

Empirical Study to Evaluate the Delivery of Justice through Improved Infrastructure

Scheme of Action Research and Studies on Judicial Reforms
Department of Justice, Ministry of Law and Justice,
Jaisalmer House,
26 Man Singh Road, New Delhi-110001

(Sponsored)

2019-2023



Department of Justice
Ministry of Law and Justice
Government of India



On

Empirical Study to Evaluate the Delivery
of
Justice through Improved Infrastructure

SUBMITTED TO

Department of Justice, Ministry of Law and Justice,
Jaisalmer House, 26 Man Singh Road,
New Delhi-110001

October 2023

SUBMITTED BY

Prof. Jeet Singh Mann

Director, Centre for Transparency and Accountability in Governance,
National Law University, New Delhi

Centre for Transparency & Accountability in Governance
National Law University, Delhi, India

Sector-14, Dwarka, New Delhi-110078
Room No. 209, Academic Block, E-mail : ctag@nludelhi.ac.in
Tel. No: 011-28034255 Fax No: 011-28034254

Scheme of Action Research and Studies on Judicial Reforms

Department of Justice, Ministry of Law and Justice,

Jaisalmer House, 26 Man Singh Road,

New Delhi-110001

(Sponsored)

2019-2023

On

Empirical Study to Evaluate the Delivery

of

Justice through Improved Infrastructure

SUBMITTED TO

Department of Justice, Ministry of Law and Justice,

Jaisalmer House, 26 Man Singh Road, New Delhi-110001

October 2023

SUBMITTED BY

Prof. Jeet Singh Mann

Director, Centre for Transparency and Accountability in Governance,

National Law University, New Delhi

PREFACE

Indian judiciary has seen mounting arrears of cases and inordinate delays in their disposal at all levels, particularly at the District/Subordinate Courts. Gradually, such judicial delays have a deleterious effect on the proper administration of justice and, concurrently, become a cause of great concern for both the state and litigants. While discussing the impediments causing delayed justice, it is observed that the reasons are often circled around the mounting arrears of cases or the inordinate delays in the decision-making process while totally ignoring the other related issues, including the 'Infrastructure of the Court complex'. In comparison, one of the prime reasons responsible for the inordinate judicial delays and pendency of cases at courts is its 'infrastructure'.

This research reflects the researcher's practical experience on the condition and quality of the existing Infrastructure at the District Courts in India. The aforesaid research report has highlighted major difficulties faced by the major stakeholders of the judiciary who are majorly affected by the poor condition of the infrastructure. This research managed to interview 351 Judicial Officers, 1210 Advocates, 622 Supporting Staff and 17 Chief Administrative Officers (Principal District and Sessions Judges) Total of 2200 respondents from civil and criminal court complexes in 20 District Courts of 10 States (TN, Rajasthan, Maharashtra, Gujarat, HP, MP, Assam, Odisha, Uttarakhand and Chhattisgarh) in India.

Further, the research endeavours to find the infrastructural impediments in the internal operations of the Courts and their impact on the pendency and backlog of cases and the effectiveness of access to justice. This research thereafter puts forth some viable solutions to improve the Infrastructure at the District and Session Court, leading to lessening the overburdening of the courts and inordinate delays in the court process.

First and foremost, the author would like to acknowledge the generous support from the Department of Justice, Ministry of Law and Justice, Government of India, who sponsored the research project "Empirical Study to Evaluate the Delivery of Justice through Improved Infrastructure".

Secondly, it is pertinent to mention that this research would not have been effectively completed without the encouragement and blessings of the Session and District Judges of all the Districts and judicial officers in civil and criminal court complexes in 20 District Courts of 10 States (TN, Rajasthan, Maharashtra, Gujarat, HP, MP, Assam, Odisha, Uttarakhand and Chhattisgarh) in India. The researcher collected the primary data as per the structured and unstructured questionnaires from the numerous judicial officers,

advocates, Supporting Staff, and Chief Administrative Officers (District and Session Judges), involved in the Court system at District Courts. The researcher believes that this research assignment would not have been possible without the support and encouragement of these officers.

It also becomes essential to recognize the contributions made by the skilled professionals during the course of this research assignment. Due to confidentiality, the details of the stakeholders are not being mentioned over here. Despite their hectic schedule, they interacted and provided valuable inputs on the efficacy of the Delivery of Justice through Improved Infrastructure. The research team is also obliged to the Students team from SLS Pune, Faculty of Law Rajasthan University Jaipur, Govt Law College Madurai, TN, HNLU, DSNLU Jabalpur, GNLU, Faculty of Law Guwahati University, and Law School, Uttaranchal University for supporting us in the collection of primary data and also providing valuable insight into the functioning of the Delivery of Justice through Improved Infrastructure in the Universe of the research.

Further, this research is also indebted to Prof Dr S.K.D. Rao, Former Vice-Chancellor of NLU Delhi, Prof Shashikala GURPUR, Director, SLS Pune, Registrar Generals of Rajasthan, Bombay, Odisha, Madras, HP, MP, Gujrat, Guwahati, and Chhattisgarh, High Courts, and Shri G.R. Raghavendra Joint Secretary, Department of Justice, in supporting and encouraging the research team during the said research. This research is also thankful to Mr Santosh Kumar Atre for collecting the primary data from judicial officers, advocates, Supporting Staff, and Chief Administrative Officer (Principal District and Session Judges), involved in the Court system at District Courts, further assisting in the data analysis process and the final report drafting. Additionally, this research is thankful to Satyam Malviya for helping in the final draft. This research is also grateful to all those professionals who have directly or indirectly supported conducting and compiling the final report for the research.

The Report of the Empirical Research on Infrastructure will be submitted to the Ministry of Law and Justice, Bar Council of India, High Courts of States and other concerned agencies for the promotion of quality infrastructure across the States. This exercise will undoubtedly facilitate the promotion of the program and develop the jurisprudential aspect of legal services in India.

Prof Jeet Singh Mann,
Director,
Centre for Transparency and Accountability in Governance,
National Law University Delhi

INDEX

Sl. No.	CONTENTS	Page No
	Preface	i
	<i>List of Tables</i>	vii
	<i>List of Figures</i>	xi
	<i>Abbreviations'</i>	xi
	INTRODUCTION TO THE RESEARCH PROJECT	1
1.1.	Introduction	1
1.2.	Review of Literature: Scrutiny of the Existing Literature	5
1.3.	Statement of the Problem	11
1.4.	Objectives of the Research	13
1.5.	Hypotheses	14
1.6.	Operational Concepts of Research	15
1.7.	Research Design : Research Universe (India)	16
1.7.1	Universe for the Research	17
1.7.2	Research Methods	17
1.7.3	Data Collection	18
1.7.4	Sample Design	19
1.8.	Data Processing	23
1.9.	Utility of Research	23
1.10.	Scheme of the Report	23
	CHAPTER II:	25
	LAW AND POLICY ON THE INFRASTRUCTURE AT THE DISTRICT COURTS IN INDIA	25
2.1.	Background	25
2.2.	Judicial Pendency in India: An Analysis	28
2.2.1	Low Judge-Population Ratio	32
2.2.2	Low Manpower in the Courts	35
2.2.3	Lack of Strictly Enforced Timelines	36
2.2.4	Lack of Proper Physical Infrastructure	39
2.2.5	Failure of E-Governance Facilities	42
2.3.	Law and Policy on the Infrastructure at the District Courts in India	50
2.4.	'E-Courts Integrated Mission Mode Project': A Critical Analysis	55

CHAPTER III:	65
JUDICIAL OFFICERS	
3.1. Availability of Basic Infrastructure	65
3.2. Availability of Infrastructural E-Facilities	68
3.2.1 Impact of Available Infrastructural E-Facilities	69
3.2.2 Statement on Working Conditions in Court Room	71
3.2.3 Government Provided Accommodation	72
3.2.4 Response Regarding Vehicle	73
3.2.5 Difficulties & Suggestions Regarding Infrastructure in Court	74
3.2.6 Reasons for Pendency	75
3.3. The State of Support Staff	76
3.3.1 Nature of Employment of Support Staff	76
3.3.2 Level of Satisfaction with Support Staff	78
3.3.3 Quality of Support Staff with Judicial Officers	81
3.3.4 Availability of Computers for Support Staff	83
3.3.5 The Level of Satisfaction with Quality of Computer Available for Support Staff	84
3.3.6 Difficulties Faced by Support Staff and Suggestions from Judicial Officers	85
3.4. Schemes	87
3.4.1 Basic facilities Under E-Court Mission	87
3.4.2 Effectiveness of Training and Workshops	90
3.4.3 Level of Improvements Under E-Court Mission	92
3.5. Pendency of cases	93
3.5.1 Average percentage of case clearance	94
3.5.2 Range of pendency cases	95
3.5.3 Difficulties and suggestions to reduce pendency	97
CHAPTER IV:	99
CHIEF ADMINISTRATIVE OFFICER	99
4.1. Human Resource in District Complex	99
4.1.1 Professional Skills of Judges in District Court Complex	99
4.1.1.1 Suggestions & Impact of Trainings Judges Received	101
4.1.2 Professional Skills of Public Prosecutor	101
4.1.3 Difficulties and Suggestions Faced by Chief Administrator	102
4.2. Status of Physical Infrastructural	103
4.2.1 Impact of the Available Infrastructural Facilities	105
4.3. Availability of Infrastructural E-Facilities	107
4.3.1 The Level of Satisfaction with Available Facilities	109
4.3.2 Availability of E-Facilities/Services for Judicial Officers	110

4.3.3	The Level of Satisfaction with Available E-Facilities/Services for Judicial Officers	112
4.3.4	Major Difficulties and Suggestions by Chief Administrators	114
4.4.	The State of Support Staff	115
4.4.1	Nature of Employment of Support Staff	115
4.4.2	Quality of Services Offered by Support Staff	117
4.4.3	Difficulties and Suggestions for Managing the Manpower	118
4.5.	Schemes	119
4.5.1	Receipt of Funds	119
4.5.2	Satisfaction with Funds Received	120
4.5.3	Implementation of E- Court Mission	121
4.5.4	Types of Activities Performed Manually and Computerized	123
4.5.5	Effect of Training Received under E-Court Mission	124
4.5.6	Effect of E Mission on the Functioning of Courts	
4.5.7	Difficulties and Suggestions for Implementation of E-Court Mission	125
4.6.	Pending Case Load	127
4.6.1	Cases Disposed and Instituted in a Year	127
4.6.2	Cases Disposed and Cases Instituted in the Last Four Years	129
4.6.3	Difficulties and Suggestions for Pendency of Cases	131
CHAPTER V:		133
ADVOCATES		133
5.1.	The State of Infrastructure	133
5.1.1	The Level of Satisfaction with the Available Infrastructure	135
5.2.	Infrastructural E-Facilities got Advocates	137
5.2.1	Effect on Efficiency of Functioning of Advocates with Available Infrastructural E-	138
5.3.	The Level of Satisfaction of Advocates with Observation on Condition of Courts	141
5.4.	Awareness About E-Court Mission Among Advocates	142
5.5.	Difficulties and Suggestions for Improvement of Infrastructure in District Court Complex	143
CHAPTER VI: :		145
SUPPORTING STAFF		145
6.1.	Aspects of the Nature of Employment	145
6.1.1	Effect on the Efficiency of Work	146
6.1.2	Period of Association with Court/Office	147
6.1.3	Duty or Assignment Other than Assigned Work	148
6.1.4	Types of Training Attended By Support Staff	149
6.1.5	Effects on Efficiency of Training Attended By Support	149

Staff	
6.2. Infrastructure Available for Support Staff in District Court Complex	151
6.2.1 Effect of Infrastructure Available for Support Staff in District Court Complex	152
6.2.2 Level Satisfaction with the Available Infrastructural Units	153
6.2.3 Difficulties and Suggestions Regarding Infrastructural Improvements	154
CHAPTER VII:	157
ASSESSMENT OF INFRASTRUCTURE AND DELIVERANCE OF SPEEDY JUSTICE AT COURTS	157
7.1 Pendency: Inadequate Physical Infrastructure	157
7.2 Delay Cause: Insufficient Resources	160
7.2.1 Improved Efficiency	163
7.2.2 Enhanced Communication	163
7.2.3 Access to information	163
7.2.4 Automation of Processes	163
7.3 Hindrance to Digitisation and E-courts mission	164
CHAPTER VIII:	169
FINDINGS AND RECOMMENDATIONS	169
8.1 Introduction	169
8.2 Findings	169
8.3 Recommendations	186
ANNEXURES:	195
Questionnaires	227
Bibliography	291

LIST OF TABLES

Sl. No.		Page No.
	CHAPTER I	1
1	Table No. 1. Proposed Primary Data Collection	20
2	Table No. 2. Actual Primary Data Collection	21
	CHAPTER III	86
3	Table No.3. Judicial Officers suggesting issues which need immediate attention	99
	CHAPTER IV	
4	Table No.4. The percentages here represent the responses of Chief Administrators regarding the availability of various infrastructural elements within their respective District Court Complexes	104
	CHAPTER VII	157
5	Table No 5.: The general operations of Court, this table looks at the condition of these operations after upgradation of these systems	158
5		
6	Table No.6: Impact of available infrastructure	159
7	Table No.7.1: Disposal of Civil Cases	160
8	Table No.7.2: Disposal of Criminal Cases	161
9	Table No.8: Average Satisfaction levels, observations on courts by advocates on facilities	162
10	Table No.10: Availability Rates of all the facilities under the E-Court Mission	164
11	Table No 11: As suggested by advocates for digitalisation of operations to improve efficiency under e-courts	165
12	TableNo.12: Implentation of E-Court Mission	165
13	Table No.13: Computerised or manual handling of operations, a list of all court activities	166
	LIST OF FIGURES	30
	CHAPTER II	30
1	Figure 2.1: Age-wise pendency of cases in the Subordinate/District Courts	30
2	Figure 2.2: Judicial Vacancies across India (2018-19)	33
3	Figure 2.3: Staff Position in Subordinate Courts (2015)	35
4	Figure 2.4: Reasons for Judicial Delays	40
5	Figure 2.5: The Phase III of the E-Court time-bound transitional structure	63

	CHAPTER III	65
7	Fig 3.1.: Availability of Basic Infrastructure Percent	66
8	Fig. 3.2.: Satisfaction with available Basic Infrastructure Percent	67
9	Fig.3.3.: Availability of infrastructural E-Facilities Percent	69
10	Fig.3.4.: Impact of available infrastructural E-Facilities Percent	70
11	Fig.3.5.: Statement on Working Conditions in Court Room	71
12	Fig.3.6.: Government Provided Accommodation	73
13	Fig.3.7.: Response Regarding Vehicle	74
14	Fig. 3.8.: Difficulties & Suggestions Regarding Infrastructure in Court	75
15	Fig. 3.9.: Reasons for Pendency	76
16	Fig. 3.10.: Nature of Employment of Support Staff	78
17	Fig.3.11.: Level of Satisfaction with Support Staff	80
18	Fig.3.12.: Rating of the quality of Support Staff Percent	83
19	Fig.3.13.: Availability of Computers for Support Staff	84
20	Fig.3.14. : Satisfaction with the quality of computer available with Support Staff	85
21	Fig.3.15. : Major Difficulties for Support Staff and Suggestions for Improving Efficiency	86
22	Fig.3.16. Implementation & Phase of E-Court Mission	88
23	Fig.3.17.: Basic facilities under E-Court Mission Percent	89
24	Fig.3.18.: Satisfaction with Available Facilities	90
25	Fig. 3.19: Effectiveness of Training and Workshops	91
26	Fig.3.20.: Improvement of working under E-court Mission	93
27	Fig. 3.21. Cases Disposed and Cases Instituted in Year	94
28	Fig.3. 22: Average Percentage of Case Clearance in a year	95
29	Fig. 3.23.: Pendency of Cases	96
30	Fig.3.24.: Difficulties and Suggestions for Reducing Pendency	98
	CHAPTER IV	99
31	Fig.4.1. Satisfaction with Quality of Professional Skills of Judges	100
32	Fig.4.2.: Refresher Course, their impact and suggestions Percent	101
33	Fig.4.3.: Level of Satisfaction with Professional Skill of Public Prosecutor	102
34	Fig.4.4.: Difficulties and Suggestions for managing manpower Percent	103
35	Fig.4.5.: Availability of infrastructural Facilities	105

