4.3.1 Role of e-Sewa Kendra**

Trust for the digital medium among the lawyers and litigants can be instilled by strengthening the role of e-Sewa Kendra in courts. A litigant who visits the court complex to file a case or to get information regarding their case status, free legal aid, or obtain a certified copy of an order/judgment need not go through the hustle bustle of areas where courts are functioning. They can avail all these facilities at a one-stop centre called the e-Sewa Kendra. These e-Sewa Kendras are preferably located at the public entry gate accessed by litigants. Many High Courts also provide virtual e-Sewa Kendra through a website to provide citizen-centric services to lawyers and to ensure access to justice. To reduce overcrowding at the e-Sewa Kendra Centre, the High Court of Kerala has a facility for online bookings of e-Sewa Kendra tokens on its official website.<sup>108</sup>

e-Sewa Kendras have been implemented in 26 States.<sup>109</sup> However, as of 25 September 2023, *only 24% of District Court complexes have functional e-Sewa Kendras.*<sup>110</sup>

It is also noteworthy that the space crunch in some courts is often remedied by setting up e-Sewa Kendras in temporary fixtures such as porta cabins.<sup>111</sup> e-Sewa Kendra is a boon for those who cannot afford technology. It also addresses the challenges caused by digital illiteracy among litigants. With digitisation gaining pace, it is time that a designated and permanent space at a conspicuous place in the court premises is allotted for e-Sewa Kendras to ensure citizen-centric delivery of ICT services. A legally aware and digitally empowered litigant is a critical component in paving the way for a digital ecosystem in the judiciary.

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<sup>108</sup> e-Sewa Kendra at official website of Kerala High Court, available at <https://ecourts.kerala.gov.in/digicourt/esewatoken> (last accessed on 12 September 2023).

<sup>109</sup> e-Committee, Supreme court of India, Newsletter, available at <https://ecommitteesci.gov.in/publication/e-committee-newsletter-july-2023/> (last accessed on 12 September 2023).

<sup>110</sup> As per data on *iJuris*, National Judicial Data Grid (as on 25 September 2023).

<sup>111</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

## **5. EMERGENCE OF FUTURE TECHNOLOGIES: ARTIFICIAL INTELLIGENCE**

The main objectives of Phase-III of the e-Courts project are to integrate modern technologies for a smoother user experience and to build an intelligent judicial system. The latest technologies like AI and its subsets like Machine Learning, Natural Language Processing (NLP) will be used in the e-Courts software applications to create a smart system.<sup>112</sup> Some intended use cases of AI in the Indian judiciary are:

1. **Translation of judgments/orders and other documents** - The Supreme Court Vidhik Anuvaad Software (SUVAS) is the first step towards introducing AI in the judicial domain. Developed with technical support from the Ministry of Electronics and Information Technology, SUVAS is a machine-assisted translation tool trained by AI to translate English judgments, orders and other documents into 10 vernacular languages and vice versa.<sup>113</sup> SUVAS can be leveraged to enhance the viability of ICJS and enable the integration of data across languages from prisons and police stations. Many High Courts are also using Google AI based translation functionality to translate documents from their respective regional languages into English and vice versa.
2. **Case Management** - AI-assisted tools may also be used for categorisation of voluminous documents in cases, content-wise identification, clubbing of similar cases, brief note generation of relevant dates, incidents and summarisation of evidence and sequence of factual events. The assistance of AI tools will considerably reduce the time taken for the preparation and disposal of cases and will expedite the justice delivery process.
3. **AI-assisted Roster Management** - AI technology can be used to analyse case pendency and forecast patterns in future litigation.. It can be useful in evolving a predictive mechanism to assess the expected time required for disposal of cases and the frequency and pattern of fresh case filings. The Chief Justices of respective High Courts may be assisted in allocating roster subjects among

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<sup>112</sup>As received from e-Committee, Supreme Court of India.

<sup>113</sup> Press Information Bureau, 'Action Plan for Simple, Accessible, Affordable and Speedy Justice', 10 August 2023, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1947490> (last accessed on 10 November 2023).

judges based on a predictive analysis of their output in different jurisdictions, and this could enhance the output and expeditious disposal of cases.<sup>114</sup>

4. **Automation of judicial processes** - AI can improve administrative efficiency by optimising the time required for various judicial processes and reducing judicial delays. It can automate the effort and time-intensive processes where manual intervention can be eliminated. It can be used for scrutiny of papers, stamping, court fee collection, checking defects and storing of documents, archives of records and translated copies. AI can also be used for monitoring the service of processes.
5. **Dictation of orders and judgments** - AI can be used for dictation of orders and judgments. For instance, the judicial officers of Gujarat State Judiciary have been using Google's AI based voice engine for dictation of orders and judgments; using the built-in voice typing functionality available in the 2-in-1 Touchscreen Chromebooks allotted to them by the Gujarat High Court.<sup>115</sup> It also includes voice typing in the vernacular (Gujarati) language. For better quality voice typing, the judges are also provided with good quality microphones with noise cancellation.
6. **Natural Language Processing (NLP)** - NLP Model can be used to scan and extract legal provisions and earlier judgments automatically, expediting research.
7. **Judicial Knowledge Management** - The facility of a centralised e-library under Phase-III of the e-Courts project will create a knowledge/data bank. AI Systems can also be used to analyse and process legal precedents for use by lawyers and judges.

Besides AI, the emergence of future technologies like 'blockchain' may also prove to be a boon for public institutions. Blockchain is a way of organising and storing information and transactions. It is a data structure used in distributed ledgers that stores and transmits data in packages called 'blocks' connected in a digital chain.<sup>116</sup>

The legal system can benefit from this emerging technology and move towards a

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<sup>114</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022.

<sup>115</sup> *Ibid.*

<sup>116</sup> As provided by the e-Committee, Supreme Court of India.

world where document counterfeiting is outdated. The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law, and Justice gave the following recommendation in its 103rd Report:<sup>117</sup>

*“2.43 The Committee recommends that Blockchain technology should be leveraged to improve the reliability of evidence and security of transactions and to fortify digital security of case files. Proper standardised systems of authentication need to be put in place. Online systems should be underpinned by proper procedural safeguards.”*

An important use case of blockchain technology is in smart contracts in arbitration processes. Smart contracts drafted in computer code can use technology to automate enforceability. The use of emerging technologies in the Indian judiciary will undeniably go a long way in creating a digital ecosystem and a futuristic judiciary.

## **6. BEST PRACTICES OF HIGH COURTS**<sup>118</sup>

Technology is dynamic and ever-evolving. Its potential should be harnessed to simplify the judicial process, fill the lacunae in the existing system and replace mechanical tasks with the aid of technological tools. Many High Courts have initiated innovative digital processes to cater to the needs of the judges, lawyers, court staff and litigants. Some of the unique practices have been mentioned below:

- Securely moving thousands of files daily is a cumbersome process. File movements in many courts are manually recorded by each department which consumes a lot of time. In the Allahabad High Court, Chhattisgarh High Court, Jharkhand High Court and Sikkim High Court, the *File Tracking System* application verifies and tracks the physical files kept in record rooms, sections and chambers. This software application reduces the burden on the court staff.

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<sup>117</sup> Rajya Sabha, Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 103rd Report on ‘Functioning Of Virtual Courts/ Court Proceedings Through Video Conferencing (Interim Report),’ Para 2.43, available at [https://sansad.in/getFile/rsnew/Committee\\_site/Committee\\_File/ReportFile/18/125/103\\_2020\\_10\\_11.pdf?source=rajyasabha](https://sansad.in/getFile/rsnew/Committee_site/Committee_File/ReportFile/18/125/103_2020_10_11.pdf?source=rajyasabha) (last accessed on 9 November 2023).

<sup>118</sup> Responses received from the High Courts, Constitution Day Celebrations and Chief Justices’ Conference, Supreme Court of India, 26 & 27 November 2022; e-Committee, Supreme Court of India, Best Practices of High Court, available at <https://ecommitteesci.gov.in/e-initiative-of-high-court/> (last accessed on 15 October 2023).

- On the lines of FASTER, a customised software module called the *Order Communication Portal (OCP)* was launched in April 2021 in Orissa to facilitate secure and instantaneous communication of orders and judgments to District Courts in a paperless environment thereby saving resources consumed in traditional methods of correspondence.
- To ensure swift calculation and payment of correct court fees, the Bombay High Court uses an *online court fee calculator*. The Kerala High Court has also developed a module to help the Motor Accidents Claims Tribunal (MACT) calculate motor accident claims.
- A significant amount of civil litigation concerns land disputes. Enquiring about the pendency of any case related to any immovable property is often a cumbersome process. To ease this, the Government of Maharashtra uses an Electronic Product Code Information Services (*e-PCIS*) software related to the city survey records in a property cards database. When any case relating to property in urban areas is filed, data in CIS is automatically mapped onto the *e-PCIS* database upon entering the number of the property. Similarly, the implementation of CIS Bhoomi Integration in Karnataka enables the retrieval of ownership and property details from the Government's revenue portal 'Bhoomi' to CIS.
- In the Chhattisgarh High Court, the software '*Prayas*' has been developed for the High Court Legal Services Authority/District Legal Services Authority. Whenever a panel lawyer files a case, information about the filing of the case is automatically entered in the software. Information about how many cases have come to the High Court from a particular jail is also available.
- In Karnataka, an *Admin Dashboard* has also been developed, the implementation of which is underway. This dashboard enables the Administrative Judge/Portfolio Judge to monitor the case filing, disposal, track the issued and pending processes, and most importantly, monitor the working of judicial officers.
- The Bombay High Court has developed a software which automates the processes of *Annual General Transfer Software* for judicial officers. A

*Circular Management Application* has also been developed for the judicial officers and the administrative wing to keep them updated on various circulars and the notifications issued from time to time.

- The Madras High Court has installed *Braille Printers* with a capacity of 350 Braille pages per hour in the principal seat and Madurai Bench to bridge the gap between visually-impaired lawyers and litigants.
- The Orissa High Court has launched an *e-Custody Certificate System* which provides comprehensive information of a prisoner, such as the identity of a criminal, address, the cases for which he has undergone incarceration, his criminal antecedents, and the period of sentence undergone. In the Uttarakhand High Court, a similar *Under-Trial Prisoner Management System* has been developed for the admin section of the High Court and District Courts to keep track of the under-trial prisoners along with their sentences.
- The Punjab and Haryana High Court has initiated the process of serving summons/notices through e-mails to various State Government Departments to reduce delay.

## **7. CONCLUSION**

The journey of computerisation and digitisation within the Indian judiciary has come a long way since its inception in the 1990s. It has evolved through various phases, with the development of a comprehensive National Policy and Action Plan for Implementation of ICT being a significant milestone. This plan, spearheaded by the e-Committee of the Supreme Court recognised that the successful integration of technology requires not only the deployment of hardware but also a profound transformation in attitude, work culture, and processes.<sup>119</sup> Over the years, the e-Courts project, aligned with the National e-Governance Plan, has made substantial progress. Phase-I and Phase-II of the e-Courts project have laid the foundation for the new age virtual courtroom with essential infrastructure, LAN connectivity and digital

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<sup>119</sup> National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary, e-Committee Supreme Court of India, available at <https://main.sci.gov.in/pdf/ecommittee/action-plan-ecourt.pdf> (last accessed on 10 October 2023).

resources across the justice system in the country and has enhanced access to justice for the citizens.