36	Fig.4.6.: Impact of Available Infrastructural Facilities	107
37	Fig 4.7.: Particulars in Each Court Room	108
38	Fig.4.8: Satisfaction with Available Facilities	110
39	Fig.4.9.: Availability of Infrastructural E-facilities/Services for Judicial Officers	112
40	Fig.4.10.: Level of Satisfaction with Available Infrastructural E-facilities/Services for Judicial Officers	114
42	Fig.4.11.: Major Physical Infrastructural Difficulties and Suggestions for Improvement	115
42	Fig. 4.12.: Nature of Employment of Support Staff	116
43	Fig. 4.13.: Rate of Quality of Services offered by Support Staff	118
44	Fig.4.14: Difficulties and Suggestions for Managing Manpower	119
44	Fig.4.15: Receipt of Funds	120
45	Fig.4.16.: Satisfaction with Funds Received	121
46	Fig.4.17. : Implementation of E-court Mission	122
47	Fig.4.18.: Effects of implementation of various phases of E- court mission	122
48	Fig.4.19. Activities Performed in Court	124
49	Fig. 4.20.: Effect of Training Received under E-Court Mission	125
50	Fig.4.21. Effect on the Functioning of Courts	126
51	Fig.4.22.Difficulties and Suggestions for implementation of E-Court Mission	127
52	Fig.4.23.: Case Clearance in a Year	127
53	Fig.4.24a .: Cases Disposed of in a Year	128
54	Fig.4.24.b.: Cases Instituted in a Year Percent	129
55	Fig.4.25.a Cased Disposed Response (%)	130
56	Fig.4.25.b. Cased Instituted Response (%)	130
58	Fig.4.26.: Difficulties and Suggestions for Pendency of Cases	131
	CHAPTER V	133
59	Fig.5.1: State of Infrastructure	134
60	Fig. 5.2: Satisfaction with Available Infrastructure	136
61	Fig. 5.3.: Availability of Infrastructural E-facilities for Advocates	138
62	Fig.5.4.: Effect on Efficiency of Functioning of Advocates with Available Infrastructural E-facilities	140
63	Fig.5.5: Satisfaction with Observation on Courts	142
64	Fig.5.6.: Awareness about E-court Mission	143

65	Fig.5.7.: Infrastructural Difficulties and Suggestions for their Improvement	144
	CHAPTER VI	145
66	Fig.6.1. Nature of Employment Effect on Capability to Perform	145
67	Fig. 6.2. Effects on Capability	146
68	Fig.6.3. Efficiency of Work Will Increase if Employed Permanently	147
69	Fig.6.4. Association with Court/Office	148
70	Fig. 6.5. Duty or Assignment in Court/Offices Other than Your Work	148
71	Fig.6.6. Types of Training Attended By Support Staff	149
72	Fig.6.7. Effects on Efficiency of Training Attended By Support Staff	150
73	Fig.6.8. Infrastructure Available in District Court Complex for Support Staff	151
74	Fig. 6.9. Effects of Infrastructure Available in District Court for Support Staff	153
75	Fig.6 10. Satisfaction Level with Available Infrastructural Units	154
76	Fig.6.11. Difficulties and Suggestions Regarding Infrastructure Improvements	155
	CHAPTER VIII	169
77	Fig. 6.5. :Duty or Assignment in Court/Offices Other than Your Work	175

List of Abbreviations

1. AIR: All India Reporter
2. Art. Article
3. Approx.: Approximately
4. Beneficiaries: Beneficiaries of Legal aid services
5. CILAS: Committee for Implementing Legal Aid Schemes
6. CPC: Code of Civil Procedure
7. Cr PC: Code of Criminal Procedure
8. DLSA: District Legal Services Authority
9. DSLSA: Delhi State Legal Services Authority
10. DUTRC: District Undertrial Review Committee
11. FLAS: Family Legal Advice Service
12. DOJ: Department of Justice
13. Govt.: Government
14. HPCs: High Power Committees
15. ILO: International Labour Organisation
16. Judicial officers: Judges in Civil and Criminal Courts in District Courts
17. JVA: Jail Visiting Advocate
18. LACs: Legal Aid Counsels
19. LCI: Law Commission of India
20. LSA: Legal Services Authority
21. LSAA: Legal Services Authorities Act, 1987
22. MOLJ: Ministry of Law and Justice
23. NALSA: National Legal Services Authority
24. PLPs: Private Legal Practitioners
25. PLVs: Paralegal Volunteers
26. Regulators: Member Secretaries of DLSAs
27. SC: Supreme Court of India
28. SCC: Supreme Court Cases
29. SCLSC: Supreme Court Legal Services Committee
30. SCR: Supreme Court Reports
31. Sec: Section
32. SLSA: State Legal Service Authority

- 33. U/S: Under Section
- 34. UT: Under-Trials
- 35. UTP: Undertrial Prisoner

CHAPTER I

Introduction to the Research Project

1.1 Introduction

Speedy Trial and Speedy Justice are considered the essence of the Indian justice delivery system. Under Article 21¹, the Constitution of India secures the right to speedy justice as the fundamental right of a citizen which, simultaneously is also a fundamental requirement for securing a good judicial administration. Accordingly, the process of dispensation of Justice would have little or absolutely no meaning if timely justice is not reached. In past decades, quite notably, the Indian judiciary has seen mounting arrears of cases and inordinate delays in their disposal at all levels, particularly at the District/Subordinate Courts. Gradually, such judicial delays have a deleterious effect on the proper administration of justice and, concurrently, become a cause of great concern for both the state and litigants.

While discussing the impediments causing delayed justice, it is observed that the reasons are often circled around the mounting arrears of cases or the inordinate delays in the decision-making process while totally ignoring the other related issues, including the 'Infrastructure of the Court complex'. Whereas one of the prime reasons responsible for the inordinate judicial delays and pendency of cases at courts is its 'infrastructure'. In the landmark case, *All India Judges Association v. Union of India*², the Supreme Court of India observed that,

"Justice Delivery System is the bedrock of the rule of law, which is held to be the basic structure of the Constitution, and it is our view that, in the absence of adequate judicial infrastructure, particularly for the subordinate Courts, it would not be possible to sustain rule of law in this Country. Indeed, Courts do not generally issue directions in financial matters. However, we are of the view that Court fees, costs and fines constitute what is called "Measure" of what is spent on judicial infrastructure. This would be in consonance with the doctrine of Reasonableness under the Constitution. Rule of Law assures the citizen of an effective civil and criminal justice system and judicial infrastructure is the

¹No person shall be deprived of his life or personal liberty except according to procedures established by law.

²Pg No. 705 Para 1, (2010) 14 SCC 705

²Pg No. 705 Para 1, (2010) 14 SCC 705

³*Supra Note.1*

⁴"National Court Management Systems (NCMS) - Policy & Action Plan"; Released By: Hon'ble The Chief

cornerstone of the justice delivery system without which Rule of law in this Court would fail.”

The responsibility of the Indian judiciary lies in securing fair and timely justice for all its citizens, which simultaneously makes it imperative for the state authorities to provide the respective judicial wing with necessary infrastructural facilities within the constitutional directives and bounds. It is difficult to imagine the functioning of the Judiciary at the optimum level without a robust infrastructure³. Therefore, it wouldn't be wrong to say that the linchpin of a strong and stable judicial system is its sound infrastructure. To ascertain the efficiency in judicial administration, proper record management and digitalisation of courts, the claimant's need is to secure proper infrastructure⁴. Additionally, creating proper physical infrastructure is also rudimentary for decreasing the mounting arrears of cases. Highlighting the need for proper infrastructure, the Supreme Court, in the case of *Brij Mohan Lal v. Union of India and others*,⁵ stated that

“Article 21 of the Constitution of India takes in its sweep the right to expeditious and fair trial. Even Article 39A of the Constitution recognizes the right of citizens to equal justice and free legal aid. To put it simply, it is the constitutional duty of the Government to provide the citizens of the country with such infrastructural facilities and means of access to Justice so that every person can receive an expeditious, inexpensive and fair trial.”

The Infrastructure in this context includes the Physical Infrastructure- Including the court complex, courtrooms, attached washroom, elevators, facility for drinking water, etc.; Personnel Infrastructure- Including the judicial Officers, Supporting Administrative staff and Advocates; and the Digital Infrastructure- Including IT Department, E-facilities, E-Courts, Updated Court websites, mobile applications, etc. From time to time, the Apex Court has been giving directions to the lower courts by emphasising the need to monitor the development of infrastructure at the Subordinate levels in order to furnish access to justice to all citizens. In a bid to further improve the justice dispensation process, the Supreme Court introduced the 'E-court Missions' to digitalise all the District/Subordinate Courts in India.

³ *Supra Note.1*

⁴“National Court Management Systems (NCMS) - Policy & Action Plan”; Released By: Hon'ble The Chief Justice Of India; Prepared By: “National Court Management Systems Committee”; In Consultation With “Advisory Committee”; Supreme court of India 27.09.2012
<https://main.sci.gov.in/pdf/NCMSP/ncmspap.pdf> (last viewed on 05th May 2021)

⁵ Pg No. 556, Para 137, (2012) 6 SCC 502

While examining the available literature and empirical research conducted at the District Courts within the research universe, it is clear that the functioning of the court is majorly impacted due to the absence of proper infrastructure. The researcher observed that the District/Subordinate Court in states do not have the requisite space for functions or requisite manpower, including both the Judicial Officers and the Court Administrative staff. Basic facilities like drinking water, toilets, canteen, elevators etc., are not available in the Court Complex. The Absence of equipped and trained staff, to a great extent, impacts the proper working of the court. Lack of regular training programmes and delayed Impact assessment processes act as contributing factors in the mounting arrears of cases at the District/Subordinate Court. Therefore, to ascertain the structured functioning of the District/Subordinate courts, there is a dire need to equip the District/Subordinate complex with proper and requisite infrastructural facilities that would assist in the speedy disposal of disputes.

In this regard, the present Chief Justice of India, while addressing his welcome speech⁶, also highlighted that

“There is a need for the Centre and States to cooperate and together, create a National Judicial Infrastructure Corporation as a one-time measure for catering for the needs of the judicial infrastructure in the country. Such a corporation would bring the uniformity and standardisation required to revolutionise judicial infrastructure.”

Drawing suggestions from the above-mentioned argument, it wouldn't be wrong to say that without quality basic facilities and the necessary complementary support for all the key stakeholders, including the litigants, court staff and judicial officers, it is difficult to either make the courts physically accessible to litigants or provide them access to justice. Consequently, improved infrastructure is the first and foremost requirement for expedited judicial actions.

To determine the role of Infrastructure in the mounting arrears of cases and the inordinate delays in the decision-making process, under the Action Research Project funded by the Department of Justice, Ministry of Law and Justice, Government of India, the research titled *“Empirical Study to Evaluate the Delivery of Justice through Improved Infrastructure”* was conducted. The basic objective of the research project is to evaluate the delivery of justice

⁶ “Centre, states should form National Judicial Infrastructure Corporation: Justice Ramana” 27th March 2021 <https://www.aninews.in/news/national/general-news/centre-states-should-form-national-judicial-infrastructure-corporation-justice-ramana20210327195401/> (last viewed on 13th May 2021)

through improved infrastructure and to identify the infrastructural impediments in the operations of the subordinate judiciary at District & Sessions Courts in providing effective and quick access to justice in India.

Primarily, 15 states were proposed to be part of the research universe for the aforementioned research project. Later, the research universe of the project proposal was revised from 15 states to 10 states and was then approved by the Project Sanction Committee (PSC) on 23rd August 2019.

For the high-quality empirical research work, initially, the researcher conducted an extensive literature review for the proper diagnosis of the infrastructural difficulties; after the research gaps were identified, the researcher tried to explore the viable solutions to the identified problems by involving all the stakeholders involved in the justice delivery system at District Courts in Selective States. For the purpose of the proper inspection and collection of data, the researchers conducted empirical research by drafting the questionnaires (available in both hard copy and E-copy) addressing all the research gaps.

In order to collect authentic, representative and accurate data, the stratified sampling method, which represents the major stakeholders of the Infrastructure at the District and Session Court, for collection of the primary data in the Universe (North, south, East, West, and Central), for the empirical has been selected. This research has used Stratified-sampling method for the collection of primary data as per the structured and unstructured questionnaires from the main stakeholders of the Infrastructure at the District/Subordinate Court, such as the Chief Administrative officer, Judicial Officers, Advocates, and Supporting Administrative Staff employed at District Courts as the key stakeholders in the aforementioned research universe, in 10 states (2 Districts in each state).

This research is a reflection of the practical experience of the Researcher on the condition and quality of the existing Infrastructure at the District Courts in India. The aforesaid research has highlighted major difficulties faced by the major stakeholders of the judiciary who are majorly affected by the poor condition of the Infrastructure. Further, the research endeavours to find the infrastructural impediments in the internal operations of the Courts and their impact on the pendency and backlog of cases and the effectiveness of access to justice. This research thereafter puts forth some viable solutions to improve the Infrastructure at the District and Session Court, leading to lessening the overburdening of the courts and inordinate delays in the court process. The Final Report of the Empirical Research on the issue will be submitted to the Ministry of Law and Justice, Bar Council of India, High Courts of States and other concerned agencies for the promotion of quality

infrastructure across the States. This exercise will undoubtedly facilitate the promotion of the program and develop the jurisprudential aspect of legal services in India.

The aforesaid research report has been divided into Eight chapters. The First chapter provides a brief overview of the empirical research conducted by the researcher on Infrastructure at the District/Subordinate Court. The Second Chapter deals with the existing laws and policies on the infrastructure at District Courts. The Third Chapter deals with the perspective of the Judicial Officers at the District Courts on infrastructure. The Fourth Chapter highlighted the feedback received from the Chief Administrative Officer (district and Session Judges) at the District Courts on the improvement of the existing infrastructure.

The Fifth Chapter analysed the responses received from the Advocates at District Courts on the significance of improved infrastructure. The Sixth Chapter feedback from the supporting staff working in the Courts at the District level. The Seventh Chapter focuses on the assessment of our hypotheses based on the empirical study carried out for this research work and the feedback received from the stakeholders, it is on the basis of this data that this chapter carries personal observations of the Researchers. The Eighth Chapter has focused on the findings of the research and recommendation to enhance the quality of the Infrastructure at the District/Subordinate Court in order to curtail the pendency, backlog of cases and enhance the effectiveness of access to justice.

1.2. Review of Literature: Scrutiny of the Existing Literature

Judiciary in India has been long concerned about the necessity of speedy, economical and satisfactory delivery of justice. At the same time, the Courts in India are flooded with mounting arrears of cases which directly impacts speedy access to justice. This issue of long pendency was first scrutinized by a Chief Justice of Calcutta High Court's Report in 1949. While focusing on the inadequacy of judicial personnel, the report observed that the bulk of the congestion of cases in the West Bengal Judiciary could be observed due to the low numerical strength of the judicial officers in the subordinate judiciary⁷, an area under the lack of personnel infrastructure. Further, the Uttar Pradesh Judicial Reforms Committee 1951 also acknowledged the problem of the low strength of *Munsif* in particular and the strength of the judiciary in general.⁸

⁷Chief Justice of Calcutta High Court's Report, Para 20, Page No. 155-158 (Sourced from 14th Law Commission)

⁸Report of the Uttar Pradesh Judicial Reforms Committee (1950-1951), Page No. 15.

The Fourteenth Report of Law Commission of India (1958) on *Reform of Judicial Administration* recognized that “In an organized society, it is in the interest of the citizens as well as the State that the disputes which go to the law courts for adjudication, should be decided within a reasonable time, to give certainty and definiteness to rights and obligations. If the course of a trial is inordinately long, the chances of miscarriage of justice and the expenses of litigation increase alike.”⁹ The Commission also suggested that there should be time limits within which judicial proceedings of various cases should be normally brought to a conclusion. The Commission noticed the old suits in *Munsif Courts* and suggested that the major problem of pendency and arrears is caused by the progressive accumulation of old cases in the several States of India.¹⁰

The Report of the National Commission to Review the Working of the Constitution (Volume I) in March 2002 recommended the Government at the Centre and States should ensure that Courts are not handicapped for want of infra-structural facilities in dealing with the mounting arrears of cases. The report further suggests that the Governments must constitute a committee of secretaries to review government litigation with a view to avoiding the adjudication wherever possible, give priority to the filing of the written statements, wherever required, and instruct government advocates to seek an early decision on government litigation.¹¹

Later, in March 2003, the Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs Report (Volume-I) in a scheme for eradicating arrears suggested a need for suitable infrastructure for the courts become a necessity in the implementation of the Arrears Eradication Scheme. The committee also highlighted the fact that commitment and aggressive pursuit at all levels are required to meet the finance, manpower and infrastructure.¹² It is important to note that Arrears Eradication Scheme mentioned in the report had already created an extra burden on the infrastructure of the judiciary, which was already deficient.¹³ Further, in National Legal Mission to Reduce

⁹Fourteenth Law Commission of India, 1958, Vol.1, Page No.129

¹⁰ Supra No.3 Page No. 144, 145

¹¹The Report of the National Commission to Review the Working of the Constitution (Volume I), Page No.213

¹²Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs Report (Volume-I), Page No. 163-166

¹³Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs Report (Volume-I), Page No. 285-287

Average Pendency Time from 15 Years to 3 Years¹⁴, in June 2010, endorsed the idea of providing adequate infrastructures like computers, internet and common research facilities to the Government lawyers.

The Report of the Working Group for the Twelfth Five Year Plan (2012-2017)¹⁵, in September 2011, identified that the meagre allocation of Plans relating to the judiciary by Centre and States Governments has resulted in slow modernization of the judicial infrastructure of the Subordinate courts. The working group in the report also proposed that the infrastructural developments of courts are the crucial aspect for consideration in the creation of Modern-age Judiciary, and it is the responsibility of Central Government and State Governments to treat Infrastructure as an area of prime concern to improve justice delivery. The report further stated that the lack of infrastructure facilities in District and Subordinate Courts is one of the principal causes of backlog and arrears in the judicial system.

As a result of the various discussions, the Supreme Court in *All India Judges' Association & Ors. Vs. Union of India & Ors*¹⁶ formulated a strong monitoring mechanism by formulating Monitoring Committees at the Central, State and District level. The Supreme Court, in the case at hand, adequately sensitised the State Governments to the need for the development of judicial infrastructure. The Apex Court also suggested an adequate provision in the budget for the purpose would provide a much-needed impetus to the growth of judicial infrastructure.

The Sixty-Seventh Report on the "Infrastructure Development and Strengthening of Subordinate Courts"¹⁷ noted that the major reasons leading to the high pendency of cases in Subordinate Courts are poor Judge Population ratio, prolonged and costly litigation caused

¹⁴ National Legal Mission to Reduce Average Pendency Time from 15 Years to 3 Years National Litigation Policy Document Released, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=62745> (Last viewed on 14th May 2021)

¹⁵ Report of the Working Group on Employment, Planning & Policy for the Twelfth Five Year Plan (2012-2017), Government of India Labour, Employment & Manpower (LEM) Division Planning Commission, December 2011

https://niti.gov.in/planningcommission.gov.in/docs/aboutus/committee/wrkgrp12/wg_emp_planing.pdf

¹⁶ Interlocutory Application No. 279/2010 in Writ Petition (C) No. 1022/1989 (Last viewed on 14th May 2021)

¹⁷ Sixty Seventh Report, "Infrastructure Development and Strengthening of Subordinate Courts" (Presented to the Rajya Sabha on 6th February, 2014) (Laid on the Table of Lok Sabha on 6th February, 2014), Department-Related Parliamentary Standing Committee Rajya Sabha on Personnel, Public Grievances, Law and Justice, Rajya Sabha, Parliament of India <http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Personnel,%20PublicGrievances,%20Law%20and%20Justice/67.pdf> (Last viewed on 14th May 2021)

by procedures and lawyer's interests, poor infrastructure, shortage of judicial personnel, weak alternate dispute resolution mechanisms and so on.

The National Court Management Systems (NCMS) Policy and Action Plan¹⁸ present an action plan for implementation of the court management system under the aegis of the Supreme Court of India. The policy recommended that States must provide the requisite resources to the Judiciary so that discharge of judicial activities can take place smoothly. In a detailed study of budget allocation by States, the report validates the fact that States have allocated minimal budget for the judiciary to utilize and modernize the judicial infrastructure over a period of time.

The NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting)¹⁹ asserts that only by enhancing the quality of physical infrastructure, judicial efficiency and reduction in the pendency of cases is attainable. The report suggests that court infrastructure should provide easy access to justice to marginalized sections of society and differently-abled persons. The report further discusses that court infrastructure should provide ideal working conditions, which will lead to increased efficiency among judicial officers and other administrative staff. The report determines vital elements required for an ideal courthouse.

The Subordinate Courts of India: A Report on Access to Justice²⁰ in 2016 scales the current inadequacies in the manpower in the judiciary while comparing to other branches of governance. It takes into notice the concerns regarding judicial backlogs and infrastructure in particular. At the time of publishing this report, it marked that the subordinate judiciary was working under severe deficiency of courtrooms. It further brings into notice the short fall in manpower in terms of staff positions, which stands short 19.48% of the required length. The report also delves into the shortfall in residential accommodation for judicial officers at 41.53% of the required strength. The report categorically notes that judges trying cases in a makeshift courtroom cannot deliver desired results.

¹⁸National Court Management Systems (NCMS) Policy and Action Plan
<https://www.sci.gov.in/pdf/NCMSP/ncmspap.pdf> (Last viewed on 14th May 2021)

¹⁹Court Development Planning System
<https://www.sci.gov.in/pdf/NCMS/Court%20Development%20Planning%20System.pdf> (Last viewed on 14th May 2021)

²⁰Subordinate Courts of India: A Report on Access to Justice, 2016; Centre for Research & Planning, Supreme Court of India New Delhi
<https://main.sci.gov.in/pdf/AccessToJustice/Subordinate%20Court%20of%20India.pdf> (Last viewed on 14th May 2021)

The report by Vidhi Centre for Legal Policy, Status of Physical Infrastructure in Lower Judiciary²¹: A report on the status of physical infrastructure in District Courts, Delhi and NCR, emphasizes the need for physical infrastructure. The report draws its parameters from the NCMS Court Development Planning System: Infrastructure and Budgeting report focusing only on Litigants' Waiting Area, Ground Level Entry Points, Utility Management and Vehicular Management. However, the report doesn't define any rationale for selecting the parameters of the study; it broadly studies the judicial infrastructure from the physical point of view.

Above, we have studied various reports and study conducted by government and non-governmental organizations, which directly or indirectly discusses the lack and necessity of proper infrastructure in the judiciary and the way it relates to the pendency in the subordinate judiciaries or lower judiciaries. The magnitude of deficiency in terms of infrastructure is high enough to make access to justice for a common person almost implausible. For instance, in terms of sanctioned (WO) manpower, the Indian judiciary consists of around 31 Supreme Court Judges, 1079 Judges of the High Court, and 22 545 Judges of District & Subordinate Courts.²² This sanctioned strength amounts to a mere 19.78 Judges per million, which stands way less in comparison to the USA (107 per million) UK (51 per million). The judge-population ratio is only one of the many indicators which need to be explored and analyzed to understand the grass root reality of infrastructure issues of the judiciary in India.

Additionally, the Law Commission of India Report no. 245 Arrears and Backlog: Creating Additional Judicial (WO) Manpower (2014) also suggested and pressed the need to deal with the additional infrastructural requirements for building new Courts to ensure timely justice and facilitate access to justice. The report also highlighted that apart from increasing judge strength, there was a need to undertake other measures for reducing delays, including the application of good judicial management practices such as putting into place timelines and performance benchmarks. The report suggests taking measures for the timely disposal of cases at all levels of the judicial system, including by monitoring and increasing judge strength throughout the system; encouraging Alternative Dispute Resolution Methods,

²¹Status of Physical Infrastructure in Lower Judiciary, Vidhi Central, <https://static1.squarespace.com/static/551ea026e4b0adba21a8f9df/t/5ad835ac8a922d956d94a6f6/1524119030760/20180419.Infra.Final.pdf>

²²UNSTARRED QUESTION NO. 675, Judge Population Ratio, Ministry of Law & Justice, Department of Justice, Lok Sabha, Government of India, <https://loksabha.nic.in/Members/QResult16.aspx?qref=68910> (Last viewed on 14th May 2021)

where appropriate and more efficient allocation and utilization of resources are required to fulfil the goal of providing timely justice to litigants²³.

Since 1993-94, for infrastructure development of the subordinate judiciary, 'Centrally Sponsored Schemes (CSS)' were brought into operation in order to advance financial resources to States (other than the North Eastern States) in the form of a grant on 50:50 ratio (Centre: State) and for the North Eastern States on 75:25 ratio (Centre: State). Whereas in 2011, the said Scheme was modified, the central share was enhanced by the Central Government by revising the funding pattern of the financial resources advanced to States (other than the North Eastern States) in the form of a grant from 50:50 to 75:25 ratio (other than the North Eastern States). The Central Government also revised the funding pattern of the financial resources advanced to the North Eastern States from a 75:25 to 90:10 ratio²⁴.

Under the 'Centrally Sponsored Schemes (CSS)' till 2010-11, the Central Government released an amount of 1245 crores to different States in India. After the revision of the 'Centrally Sponsored Schemes (CSS)' in 2011, the Central Government released an amount of 1303 crores (for 2011-12: 595 crores and for 2012-13: 708 crores). The revamped Centrally Sponsored Scheme did not cover the buildings of the High Court under it, for which central assistance as 'one-time Additional Central Assistance' (ACA) was provided to different States directly by the Planning Commission in the ratio of 30:70 (Centre: State)²⁵.

For the 'Centrally Sponsored Schemes (CSS)' under the Eleventh Five Year Plan (2007-2011),²⁶ a grant of rupees 701.08 crores was outlaid. During 2007-08, 2008-09, and 2009-10 and 2010-11, a grant of rupees 103.80 crores, 132.47 crores, 175.70 crores, 142.74 crores, respectively, were disbursed to the States/Union Territories under the Eleventh Plan Five Year Plan. A grant of rupees 595.74 crores was released to States/Union Territories in 2011-12²⁷.

²³Report No. 245 Arrears and Backlog: Creating Additional Judicial (wo) manpower, July 2014 ,Law Commission of India <https://lawcommissionofindia.nic.in/reports/Report245.pdf> (Last viewed on 14th May 2021)

²⁴ Page No. 11 "Outlay and Funding Pattern" Sixty Seventh Report, Ibid No. 11.

²⁵Supra No. 18

²⁶Eleventh Five Year Plan (2007–2012) Inclusive Growth Volume I, Planning Commission, Government of India https://niti.gov.in/planningcommission.gov.in/docs/plans/planrel/fiveyr/11th/11_v1/11th_vol1.pdf (Last viewed on 14th May 2021)

²⁷ Ibid No. 18

For various schemes of the Department of Justice, the Planning Commission, under its Twelfth Five Year Plan period²⁸, advance an amount of rupees 5802 crores as a grant to States. Out of the said amount, for augmenting the infrastructural requirement, Rupees 4867 crores were earmarked as a grant to the States and Union Territories under ‘Centrally Sponsored Schemes (CSS)’. Under the plan, The State Governments were also sensitised about the need for the development of judicial infrastructure, and thus, “an adequate provision in the budget for the purpose would provide a much-needed impetus to the growth of judicial infrastructure at the subordinate level²⁹”.

The current literature concentrates on the macro-level observations of infrastructure in the judiciary. It only overlooks the aspects related to policymaking but skips the monitoring and evaluation aspects of the schemes and policies that had been injected to improve the infrastructure deficit in the judiciary since the launch of various Centrally Sponsored Schemes (CSS). Therefore, an assessment of the quality of delivery of justice before and after the post-availability of infrastructure becomes a necessity. A study that aims to evaluate deliverables of the added physical, personnel and digital infrastructure present in the subordinate judiciary, in particular, and the judiciary, in general.

1.3. Statement of the Problems:

The Infrastructure of a court, in this context, includes the Physical Infrastructure- Including the court complex, courtrooms, attached washroom, elevators, facility for drinking water, etc.; Personnel Infrastructure- Including the judicial Officers, Supporting Administrative staff and Advocates; and the Digital Infrastructure- Including IT Department, E-facilities, E-Courts, Updated Court websites, mobile applications, etc. that is, available for both the bar and general public, who are the real backbone of the justice delivery system in India. The basic necessities such as proper seating arrangement, availability of sufficient staff, adequate lightening, proper hygiene facilities, or access to water are not available for the key stakeholders. During the said research, it was therefore observed that the lack of the above-mentioned basic or adequate facilities for all the key stakeholders, including Judicial Officers, Court Administrative Staff,

²⁸ Twelfth Five Year Plan (2012–2017) Faster, More Inclusive and Sustainable Growth Volume I, https://niti.gov.in/planningcommission.gov.in/docs/plans/planrel/fiveyr/12th/pdf/12fyp_vol1.pdf (Last viewed on 14th May 2021)

²⁹ Ibid No. 18

Advocates and Litigants at the District /Subordinate Courts, leads to causing a mounting backlog of cases/disputes.

The 'E-Courts Integrated Mission Mode Project' introduced under the chairmanship of the Chief Justice of India majorly depends on the availability of proper connectivity, skilled manpower, requisite knowledge of computers and training among the users. But, the implementation of the 'E-Courts Integrated Mission Mode Project' in the district and subordinate courts across the country have not succeeded as expected due to the lack of awareness about its usability among the key stakeholders and lack of Impact assessment of the degree of usage of the E-Courts.