The COVID-19 crisis made video conferencing a norm for court proceedings. In the post-pandemic era, hybrid/virtual hearings must continue in full swing until they become *status quo*. Addressing this concern, the CJI, Dr. Justice D.Y. Chandrachud remarked, “*Technology is not a matter of choice. Technology is as much a part of our legal system as much as law books.*”<sup>120</sup> Lawyers and judges should embrace a digital-first approach to achieving e-justice. As Phase-III of the e-Courts project embarks upon the journey to create a digital ecosystem in the judiciary, it is vital to realise that ICT reforms cannot bloom in isolation. They will reap positive results when they are well-integrated with other judicial reforms, as the Report has extensively discussed.

An IT enabled, futuristic and green courtroom can become a realised goal with adequate infrastructure, requisite judge strength, well-equipped staff and a willing mindset. With AI percolating in various facets of society, a culture shift among the stakeholders to opt in to use modern technological tools is the need of the hour.

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<sup>120</sup> “*Judges Have to Adapt to Technology, Says Supreme Court*”, The Wire, available at <https://thewire.in/law/judges-have-to-adap-to-technology-says-supreme-court> (last accessed on 19 October 2023).



## WAY FORWARD

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- To address the challenge of identifying and allotting suitable land for infrastructural projects, land must be earmarked for the judiciary. A dedicated land bank where the judiciary's share is earmarked may ease the process of identification and allotment by the Executive.
- There is a need to adhere to timelines for completion of projects under construction by the concerned State agencies, as per the time stipulated in the Nyaya Vikas portal. The Nyaya Vikas Portal should be regularly updated to provide real-time data and enhance transparency and accountability.
- The Centrally Sponsored Scheme for Development of Infrastructural Facilities for Judiciary (CSS) may be revised to allot funds with respect to the sanctioned strength of judges in District Courts and not the working strength, as adequate infrastructure is a pre-requisite for recruitment of judicial officers. Further, the mandatory conditions under the CSS may also be relaxed for the timely release and utilisation of funds. A standard format of Utilisation Certificates (UCs) is also imperative to ensure transparency and uniformity in the UCs.
- An Outcome Budget is a document that sets out measurable outputs and outcomes to be achieved in a financial year. It is suggested that outcome budgets should also indicate the progress made in previous years along with the output targets fixed for the next financial year, as is done in Delhi.
- There is a need for a body at the Central level to ensure better coordination, monitoring and effective budget utilisation. It is also necessary that the judiciary, which is the ultimate consumer of the CSS, is represented in this body.
- There is also a need for a dedicated Division Bench in the High Courts for the timely disposal of cases related to recruitment of judges in the district judiciary. The recruitment authorities in the States should also publish a 'tentative schedule' for all the stages of the examination for recruitment of judges, at the time of the advertisement to avert any rescheduling or clash in the examinations.

- The large number of unfilled vacancies in reserved categories in the six States studied calls for the States to take active steps to fill the vacancies and ensure that candidates from marginalised communities can become a part of the district judiciary more successfully.
- A standard time frame may be stipulated by each State to conduct timely recruitment of support staff in the district judiciary.
- To make infrastructure inclusive and accessible to all, there is a need to notify a ‘designated post’ for looking after the children in creches in District Courts and explore space in the existing structures to make court complexes disabled-friendly. There should also be a comprehensive pool of sign language interpreters in every court whose services may be utilised to ensure accessibility in legal settings.
- In light of *Pradyuman Bisht v. Union of India*,<sup>1</sup> there is a need to set up a permanent Court Security Unit(s) along with strict access control mechanisms and adequate CCTV installation in each court complex to ensure a secure infrastructure. Furthermore, a Disaster Management Plan may also be formulated in line with Disaster Management Act, 2005 to inculcate a disaster preparedness culture amongst the district judiciary.
- For speedier and more effective Information and Communication Technology (ICT) enablement, it is necessary that there is an uninterrupted internet connectivity in court premises for achieving best results as envisioned under the e-Courts project.
- A permanent IT Cadre in the district judiciary and regular training of judges, staff and lawyers to strengthen the technical workforce and for capacity building can go a long way towards fulfilling the purpose of Phase-III of the e-Courts project.

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<sup>1</sup> 2023 INSC 706.



## CELEBRATING ONE YEAR OF THE CHIEF JUSTICE OF INDIA

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Hon'ble Dr. Justice Dhananjaya Yeshwant Chandrachud was sworn in as the 50th Chief Justice of India (CJI) on 9 November 2022 by the Hon'ble President of India, Smt. Droupadi Murmu at the Rashtrapati Bhawan. Dr. Justice D.Y. Chandrachud has always been steadfast in his commitment to provide access to justice to the people at their doorstep with the use of advanced technology, regardless of gender, caste, creed or any other background or circumstances. As he completes his one year as the CJI, it is apt to look back at the plethora of futuristic initiatives and reforms brought about by him in the Supreme Court, which are a testament to his dynamic, inclusive and progressive approach in delivering justice, both judicially and administratively. He has not only shaped the legal landscape by delivering landmark judgments but has had a profound impact on the lives of all the stakeholders in the highest Court of India. In his year-long tenure, several conferences were organised under his leadership which witnessed national and global participation. The main initiatives and events under the leadership of Dr. Justice D.Y. Chandrachud in the past one year are as follows:

### **Online Portal for Right to Information**

**24 November 2022** - The CJI launched a web portal facilitating access of information about the Supreme Court under the Right to Information (RTI) Act, 2005. With the launch of the online RTI portal, a citizen having internet access can file an application and appeal under the RTI Act from any corner of the world. This portal has made it easier for citizens to pay fees and copying charges online using a variety of payment gateways, thereby eliminating the need for paperwork. As of 21 August 2023, as

many as 3,440 online applications, 529 appeals and 80 miscellaneous applications have been received by the Registry via the online RTI portal.<sup>2</sup>

### **The Constitution Day Celebrations, 2022**

**26-27 November 2022** - On Constitution Day, the Supreme Court of India celebrated the essence of the Constitution. The inaugural address was delivered by the Hon'ble Prime Minister of India, Shri Narendra Modi, who launched the following initiatives under the e-Courts project- Virtual Justice Clock, JustIS mobile App 2.0, Digital Court and S3WaaS Websites on 26 November 2022. A two-day conference was held with an overarching objective to set the tone for evolving an action plan for the new age judiciary. The valedictory address was given by Hon'ble President of India, Smt. Droupadi Murmu. The second day witnessed extensive discussions in four working sessions on the topics- 'Overview of e-Courts Initiatives and Judicial Process Re-engineering', 'Empowerment of Marginalised Sections - Access to Justice', 'Use of Futuristic Technology in Judicial Domain and Digitisation of Judicial Record', and 'Allocation and Utilisation of Funds.' The webcast of the same is provided on the official website of the Supreme Court of India.<sup>3</sup>

### **Supreme Court Committee on Accessibility**

**3 December 2022** - Adequate provision of disabled-friendly infrastructure is fundamental to creating an inclusive and equitable society. In pursuance of this endeavour, the CJI on the International Day of Persons with Disabilities formed a Committee, namely the 'Supreme Court Committee on Accessibility' chaired by Justice S. Ravindra Bhat. On 16 October 2023, the CJI unveiled '*A Court for All: Paving the Way for Greater Accessibility in the Supreme Court for Persons with Disabilities, Women & Senior Citizens*', a report prepared by the Committee. This report is based on an accessibility audit of the Supreme Court premises and its functioning (both physical and technology accessibility) and a questionnaire filled by PwDs who visit the Supreme Court premises (including employees, advocates, litigants, and interns).<sup>4</sup>

<sup>2</sup> Data received from Computer Cell, Supreme Court of India (as on 21 August 2023).

<sup>3</sup> <https://webcast.gov.in/events/MTUzNA> (last accessed on 7 October 2023).

<sup>4</sup> Supreme Court of India, available at [https://main.sci.gov.in/pdf/Notice/10012023\\_050346.pdf](https://main.sci.gov.in/pdf/Notice/10012023_050346.pdf) (last accessed on 5 October 2023).

## e-SCR

**2 January 2023** - In a visionary move, the CJI launched the Electronic - Supreme Court Reports (e-SCR) Project, an initiative towards establishing a comprehensive and accessible database of Supreme Court judgments. e-SCR provides digital versions of the apex Court's judgments as they are reported in the official law report - 'Supreme Court Reports'. e-SCR is available on the Supreme Court website and is designed to give free access to a wide spectrum of users including judges, legal professionals, students and the public at large, enabling them to peruse Supreme Court Reports dating back to 1950. e-SCR also provides translated judgments in 17 vernacular languages. As of 6 October 2023, an impressive repository of 36,030 judgments in English and 11,512 judgments in 15 regional languages have been uploaded on e-SCR. This remarkable feat enables the litigants to access and understand judgments in a language comprehensible to them. e-SCR's mission is to provide Supreme Court judgments in all the languages included in the Eighth Schedule.

## Advocate Appearance Slip Portal

**2 January 2023** - In line with its commitment towards the environment and to reduce carbon footprints by minimising the usage of paper, the Supreme Court launched the Advocates' Online Appearance Portal.<sup>5</sup> The creation of the Advocate Appearance Slip Portal does away with the manual filing of appearance by the Advocates-on-Record (AoR). AoR may now mark the appearance of the Advocates appearing in the Court through the link <https://registry.sci.gov.in/aap/> or on the official Mobile App of the Supreme Court. The said facility is available from the publication of the Cause List on the website of Supreme Court till 11.30 a.m. on the date of hearing of the matter. As on 3 October 2023, a total of 9,54,670 e-appearance slips have been submitted in the Supreme Court of India.<sup>6</sup>

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<sup>5</sup> Notice F.No. 5/Judl./2022, dated 30 December 2022.

<sup>6</sup> As per information provided by the Computer Cell, Supreme Court of India.

## Health and Wellness Centre

**13 January 2023** - The 'Health and Wellness Centre' for the staff was opened in C' Block, Additional Building Complex, Supreme Court of India. It has facilities for Zumba dance and cardio along with gym equipment.<sup>7</sup>

## Celebration of Foundation Day of Supreme Court of India

**4 February 2023** - The Supreme Court of India came into existence on 28 January 1950. For the first time, the CJI commemorated this 'Foundation Day,' and started an Annual Lecture Series organised by the Supreme Court. The chief guest on this occasion was the Chief Justice of Singapore, Justice Sundaresh Menon, who delivered a lecture on 'The Role of the Judiciary in a Changing World'.<sup>8</sup>

## Live Transcription of Hearings

**21 February 2023** - The CJI announced that live transcriptions of Constitution Bench proceedings would be published with the help of artificial intelligence (AI) on an experimental basis. After every hearing, copies of the AI-generated transcript will be made available to the lawyers concerned for proofreading, after which the transcripts will be made available on the official website of the Supreme Court. The AI tool for transcription of arguments and court proceedings shall initially be deployed for Constitution Bench matters and with the passage of time, be extendable to all matters, subject to the approval and directions of the Court.<sup>9</sup>

## Physical Verification of Case Files of Pending Cases

**22 February 2023** : Under the guidance of the CJI, the Centre for Research and Planning is studying case files of all pending cases before the Supreme Court, with the objective to create a system for managing and reducing case pendency. The project is informally called SC-JUDICARE which is an acronym for 'Judicial Disposal through Case Management and Resource Efficiency'. The project's

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<sup>7</sup> Circular F.No. 278/Misc./2021/SCA(G) dated 12 January 2023.

<sup>8</sup> <https://webcast.gov.in/events/MTkzNw-> (last accessed on 7 October 2023).

<sup>9</sup> Bid Document Design, Development, and Implementation Of Artificial Intelligence (AI) Solution, Tools For Transcribing Arguments and Court Proceedings at Supreme Court Of India, available at [https://main.sci.gov.in/pdf/TN/23052023\\_062513.pdf](https://main.sci.gov.in/pdf/TN/23052023_062513.pdf) (last accessed on 25 September 2023).

overarching goal is to introduce innovative solutions to enhance the operational efficiency of the Supreme Court by improved case classification, grouping and tagging. The Project proposes to study the pending docket of the Supreme Court in a phased manner and submit regular reports with insights that may aid in tackling the pendency of cases in the Supreme Court.

### **AI-Assisted Legal Translation Advisory Committee**

**February 2023** - In a move towards harnessing the technological marvel of AI, a Committee, namely the 'AI assisted Legal Translation Advisory Committee', chaired by Justice Abhay S. Oka, has been constituted to assess and monitor the progress of and to suggest measures to further enhance the usage of AI tools for translating judicial records in various vernacular languages in the Supreme Court.

### **Shanghai Cooperation Organisation (SCO) Conference**

**10-12 March 2023** - The 18th meeting of the Chief Justices of the Member States of the Shanghai Cooperation Organisation (SCO) was hosted under the presidency of the CJI with an aim to foster effective judicial cooperation among the Member States of the SCO. The meeting witnessed discussions on topics such as 'Smart Courts and the Future of The Judiciary', 'Facilitating Access to Justice', and 'Institutional Challenges Facing Judiciary: Delays, Infrastructure, Representation, and Transparency'. The meeting involved a joint interaction with the Chief Justices/Chairpersons/Judges from the Member/Observer States and representatives from the SCO Secretariat and Regional Anti-Terrorist Structure (RATS) of the SCO and concluded with the signing of a joint statement.

### **Yoga and Recreation Hall**

**22 March 2023** - The CJI in the presence of the Judges of the Supreme Court of India inaugurated the 'Yoga and Recreation Hall' for officers/officials of the Registry on the fourth floor of the Additional Building Complex. It will be open for use on all working days of the Registry. The CJI also played a game of carrom with fellow judges on the occasion.

## Revamping the Scheme of Judicial Clerkship in the Supreme Court

**1 April 2023** - The CJI approved the new ‘Scheme for Engaging Law Clerk-cum-Research Associates on Short-Term Contractual Assignment in the Supreme Court of India’.<sup>10</sup> A novel initiative, the Scheme makes provision for the formulation and implementation of a diversity and inclusion policy. It also enhanced the remuneration paid to the Law Clerks from Rs. 65,000/- to Rs. 80,000/- per month and increased the maximum age of eligibility to 30 years. The exam pattern under the Scheme has also been revamped. It now has a three phase exam that tests the skills of candidates in preparing case briefs and research memos. The Scheme also provides for orientation and training of the newly recruited Law Clerks through a training module developed by the Centre for Research and Planning. Candidates qualifying for the interview are also given an option to submit a preference list of the Judges’ offices where they intend to work. Further, a model timeline has been provided under the Scheme to ensure regular and timely selection.

## NCST-Supreme Court of India Internship Program

**April 2023** - The CJI approved the proposal by the National Commission for Scheduled Tribes (NCST) to have “NCST-Supreme Court of India Internship Program” in which 36 young law graduates from Scheduled Tribes (ST) communities will be engaged during one batch of the internship. The modalities of the internship program have been prepared by the Centre for Research and Planning in consultation with the Committee for Law Clerks and the NCST. The Supreme Court hopes to host interns from NCST in 2024.

## Progressive Nomenclatures

**11 April 2023** - In a conscious step to ensure the dignity of the workforce at the apex Court, the CJI in exercise of the power conferred by clause (2) of Article 146 of the Constitution, changed the nomenclature/designation of the posts of Jamadar (Farash) and Jamadar (Safaiwala) in the Schedule of the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961 to ‘Supervisor - Room’ and

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<sup>10</sup> Scheme for Engaging Law Clerk-cum-Research Associates on Short-Term Contractual Assignment in the Supreme Court of India, available at [https://main.sci.gov.in/pdf/recruitment/09052023\\_115902.pdf](https://main.sci.gov.in/pdf/recruitment/09052023_115902.pdf) (last accessed on 25 September 2023).



‘Supervisor - Cleaning’ respectively.<sup>11</sup> This move towards progressive nomenclatures aims to do away with the colonial and hierarchical mindset, and foster a more equal work culture and a holistic identity of the working staff of the Supreme Court.

In a similar endeavour, a three judge Bench comprising the CJI, Justice V. Ramasubramanian, and Justice P.S. Narasimha on 19 May 2023, in the case of *All India Judges Association v. Union of India*<sup>12</sup> did away with the culture of subordination reflected in the term ‘subordinate judiciary’, and remarked that:

“No longer should this Court refer to the District Judiciary as ‘subordinate judiciary’. Not only is this a misnomer because the District Judge is not per se subordinate to any other person in the exercise of her jurisdiction but also is disrespectful to the constitutional position of a District Judge. *Our Constitution recognizes and protects a District Judge as a vital cog in the judicial system. Respect ought to be accorded to this institution and its contribution to the country.*”

(emphasis supplied)

### **Celebration of 50th anniversary of ‘Kesavananda Bharati’ Judgment**

**24 April 2023** - The 50th anniversary of the landmark judgment in *Kesavananda Bharati v. State of Kerala*,<sup>13</sup> delivered on 24 April 1973, was on 24 April 2023. In this seminal judgment, a 13-judge Bench of the Supreme Court promulgated the ‘basic structure’ doctrine. The Supreme Court ruled that the legislature cannot alter the basic structure of the Constitution. To commemorate this watershed ruling, the Supreme Court under the aegis of the CJI, launched a dedicated webpage ‘<https://judgments.ecourts.gov.in/KBJ/>’. The webpage includes the written arguments and submissions of the learned counsels on both sides of the case, the record of proceedings, and the text of the judgment in both Hindi and English. A documentary on the judgment was also released in celebration of 50 years of the historic judgment.<sup>14</sup>

<sup>11</sup> Gazette of India, Notification No. CG-DL-E-15042023-245190 dated 11 April 2023, available at [https://main.sci.gov.in/pdf/Gazette/27042023\\_101812.pdf](https://main.sci.gov.in/pdf/Gazette/27042023_101812.pdf) (last accessed on 9 October 2023).

<sup>12</sup> 2023 (7) SCR 26.

<sup>13</sup> [1973] SUPP 1 SCR 1.

<sup>14</sup> Documentary on the Basic Structure Judgment, available at <https://www.youtube.com/watch?v=oUsgmhmr2Q&t=52s> (last accessed on 7 October 2023).

## New Judges' Library

**24 April 2023** - The CJI inaugurated the New Judges' Library in the Additional Building Complex of the Supreme Court. He also inaugurated Soli Sorabjee's Bibliotheca and the statue of the mother figure of Justice. The Supreme Court New Judges' Library is a 'Reference and Research' wing of the apex Court spread over four floors, and includes a circulation, reference, information management, legal research, legislation and acquisition sections.<sup>15</sup> The total collection of books and reference material in the Judges' library is 3.8 lakh out of which 2.4 lakh are placed in the new library.<sup>16</sup> The library also houses legal commentaries, law reports, in-house databases along with a judges' lounge and judges' conference room.

## iJURIS

**April 2023** - The CJI introduced an online platform integrated with the National Judicial Data Grid (NJDG) called 'Integrated Judicial Upgradation and Reforms on Infrastructure and Services', in short '*iJuris*', for online updation and monitoring of statistics of the district judiciary. Data based on a dynamic questionnaire has been called for from all the High Courts and District Courts to examine the current state of the infrastructure and human resources of the judiciary. Data, which began to be collected on 26 April 2023, is continuously being updated. In April 2023, six surveys related to court complexes, individual courts, judicial strength, accessibility, and legal services authorities, were shared with all the High Courts. The surveys cover vast aspects like building and space provision, litigant health and sanitation facilities, litigant convenience and facilitation provisions, ICT-based services, facilities for public prosecutors and government pleaders, separate facilities for lawyers, residential facilities for judges, availability of support staff, ramps, and wheelchairs.

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<sup>15</sup> Supreme Court of India, available at <https://main.sci.gov.in/pdf/Library/Library%20Brochure.pdf> (last accessed on 3 October 2023).

<sup>16</sup> *Ibid.*

## **e-Sewa Kendra & e-Filing 2.0**

**12 May 2023** - The CJI inaugurated an e-Sewa Kendra in the main building complex of the Supreme Court. This citizen-centric facility of e-Sewa Kendra facilitates e-filing of cases round-the-clock and provides other e-services.<sup>17</sup> It has two dedicated video conferencing rooms, enabling parties to appear virtually. On 12 May 2023, the CJI, who is a staunch advocate of e-courts, also launched e-filing 2.0 which is an upgraded version of e-filing 1.0. This new version enables the AoR, party-in-person and other stakeholders to file fresh cases, applications, documents, etc. through online mode and append their signature electronically i.e. e-Sign. In addition to this, e-filing 2.0 also notifies the AoR/party-in-person of any defect and enables access to case-related information, paper books, etc.

## **Training-cum-Examination Centre & Training Calendar**

**18 May 2023** - The CJI inaugurated the Training-cum-Examination Centre, which is a dedicated space on the first floor of Block 'E' in the Additional Building Complex of the Supreme Court. The Centre has been meticulously designed for conducting various training programs and examinations. Meanwhile, a comprehensive annual training calendar has also been devised, which serves as a guide for the Training Cell. The array of training programs conducted by the Training Cell so far, *inter alia*, include - gender sensitization training, leadership and ethical training, stress management and health awareness, etc. A training module has also been prepared after conducting an empirical survey of the staff of the Supreme Court to identify their training needs. Digitised certificates with unique barcodes are a unique feature to recognise the commitment of the staff to their continuous growth. The CRP has also conducted training-cum-orientation of the newly engaged law researchers and law clerks in the Training Centre.