In the end, therefore, it is necessary for the respective State and the Bar to enhance the functioning of a court, as per the modern-day court infrastructural standards. Quality infrastructural facilities at District/Subordinate Courts in states should be provided, as it would be further effective access to the justice process and help in the reduction of the mounting arrears of cases. Dealing with the issue at hand, this research project has delved into the following issues:

- Is there a direct nexus between quality of infrastructure and speedy access to justice?
- Is the quality of infrastructural facilities causing inordinate delays in the decision-making process at District/Subordinate Courts?
- Is there any impact of the dearth of quality of infrastructure services in the reduction of the mounting arrears of cases?
- How effective are the available infrastructural services in selective District & Session Courts, including Taluka Courts, in providing effective and quick access to justice?
- Whether the infrastructural impediments affecting the proper operations of the subordinate judiciary at District & Session Courts in providing speedy access to justice?
- Whether the availability of adequate infrastructure impact the case disposal rate (pre and post)?
- Whether the 'E-Courts Integrated Mission Mode Project' is implemented in the District & Session Courts as a citizen-centric initiative in providing effective and quick access to justice?

- Whether the digitalisation of courts at the district-level increased the transparency and efficiency of the Indian judicial regime?
- Whether the 'E-Courts Integrated Mission Mode Project' has achieved its objective of the Information and Communication Technological (ICT) enablement of the Indian Judiciary and of providing services to all key stakeholders at the District and Subordinate Courts, including the Citizens/Litigants/Advocates/Court Staff/Judicial Officers?
- Can effective access to justice be achieved or promoted through the availability of good infrastructure at the District and Session Courts?

1.4. Objectives of the Research:

By undertaking an in-depth scrutiny of the existing pieces of literature on the subject and prevailing ground realities, the researcher has tried to evaluate whether a direct nexus between the quality of infrastructure and securing speedy access to justice exists or not. Effective access to justice can effectively be promoted through the availability of good infrastructure at the District and Session Courts.

The primary objective of the research is to identify the infrastructural impediments in the operations of the subordinate judiciary at District & Session Courts in providing effective and quick access to justice in India. After the proper diagnosis of the infrastructural difficulties, the researcher explored the viable solutions to the identified problems by involving all the stakeholders involved in the justice delivery system at District Courts in the Selective States. To analyze and examine the identified research problems, the research intended to achieve the following objectives:

1. To study the quality of infrastructural services at District & Session Courts, including *Taluka*/Subdivision Courts
2. To critically examine the impact of the dearth of quality of infrastructure services on the effectiveness of providing access to justice and reduction in the pendency of cases
3. To critically evaluate the quality of infrastructural facilities provided at District & Session Courts, including *Taluka* Courts in Selective Districts in India
4. To evaluate, through empirical study, the effectiveness of infrastructural services in selective District & Session Courts, including *Taluka* Courts in India
5. To assess comparatively case disposal rate pre and post-availability of adequate infrastructure
6. To Evaluate the efficacy of the Infrastructure services from the following indicators:

- a) Quality Infrastructure: IT facilities and maintenance of proper records and cause list for pending cases, decided cases, etc
- b) Adequate area of courtrooms with provisions for a power outlet, working computer, ample space for court master (Reader) and one stenographer
- c) Regular and full-time staff for District and *Taluka* Courts
- d) Seating facilities for the advocates with bar rooms for ladies and gents, consultation rooms and cubicles, and a Library
- e) Litigants' waiting area
- f) Availability of an *Ahalmad* room attached to each courtroom
- g) Appointment/creation of a court management system for Courts
- h) Availability of vehicles for the activities of District Courts, including Subdivision or *Taluka* Courts.
- i) Funding constraints for the procurements of infrastructure services.
- j) Video Conferencing Facility: Connectivity with jails & other depts.
- k) Shortage of Judges, staff, supporting staff, etc
- l) Library for Advocates, Judges, etc.,
- m) Backup facilities for the court room
- n) Adequate provision for fire alarms, fire detection and fire fighting arrangement in all parts of the court complex
7. To identify the impediments in the provisions of infrastructure facilities at Selective District & Session Courts
8. To take viable corrective measures to promote speedy access to justice through improvement in the quality of infrastructure services at District & Session Courts.

1.5. Hypotheses:

The proposed hypotheses have described, explained and explored the relationship between the Quality of Infrastructural facilities and the reduction of the mounting arrears of cases. It has also scrutinised the impact of the Infrastructural facilities on the speedy access to justice in the Indian legal system within the research Universe. The research has examined the following hypotheses:

- There is a direct nexus between quality infrastructure and speedy access to justice.
- The poor quality of infrastructural facilities causes inordinate delays in the decision-making process at District & Session Courts.

- The dearth of quality infrastructure services assists in the mounting arrears of cases.
- The existing infrastructural impediments affect the proper operations of the subordinate judiciary at District & Session Courts in providing speedy access to justice.
- The 'E-Courts Integrated Mission Mode Project' implemented in the District & Session Courts, as a citizen-centric initiative, lacks a proper implementation mechanism.
- Due to a lack of proper Infrastructural resources and a lack of required awareness, the digitalisation of courts at the district level has, by far, failed in its objectives.
- Effective access to justice can be achieved and promoted through the availability of good infrastructure at the District and Session Courts in the States.

1.6. **Operational Concepts of Research:**

Infrastructure: The availability of proper Infrastructure at the courts is a pre-requisite for the reduction of pendency of cases and access to justice. The major reasons leading to mounting arrears of cases in District and Session Courts are poor Judge Population ratio, prolonged and costly litigation caused by procedures and lawyer's interests, poor infrastructure, shortage of judicial personnel, weak alternate dispute resolution mechanisms and so on. The requisite Infrastructural resources for the Judiciary would assist in the smooth discharge of judicial activities. The definition of infrastructure for the purpose of this research includes:

- **Physical Infrastructure-** Including the court complex, courtrooms, attached washrooms, elevators, facility for drinking water, etc.
- **Personnel Infrastructure-** Including the judicial Officers, Supporting Administrative staff and Advocates.
- **Digital Infrastructure-** Including IT Department, E-facilities, E-Courts, Updated Court websites, mobile applications, etc.

District Court: The District Courts of India are the courts present in every district or one or more districts in a State, administering justice at a district level. A district court is further divided into civil courts and session courts, like its two parts. On both parts, it holds pecuniary jurisdiction. The District Court is headed by District Judge as the highest administrative and judicial officer. It is the responsibility of the District Judge to allow cases to every court in his district.

Judicial Officers: Judicial officers for the purpose of this research would include, Civil judges (senior and Junior division), Magistrates (Chief Judicial Magistrate, First and Second Class Magistrate, Metropolitan magistrate in Metropolitan cities) & Session Judges.

Chief Administrative Officer: The District court is headed by District Judge as the highest administrative and judicial officer. The District Judge, as a Chief Administrative Officer, allows cases to every court at the district level. It is the duty of the Chief Administrative Officer to supervise the administration and operation of the unified court system. The role of the Chief Administrative Officer is to administer court affairs, facilitate proper infrastructure for the courts, and mechanize an effective court management system that will aid in dispensing swift justice.

Supporting Administrative Staff: For the purpose of this research, the supporting administrative staff would include the Administrative Officer, Head Assistant, Senior Assistant, Junior Assistant, Nazir/Head Clerks, Sheristadar/ Superintendents, Bench Clerks, Ahlmad/ Reader, Stenographer, Multipurpose Employee, Data Entry Operator, and Record Keeper, etc., working in the District court complex.

Advocates: Legal practitioners registered with bar councils of the States and described under the Advocate Act 1961, empanelled or engaged on a case basis, ad-hoc basis, for Civil and Criminal offices before the Civil and criminal Court in District Courts.

Main Variables for the Research:

This study will examine the existing legal framework on infrastructure amenities and also focus on the infrastructural constraints like the dearth of infrastructural services, the impact of infrastructural services on the pendency of cases, speedy access to justice, etc., affecting the operation of the legal services at District Judicial Authorities in the selective states in India. The study aimed to examine the connection between the quantum of cases disposed of pre and post-availability of required infrastructure. Stakeholders providing quality representation and authentic data for the Empirical research were given priority.

1.7. Research Design: Research Universe (India)

The research was designed to identify the infrastructural impediments in the operations of the subordinate judiciary at District & Session Courts in providing effective and quick access to justice in India. (In selective states- Madhya Pradesh, Maharashtra, Himachal Pradesh, Rajasthan, Uttarakhand, Chhattisgarh, Assam, Chhattisgarh, Karnataka and TN)

1.7.1. Universe for the Research

The research was designed to include primary data to be collected, through structured questionnaires, from the major stakeholders of the Infrastructure at the District/Subordinate Courts. For the study, states from every zone (in India) having the highest number of pending cases, according to the National Judiciary Data Grid,³⁰ was selected. Further, in each selected state, two districts, one with the highest and the other with the lowest number of pending cases, were selected to achieve the objective of the study. The research universe includes 2 districts in 10 selective states- Madhya Pradesh, Maharashtra, Himachal Pradesh, Rajasthan, Uttarakhand, Chhattisgarh, Assam, West Bengal, Karnataka and Andhra Pradesh (2 states each from North, south, East, West, and Central).

1.7.2. Research Methods

As per the requirements of the research problems and the objectives sought to be achieved, this research project would adhere to both doctrinal and non-doctrinal methods of research methodology.

Doctrinal Research Method: As a part of the Doctrinal study, the researcher has examined both the primary and secondary sources of information on the subject, which includes the relevant provisions of the Constitutional Law, The Report of the National Commission to Review the Working of the Constitution (Volume I), the Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs Report (Volume-I), the Report of the Working Group for the Twelfth Five Year Plan (2012-2017), the Sixty-Seventh Report Infrastructure Development and Strengthening of Subordinate Courts, the National Court Management Systems (NCMS) Policy and Action Plan, and the NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting), for conducting this research.

Empirical Research Method: To scrutinize the significance of Improved Infrastructure in the mounting arrears of cases in the Universe, it was mandatory for the researcher to carry out empirical research to evaluate the quality of available Infrastructural facilities. To begin with, the researcher conducted a pilot study before framing quality research questionnaires. For that purpose, four questionnaires have been framed for different categories of stakeholders for the collection of primary data.

³⁰http://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard

1. ***Representative Samples:*** 20 District Courts from 10 States (2 District each state).
2 States in each region from North, South, West, Central, and East, including North Eastern zones of India): Madhya Pradesh, Maharashtra, Himachal Pradesh, Rajasthan, Uttarakhand, Chhattisgarh, Assam, Odisha, TN and Gujrat.
2. ***Relevant and Experience:*** Stakeholders providing quality representation and authentic data for the Empirical research were given priority. The following respondents were contacted for the research:
 - District Judge as an Administrator
 - Judges at District Courts
 - Advocates in District Courts
 - Supporting Administrative Staff employed at District Courts

The above-mentioned respondents in the Universe of the Research were interviewed from self-administered questionnaires.

1.7.3 Data Collection

Primary Data: Primary data collection through personally administered questionnaires from the District & Session Judges, Court Administrative Staff, Advocates, and State Authority providing infrastructure services to District Courts in the states within the research universe on the following Parameters:

1. Number of vacant posts and average workload of judges
2. Availability of Office/Room for Courts/Judges
3. Availability of IT Services and Power Supply: the display of cause lists, orders, judgments, etc.
4. Sufficient Space for Providing Legal services: Judges, advocates, Clients, etc
5. Availability of trained Office Staff: quantum and nature of employment
6. Creation/appointment of Court Management System in District & Session Courts
7. Availability of Vehicles for the services of District & Session Courts
8. Funding constraints for the procurements of infrastructure services.
9. Video Conferencing Facility: Connectivity with jails & other depts.
10. Shortage of Judges, staff, supporting staff, etc
11. Library for Advocates, Judges, etc.,
12. Other infrastructural services needed for facilitating access to courts

The research team successfully completed the empirical research in 6 districts (3 States – Gujarat, Orissa, and Tamil Nadu) from December 2019 to February 2020. Due to the Covid-19 pandemic, a nationwide lockdown was declared by the Government of India from March 2020 to August 2020. The empirical research work was stalled during the said timeline, and the research activities scheduled to be completed in the given timeframe got affected (from March 2020 to August 2020). Post the lockdown period of COVID-19, the subsequent inter-state lockdown and restrictions by Central/State Governments further deferred the research work during the stated (varying from state to state) course of time.

The research team thereafter applied for fresh permissions from the Honourable High Courts of the selective states for conducting the due empirical research work. From March 2021 to 4th May 2021, the pending research in Himachal Pradesh, Rajasthan, and Uttarakhand was continued. But the aforesaid empirical research work was again stalled in Madhya Pradesh, Maharashtra, Chhattisgarh and Assam due to the lockdown imposed in different parts of the country because of the 2nd wave of the COVID-19 pandemic from May 2021. The research team did not receive approval from the Honourable High Court of West Bengal, Karnataka and Andhra Pradesh. Finally, primary data from remaining states like MP, Chhattisgarh, Assam and Maharashtra was the collection from June 2021 to August 2021.

Secondary Data: For the secondary data, the researcher scrutinized the Reports by the Law Commission of India, various committees, the Judgment of the Supreme Court of India, Research papers, and Statutory Instruments regulating the infrastructural services in the District Courts in India.

1.7.4. Sample Design

The research was designed to include primary data to be collected through structured questionnaires with close-ended and some open-ended questions from the major stakeholders of the Infrastructure at the District and Session Court. The following Research Design technique is adopted for the research:

In order to collect authentic, representative and accurate data, the stratified sampling method, which represents the major stakeholders of the Infrastructure at the District and Session Court, for collection of the primary data in the Universe (North, south, East, West, and Central), for the empirical has been selected. This research has used Stratified-sampling method for the collection of primary data from the main stakeholders of the Infrastructure at the District/Subordinate Courts in a state, such as the Chief

Administrative Officer, Judicial Officers, Advocates, and Supporting Administrative Staff employed at the District Courts in 10 states (2 Districts in each state).

The primary research has explored the impact of a dearth of quality infrastructure at District and Session Courts, including Taluka/Subdivision courts in states, effecting access to justice, the role of Infrastructure in the pendency of cases/disputes, and analysed the existing condition of physical Infrastructure & E-facilities at the District/Subordinate Courts in states. The role played by the E-courts in the smooth disposal of cases. The proposed research shall carry out a pilot study before the finalisation of the total number of respondents and questionnaires in each category of the stakeholders involved in the Infrastructure at the District and Session Court in the Universe for the proposed research. This research project has tried to ensure the Minimum representation in each category as follows:

- Collection of Primary data as per the Questionnaire from 100% of the Chief Administrative officer in the 10 states' District and Session Courts;
- Collection of Primary data as per the Questionnaire from 50% of the Judicial Officers in the Civil and Criminal Courts in the 10 states' District and Session Courts;
- Collection of Primary data as per the Questionnaire from 100 Advocates practising in the 10 states' District and Session Courts;
- Collection of Primary data as per the Questionnaire from the 50% Supporting Administrative Staff employed in Courts in the 10 states' District and Session Courts.