## **Futuristic Court Rooms**

**3 July 2023** - Under the vision of the CJI to enhance the use of technology in judicial systems for speedier justice delivery, courtrooms no. 1 to 3 of the Supreme Court

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<sup>17</sup> Supreme Court of India, available at <https://efiling.sci.gov.in/e-resources> (last accessed on 25 September 2023).

have been converted into IT-enabled futuristic courtrooms featuring state-of-the art hardware. The three courtrooms are equipped with an LED video wall for a high-resolution display of camera feeds. The new display enhances the visual impact of presentations, evidence, and video recordings. For clarity of voice and audio source, Front of House (FOH) speakers have also been installed. A software has been facilitated for quick access to court records, judgments, citations and reference material online. As part of the e-initiatives of the Supreme Court, free wi-fi has also been made available at relevant places for those visiting the apex Court.

### Neutral Citations System

**6 July 2023** - The Supreme Court of India has launched a uniform and common citation mechanism called the ‘Neutral Citations System’ for identifying and citing decisions of the Supreme Court of India.<sup>18</sup> Neutral citation number is a unique sequential number assigned to each judgment as a permanent identification. It is generated through the software Integrated Case Management Information System (ICMIS) and designated in the format- 2023 INSC 1. The first four characters ‘2023’ are the year of pronouncement of the judgment/order. ‘INSC’ stands for the relevant court *i.e.* ‘India Supreme Court’ and ‘1’ is the *in seriatim* number of the judgment/order. The judgments and orders will also have a quick response (QR) code on the top left corner of the first page. Phase-I of Neutral Citation covers the judgments and orders pronounced during the relevant period of 1 January 2014 to 5 July 2023, and 6 July 2023 onwards. Phase-II (Part-1) of neutral citation covers all the reported judgments and orders pronounced during the relevant period of 30 January 1950 to 31 December 2013 and published in Supreme Court Reports (SCR).<sup>19</sup>

### e-Office

**28 July 2023** - e-Office which is an integral part of the Digital India Programme has been made operational in 38 sections/divisions of the Supreme Court under the guidance of the CJI.<sup>20</sup> Initially, e-Office software was implemented as a pilot project

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<sup>18</sup> Supreme Court of India, available at [https://main.sci.gov.in/pdf/LU/27042023\\_135802.pdf](https://main.sci.gov.in/pdf/LU/27042023_135802.pdf) (last accessed on 25 September 2023).

<sup>19</sup> Circular dated 27 September 2023, Implementation of Phase-II of the Neutral Citation System.

<sup>20</sup> As per information received from the Computer Cell, Supreme Court of India (as on 7 October 2023).

in four sections. e-Office ensures a paperless file and document management system with single and standard file movement and tracking across and within the departments. It also creates a searchable repository of documents. Regular training programmes have been conducted in the Supreme Court to ensure that the staff is well versed with the operational mechanism of e-Office and the process of transmission of notes, files, etc.

### **SuSwagatam**

**10 August 2023** - The CJI launched ‘SuSwagatam’, a web based and mobile friendly application to facilitate the visitors to have a smooth and simple process of getting online e-Pass required to visit the Supreme Court for official/case related purposes. A video tutorial explaining how e-Pass entry to the Court works is available on the portal. As on 4 October 2023, a total of 56,829 passes have been issued.<sup>21</sup> This initiative aims at eliminating the cumbersome physical procedure of waiting in queues for entry passes at the reception of the Supreme Court and also assists in maintaining a database of relevant information about the visitors.

### **Handbook on Combating Gender Stereotypes**

**16 August 2023** - In a step towards gender justice, a ‘Handbook on Combating Gender Stereotypes’ was released by Dr. Justice D.Y. Chandrachud on 16 August, 2023.<sup>22</sup> The Handbook contains a glossary of gender-unjust terms and suggests alternative words or phrases which may be used while drafting pleadings as well as orders and judgments. It is a far-reaching document that offers indispensable guidance on steering clear of harmful gender stereotypes, particularly those prejudicial to women, in the process of decision-making. For example, the alternative language suggested in the Handbook for ‘housewife’ is ‘homemaker’, for ‘unchaste woman’ is ‘woman’. This initiative is particularly crucial in the judiciary, where a nuanced understanding of gender issues is imperative for upholding justice and combating discrimination within the legal framework.

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<sup>21</sup> Suswagatam Portal, available at <https://suswagatam.sci.gov.in/Public/Index.aspx> (last accessed on 4 October 2023).

<sup>22</sup> Handbook on Combating Gender Stereotypes, available at [https://main.sci.gov.in/pdf/LU/04092023\\_070741.pdf](https://main.sci.gov.in/pdf/LU/04092023_070741.pdf) (last accessed on 25 September 2023).

## MoU Between India & Singapore

**7 September 2023** - A Memorandum of Understanding (MoU) has been signed between the Supreme Court of India and the Supreme Court of Singapore to promote bilateral judicial cooperation. Another memorandum has been signed between the National Judicial Academy, India and the Singapore Academy of Law. The two MoUs affirm the common cause of promoting access to justice and collaboration in judicial education and research between Singapore and India. The scope of collaboration covers judicial education and training, leveraging technology to enhance access to justice, as well as promoting multilateral fora for judicial engagement. Following the signing of the MoU, an inaugural Singapore-India Judicial Roundtable was held. This Roundtable will be organised annually to exchange knowledge, discuss mutual areas of interest, and advance collaboration and cooperation between the two judiciaries.<sup>23</sup>

## Supreme Court Data on NJDG

**14 September 2023** - A flagship scheme of the e-Courts project, the National Judicial Data Grid (NJDG) is a database of civil and criminal cases, either instituted, pending or disposed of by High Courts and District Courts across the country. On 14 September 2023, the CJI announced in open court that the Supreme Court is also onboard the NJDG portal. Now, at the click of a button, any person may access real-time data on the filing and disposal of cases in the Supreme Court of India. The NJDG also provides a drill down analysis on parameters like the type, stage, and age of a case, whether it is filed by women or senior citizens, and the reasons for its delay. This move has accelerated the vision of the e-Courts project to ensure transparency and accountability in the justice system. As of 17 November 2023, the Supreme Court has disposed of 46,962 cases in the current year.<sup>24</sup>

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<sup>23</sup> Singapore Courts, available at <https://www.judiciary.gov.sg/news-and-resources/news/news-details/joint-media-release-singapore-and-india-solidify-bilateral-ties-in-judicial-cooperation> (last accessed on 9 October 2023).

<sup>24</sup> National Judicial Data Grid, available at <https://njdg.ecourts.gov.in/scnjdg/> (last accessed on 17 November 2023).

## MoU with IIT-Madras on Artificial Intelligence

**11 October 2023** - The Supreme Court has entered into a Memorandum of Understanding (MoU) with IIT Madras to jointly explore the applications of AI and emerging technologies in various areas, such as transcription, summarising page transcripts, translation, streaming of court trials, process automation, and language modelling. This collaboration was initiated following the visit of the CJI to IIT Madras in July 2023. The primary goal of the MoU is to facilitate the digital transformation of the Indian judiciary.

## Supreme Court Chronicle

**9 November 2023** - On completing one year as the Chief Justice of India, Dr. D. Y. Chandrachud released the inaugural issue of ‘Supreme Court Chronicle’, a monthly newsletter of the Supreme Court of India. The newsletter showcases various activities of the Supreme Court, within and beyond the courtroom and offers an insight into the working of the highest Court of India. The newsletter, available on the website of the Supreme Court ‘<https://main.sci.gov.in/supreme-court-chronicle>’ is a testament to the creation of a culture of transparency in judicial institutions. It covers key judgments of the Supreme Court, recent initiatives, global engagements and stories of employees who have made commendable contributions to the administration of justice in the Supreme Court.

## Mitti Cafe

**10 November 2023** - In a first-of-a-kind initiative to foster inclusivity and accessibility in the Supreme Court premises, the CJI inaugurated the ‘Mitti Cafe - Magic of Abilities’, an eatery run entirely by differently-abled staff. The opening ceremony of the Mitti Cafe featured a rendition of the National Anthem performed in sign language. Mitti Cafe is a non-profit organisation which works towards the economic independence and dignity of individuals with physical, intellectual and psychiatric disabilities as well as persons from other vulnerable communities.<sup>25</sup>

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<sup>25</sup> Mitti Cafe, available at <https://www.mitticafe.org/> (last accessed on 17 November 2023).





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**Annexure A : Judge Strength and Number of Courtrooms in High Courts<sup>1</sup>**

S. No.	High Courts (including Benches)	Sanctioned Strength (SS)	Working Strength (WS)	Women Judges (WS)	Vacancies	Courtrooms	Shortfall of Courtrooms %
1	Allahabad	160	93	6	67	148	7.50
2	Andhra Pradesh	37	27	3	10	23	37.84
3	Bombay	94	66	10	28	83	11.70
4	Calcutta	72	52	9	20	63	12.50
5	Chhattisgarh	22	14	1	8	22	0
6	Delhi	60	43	8	17	50	16.67
7	Gauhati	30	25	4	5	21	30
8	Gujarat	52	29	8	23	41	21.15
9	Himachal	17	12	1	5	19	-11.76
10	Jammu & Kashmir and Ladakh	17	16	2	1	17	0.00
11	Jharkhand	25	19	1	6	24	4.00
12	Karnataka	62	51	6	11	57	8.06
13	Kerala	47	33	5	14	N/A	N/A
14	Madhya Pradesh	53	31	2	22	49	7.55
15	Madras	75	63	12	12	81	-8.00
16	Manipur	5	3	0	2	7	-40.00
17	Meghalaya	4	4	0	0	N/A	N/A
18	Orissa	33	21	1	12	34	-3.03
19	Patna	53	32	0	21	82	-54.72
20	Punjab & Haryana	85	57	12	28	69	18.82
21	Rajasthan	50	32	3	18	46	8.00

<sup>1</sup> High Court Judges and Women Strength : Department of Justice, available at <https://doj.gov.in/vacancy-position/> & <https://doj.gov.in/list-of-high-court-judges/> respectively (as on 1 October 2023) (last accessed on 6 October 2023); Courtrooms : Responses received from the High Courts, Constitution Day Celebrations and Chief Justices' Conference, Supreme Court of India, 26 & 27 November 2022. Courtroom data not available with respect to Kerala, Meghalaya, Sikkim and Tripura.

22	Sikkim	3	3	1	0	N/A	N/A
23	Telangana	42	30	8	12	33	21.43
24	Tripura	5	3	0	2	N/A	N/A
25	Uttarakhand	11	8	0	3	11	0
	<b>TOTAL</b>	<b>1,114</b>	<b>767</b>	<b>103</b>	<b>347</b>	<b>980</b>	

**Annexure B : Number of Courtrooms in District Courts<sup>2</sup>**

S. No.	High Court	Sanctioned Strength	Working Strength	Total Court room (including owned by Judicial Dept. and Provided by Govt.)	Status of Court Premises				Shortage of Courtrooms	Shortage of Courtrooms (%)
					Owned by Judicial Dept.	Provided by Govt.	Rented	Under Construction		
1	Allahabad	3,694	2,490	2,724	2,526	198	33	355	970	26.25
2	Andhra Pradesh	618	548	572	539	33	74	93	46	7.44
3	Bombay	2,133	2,021	2,405	2,314	91	77	398	-272	-12.75
4	Calcutta	1,018	917	836	715	121	26	105	182	17.87
5	Chattisgarh	552	435	472	401	71	10	14	80	14.49
6	Delhi	887	708	694	-	694	-	-	193	21.75
7	Gauhati	635	544	520	346	174	17	95	115	18.11
8	Gujarat	1,582	1,192	1,502	1,375	127	25	183	80	5.05
9	Himachal Pradesh	179	160	170	144	26	0	14	9	5.03
10	Jammu & Kashmir and Ladakh	331	242	196	157	39	8	56	135	40.78
11	Jharkhand	694	504	651	315	336	0	10	43	6.19
12	Karnataka	1,365	1,133	1,161	946	215	28	123	204	14.94
13	Kerala	602	471	503	369	134	62	13	99	16.44
14	Madhya Pradesh	2,028	1,634	1,542	1,425	117	02	422	486	23.96
15	Madras	1,378	1,071	1,187	1,076	111	110	23	191	13.87
16	Manipur	59	52	39	33	6	0	8	20	33.89
17	Meghalaya	99	57	65	51	14	0	17	34	34.34
18	Orissa	1,002	812	813	695	118	1	137	189	18.86
19	Patna	2,016	1,556	1,523	1,392	131	0	60	493	24.45

<sup>2</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023). Data of Manipur as submitted by the High Court to the Information and Statistics Secretariat, Supreme Court of India (as on 1 April 2023).

20	Punjab & Haryana	1,569	1,168	1,177	1,111	66	4	84	392	24.99
21	Rajasthan	1,587	1,249	1,289	978	311	49	228	298	18.77
22	Sikkim	30	23	20	15	5	0	0	10	33.33
23	Telangana	596	419	438	415	23	97	16	158	26.51
24	Tripura	128	108	82	82	0	0	11	46	35.93
25	Uttarakhand	299	267	250	221	29	3	67	49	16.38
	<b>TOTAL</b>	<b>25,081</b>	<b>19,781</b>	<b>20,831</b>	<b>17,641</b>	<b>3,190</b>	<b>626</b>	<b>2,532<sup>3</sup></b>	<b>4,250</b>	

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<sup>3</sup> As on 1 July 2023, the total number of under construction courtrooms are 2,706 which is 174 more than that on 1 April 2023.

**Annexure C : Number of Residential Accommodations in District Courts<sup>4</sup>**

S. No.	High Court	Sanctioned Strength	Status of Residential Accommodations				Shortage of Residential Accommodation	Shortage of Residential Accommodation (%)
			Owned by Judicial Dept.	Provided by Govt.	Rented	Under Construction		
1	Allahabad	3,694	1,572	572	243	255	1,307	35.38
2	Andhra Pradesh	618	329	4	241	25	44	7.11
3	Bombay	2,133	1,202	404	658	129	-131	-6.14
4	Calcutta	1,018	337	97	16	55	568	55.79
5	Chattisgarh	552	189	153	120	28	90	16.30
6	Delhi	887	0	348	0	70	539	60.76
7	Gauhati	635	278	132	68	28	157	24.72
8	Gujarat	1,582	954	174	209	21	245	15.48
9	Himachal Pradesh	179	85	46	26	0	22	12.29
10	Jammu & Kashmir and Ladakh	331	87	39	4	51	201	60.72
11	Jharkhand	694	228	381	0	30	85	12.24
12	Karnataka	1,365	546	371	230	53	218	15.97
13	Kerala	602	151	57	331	10	63	10.46
14	Madhya Pradesh	2,028	984	299	412	89	333	16.42
15	Madras	1,378	642	137	602	46	-3	-0.22
16	Manipur	59	-	-	-	-	-	-
17	Meghalaya	99	13	22	6	11	58	58.58

<sup>4</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023). Data with respect to the number of residential accommodations for judicial officers in Manipur not available.

18	Orissa	1,002	400	148	159	35	295	29.44
19	Patna	2,016	689	512	1	85	814	40.37
20	Punjab & Haryana	1,569	239	653	281	74	396	25.23
21	Rajasthan	1,587	676	63	394	148	454	28.60
22	Sikkim	30	10	2	0	0	18	60
23	Telangana	596	177	0	298	2	121	20.30
24	Tripura	128	48	5	37	18	38	29.68
25	Uttarakhand	299	121	46	43	3	89	29.76
	<b>TOTAL</b>	<b>25,081</b>	<b>9,957</b>	<b>4,665</b>	<b>4,379</b>	<b>1,266<sup>5</sup></b>	<b>6,021</b>	

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<sup>5</sup> As on 1 July 2023, the total number of under construction residential accommodations is 1,347 which is 81 more than that on 1 July 2022.

**Annexure D : Status of Under Construction Courtrooms in District Judiciary<sup>6</sup>**

S. No.	State	Under Construction for <1 year	Under Construction for 1-3 years	Under Construction for 3-5 years	Under Construction for 5-10 years	Under Construction for >10 years
1	Allahabad	145	161	14	35	0
2	Andhra Pradesh	0	26	26	41	0
3	Bombay	133	144	86	35	0
4	Calcutta	10	43	48	4	0
5	Chhattisgarh	8	6	0	0	0
6	Delhi	0	0	0	0	0
7	Gauhati	7	38	38	12	0
8	Gujarat	44	79	56	4	0
9	Himachal	3	11	0	0	0
10	J & K and Ladakh	14	5	32	5	0
11	Jharkhand	0	10	0	0	0
12	Karnataka	51	48	23	1	0
13	Kerala	1	6	6	0	0
14	MP	44	24	203	151	0
15	Madras	0	20	3	0	0
16	Manipur	<i>N/A</i>				
17	Meghalaya	0	14	3	0	0
18	Orissa	59	28	50	0	0
19	Patna	5	35	20	0	0
20	Punjab & Haryana	0	6	8	70	0
21	Rajasthan	48	136	14	30	0

<sup>6</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023).



22	Sikkim	0	0	0	0	0
23	Telangana	2	10	4	0	0
24	Tripura	5	6	0	0	0
25	Uttarakhand	2	2	0	59	4
<b>TOTAL</b>		<b>581</b>	<b>858</b>	<b>634</b>	<b>447</b>	<b>4<sup>7</sup></b>

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<sup>7</sup> 4 Projects in Uttarakhand are pending for more than 10 years, even as on 1 October 2023 as per the CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India.

**Annexure E : Status of Under Construction Residential Accommodations in District Judiciary<sup>8</sup>**

S. No.	State	Under Construction for <1 year	Under Construction for 1-3 years	Under Construction for 3-5 years	Under Construction for 5-10 years	Under Construction for >10 years
1	Allahabad	24	112	17	91	11
2	Andhra Pradesh	0	4	15	6	0
3	Bombay	75	12	27	15	0
4	Calcutta	0	43	6	6	0
5	Chhattisgarh	23	5	0	0	0
6	Delhi	0	0	0	70	0
7	Gauhati	5	11	6	6	0
8	Gujarat	11	8	1	1	0
9	Himachal	0	0	0	0	0
10	Jammu & Kashmir and Ladakh	13	4	33	1	0
11	Jharkhand	4	18	8	0	0
12	Karnataka	43	10	0	0	0
13	Kerala	0	0	10	0	0
14	MP	26	13	35	15	0
15	Madras	2	39	5	0	0
16	Manipur	<i>N/A</i>				
17	Meghalaya	0	10	1	0	0
18	Orissa	12	23	0	0	0
19	Patna	24	24	37	0	0
20	Punjab & Haryana	0	9	58	7	0
21	Rajasthan	63	81	0	0	4
22	Sikkim	0	0	0	0	0
23	Telangana	2	0	0	0	0
24	Tripura	11	7	0	0	0
25	Uttarakhand	3	0	0	0	0
<b>TOTAL</b>		<b>341</b>	<b>433</b>	<b>259</b>	<b>218</b>	<b>15</b>

<sup>8</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 April 2023).

## Annexure F : Utilisation Certificates<sup>9</sup>

### Utilisation Certificate of Delhi

#### **CSS (Centrally Sponsored Schemes)**

#### **FORMS**

**GFR 19**

**Deleted**

#### **1. GFR-19-A**

[See Rule 212 (1)]

#### **Form of Utilization Certificate (2018-19)**

S. No.	GOI Ministry of Law & Justice (Department of Justice) Letter No. and date	Amount
1.	Unspent balance of 2017-18 allowed vide No. F2(4)2018-19/Fin(B)/88-93 by Finance Department, Govt. of NCT of Delhi	4695.86 Lakh
2.	Utilized in 2018-19	3604.00 Lakh
	<b>Balance Amount</b>	<b>1091.86 Lakh</b>


Certified that out of that unspent balance of Rs. 4695.86 Lakh grants-in-aid sanctioned during the year 2018-19 in favour of PWD, GNCTD under this Ministry/Department Letter No. given in the margin a sum of Rs. 3604.00 Lakhs has been utilized during 2018-19 and balance amount Rs. 1091.86 Lakh will be utilized during 2019-20.

2. Certified that I have satisfied myself that the conditions on which the grants-in-aid was

sanctioned have been duly fulfilled and that I have exercised the following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

#### **Kinds of checks exercised.**

3. Expenditure report received from the office of Chief Engineer / Project Manager.
4. Physical progress report taken from the field officer.

  
(Er. R.P. Mittal)  
Executive Engineer (OPD-I)  
PWD (GNCTD)DDU, Marg,  
New Delhi-110002

<sup>9</sup> Department of Justice, Nyaya Vikas Portal, 'UC Status' under 'Dashboard', available at <https://bhuvan-nyayavikas.nrsr.gov.in/dashboard/index.php> (last accessed on 16 September 2023).

Utilisation Certificate of Kerala

No. A8-1457/19

Date 14/11/2022

UTILIZATION CERTIFICATE

This is Certify that an amount of Rs. **1037052/- (Ten lakh Thirty seven thousand and fifty two only)** relating to CC 1<sup>st</sup> and Part bill has been utilized for the work "Home Department Subordinate Judiciary -Truss work roofing and painting 'B' Block Building Ground floor District court Alappuzha".