Table No. 1. Proposed Primary Data Collection

S.No.	Category of Stakeholders	Proposed Strength
1.	Chief Administrative Officer	100% in the 10 states' District & Session Courts
2.	Judicial Officers	50% in the 10 states' District & Session

		Courts
3.	Court Administrative Staff	50% in the 10 states' District & Session Courts
4.	Advocates	100 advocates in the 10 states' District & Session Courts

The research team, after receiving formal approval from the Honorable High Courts of different states, commenced the process of data collection from December 2019 to August 2021. The data collected is mentioned below:

Table No. 2. Actual Primary Data Collection

Sr. No.	State	District	Chief Admin	Judicial Officer	Advocate	Support Staff
1	Tamil Nadu	Madurai	1	31	26	30
		Dindigul	1	13	25	27
2	Gujarat	Ahmedabad	0	16	18	27
		Surendra Nagar	1	9	21	15
3	Odisha	Bhubaneswar	0	1	27	0
		Cuttack	1	17	30	46
4	Uttarakhand	Dehradun	0	6	63	25
		Haridwar	1	6	68	27
5	Rajasthan	Alwar	1	11	70	37
		Jaipur	2	51	100	23
6	Himachal Pradesh	Una	1	8	72	37

7		Solan	1	15	41	22
	Madhya Pradesh	Jabalpur	1	20	104	47
		Mandla	0	21	72	55
8	Assam	Amingaon	1	7	100	16
9		Guwahati	1	9	42	17
	Chhattisgarh	Raipur	1	15	80	45
		Durg	1	20	80	30
10	Maharashtra	Pune	1	23	80	33
		Ahmednagar	1	52	91	63
	Total: 2200	20 Districts	17	351	1210	622

The researcher carried out a pilot study before the finalisation of the total number of stakeholders and questionnaires in each category of the stakeholders involved in imparting the legal education and research in the Universe for the aforesaid research. The research was designed to collect primary data through the Questionnaires through personal visits to the research universe (North, south, East, West, and Central). The Researcher framed four questionnaires according to the requirements of the research problems and the objectives of this research (sought to be achieved) for the relevant stakeholders. A Stratified sampling method has been employed in order to collect accurate representative samples from the key stakeholders in the research universe. This research managed to interview 351 Judicial Officers, 1210 Advocates, 622 Supporting Staff and 17 Chief Administrative Officers (District and Sessions Judges) Total of 2200 respondents.

A pilot study before the finalisation of questionnaires was carried out in order to examine the research problems and achieve research objectives. The research project framed questionnaires for the following categories of Stakeholders:

- District Judge as an Administrator
- Judges in District Courts
- Advocates in District Courts
- Supporting Administrative Staff employed at District Courts.

1.8. ***Data Processing:***

After the collection of primary data from the key stakeholders within the research universe (Tamil Nadu, Orissa, Gujarat, Rajasthan, Himachal Pradesh, Uttarakhand), the data has been classified according to the requirements of the research hypotheses and objectives sought to be achieved. The Primary data collected shall be displayed and presented in the form of tables and graphs in the final report. Data analysis of collected data has been done through statistical techniques and software such as SPSS etc.

1.9. ***Utility of the Research:***

The research project is certainly intended to contribute to the existing literature, including legislations and judicial pronouncements on the Infrastructure at the District and Session Court. The researcher has examined the infrastructural impediments and suggested possible solutions in the form of some suggestions/recommendations, which may provide genuine grounds for some amendments to the existing legislation. The study has highlighted the infrastructural problems in the internal operations of the Courts and their impact on the pendency and backlog of cases and the effectiveness of access to justice. Therefore, this research project would certainly expand the horizons of the existing pool of knowledge, thereby would promote the jurisprudential aspect of the subject.

1.10 ***Scheme of Report:***

This emperical research is laid out in a manner such that it addresses three vital questions first is the infrastructure that is available, second is the skilled manpower that is available and third is the digitisation initiatives. The confluence of these three is seen to have a crucial impact on pendency of cases. Broadly, the research data collected from our four sets of important respondents judicial officers, advocates, supporting staff and the CAO has then been collated and presented to showcase the various issues such as availability of facilities, satisfaction levels, conditions of such facilties, employment nature of support staff, programs for orientation, trainings etc. Subsequently, the research is interested to draw causal linkages by means of already stated hypotheses to understand if our perceptions hold any validity or not.

Chapter II

Law and Policy on the Infrastructure at the District Courts in India

“Denial of ‘timely justice’ amounts to a denial of ‘justice’ itself”³¹.

2.1 Background

An independent and efficient judiciary is the bedrock of democracy in India. Judiciary in India is considered a co-equal branch of governance, along with the Legislature and the Executive, that functions in accordance with the constitutional framework. Justice in all aspects- Social, Economic and political is a preambular precept of the Constitution of India³². The constitution, by virtue of Article 50, obliges the State to take necessary steps to separate the judiciary from the executive in the public services of the State³³. This means thereby proper Law and order can be ensured in a state by a sound and structured criminal justice regime. The role of the courts is not only to adjudicate disputes but also to provide with such normative principles that bind different institutions and develop necessary court policies. Highlighting the virtue of effective and efficient administration of justice, Edmund Randolph states:

“Impressed with a conviction that the due administration of justice is the firmest pillar of good Government, I have considered the first arrangement of the Judicial department as essential to the happiness of our Country and to the stability of its political system; hence the selection of the fittest characters to expound the law, and dispense justice, has been an invariable object of my anxious concern.”³⁴

In India, there are different levels of Judiciary –at the Centre, State and District, that holds varying powers bestowed upon them based on their tier and jurisdiction. In line with the order of the courts in which they sit, a hierarchy of importance is formed. The Supreme

³¹ Page no. 1, Report No. 245 Arrears and Backlog: Creating Additional Judicial (wo) manpower, July 2014 , Law Commission of India <https://lawcommissionofindia.nic.in/reports/Report245.pdf> (Last viewed on 17th May 2021)

³² Subordinate Courts of India: A Report on Access to Justice 2016, Centre for Research & Planning, Supreme Court of India New Delhi <https://main.sci.gov.in/pdf/AccessstoJustice/Subordinate%20Court%20of%20India.pdf> (Last viewed on 15th May 2021)

³³ Article 50- Separation of judiciary from the executive- The State shall take steps to separate the judiciary from the executive in the public services of the State.

³⁴ Justice David G. Mann, “Curbing Delays in the Administration Of Justice: Case Management in the Magistrate Courts”; A Paper presented at the Orientation Course for the newly appointed Magistrates, On 24th July 2017 , https://Nji.Gov.Ng/Images/Workshop_Papers/2017/Orientation_Newly_Appointed_Magistrates/S2.Pdf (Last viewed on 28th May 2021)

Court functions at the top as the Apex court, followed by High Courts in each State holding utmost authority, and there are District/Subordinate Courts at the district levels. In essence, the judiciary at all the different levels forms a strong judicial system that lies within an orderly legal framework providing speedy justice and timely disposal of disputes.

At the Subordinate Level, the District/Subordinate Courts of India are the lowest court of authority, present in every district or one or more districts in a State, administering justice at a district level. The District Court is headed by District Judge as the highest administrative and judicial officer. A District Judge is commonly invested with numerous responsibilities in the process of delivering justice. The District Judge administers court affairs, facilitates proper infrastructure, develops court policies and mechanizes an effective court management system that will aid in dispensing swift justice. In compliance with the statutes laying the responsibilities of Judicial Officers in different States, the responsibility of Court management of the District/Subordinate Courts is further divided among other Judicial Officers to ensure the effective and efficient working of the courts. With mounting arrears, poor infrastructure and a shortage of judicial strength when clubbed with such additional work of ‘court management’ makes, it is difficult for judges to impart timely justice, leading to adverse conditions of overburdening and delayed justice at the District/Subordinate Courts.

As per the National Judicial Data Grid (High Courts of India), as on 17th May 2021, the total number of pending cases in the High Court is 58,05,195³⁵ and in the Subordinate Courts across India is 3,84,53,560³⁶. In the current scenario, despite the hierarchy of the Courts, ensuring ‘Access to Justice’ in India is under a shadow of doubt and crisis of credibility due to the clogging caused by the mounting arrears of cases (both civil and criminal matters) and over-delayed justice delivery process. This pertinent issue of pendency of cases alludes to the accumulated mounting arrears impacting the justice delivery system and indicating the abysmal state of law and order.

The major reasons leading to mounting arrears of cases include poor Judge Population ratio, prolonged and costly litigation caused by procedures and lawyer’s interests, poor infrastructure, shortage of judicial personnel, weak alternate dispute resolution mechanisms and so on. While discussing the impediments causing delayed justice, the major reasons are

³⁵ Pendency Dashboard, National Judicial Data Grid (High Courts of India) 17th May 2021 https://njdg.ecourts.gov.in/hcnjdgnew/?p=main/pend_dashboard (Last viewed on 17th May 2021)

³⁶ Pendency Dashboard, National Judicial Data Grid (District and Taluka Courts of India) 17th May 2021 https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard (Last viewed on 17th May 2021)

often limited to the mounting arrears of cases and the inordinate delays in the decision-making process while totally ignoring the other issues, such as the ‘Infrastructure’ of the Court complexes. While monitored closely, it is observed that one of the prime reasons responsible for the inordinate judicial delays and judicial pendencies is the “Infrastructure of the Court”.

The Infrastructure of a court, in this context, includes the Physical Infrastructure- Including the court complex, courtrooms, attached washroom, elevators, facility for drinking water, etc.; Personnel Infrastructure- Including the judicial Officers, Supporting Administrative staff and Advocates; and the Digital Infrastructure- Including IT Department, E-facilities, E-Courts, Updated Court websites, mobile applications, etc.

As per the Constitutional Scheme, the motto of the Indian judiciary has always been to make Justice (Social, Economical, Political) accessible to all persons irrespective of their age, race, gender, etc., also including persons with disabilities and illiterates. So, to model the existing judicial system as speedy and qualitatively responsive to all, there is a need to strengthen the judiciary in all manners. To enhance the functioning of a court, it should primarily be equipped with resources, both financial and human, *via* proper Infrastructure of a court. Meaning thereby, there should be ‘Court Premises’ which are well equipped and well designed, providing basic and improved facilities such as proper entry and exit points, maps, accessible court complex, proper seating arrangement, adequate lightening, Water and sanitary facilities, etc., to both litigants and Bar members.

In *All India Judges Association v. Union of India*³⁷, the Supreme Court of India observed that,

“Justice Delivery System is the bedrock of the rule of law, which is held to be the basic structure of the Constitution, and it is our view that, in the absence of adequate judicial infrastructure, particularly for the subordinate Courts, it would not be possible to sustain rule of law in this Country. Indeed, Courts do not generally issue directions in the financial matters, however, we are of the view that Court fees, costs and fines constitute what is called “Measure” of what is spent on judicial infrastructure. This would be in consonance with the doctrine of Reasonableness under the Constitution. Rule of Law assures the citizen of an effective civil and criminal justice system and judicial infrastructure is the cornerstone of the justice delivery system without which, Rule of law in this Court would fail.”

³⁷ Pg No. 705 Para 1, (2010) 14 SCC 705; *All India Judges Association v. Union of India*, Interlocutory Application No 279 OF 2010; Writ Petition (CIVIL) NO 1022 OF 1989

The linchpin of a strong and stable judicial system is a sound infrastructure. It is difficult to imagine the functioning of the Judiciary at the optimum level without a robust infrastructure³⁸. To a great extent, the requisite availability of proper Infrastructural resources assists in the proper functioning of judicial activities leading to the secure elimination of delays and speedy clearance of arrears. But it is observed that the significance of Infrastructure is not valued as much when moving from urban India to rural India. As on 17th May 2021, the National Judicial Data Grid (District and Taluka Courts of India) estimates that the total number of pending cases in the Subordinate Courts across India is 3, 84, 53, 560³⁹. The condition of the infrastructure of the court at the District/Subordinate levels suffers from severe deficiencies making it less accessible to the common man while simultaneously affecting the proper functioning of a court and leading to inordinate judicial delays and judicial pendencies. Therefore, it is the need of the hour to address the issue of poor Infrastructure at the District/Subordinate with the utmost importance.

2.2 *Judicial Pendency in India: An Analysis*

Globally, the Indian Constitution is considered the lengthiest Constitution as it descriptively details all the powers enjoyed by the Legislature, Executive, and Judiciary. The Judicial system at both Centre and State derives its power and authority from the framework of the legal system laid down by the Indian Constitution. The primary objective of the Indian legal regime is to serve just, fair and speedy access to justice to all its citizens. Whereas, over the decades, it has been observed that our system has seemed to miserably fail in delivering justice expeditiously due to the piling up of the huge backlog of arrears in the lower/subordinate courts.

Whereas, in the Indian judicial system, the policy of “one size fit all” would be ill-suited as every case requires properly processed scrutiny so that justice is not delivered in a hurried manner at the cost of fair play and substantial justice. The 77th Report of the Law Commission of India titled “Delay and arrears in trial courts”, 1978 also states that

“Any attempt to accelerate the disposal of cases would be only at the cost of rules of fair play and natural justice. Such an attempt would thus be substituting a much worse evil compared with the evil manifested by delay in the disposal of cases. We are, therefore, opposed to attempts at

³⁸ *Supra Note.1*

³⁹ Pendency Dashboard, National Judicial Data Grid (District and Taluka Courts of India) 17th May 2021 https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard (Last viewed on 17th May 2021)

expediting the disposal of cases at the cost of the requirements of fair play and substantial justice⁴⁰”.

The first and foremost virtue of our legal system is ‘Judicial Efficiency’, and an absence of such virtue would deter litigants from approaching the system for the settlement of disputes. A judicial system that does not serve its people in a timely and cost-effective manner is most likely to dissuade the litigants and other users, whatever its other merits co-exist⁴¹. In this regard, Justice Krishna Iyer, Supreme Court, states that

“the true conception of the administration of justice is that the lowly concerns of the least person are the highest consideration to the state and the court.”⁴²

So, in the context of justice, ‘Delay’ denotes the time exhausted in the complete disposal of any dispute in excess of the reasonable time scheduled for the case disposal by the court. As an inherent part of the judicial system is the expected life span of a case⁴³. According to the 245th Law Commission Report titled “Arrears and Backlog: Creating Additional Judicial manpower”, 2014, terms like arrears, backlog, pendency, and delay can be used interchangeably. It defines these terms as follows:

- a) “Pendency: All cases instituted but not disposed of, regardless of when the case was instituted.
- b) Delay: A case that has been in the Court/judicial system for longer than the normal time that it should take for a case of that type to be disposed of.
- c) Arrears: Some delayed cases might be in the system for longer than the normal time for valid reasons. Those cases that show unwarranted delay will be referred to as arrears.