  
**EXECUTIVE ENGINEER**  
**EXECUTIVE ENGINEER**  
**B. W. D. Buildings Division**  
**Alappuzha.**

## Utilisation Certificate of Rajasthan

क्रमांक प. 10(28)न्याय/2002/पार्ट-IV

जयपुर दिनांक  
6 JAN 2021

संयुक्त सचिव,  
न्याय विभाग, विधि एवं न्याय मंत्रालय,  
भारत सरकार, जैसलमेर हाऊस,  
मानसिंह रोड, नई दिल्ली।

**विषय:-** केन्द्र प्रवर्तित योजना के अन्तर्गत न्यायालय भवनों एवं न्यायिक आवासों के निर्माण कार्यों हेतु व्यय की गई राशि का संशोधित उपयोगिता प्रमाण-पत्र भिजवाने बाबत।

**महोदय,**

उपर्युक्त विषयान्तर्गत केन्द्र प्रवर्तित योजना Centrally Sponsored Scheme for development of Infrastructure Facilities' के अन्तर्गत कार्यकारी एजेन्सी सार्वजनिक निर्माण विभाग द्वारा दिनांक 01.04.2020 से 31.10.2020 तक व्यय की गई केन्द्रीय हिस्से की राशि रु. 14,71,53,000/- का उपयोगिता प्रमाण-पत्र निर्धारित प्रपत्र में संलग्न कर प्रेषित किया जा रहा है।

इस क्रम में लेख है कि वित्तीय वर्ष 2019-20 में भारत सरकार से केन्द्रांश की कुल राशि रु. 64.21 करोड़ प्राप्त हुई। इसके विरुद्ध वर्ष 2019-20 में कुल राशि रु. 39,71,66,800 की UC आपको प्रस्तुत की गई है। वित्तीय वर्ष 2020-21 में भारत सरकार से केन्द्रांश की कुल राशि रु. 21.40 करोड़ प्राप्त हुई है।

उल्लेखनीय है कि विभागीय समसंख्यक पत्र दिनांक 26.05.2020 द्वारा वित्तीय वर्ष 2020-21 हेतु केन्द्रीय हिस्सा राशि रुपये 489.29 करोड़ रिलीज करने हेतु अनुरोध किया गया था। परन्तु चालू वित्तीय वर्ष में राशि रु. 21.40 करोड़ ही रिलीज किये गये हैं। अतः उक्त योजना अन्तर्गत चाही गई राशि रिलीज कर अनुगृहीत करें। ताकि निर्धारित समयवधि में कोर्ट हॉल्स एवं आवासीय भवनों के निर्माण कार्य पूरा किया जा सके।

संलग्न-उपर्युक्तानुसार।

भवदीय

प्रमुख शासन सचिव

प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. रजिस्ट्रार जनरल, राजस्थान उच्च न्यायालय, जोधपुर।
2. मुख्य अभियन्ता (भवन) सार्वजनिक निर्माण विभाग, राजस्थान, जयपुर।
3. प्रबंध निदेशक, राजस्थान राज्य सड़क विकास एवं निर्माण निगम लिमिटेड, जयपुर।
4. रक्षित पत्रावली।

12-1-21  
SE(B)

N  
CE (B) PWD

EE/B-I

81 Mandira (XcII)

13/01/2021

संयुक्त शासन सचिव

S.No.	Letter No. & Date	Amount	
1.	Letter No. J-11017/30/2015 JR (Part) Dated 28.07.2020	21,40,00,000	Certified that Rs. 14,71,53,000/- as Central Assistance has been utilized from 01.04.2020 to 31.10.2020 by the Implementing Agency PWD Jaipur.
		21,40,00,000	


2/4

S.No.	Implementing Agency	Central share	State Share	Total
1.	PWD (From 01 April, 2020 to 31 <sup>st</sup> Oct 2020)	14,71,53,000	9,80,49,000	24,52,02,000

Certified that I have satisfied myself that the conditions on which the grant-in-aid was sanctioned have been duly fulfilled/are being fulfilled and that I have exercised that following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kind s of Checks exercised\*

- 1.
- 2.
- 3.
- 4.
- 5.

  
 Signature of the Authorised officer.....  
 Designation.....  
 State Govt./UT Administration.....  
 Date.....  
 Seal

राजस्थान सरकार  
विधि एवं विधिक कार्य विभाग

क्रमांक प. 10(28)न्याय/2002/पार्ट-IV

जयपुर, दिनांक 18 6 JUN 2021

संयुक्त सचिव,  
न्याय विभाग, विधि एवं न्याय मंत्रालय,  
भारत सरकार, जैसलमेर हाऊस,  
मानसिंह रोड, नई दिल्ली।

**विषय:-** केन्द्र प्रवर्तित योजना के अन्तर्गत न्यायालय भवनों एवं न्यायिक आवासों के निर्माण कार्यों हेतु व्यय की गई राशि का उपयोगिता प्रमाण-पत्र मिजयाने बाबत।

**संदर्भ:-** मुख्य अभियंता, PWD के पत्र क्रमांक CE(B)dg./SE(B)PW/UC/P.LII/20-21/D-114 दिनांक 02.06.2021

महोदय,

उपर्युक्त विषयान्तर्गत केन्द्र प्रवर्तित योजना 'Centrally Sponsored Scheme for development of Infrastructure Facilities' के अन्तर्गत कार्यकारी एजेन्सी सार्वजनिक निर्माण विभाग द्वारा दिनांक 01.11.2020 से 31.03.2021 तक केन्द्रीय हिस्से की राशि रु. 26,59,45,000/- का व्यय किया गया है। व्यय की गई राशि का उपयोगिता प्रमाण-पत्र निर्धारित प्रपत्र में संलग्न कर प्रेषित किया जा रहा है।

इस प्रकार वर्ष 2020-21 में इस उपयोगिता प्रमाण-पत्र को भी सम्मिलित करते हुए कुल राशि रु. 51,24,99,000 के उपयोगिता प्रमाण-पत्र आपको प्रेषित किये हैं।

संलग्न:- उपर्युक्तानुसार।

3/4

भवदीय

प्रमुख शासन सचिव

प्रतिलिपि निम्नांकित को सूचनाथे एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. रजिस्ट्रार जनरल, राजस्थान उच्च न्यायालय, जोधपुर।  
2. मुख्य अभियंता (भवन) सार्वजनिक निर्माण विभाग, राजस्थान, जयपुर।  
3. प्रबंध निदेशक, राजस्थान राज्य सड़क विकास एवं निर्माण निगम लिमिटेड, जयपुर।  
4. रक्षित पत्रावली।

SE(B)

KV

EE(B-3)  
S. Mania (Sec II)  
06/06/21

संयुक्त शासन सचिव

**Form GFR 19-A**  
**[See Government of India's Rule 212 (1)]**  
**Form of Utilization Certification**

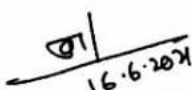
S.No.	Letter No. & Date	Amount	Certified that Rs. 26,59,45,000/- as Central Assistance has been utilized from 01.11.2020 to 31.03.2021 by the Implementing Agency PWD (Bldg.), Jaipur.
1.	Letter No. J-11017/30/2015 JR (Part) Dated 28-07-2020	21,40,00,000	
2.	Letter No. J-11017/36/2015 JR (Part) Dated 27-01-2021	8,50,00,000	
<b>TOTAL</b>		<b>29,90,00,000</b>	

S.No.	Implementing Agency	State Share	Central share	Total
1.	PWD (Bldg.) (From 01.11.2020 to 31.03.2021)	17,26,49,000	26,59,45,000	43,85,94,000

Certified that I have satisfied myself that the conditions on which the grant-in-aid was sanctioned have been duly fulfilled/are being fulfilled and that I have exercised that following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kind s of Checks exercised\*

- 1.
- 2.
- 3.
- 4.
- 5.

  
 प्रमुख शासन सचिव  
 Signature of the Authorised officer.....  
 Designation..... एवं विधि परामर्शी  
 राजस्थान, जयपुर  
 State Govt./UT Administration  
 Date.....  
 Seal



## Utilisation Certificate of Uttarakhand

### FORM UTILIZATION CERTIFICATE

कार्य का नाम-विकासनगर में जिला देहरादून के दकरानी में नये न्यायालय भवन का निर्माण कार्य।

Sl. No.	Letter No.	Amount (Rs. In Lakh)	Certified that Rs. 49906000.00 grant approved by letter No शासनादेश सं०-249 (1)/XXXVI (2)2021-41 दो (8)/17 दिनांक 14.06.2021 and Amount Rs 200.00 Lakh Release by the State govt. during the year 2021-22 a sum of Rs 200.00 Lakh has been utilized Ending the month of 09/2022 for purpose for which it was sanctioned.
1	शासनादेश सं०-249 (1)/XXXVI (2)2021-41 दो (8)/17 दिनांक 14.06.2021	200.00	
TOTAL		200.00	

2-Certified that I have satisfied my self that the conditions on which the grants in aid was sanctioned have been duly fulfilled / are being fulfilled and that I have exercised that following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

**3-Physical Progress**

- (i) Masonry work completed up to first ~~ground~~ floor roof level
- (ii) Slab casting work of first floor roof Completed.

  
Executive Engineer  
Ty. Div. P.W.D. Sahiya

**Annexure G : Judicial Strength in District Courts<sup>10</sup>**

S. No.	High Court	Sanctioned Strength	Working Strength	Vacancies	Sanctioned Strength	Working Strength	Vacancies
		Higher Judicial Services			Judicial Officers (excluding Higher Judicial Service)		
1	Allahabad	1,688	1,266	422	2,006	1,224	782
2	Andhra Pradesh	158	127	31	460	421	39
3	Bombay	441	395	46	1,692	1,626	66
4	Calcutta	281	236	45	737	681	56
5	Chhattisgarh	240	168	72	312	267	45
6	Delhi	405	373	32	482	335	147
7	Gauhati	172	155	17	463	389	74
8	Gujarat	445	250	195	1,137	942	195
9	Himachal Pradesh	56	46	10	123	114	9
10	Jammu & Kashmir and Ladakh	86	85	1	245	157	88
11	Jharkhand	238	177	61	456	327	129
12	Karnataka	375	318	57	990	815	175
13	Kerala	237	196	41	365	275	90
14	Madhya Pradesh	746	623	123	1,282	1,011	271
15	Madras	351	280	71	1,027	791	236
16	Manipur	19	19	0	40	33	7

<sup>10</sup> CJI Conference Questionnaire, Conference Secretariat Portal , Supreme Court of India (as on 1 April 2023). Data of Manipur as submitted by the High Court to the Information and Statistics Secretariat, Supreme Court of India (as on 1 April 2023). **Note:** Some of the High Courts on the Conference Secretariat Portal, have not provided data with respect to the UTs under their respective jurisdictions.

S. No.	High Court	Sanctioned Strength	Working Strength	Vacancies	Sanctioned Strength	Working Strength	Vacancies
17	Meghalaya	48	18	30	51	39	12
18	Orissa	243	206	37	759	606	153
19	Patna	711	475	236	1,305	1,081	224
20	Punjab & Haryana	480	353	127	1,089	815	274
21	Rajasthan	640	557	83	947	692	255
22	Sikkim	13	13	0	17	10	7
23	Telangana	173	127	46	423	292	131
24	Tripura	39	38	1	89	70	19
25	Uttarakhand	102	98	4	197	169	28
	<b>TOTAL</b>	<b>8,387</b>	<b>6,599</b>	<b>1,788</b>	<b>16,694</b>	<b>13,182</b>	<b>3,512</b>

**Annexure H : Recruitment Agency and Actual Time Taken for Recruitment of Civil Judge (Junior Division) in 25 States<sup>11</sup>**

S. No.	State	Recruitment Authority	Date of Advertisement (DoA)	Date of Final Result (DoR)	No. of Days taken in completion of recruitment Process (DoA to DoR)
1	Andhra Pradesh	High Court	10.11.2022	08.08.2023	<b>271 days</b>
2	Arunachal Pradesh	High Court	25.05.2022	17.05.2023	<b>357 days</b>
3	Assam	High Court	02.06.2021	21.12.2022	<b>567 days</b>
4	Bihar	BPSC	09.03.2020	10.10.2022	<b>945 days</b>
			23.08.2018	29.11.2019	<b>463 days</b>
5	Chhattisgarh	CPSC	05.02.2020	14.08.2021	<b>556 days</b>
6	Delhi	High Court	24.02.2022	24.03.2023	<b>393 days</b>
7	Gujarat	High Court	31.01.2022	21.10.2022	<b>263 days</b>
8	Haryana	HPSC	13.01.2021	21.10.2022	<b>646 days</b>
			20.03.2017	03.02.2020	<b>1,051 days</b>
9	Himachal Pradesh	HPPSC	15.12.2019	03.07.2021	<b>566 days</b>
10	Jammu & Kashmir	JKPSC	03.02.2017	18.05.2018	<b>469 days</b>
11	Jharkhand	JPSC	24.12.2018	11.02.2020	<b>414 days</b>
12	Karnataka	High Court	22.04.2022	14.01.2023	<b>267 days</b>
13	Kerala	High Court	31.01.2022	21.12.2022	<b>324 days</b>
14	Madhya Pradesh	High Court	21.12.2021	18.02.2023	<b>424 days</b>
15	Maharashtra	MPSC	27.05.2022	17.01.2023	<b>235 days</b>

<sup>11</sup> Official websites of respective High Courts and State Public Service Commissions.

<b>S. No.</b>	<b>State</b>	<b>Recruitment Authority</b>	<b>Date of Advertisement (DoA)</b>	<b>Date of Final Result (DoR)</b>	<b>No. of Days taken in completion of recruitment Process (DoA to DoR)</b>
16	Manipur	High Court	27.01.2022	07.12.2022	<b>314 days</b>
17	Odisha	OPSC	13.12.2021	11.11.2022	<b>333 days</b>
18	Punjab	PPSC	05.04.2019	28.09.2019	<b>176 days</b>
19	Rajasthan	High Court	22.07.2021	30.08.2022	<b>404 days</b>
20	Sikkim	High Court	30.12.2018	17.07.2019	<b>199 days</b>
21	Tamil Nadu	TNPSC	09.09.2019	17.02.2021	<b>527 days</b>
22	Telangana	High Court	11.02.2019	01.10.2019	<b>232 days</b>
23	Uttar Pradesh	UPPSC	10.12.2022	30.08.2023	<b>263 days</b>
24	Uttarakhand	UKPSC	31.12.2021	30.12.2022	<b>364 days</b>
25	West Bengal	WBPSA	09.07.2021	27.12.2021	<b>171 days</b>

**Annexure I : Actual Time Taken for Recruitment to Higher Judicial Services  
(HJS) in 24 States<sup>12</sup>**

S.No.	State	Date of Advertisement (DoA)	Date of Result (DoR)	Vacancies		No. of Days taken in completion of recruitment (DoA to DoR) <sup>13</sup>
				Proposed	Filled	
1	Andhra Pradesh	30.10.2022	21.03.2023	7	2	<b>142 days</b>
2	Assam	13.05.2022	13.03.2023	13	0	<b>304 days</b>
3	Bihar	11.02.2020	09.09.2021	27	16	<b>576 days</b>
4	Chhattisgarh	27.06.2022	09.02.2023	3	0	<b>227 days</b>
5	Delhi	23.02.2022	10.11.2022	45	32	<b>260 days</b>
6	Haryana	07.08.2019	21.11.2022	11	5	<b>1,202 days<sup>14</sup></b>
7	Gujarat	13.04.2022	19.09.2022	34	1	<b>159 days</b>
8	Himachal Pradesh	20.11.2022	13.07.2023	3	2	<b>235 days</b>
9	Jammu & Kashmir	05.11.2018	21.01.2022	7	0	<b>1,173 days</b>
10	Jharkhand	07.02.2022	23.03.2023	22	13	<b>409 days</b>
11	Karnataka	09.11.2021	03.08.2022	21	7	<b>267 days</b>
12	Kerala	13.04.2023	18.11.2023	5	7	<b>219 days</b>
13	Madhya Pradesh	15.12.2022	05.07.2023	21	0	<b>202 days</b>
14	Maharashtra	07.01.2022	28.06.2023	9	5	<b>537 days</b>
15	Manipur	18.01.2020	28.01.2021	3	2	<b>376 days</b>
16	Nagaland	12.11.2018	26.02.2019	1	1	<b>106 days</b>
17	Odisha	04.11.2022	16.03.2023	25	3	<b>132 days</b>

<sup>12</sup> Official websites of respective High Courts.

<sup>13</sup> In Assam, Chhattisgarh, Jammu & Kashmir and Uttarakhand, none of the candidates qualified the Mains Examination.

<sup>14</sup> In 2019, a combined exam was conducted for Punjab & Haryana Superior Judicial Services.

18	Punjab	31.05.2019	21.11.2022	8	1	<b>1,270 days<sup>15</sup></b>
		16.12.2016	19.09.2018	7	3	<b>642 days</b>
19	Rajasthan	05.01.2021	14.11.2022	85	4	<b>678 days</b>
		25.09.2018	12.09.2019	48	5	<b>352 days</b>
20	Tamil Nadu	12.12.2019	19.03.2021	32	2	<b>463 days</b>
21	Telangana	16.04.2022	14.11.2022	13	12	<b>212 days</b>
22	Uttarakhand	14.04.2023	11.09.2023	1	0	<b>150 days</b>
23	Uttar Pradesh	18.12.2020	12.09.2022	98	31	<b>633 days</b>
		10.05.2016	18.08.2017	72	37	<b>465 days<sup>16</sup></b>
24	West Bengal	02.11.2021	25.08.2022	4	1	<b>296 days</b>

<sup>15</sup> In 2019, a combined exam was conducted for Punjab & Haryana Superior Judicial Services.

<sup>16</sup> Revised result was again declared on 5 March 2019, available at [https://www.allahabadhighcourt.in/event/event\\_5278\\_06-03-2019.pdf](https://www.allahabadhighcourt.in/event/event_5278_06-03-2019.pdf) (last accessed on 19 August 2023) and again 01 August 2020 in compliance of *Dheeraj Mor v. Hon'ble High Court of Delhi*, 2020 (2) SCR 161 (Actual Time taken : 1,545 days).

**Annexure J : Breakup of vacancies for the Reserved Category in the last recruitment of Civil Judge (Junior Division) in six States with maximum vacancies of Judges<sup>17</sup>**

State		Bihar	Gujarat	Haryana	Madhya Pradesh	Rajasthan	UP	Total		
<b>Total Vacancies</b>		221	219	256	270	120	303	1389		
<b>ST</b>	<b>Posts Advertised</b>	2	33	-	114 <sup>18</sup>	13	6	168		
	<b>Posts Filled</b>	2	0	-	5	13	6	26		
<b>SC</b>	<b>Posts Advertised</b>	35	15	40+4*	36 <sup>19</sup>	18	63	211		
	<b>Posts Filled</b>	29	4	10	26	18	63	147		
<b>OBC</b>	<b>Posts Advertised</b>	Extremely Backward	Backward	SEBC	Backward		38 <sup>20</sup>	24	81	308
					A	B				
		47	26	59	21+1*	11				
	<b>Posts Filled</b>	47	26	8	11	11	37	24	80	239
<b>EWS</b>	<b>Posts Advertised</b>	23	-	11+2*	-	11	30	77		
	<b>Posts Filled</b>	23	-	-	-	11	30	64		
<b>Other</b>	<b>Posts Advertised</b>	-	-	-	-	2				
	<b>Posts Filled</b>					2 <sup>21</sup>				

\*Anticipated vacancies (Haryana)

<sup>17</sup> Advertisements on the official Websites of the respective High Courts and Public Service Commissions, available at <https://www.allahabadhighcourt.in/>; <https://gujarathighcourt.nic.in/>; <https://mphc.gov.in/>; <https://patnahighcourt.gov.in/>; <https://hcraj.nic.in/hcraj/>; <https://hpsc.gov.in/en-us/>

<sup>18</sup> 32 + 80\*\* + 2 Physically Handicapped

<sup>19</sup> 25 + 10\*\* + 1 Physically Handicapped.

<sup>20</sup> 21 + 16\*\* + 1 Physically Handicapped.

\*\*Backlog vacancies (Madhya Pradesh)

<sup>21</sup> Initially 5 posts were advertised for (Most Backward Class) MBC, according to Rule 10 of RIS Rules, 2010, 3 candidates have been selected by normal procedure against the three unfilled posts of Most Backward Class- Non Creamy Layer category.



**Annexure K : Staff Strength in District Courts<sup>22</sup>**

S. No.	High Court	Sanctioned Strength	Working Strength	Vacancies	Vacancies (%)
1	Allahabad	28,923	18,480	10,443	36.1
2	Andhra Pradesh	11,314	8,202	3,112	27.5
3	Bombay	24,808	22,225	2,583	10.41
4	Calcutta	8,499	6,499	2,000	23.53
5	Chhattisgarh	6,012	3,780	2,232	37.12
6	Delhi	8,579	6,188	2,391	27.87
7	Gauhati	4,832	3,830	1,002	20.73
8	Gujarat	15,453	9,825	5,628	36.42
9	Himachal Pradesh	2,428	1,781	647	26.64
10	Jammu & Kashmir and Ladakh	2,974	2,455	519	17.45
11	Jharkhand	5,842	4,078	1,764	30.19
12	Karnataka	21,526	15,380	6,146	28.55
13	Kerala	11,585	11,214	371	3.20
14	Madhya Pradesh	18,654	15,515	3,139	16.82
15	Madras	26,507	21,111	5,396	20.35
16	Meghalaya	354	320	34	9.6
17	Orissa	9,251	6,082	3,169	34.25
18	Patna	18,477	9,392	9,085	49.16

<sup>22</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023). Data for Manipur not available.