⁴⁰ 77th Report of the Law Commission of India, “Delay and arrears in trial courts” November, 1978 <https://lawcommissionofindia.nic.in/51-100/Report77.pdf> (Last viewed on 15th May 2021)

⁴¹ Alok Prasanna Kumar “Judicial Efficiency and Causes for Delay”, Chapter 9 Part-Administering The Judicial System, “The State of the Indian Judiciary”, A Report by DAKSH https://www.dakshindia.org/state-of-the-indian-judiciary/20_chapter_09.html#_idTextAnchor231 (Last viewed on 17th May 2021)

⁴² Yashomati Ghosh, “Indian Judiciary: An Analysis of the Cyclic Syndrome of Delay, Arrears and Pendency”, Asian Journal of Legal Education 5(1) 21–39; 2017; The West Bengal National University of Juridical Sciences, Kolkata ; SAGE Publications; sagepub.in/home.nav; DOI: 10.1177/2322005817733566; <http://ale.sagepub.com> <https://journals.sagepub.com/doi/pdf/10.1177/2322005817733566> (Last viewed on 15th May 2021)

⁴³ Vandana Ajay Kuma, Department of Laws, Panjab University, Chandigarh, “Judicial Delays in India: Causes & Remedies”, Journal of Law, Policy and Globalization www.iistorg ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol 4, 2012

https://heinonline.org.nludelhi.remotexs.in/HOL/Page?public=true&handle=hein.journals/jawpglob4&div=4&start_page=16&collection=journals&set_as_cursor=0&men_tab=srchresults (Last viewed on 15th May 2021)

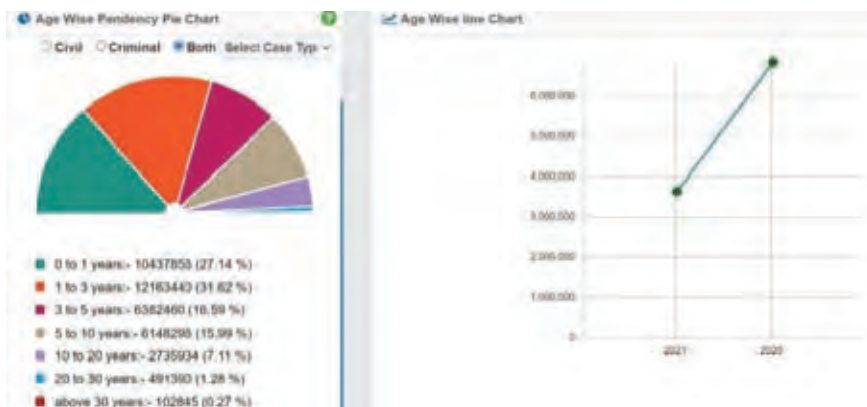
- d) Backlog: When the institution of new cases in any given time period is higher than the disposal of cases in that time period, the difference between institution and disposal is the backlog.”⁴⁴

Chief Justice A.S. Anand (1999) highlights that

“The consumers of justice want unpolluted, expeditious and inexpensive justice. In its absence, instead of taking recourse to the law, he may be tempted to take the law into his own hands. This is what the judicial system must guard against so that people do not take recourse to extra-judicial methods to settle their own scores and seek redress of their grievances”⁴⁵.

Over the decades, ‘Judicial Pendency’ has been a pivot topic of discussion, as a matter of contention in various parliamentary standing committees meetings and Law Commission’s reports. Yet, the issues’ concerning the abilities of the existing judicial system in the systematic disposal of arrears of cases persist. The existing condition of the Indian court suffers from severe deficiencies making it less accessible to the common man while simultaneously affecting the proper functioning of a court and leading to Judicial pendency and delayed justice. The mounting arrears of cases in Indian Subordinate/District Courts have been alarmingly high in recent years. As of 17th May 2021, Figure 2.1 reflects the Age-wise (0- above 30 years) pendency of cases in the Subordinate/District Courts in India.

Figure 2.1 Age-wise pendency of cases in the Subordinate/District Courts:



Source: Pendency Dashboard, National Judicial Data Grid (District and Taluka Courts of India) as on 17th May 2021.

⁴⁴ Chapter II- Defining Key Concepts: Pendency, Delay, Arrears, And Backlog, Ibid No. 1. Page No. 3

⁴⁵ Inaugural address of Hon'ble Dr. Justice A.S. Anand, Chief Justice of India at the golden celebrations of the Rajasthan High Court, (1999) 7 SCC (Jour) 1, <http://www.ebc-india.com/lawyer/articles/9907a1.htm> (Last viewed on 15th May 2021)

Figure 2.1 shows an age-wise pendency of cases in the District and Taluka Courts. Such a delay only adds to the cost of litigation for litigants. According to the National Judicial Data Grid, 75.35% of cases take less than five years. Therefore, 24.65% of cases that are delayed beyond a year indicate a significant problem in our Judicial System, highlighting the inordinate delay in the justice delivery system. If we analyse the percentage of pendency cases based on the following age cohorts i.e. 5 to 10 years, 10 to 20 years, 20 to 30 years and above 30 years (plus simultaneously old) which have the following percentages 15.99%, 7.11%, 1.28% and 0.27% respectively.

We see that the largest percentage of pending cases falls within the 5 to 10 years category, accounting for 15.99%. This suggests that a substantial number of cases have been pending for a considerable period, which contributes to the backlog in the courts. The next significant category comprises cases pending for 10 to 20 years, representing 7.11% of the total. This indicates a prolonged delay in resolving these cases, further exacerbating the burden on the judicial system. Then 20 to 30 years, a smaller percentage of cases 1.28% are pending. Although relatively low, it is still concerning that cases remain unresolved for such extended periods, causing significant delays and hindering access to justice. The data reveals that 0.27% of cases have been pending for over 30 years. This indicates an alarming level of inefficiency and reflects challenges faced by the judicial system in handling long-pendency cases.

Overall the provided data highlights the significant issue of delayed justice and the resultant miscarriage of justice in the Indian judicial system. The pendency of cases for 5 to 10 years, 10 to 20 years, 20 to 30 years and above 30 years indicate systemic problems that need to be addressed. Factors such as the low judge population ratio, insufficient manpower in courts, lack of strictly enforced timelines in case disposals, dearth of manpower supporting staff, dearth of skilled manpower supporting staff, lack of physical infrastructure such as spaces/rooms for judges and poor IT infrastructure. These contribute to the disarray within the judiciary. There is no training provided to the support staff or no orientation program for the support staff. There are no programs being held for their skill enhancement. Addressing these issues is crucial to ensure a more effective and efficient justice delivery system in India.

2.2.1 Low Judge-Population Ratio:

One of the central issues for judicial pendency is the *acute shortage of judicial strength* at all levels of the Indian judiciary. Presently, the sanctioned strength of Judges of the Supreme court is 31. In December 2018, an increase was observed in the sanctioned strength of High Courts judges from 906 Judges in June 2014 to 1079 Judges, and the sanctioned strength of Judges of District Courts across States in India also increased from 20,214 in 2014 to 22,833 in 2018⁴⁶. As per the 2011 Census and the available information regarding sanctioned strength of Judges (2018), the population ratio of judges in India is 19.78 Judges per million population in comparison to 17.48 Judges per million population in 2014⁴⁷.

In India, the institution of cases in the courts per year exceeds their rate of disposal. Yet, the courts fail to have the sanctioned number of judges (per million populations) in their courts. Further, these judicial vacancies lead to mounting arrears of cases at the Courts. The 14th Report of the Law Commission of India on the “Reform of Judicial Administration” identified ‘inadequate judicial strength’ as one of the major issues causing judicial delays and judicial pendency.

Madan B. Lokur, Former Judge, Supreme Court of India, in his article states⁴⁸,

“Our justice delivery system is facing multiple challenges, two of them are stark and need immediate attention – appointment of judges and managing the humongous number of pending cases.”

The Indian Justice Report, 2020⁴⁹ on Ranking States on Police, Judiciary, Prisons & Legal Aid in the head “How do states fare on vacancies?” highlights that many states of all sizes have vacancies exceeding the 25% of the state’s sanctioned strength. Figure 2.2 pinpoints the different judicial vacancies across the country in 2018–19.

⁴⁶ UNSTARRED QUESTION NO 675, Judge Population Ratio, Ministry of Law & Justice, Department of Justice, Lok Sabha, Government of India, <http://loksabhadocs.nic.in/loksabhaquestions/annex/17/AU675.pdf> (Last viewed on 15th May 2021)

⁴⁷ Ibid No. 13

⁴⁸ “Why Is it So Hard to Fill up the Judicial Vacancies in Our Courts?”, The WIRE 11/MAY/2021, <https://thewire.in/law/india-judge-vacancies-justice-delivery> (Last viewed on 17th May 2021)

⁴⁹ Indian Justice Report, 2020 on Ranking States on Police, Judiciary, Prisons & Legal Aid, National Factsheets, Supported by TATA Trusts https://www.tiss.edu/uploads/files/IJR-2020-National-Report_January-26_2021.pdf (Last viewed on 15th May 2021)

Figure 2.2.: Judicial Vacancies across India (2018-19)

State	High Court Judges	District/Subordinate Court Judges
Andhra Pradesh	70	5
Arunachal Pradesh	24	23
Bihar	45	35
Chhattisgarh	31	14
Goa	26	18
Gujarat	47	24
Haryana	39	25
Himachal Pradesh	38	8
Jharkhand	26	32
Karnataka	50	16
Kerala	23	13
Madhya Pradesh	35	26
Maharashtra	26	2
Meghalaya	44	60
Mizoram	24	28
Odisha	46	20
Punjab	39	19
Rajasthan	46	16
Sikkim	8	17
Tamil Nadu	18	22
Telangana	46	16
Tripura	25	30
Uttar Pradesh	38	38
Uttarakhand	25	21
West Bengal	48	7

Source: Indian Justice Report, 2020

As per the above-mentioned data provided under the Indian Judicial Report, 2020, only Andhra Pradesh, Kerala, Himachal Pradesh, Maharashtra and West Bengal have less than 10% judicial vacancies in their Subordinate/District courts. States like Bihar, Gujarat, Haryana, Jharkhand Madhya Pradesh, Uttar Pradesh, Uttarakhand, Tamil Nadu, Arunachal Pradesh, Mizoram and Tripura have 11% to 20% of judicial vacancies in their Subordinate/District courts. Chhattisgarh, Karnataka, Orissa, Punjab, Rajasthan, Telangana, Goa and Sikkim have 21% to 40% of judicial vacancies in their Subordinate/District courts. Meghalaya has the highest vacancy of more than 40% of judges in its Subordinate/District courts⁵⁰.

The situation is when there is a “The Memorandum of Procedure of the Appointment of High Court Judges (MOP)” stating that in cases of judicial vacancies in a High Court, a communication must be made by the Chief Justice of the High Court to the Chief Minister of the State. To expedite consideration, it should simultaneously be endorsed to the Chief Justice of India and the Union Minister of Law, Justice and Company Affairs.⁵¹ The intent behind such clauses in the MOPs is to expedite the pro-longed judicial processes and avoid delayed justice.

One of the necessary manifestations of the right to access justice is to have a healthy Judge-Population ratio⁵². The above-mentioned data clearly indicates that such a percentage of vacancies at the different levels of Courts is making the Indian legal system struggle with its workload⁵³. It is a common belief that the functioning of courts at their full strength can help in curtailing the judicial pendencies. Additionally, an efficient judicial system delivering quality and timely justice can reinforce the confidence of people in the rule of law⁵⁴. Making it the duty of the High Courts and the Supreme Court to be more efficient and transparent as far as the process of appointing judges is concerned.

⁵⁰ Ibid No. 9

⁵¹ Section- 14, Appointment Of Permanent Judges, Memorandum Showing The Procedure For Appointment And Transfer Of Chief Justices And Judges Of High Courts, <https://doj.gov.in/appointment-of-judges/memorandum-procedure-appointment-high-court-judges> (Last viewed on 15th May 2021)

⁵² Supra No. 5

⁵³ Chitrakshi Jain , “Why Only Filling Judicial Vacancies Won’t Decrease Pendency: Judicial reforms need to be comprehensive” 21 APR 2020 <https://vidhilegalpolicy.in/blog/why-only-filling-judicial-vacancies-wont-decrease-pendency/> (Last viewed on 15th May 2021)

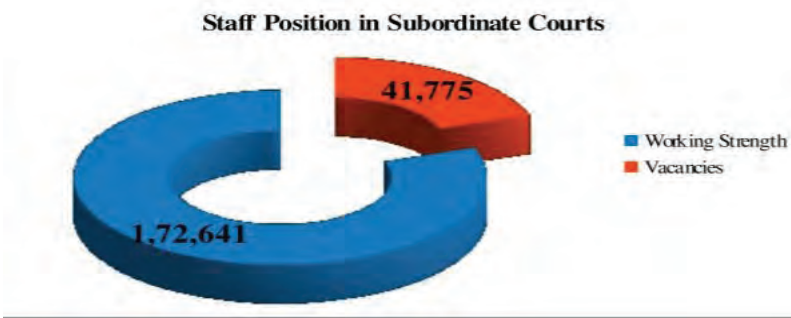
⁵⁴ Ibid No. 2 Activities Pg No X-169

Therefore, it is crucial that vacancies are advertised in timely manner, and sanctioned numbers of judges are appointed at the Subordinate/District courts in different states. A Memorandum of Procedure of the Appointment of Subordinate/District Court Judges must be prepared. Additionally, the High court, in liaison with the respective State governments, must ensure adequate judicial strength in their state, leading to coping with the increasing number of cases.

2.2.2 Low Manpower in the Courts:

An optimal outcome can never be achieved when judges handle cases in makeshift rooms without any assistance. The Court Administrative and Support staff play a crucial role in ensuring timely court services⁵⁵. According to the Supreme Court report titled “Subordinate Judiciary-Access to Justice 2016”, one of the primary causes of the growing backlog of cases is the capacity constraints in the Subordinate/District Courts. The report highlights the severe shortage of administrative and support staff, which hampers the proper functioning of the courts and contributes to the increasing pending cases at the subordinate courts. Figure 2.3 from the report reveals that as of December 31,2015, there were 41,775 or 19.48% vacancies in the staff positions in the Subordinate/District Courts, out of the total sanctioned strength of staff employees and officials (excluding judges).

Figure 2.3 Staff Position in Subordinate Courts (2015)



Source- Subordinate Courts of India: A Report on Access to Justice 2016, Centre for Research & Planning, Supreme Court of India New Delhi.

One of the crucial elements of “Citizenship to a Nation” that cannot be overlooked is the attainment of “Justice”. With over three crores (30 million) cases pending in lower courts,

⁵⁵ Ibid No. 2 State of Infrastructure; Part II- Indian Judicial System-Current Inadequacies in Manpower, Comparison with other branches of Governance and Barriers to Access to Justice Page No. 5

the chronic shortage of supporting staff contributes to the overwhelming workload placed on other available administrative staff and judicial officers. Consequently, this situation hampers the efficient delivery of speedy justice. Overworked court staff and burdened Judges perpetuate the never-ending wait for justice, contradicting the State's policies. It is imperative to provide appropriate and skilled support staff to the courts to address delays, reduce backlogs and meet timeliness standards in the Subordinate Courts. Additionally, there should be a clear division of responsibilities between judicial and non-judicial staff to ensure proper court administration and management.

The Supreme Court report titled "Subordinate Judiciary-Access to Justice 2016" asserts the need to develop the skills of the non-judicial staff (including court managers) in court management as it would:

- a) "reduce the administrative burden on the subordinate court judges to enable them to concentrate on reducing the backlog and pending cases;
- b) enable them to use the information systems developed for the Model Courts; and
- c) Upgrade their skill and competence in budgeting, financial management, and human resource development to maximise the effectiveness of available human and financial resources allocated to the Model Courts"⁵⁶.