19	Punjab & Haryana	15,583	14,118	1,465	9.4
20	Rajasthan	17,660	9,726	7,934	44.92
21	Sikkim	262	228	34	12.97
22	Telangana	9,908	5,555	4,353	43.93
23	Tripura	1,459	1,252	207	14.18
24	Uttarakhand	2,806	1,936	870	31
	<b>TOTAL</b>	<b>2,73,696</b>	<b>1,99,162</b>	<b>74,524</b>	<b>27.2% (average vacancy)</b>

**Annexure L : Recruitment Authorities for Recruitment of Staff in District  
Judiciary<sup>23</sup>**

<b>STATE</b>	<b>RECRUITING AUTHORITY</b>
Calcutta	District & Sessions Judge
Chattisgarh	In District Court: District & Sessions Judge In Family Court: Principal Judge/Judge of the family court concerned.
Delhi	District & Sessions Judge Sr. Admn Officer, Dy Controller of Accounts and Admn Officer (Judicial): High Court
Gauhati	High Court (except promotional posts and Grade-IV posts)
Andhra Pradesh	District Judge
Bombay	High Court
Gujarat	Recruitment Cell of High Court
J&K	Hon'ble Chief Justice of the High Court
Karnataka	1) Chief Administrative Officer, Software Technician, Judgment Writer: High Court of Karnataka 2) First Division Assistant (FDA) and Second Division Assistant (SDA): Karnataka Public Service Commission 3) Sheristedar, Stenographer, Typist, Typist-Copyist, Bailiff, Process Server, Driver, Attender and Peon: District and Sessions Judge
Kerala	Kerala Public Service Commission
Uttarakhand	Outsourcing from agencies such as Uttarakhand Board of Technical Education (UBTER)
Meghalaya	High Court
Orissa	<u>Group C:</u> District Recruitment Committee consisting of: 1) District & Sessions Judge, Chairman. 2) Senior most Addl. District & Sessions Judge, Member 3) Civil Judge (Sr. Divn.) C.J.M., Member, is the Recruitment Agency. <u>Group D:</u>

<sup>23</sup> CJI Conference Questionnaire, Conference Secretariat Portal, Supreme Court of India (as on 1 July 2023).

STATE	RECRUITING AUTHORITY
	The Registrar General of the Court or any other officer authorised by the Chief Justice through the Recruitment Cell of the Court.
Punjab & Haryana	Class III (i.e. Stenographer Grade-3, Clerks and Drivers): S.S.S.C. of this Court (Centralised Process) Class IV Staff: District and Sessions Judges
Patna	Centralised Selection and Appointment Committee, of which the District and Sessions Judge, Patna will be the Convenor.
Sikkim	Selection Committee constituted by Chief Justice
Allahabad	High Court
Himachal Pradesh	Class III & IV: High Court
Jharkhand	Class III: High Court Class IV: Concerned Judgeship
Madhya Pradesh	High Court & concerned District Courts
Telangana	High Court
Rajasthan	High Court
Tripura	Centralised Selection Committee comprising of: 1) Hon'ble Chief Justice 2) Judge of the High Court, 3) A Registrar 4) Sr. Member of the TJS, Grade-I nominated by Chief Justice
Madras	1) Judicial Recruitment Cell, High Court, Madras 2) Tamil Nadu Public Service Commission

**Annexure M : Time schedule for Central Recruitment Committee for filling up vacancies in Assam<sup>24</sup>**

**(i) Direct Recruitment**

Determination of vacancies	by 15th June
Advertisement for recruitment	by 30th of June
Last date of receipt of application	by 30th of July
Issuance of admit cards	by 31st August
Holding of screening test	by 14th September
Declaration of results of screening test	by 30th September
Holding of written examination	within 20th October
Declaration of results	within 20th November
Viva voce/interview	within 10th of December
Publication of final selection list	within 22nd of December
Issue of appointment letter	Prior to 15 days of post falling vacant
<b>TOTAL NUMBER OF DAYS</b>	<b>190 DAYS</b>

**(ii) By Promotion**

Determination of vacancies to be filled by promotion	by 30th of June
Receipt of Application for Promotion	by 30th of July
Calling of ACR by Central Recruitment Cell	by 14th August
Submission of ACR by district recruitment cell	within 30th August
Holding of proficiency test (for stenographers)	within 30th September
Viva voce/interview (if required)	within 30th October
Publication of final promotion/selection list	within 30th November
Issue of posting letter on promotion	Prior to 15 days of post falling vacant
<b>TOTAL NUMBER OF DAYS</b>	<b>153 days</b>

<sup>24</sup> Schedule C, The Assam District Court Employees Service Rules, 2018.

**(iii) By Limited Departmental Examination**

Determination of vacancies	by 30th June
Advertisement for recruitment	by 30th July
Last date of receipt of application	by 30th August
Issuance of admit cards	by 14th September
Holding of written examination	within 30th September
Declaration of results	within 20th October
Viva voce/interview	within 10th November
Publication of final selection list	within 30th November
Issue of appointment letter	Prior to 15 days of post falling vacant
<b>TOTAL NUMBER OF DAYS</b>	<b>153 days</b>

## **SUGGESTIONS : JUSTICE SANJIV KHANNA<sup>25</sup>**

SHORT TERM GOAL : Reducing present case pendency
LONG TERM GOAL : Reducing case life cycle

### **1. Modernising trial proceedings through video conferencing**

- a. Explore the systemization of video recording in court proceedings. Audio recordings can serve as an alternative when video infrastructure is unavailable. This will lead to effective monitoring of district judiciary by promoting timely court sittings and deterring unnecessary adjournments.
- b. Emphasis on capturing evidence stage witness statements for comprehensive documentation and verification.

### **2. Automated transcription and translation**

- a. There is an urgent need to transcribe trials using automated tools. Real-time transcription could be a solution to the shortage of stenographers and sluggishness in trials by expediting the documentation process. Digitised transcripts will fasten the supply of trial court records to the appellate court.
- b. Speech to Text mechanisms may be used for dictation. It would further enable automated translation from vernacular languages to English.

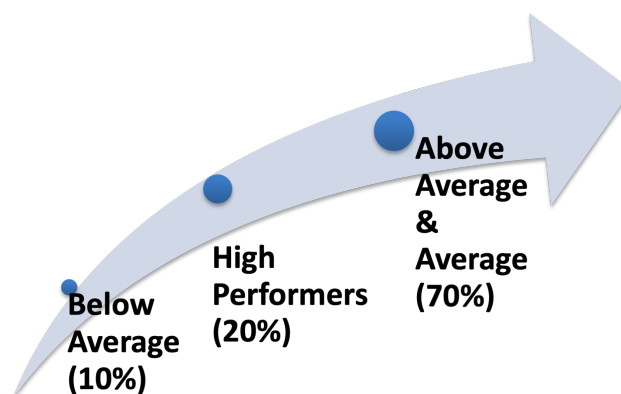
### **3. Optimum Approach - Human Resource Management**

- a. The procedure for calculation of sanctioned posts must take into consideration the grassroot realities and performance indicators.
- b. There is a need to move towards an optimum and need-based approach. For example, the district judiciary, specially the CBI Courts of New Delhi, are facing the issue of lack of work due to delay by prosecution in moving the trial. This contributes to underutilisation of judicial time. There is a need for reallocation of judicial work in such cases.

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<sup>25</sup> These suggestions were made by Justice Sanjiv Khanna in the Working Session on 'State of the Judiciary' at the Supreme Court of India on 26 November 2023 (Constitution Day Celebrations).

- c. Optimum analysis in this regard should be conducted periodically by the State Judicial Academies under the supervision of the High Court.
- 4. **Discounting traffic/police challans and Section 138 NI Act cases** from the case pendency. As bulk contributors of pendency, they must be dealt summarily or by Lok Adalats.
- 5. **Establishing stringent timelines for completion of trial**, akin to commercial laws of Insolvency and Bankruptcy Code and Commercial Courts Act. The qualitative component of justice must not be compromised in an effort to eliminate delay or clear the arrears.
- 6. Old criminal appeals pending in the High Court should be allocated to each judge/bench.
- 7. **Measuring Court Performance**
  - a. There is a need to formulate a comprehensive strategy that reflects on and analyses the performance of the courts. Establishment of a robust internal process will foster the objectivity, reliability and comparability of data.
  - b. An objective grading system for performance assessment of district judges with a bell-curve approach should be adopted. Judges may be divided into performance categories based on where their performance falls on the bell curve. Commonly, these categories include:



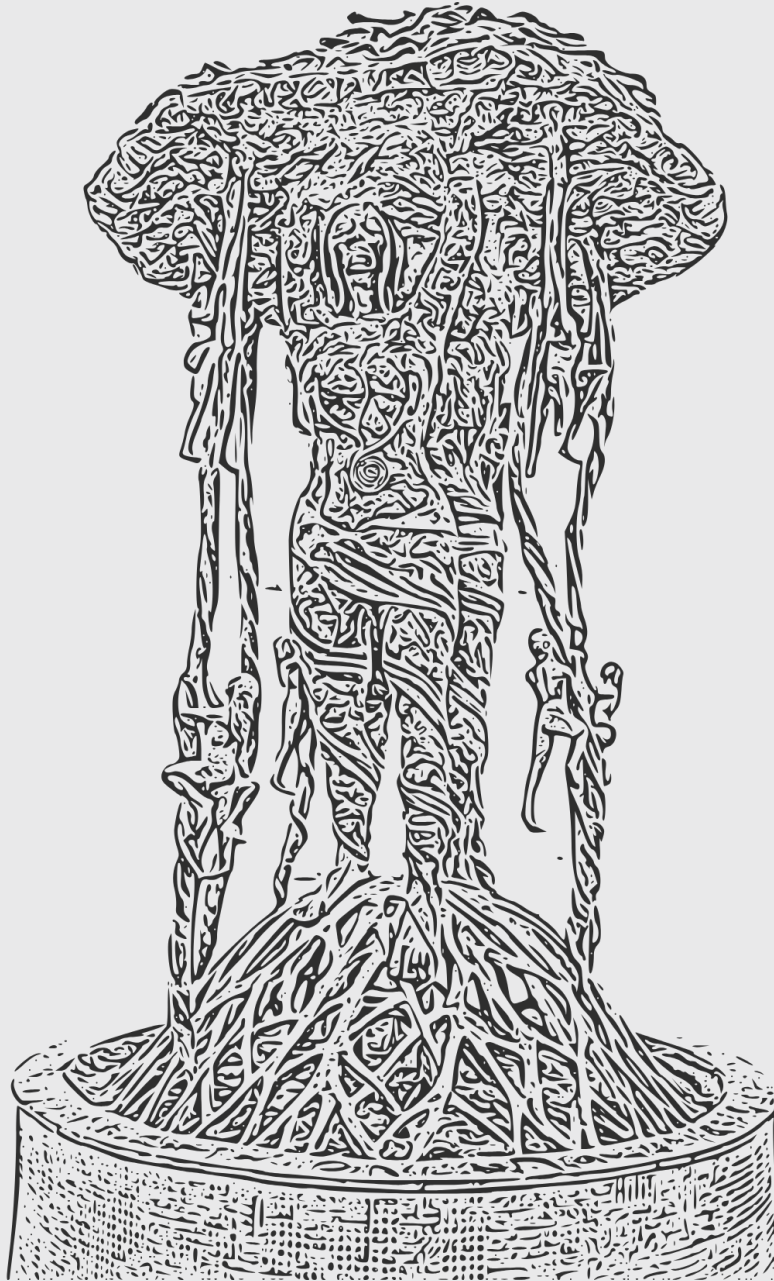
Judges in the high and above-average categories may receive positive reinforcement, while those in the below-average or poor performer categories may receive targeted feedback and improvement plans. This



will ensure transparency in the grading process to maintain the credibility of the performance evaluation system.

### TREE OF LIFE

A 12 Feet Bronze Sculpture of 'Tree of Life' at Front Lawn in Additional Building Complex, Supreme Court of India.  
The sculpture representing the first element of nature expresses the fundamental truths of life as a symbol of the ethos of the Supreme Court of India



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