Another issue that persists is that most of the available court staff is neither skilled nor trained to meet the needs of the Modern E-Court system. The regularised training programmes at the court complex are considered as one formality due to a glaring lack of strictness in attendance and future impact assessments of the training programme. Without many upgrades in the skill or competencies of the support staff, the practice of bringing in new policies to overcome delays and reduce backlogs becomes a futile process. The augmentation of more skilled and trained supporting staff at the Subordinate/District Courts needs increased focus. More vacancies for Support staff with merits must be issued and regularised training followed by impact assessments programmes must be conducted.

2.2.3 Lack of strictly enforced timelines:

Another factor contributing to delays is the absence of defined standards or strictly enforced timeframes for processing cases in court. While Indian laws like the Code of Civil Procedure and the Code of Criminal Procedure do establish timelines for completing various stages of a case, they do not specify any specific time limit for the overall completion

⁵⁶ Ibid No. 2 Activities Pg No X-169

of a case. This lack of a standard or strictly enforced time frame hinders the prompt and timely access to justice. In the case of *Imtiyaz Ahmad vs State Of U.P. & Ors*⁵⁷, the Supreme Court observed that:

“Time-lines tend to create a performance benchmark for the Judicial officers while also guides the other stakeholders about the functioning of Courts. The Apex Court by virtue of series of cases multiple times tried to set mandatory time limits for case disposals. Unduly long delay has the effect of bringing about blatant violation of the rule of law and adverse impact on the common man’s access to justice. A person’s access to justice is a guaranteed fundamental right under the Constitution and particularly Article 21. Denial of this right undermines public confidence in the justice delivery system and incentivises people to look for short-cuts and other fora where they feel that justice will be done quicker. In the long run, this also weakens the justice delivery system and poses a threat to Rule of Law”.

However, in *P. Ramchandra Rao v. State of Karnataka*,⁵⁸ the seven judges’ Supreme court bench held that it is not feasible for courts to prescribe mandatory time limits. The court also stated:

“It is neither advisable, nor feasible, nor judicially permissible to draw or prescribe an outer limit for conclusion of all criminal proceedings. The time-limits or bars of limitation prescribed in the several directions made in Common Cause (I), Raj Deo Sharma (I) and Raj Deo Sharma (II) could not have been so prescribed or drawn and are not good law. The criminal courts are not obliged to terminate trial or criminal proceedings merely on account of lapse of time, as prescribed by the directions made in Common Cause Case (I), Raj Deo Sharma case (I) and (II). At the most the periods of time prescribed in those decisions can be taken by the courts seized of the trial or proceedings to act as reminders when they may be persuaded to apply their judicial mind to the facts and circumstances of the case before them and determine by taking into consideration the several relevant factors as pointed out in A.R. Antulay’s case and decide whether the trial or proceedings have become so inordinately delayed as to be called oppressive and unwarranted. Such time-limits cannot and will not by themselves be treated by any Court as a bar to further continuance of the trial or proceedings and as mandatorily obliging the court to terminate the same and acquit or discharge the accused.”

In our existing judicial system, it is impossible for courts to dispose of cases before the end of a specified reference period, and in the absence of any standard timeline for case disposal,

⁵⁷ Criminal Appeal Nos. 254-262 OF 2012 decided on 2 January, 2017

⁵⁸ (2002) 4 S, CC 578

the elimination of a backlog becomes virtually un-implementable⁵⁹. It is an undeniable fact that it is the duty of courts to render quality substantive justice to the litigants. Therefore, to an extent having a judicially permissible outer limit for the conclusion of disputes is a greater necessity. Prolonged- trials substantively impact the liberty and the constitutional rights of the persons in dispute. There are other undesirable attached consequences caused to the litigant due to delayed justice that, in the words of *South African Chief Justice Mogoeng*⁶⁰ are:

1. “High cost of legal fees
2. Loss of memory by a witness, thereby affecting the quality of justice
3. Disappearance of witnesses
4. Repeat offences
5. The Justice system is held in disrepute
6. Economic loss”

In a report titled “Analysis of Causes for Pendency in High Courts and Subordinate Courts in Maharashtra”, a suggestion to the Department of Justice, Government of India was made. Stating that⁶¹:

“the “case management hearing, held after pleadings are completed between the parties, could clearly lay out a timeline for the disposal of a case and ensure adherence to this . In addition, the timelines set in the cases management hearing must be accompanied by sanctions which may be imposed by the court against parties who fail to imposed by the court against parties who fail to adhere to the deadlines”.

A judicial system that does not serve its people in a timely and cost-effective manner is most likely to dissuade the litigants and other users, whatever its other merits co-exist⁶². In the present scenario, due to the over-burdening of courts and overworked staff, the average age of cases gets extended. The Figure 2.1 of the report highlights that there are still cases above 30 years old pending before the courts, reflecting the ineffectiveness of the Indian

⁵⁹ Intiyaz Ahmad vs State Of U.P.& Ors on 2 January, 2017, CRIMINAL APPEAL Nos. 254-262 OF 2012

⁶⁰ Dushyant Mahadik, Administrative Staff College of India, “Analysis of Causes for Pendency in High Courts and Subordinate Courts in Maharashtra”, Submitted to Department Of Justice Government Of India Jaisalmer House, 26 Mansingh Road, New Delhi-110011. <https://doj.gov.in/sites/default/files/ASCI%20Final%20Report%20Page%20641%20to%20822.pdf> (Last viewed on 18th May 2021)

⁶¹ Supra No. 28 Page No. 9

⁶² Alok Prasanna Kumar “Judicial Efficiency and Causes for Delay”, Chapter 9 Part-Administering The Judicial System, “The State of the Indian Judiciary”, A Report by DAKSH https://www.dakshindia.org/state-of-the-indian-judiciary/20_chapter_09.html#_idTextAnchor231 (Last viewed on 18th May 2021)

Judicial system. Simultaneously, such delays in the processes tend to impact the confidence of litigants in the justice delivery system.

Therefore, it is time for stringent time frames for ongoing cases in the nature of mandatory time limits. The High Court should lay some general descriptive guidelines that need to be followed in the disposal of cases, along with the specification of exceptional circumstances. Parties should be made aware and encouraged by the judicial officers to try their cases via Lok Adalats, Arbitration and Plea Bargaining (in criminal matters) for speedy and timely access to justice, which would additionally supplement in reducing the mounting arrears of cases.

2.2.4 Lack of Proper Physical Infrastructure:

Looking deeper into the root causes for mounting arrears of cases at the District/Subordinate Courts, we mostly come across the 'Infrastructure of a court' playing a major role. Despite the modernisation of the court by introducing the 'E-Court Management System' or considerable financial investments via Centrally Sponsored Schemes, the District/Subordinate Courts in India still fail to perform while dealing with the Judicial pendencies. There is a famous legal saying that 'justice delayed is justice denied' meaning thereby, that the judiciary is expected to serve effective and timely justice to all the litigants approaching its court; otherwise, it ends the purpose of justice. Relatively, the Infrastructure of the Indian Courts is given less importance in comparison with other related issues causing judicial pendencies. If there is a court system that is complex and not easily accessible to the litigants, it fails the entire objective of the judicial regime.

Emphasizing the need for proper judicial Infrastructure, the Former Chief Justice of India, Dipak Misra, in an interview, highlights that it is due to the lack of basic infrastructure for judges, court staff, and litigants, the courts in India contribute to mounting arrears of cases. He also states,

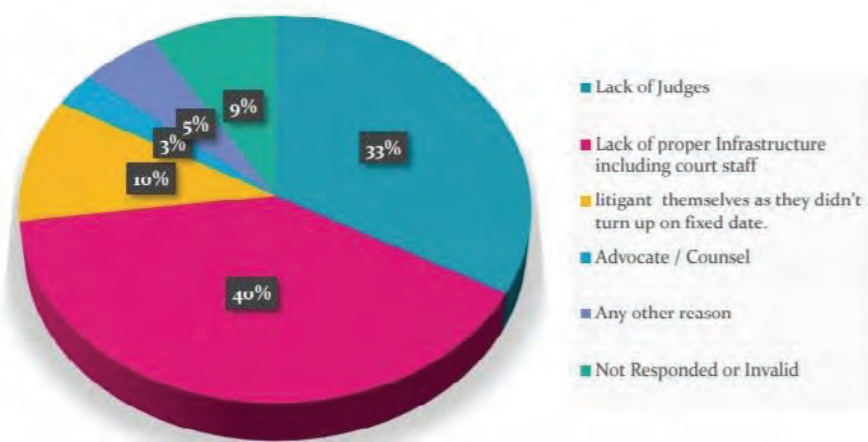
"The condition of infrastructure of the courts in India is not all rosy. Courts in the country do not have basic facilities for litigants. Most subordinate courts lack basic infrastructure for judges, court staffs, and litigants," and further added that this was the crucial factor contributing, in a negative manner, to mounting arrears of cases⁶³.

⁶³Speaking at the inaugural function of a new state-of-the-art block of the Delhi High Court, 'Backlog of cases due to lack of judicial infrastructure', The Hindu 26th July 2018; <https://www.thehindu.com/news/cities/Delhi/backlog-of-cases-due-to-lack-of-judicial-infrastructure/article24515317.ece> (Last viewed on 19th May 2021)

The present condition of most of the District/Subordinate courts across states is so pathetic that they lack basic facilities such as proper entry points, parking, maps, sitting facilities (Both Litigants and Advocates), drinking water, washroom facilities, canteen facilities, and library for advocates, etc. Litigants face issues in not only accessing the Court complex but also in understanding the court processes due to the complexities of the physical structure of the Courts. The Courtrooms hardly have enough space to accommodate 7-8 people, including both Litigants and Advocates. Due to poor infrastructure, the advocates also face issues in the running between the courts for their different cases, causing delays in the court processes and impacting the smooth functioning of a court.

One of the key findings from the “Performance Indicators for Subordinate Courts and Suggestive Policy / Procedural Changes for Reducing Civil Case Pendency⁶⁴” report, conducted by the Department of Justice under the Ministry of Law and Justice, Government of India, was that 40% of the respondents identified the lack of adequate infrastructure and support staff in courts as one of the primary reasons for the delay, alongside other contributing factors. (Please refer to figure 2.4)

Figure 2.4: Reasons for Judicial Delays



Source: Major Findings, Performance Indicators for Subordinate Courts and Suggestive Policy / Procedural Changes for Reducing Civil Case Pendency.

⁶⁴ Performance Indicators for Subordinate Courts and Suggestive Policy / Procedural Changes for Reducing Civil Case Pendency; Center of Excellence in Public Policy and Government Indian Institute of Management Kashipur Kashipur 244713 Uttarakhand, December 2017; Government of India Ministry of Law and Justice (Department of Justice) <https://doj.gov.in/sites/default/files/Final%20Report%20IIM%20Kashipur.pdf> (Last viewed on 20th May 2021)

The Supreme Court has, in a series of cases, focused on the necessity to improve the existing infrastructure in order to overcome the mounting arrears of cases. Supreme Court, in the case of *Brij Mohan Lal v. Union of India and others*,⁶⁵ observed that

“Article 21 of the Constitution of India takes in its sweep the right to expeditious and fair trial. Even Article 39A of the Constitution recognizes the right of citizens to equal justice and free legal aid. To put it simply, it is the constitutional duty of the Government to provide the citizens of the country with such infrastructural facilities and means of access to Justice so that every person can receive an expeditious, inexpensive and fair trial.”

Since 1993-94, the Central Government, under the centrally sponsored schemes, released the requisite funds for the construction of the Court Complex and Judge’s residential accommodation to States for the improvement of infrastructure at the District/Subordinate Courts. The State Government is primarily levied with the responsibility of infrastructure development of the District/Subordinate Courts in their states⁶⁶. Whereas in practice, the state governments are unable to provide requisite infrastructure and finances to the Courts causing mounting arrears of cases and simultaneously hindering the smooth functioning of District/Subordinate Courts.

The present position is such that due to the financial resource crunch, the role of serving efficient and effective justice foisted upon the lower judiciary has failed miserably. Justice Ahmad speaking at the “Colloquium on Court Procedure and Practice for Judges heading the State Court Management System Committee and Member Judges of the Committee⁶⁷”, highlights that:

“once objectives are clear and development plans are in place, state government would have to provide requisite infrastructure and finances to see the plan is through so the plan must identify what the requirements are, infrastructure, court staffs, all these aspects, if the government does not do so the blame would be on the government as it would be obvious to all that the plans have not materialized because of the missing contribution of the government, the absence of developmental plans, as it is today, the judiciary draws all the flack for the mounting arrears and delays, whereas in reality, the present position is entirely due to resource crunch, which is foisted upon the judiciary by state government, there are not enough judges, there are not enough court rooms,

⁶⁵ Pg No. 556, Para 137, (2012) 6 SCC 502

⁶⁶ Judicial Infrastructure, <https://doj.gov.in/sites/default/files/Judicial-Infrastructure.pdf> (Last viewed on 20th May 2021)

⁶⁷ Prepared By: Ruchi Singh, Law Associate, National Judicial Academy, Bhopal, Verbatim Report, 12th -13th December, 2015, http://www.nja.nic.in/Concluded_Programes_2015-16/Verbatim_Reports/P-960%20Verbatim%20Report.pdf (Last viewed on 20th May 2021)

there are not enough computers, there are not enough stenographers and so on.....As a part of court development plan, each High Court is required to set out the minimum standards of court rooms, this is very crucial”.

A central cohesive source of support for a strong and stable judicial system is its sound infrastructure. Without a robust infrastructure, the proper functioning of a legal regime is highly difficult. Therefore, where it is the responsibility of the judiciary to secure timely and fair justice for the citizens, it is the duty of the state authorities to provide their respective judicial wing with necessary infrastructural facilities within the constitutional directives and bounds. Contemporarily, the need is to view the judicial pendencies from the lens of the Infrastructure available. A Significant link between access to speedy justice and modern infrastructural facilities must be established.

The High Court, in collaboration with the State Government, must sensitise about the need for proper infrastructure and develop strategies leading to modernising the existing court system and equipping them with enhanced technology and other necessary infrastructural facilities. Common Minimum National Standard for the infrastructural development at the District/Subordinate courts in different states must be laid. Such infrastructural facilities that are friendly and accessible to all persons, including old, Illiterate and differently-abled persons, should be constructed. Standardized courtrooms, as well as the residence of the judicial officers, must be constructed within close proximity of the Court Complex.

2.2.5 Failure of E-Governance Facilities:

With the objective of ensuring accessibility and promoting active intervention, the Supreme Court of India is committed to establishing a robust ‘Modern Judicial Regime’. In pursuit of greater transparency and efficiency in the Indian courts, digitalisation and computerisation initiatives have been implemented in the District and Subordinate Courts. As a significant National E-Governance project, the “E-Courts Integrated Mission Mode Project” was introduced in 2011, under the supervision and funding of Department of Justice, Ministry of Law and Justice, Government of India. The E-Committee of the Supreme Court conceived this project based on of the “National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary-2005”. The primary objective of the E-courts project is to achieve universal computerisation of District/Subordinate courts and enhance the ICT enablement of the justice system,

benefiting all key stakeholders, including the judiciary, district and subordinate courts, as well as citizens, litigants, and lawyers⁶⁸.

Under the E-Court mission as a citizen-centric service, a 'National E-Courts Services Portal' has also been operationalised. The E-Courts National portal provides data on the pendency of cases, including the status of a respective case, data on the cases filed and the cases registered through the Case Information System (CIS) Software. The portal also provides material for training of the judicial officers and Court staff, available link to District Court websites in states and statistical reports for the judicial management information system. By reflecting the exact status of cases, the portal is expected to bring in judicial reforms⁶⁹. The implementation of the E-Court mission project at the District/Subordinate Courts was brought into being into '2 Phases' that included:

Phase-I of the E-Court project:

Under the Phase-I of the E-Court project beginning in 2007, much progress was made in the computerization of District/Subordinate courts. New Court Complexes, Computer Server Rooms and Judicial Service Centres were readied. To ensure basic case-related services to the litigants and the advocates, new LAN, Hardware and Case Information Software were installed. The process of data entry has reached an advanced stage of completion. By 30th March 2015, Phase-I, with extended timelines, came to an end⁷⁰. Some of the major facilities introduced included:

- **Laptops issued to Judicial Officers:** The Judicial Officers were provided with their personal laptops.
- **Case Information System Software:** Under the E-court project, Unified National Core Application Software evolved and is further made available for deployment at all computerised courts. Entries of cases are made under the system and which is made available online.
- **Judicial Service Centre:** A Judicial Service Centre (JSC) have established at all computerised courts available at the District/Subordinate courts serving as a single window for securing copies of orders and judgments, obtaining all kinds of case-related information and filings (including petitions and applications), etc.

⁶⁸ Brief on E-Courts Project, E-Courts Integrated Mission Mode Project;
[https://doj.gov.in/sites/default/files/Brief-on-eCourts-Project-\(Phase-I-%26-Phase-II\)-30.09.2015.pdf](https://doj.gov.in/sites/default/files/Brief-on-eCourts-Project-(Phase-I-%26-Phase-II)-30.09.2015.pdf) (last viewed on 21st May 2021)

⁶⁹ E-Court Mission Mode Project, District Court Nalanda, Official Website of District Court, <https://districts.ecourts.gov.in/nalanda/e-court-mission-mode-project> (last viewed on 22nd May 2021)

⁷⁰ Supra No. 39

- **Change Management and Training:** Judicial Officers shall be trained using UBUNTU-Linux OS by the master trainers, and the court staff shall be trained with the CIS software under the Change Management exercise.
- **Process Re-engineering:** The Process Reengineering exercise has been introduced in all High Courts by the E-Committee. The role of these Process Reengineering (PR) Committees is to study and suggest simplification of existing rules, procedures, and processes.
- **Video Conferencing facilities in courts and jails:** Video Conferencing facilities in the courts and jails were launched during the 1st Phase of the E-Court Mission.
- **National e-Courts services portal:** The National e-Courts services portal (https://ecourts.gov.in/ecourts_home//), as a citizen-centric service, has been operationalised. The portal provides updated court records and multiple online services to litigants⁷¹.
- **National Judicial Data Grid:** National Judicial Data Grid (NJGD), as a national repository of data relating to pending and disposed cases by the Indian District and Taluka courts⁷², has been created. NJDG holds an objective to assist in judicial monitoring and management of pending cases⁷³.

The first phase of the E-Courts mission project holds citizen-centric objectives, and to a great extent, it performed well. But, the overall success of the first phase of the E-Courts mission could not be secured pertaining to the major obstacles caused by the adjoining factors such as poor infrastructure, lack of adequate manpower, and limited connectivity (both in electricity and the Internet). Another major reason is the lack of skilled manpower; most of the available court staff lack basic computer knowledge and are inadequately trained, causing the failure of the E-court mission.

To provide a transparent and effective judiciary system to the Indian citizen, it is imperative that the State government secures proper infrastructural facilities for the overall improvement of the E-court mission at the District/Subordinate courts. Technical personnel on a permanent basis must be recruited, and time-to-time must be provided for training.

⁷¹ National e-Courts services portal, https://ecourts.gov.in/ecourts_home// (last viewed on 21st May 2021)

⁷² National Judicial Data Grid (District and Taluka Courts of India)

https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard (last viewed on 21st May 2021)

⁷³ Supra No. 39

Phase II of the E-Court project:

E-Court Mission was brought into existence with the objective of enabling the District/Subordinate courts in all states with ICT facilities by providing proper computer hardware, Internet connectivity, local area network (LAN), and standard application software installations at every court complex, making them more accessible and cost-effective to all the key stakeholders of Indian Judiciary⁷⁴. In January 2014, Supreme Court's E-Committee approved the 'Policy and Action Plan Document (hereinafter referred to as 'Policy Document')' for the Phase II of the E-Courts Project. For further enablement of the courts, the Phase II of the E-Court Mission project was brought into existence by virtue of the 12th Year plan. The IInd phase of the project envisaged the objective to further the ICT enhancement through the computerisation of all the District/Subordinate Courts universally, the use of cloud computing, digitalise the Case Records and ensuring enhanced e-services to lawyers and litigants via e-filing, e-payment gateways and mobile applications, etc⁷⁵. Simultaneously, the focus of the IInd phase is the "Automation of Workflow Management" in order to ensure greater control over the management of cases by the Courts themselves.

In the IInd phase, the courts are made more accessible, cost-efficient and citizen-friendly by installing touch screen based Kiosks with printers in each Court Complex, securing case-related information through Mobile, Video Conferencing facilities at all Court Complexes and corresponding jails, provisioning of laptops and printers to Judicial Officers, ensuring E-services via e-filing, e-payment gateways and mobile applications, and improved change management, process reengineering Judicial centres. For propagating the use of e-documents, Phase II suggests that Digital Signature Certificates (DSCs) be issued to the Court officials enabling them to issue certified e-documents to the advocates and the litigants. In Phase-II, the focus is to primarily cover the uncovered Courts of Phase-I, secure additional hardware with (1+3) systems per Court Room, establish New Courts with (2+6) systems per Court Room and provision the existing infrastructure for hardware, LAN etc⁷⁶.

⁷⁴ "Evaluation Study of E-Courts", Integrated Mission Mode Project, National Council of Applied Economic Research, Project Commissioned by Department of Justice, Ministry of Law and Justice, Government of India, 2015 <https://doj.gov.in/sites/default/files/Report-of-Evaluation-eCourts.pdf> (viewed on 22nd May 2021)

⁷⁵ E-Courts Mission Mode Project – Phase II, Notes for Phase II,

https://doj.gov.in/sites/default/files/Note-for-Phase-II_0.pdf (viewed on 22nd May 2021)

⁷⁶ Ibid no. 38

Under the said project, the court management system would also be brought into existence through “document management, digitisation, Judicial- Knowledge Management and Learning Tools Management”⁷⁷. To make the District/Subordinate Courts environment-friendly, the use of solar energy has also been proposed at a few court complexes. The focus of the project would be on the ‘Digital Infrastructure as a Core Utility to Every Citizen’ that further provides Governance and services on Demand, simultaneously digitally empowering the Citizens⁷⁸. Some of the major reforms introduced included:

- **Enhancement of computer infrastructure in courts:** The computer issued to the courts increased from 1+3 to 2+6 per court. And new courts constructed that included “(a) courts that were set up after the approval of Phase I courts and (b) courts expected to be set up in the first two years of Phase II, will receive hardware in the revised 2+6 configuration”.
- **Process of serving Notices and Summons:** the process of serving Notices and summons is strengthened by the installation of authentication devices for process servers at the Court Complexes.
- **Option of desktops or laptops:** Depending upon suitability and economy, new desktops with UPS or special configuration laptops shall be provided to the judicial officers or court staff.
- **Touch-Screen Kiosks:** Touch-screen kiosks with printers shall be installed at all Court Complexes. The touch-screen kiosks would provide direct services to the litigant. Example- The litigant can know the case status and avail daily order sheets to litigants without reaching out to the court officials.
- **Central Filing Centres with sufficient infrastructure:** The Judicial Service Centres shall be serving a composite set of services, including placement of kiosks, Litigant’s waiting area, and Central Filing Centres.
- **Computerized court libraries:** All the libraries available at the High Courts and the District/Subordinate Courts of the states shall be computerised and shall have an Integrated Library Management System (ILMS).
- **Video-conferencing:** Video-conferencing facilities shall be provided in all courtrooms at the District/Subordinate Courts with prisons.

⁷⁷ Supra no. 46, Page No. 2

⁷⁸ Supra no. 46, Page No. 2

- **Cloud-Computing:** To deliver court services through the use of a ‘Cloud Computing Service delivery system’, with an intent to dispense with the need for servers in a particular court and simultaneously improve the efficiency and scalability of the automation of courts.
- **Upgrade the CIS software:** Based on the results of the process re-engineering, the CIS software shall be revamped and upgraded, which would lead to optimum automation of case workflow.
- **Manual Registers:** The Manual registers shall be discontinued, and the court register must be maintained in the online form in order to promote the use of ICT.
- **Management Information System (MIS):** To ensure smooth updation of data on the National Judicial Data Grid, a gradual shift shall be made to an auto-pull mechanism for the state court cloud installations for full coverage of the case data. Example: “Data Warehousing technique’ which helps in more efficient centralization and aggregation of data from multiple sources into one common repository; Data mining technology for finding patterns which can provide meaningful and insightful trend analysis for the policymakers and help in fraud detection; Online Analytical Processing (OLAP) tool for summation of multiple databases into summarised report; and Business Intelligence (BI) Tools for effective Management Information System (MIS). The data available at NJDG will be used to generate different types of MIS reports so as to facilitate the judiciary in court and case management functions.⁷⁹”
- **Mobile-based services:** A SMS gateway shall be created to facilitate the push and pull-based SMS for litigants and lawyers for the latest case-related information.
- **Case Records:** To promote the secure and systematic preservation of records, the case records shall be scanned and digitalised.
- **Judicial Knowledge Management System:** The Judicial Knowledge Management System (JKMS) shall be created. JKSM shall act as the repository of all the judgements of the senior courts and simultaneously track the new judgements having an effect over the earlier judgements.

Example- “Integrated Library Management Software for optimum use of resources available in various court libraries and as Digital Library accessible to beneficiaries online for easy access of Legal Research Documents, Committee/Commission Reports, Law Articles, Circulars, Orders, High Court Rules etc. It will also act as a repository of

⁷⁹ Supra No 39

all the Supreme Court and High Court judgements and also keep track of new judgements affecting the earlier judgements⁸⁰”.

- **Capacity Building programmes:** To secure efficient use of ICT infrastructure, capacity building programmes should be regularly conducted for the Judicial Officers and Administrative Court staff.
- **Process Automation:** The Judicial Process Reengineering exercise shall be conducted regularly by the High Court in order to delve into the further automation of processes backed by up-to-date technology. Some process includes:
 - “Automation of Process Serving to effectively address the issue of delays due to non-service or late service of Court Process,
 - Court Registers in only E-Form (No Manual Registers) to ensure the use of Computers for all day-to-day Court processes,
 - E-Filing through e-filing Portal for High Courts and the District Judiciary to facilitate online e-filing of cases,
 - Judicial Financial Accounts Book Keeping Practice through Computerized Financial Accounting Systems, and
 - Administrative Process Automation such as file movement and tracking, leave management, personnel information management system etc.⁸¹”.
- **Digital Infrastructure:** Under phase II for providing services timely and on-demand, “Digital Infrastructure as a Core Utility to Every Citizen” shall be established. The intent behind this is to subsequently digitally empower the citizens⁸².

Phase II of the E-court Project was brought forth to enhance judicial functioning and to serve all the key stakeholders through ICT enablement. Further, acting as a repository and monitoring the pendency of disputes in District/Subordinate Courts, a National Judicial Data Grid (NJDG) has been created. However, in reality, many courts are either yet to enter Phase II or are still undergoing the Ist phase of the E-Court mission. Due to many complementary issues, the success of Phase II of the mission could not be reached entirely. The primary reason for the failure of the project at District/Subordinate Courts is the

⁸⁰ Supra No 39

⁸¹ Supra No 39

⁸² E-Courts Mission Mode Project – Phase II; https://doj.gov.in/sites/default/files/Note-for-Phase-II_0.pdf (last viewed on 25th May 2021)

“delays” caused, including Procedural delays in receiving approvals, financial delays, delays in resources allocation, service delays, etc. Financial delays such as non-issuance of requisite budget from the state government are one of the biggest concerns among all. Lack of requisite manpower or skilled manpower also impacts the proper implementation of the E-Court mission project. Additionally, so far, in regard to the existing infrastructure, no comprehensive assessment of the project with respect to its implementation has been undertaken. Other delay includes the inability to anticipate the foreseeable risks, lack of coordination, flaws in the available resources⁸³, illiteracy, and lack of awareness.

The research was conducted to evaluate E-Courts Project Phase-II by the “National Council of Applied Economic Research” in February 2021, and their key findings were that among the sample courts, computers and printers were positioned in about 93-100% and also have installed Case Information System (CIS). The proportion of courts with kiosks is 84%, and 96% is the Video Conferencing (VC) at the district/subordinate courts. From the sample of the study, only around 34% of litigants were aware of the E-Courts project. The study also revealed that while the computer literacy of most of the Judicial Officers was intermediary and most of the Court Staff, Advocates, and Litigants were low. The courts lacked periodic training programmes for the judicial officers and Administrative staff in managing e-courts operations⁸⁴.

Therefore, for the overall success of the E-court mission project, it is imperative that the key role players (both Courts and State government) must actively be involved in the improvement of the existing infrastructure at the District/Session Court. Requisite strength of Technical Personnel must be recruited on a permanent basis, and time-to-time training must be provided. To spread awareness about the E-court facilities among the litigants and advocates, regular publicity campaigns must be conducted in the court complex itself. To make the legal processes more efficient, the use of the E-kiosk providing access to case-related information to the litigants and advocates should be encouraged. For the marginalised sections of Indian society, the ‘E-Seva Kendras’ could be employed in

⁸³ Shalini Seetharam and Sumathi Chandrashekar, ECOURTS IN INDIA FROM POLICY FORMULATION TO IMPLEMENTATION, Vidhi – Centre for Legal policy, July, 2016 https://vidhilegalpolicy.in/wp-content/uploads/2019/05/eCourtsinIndia_Vidhi.pdf (last viewed on 25th May 2021)

⁸⁴ “The Information & Communication Technology in the Indian Judiciary: Evaluation of the eCourts Project Phase-II” National Council of Applied Economic Research, Submitted to Department of Justice, Ministry of Law and Justice, Government of India February 2021 https://districts.ecourts.gov.in/sites/default/files/2021031717_0.pdf (last viewed on 25th May 2021)

propagating information about the judicial services and in accessing them⁸⁵. Due to the mismatch in the capacity of the system, if the District/Subordinate Courts are still not updated as per the E-court mission, the legal regime would continue facing immense pressure to lessen the mounting arrears of cases.

2.3 Law and Policy on the Infrastructure at the District Courts in India

The golden objective set out in the Indian Constitution's preamble is that irrespective of the social, political and economic barriers, through sustained efforts, the sovereign must ensure all citizens 'Access to Justice. However, availing speedy and timely justice becomes an as wearying process for citizens due to frequent judicial delays, mounting arrears of cases and the poor infrastructure of the Courts. 'Justice Delayed is Justice Denied', meaning thereby, the judiciary is expected to serve effective and timely justice to all the citizens; otherwise, the purpose of justice ends. Lord Kenyon, in *Booth v. Hodgson*,⁸⁶ observed that:

"It is the great duty of every Court of justice to administer justice as well as they can between the litigating parties, and not less material duty is to satisfy those parties that the whole case has been examined and considered."

To avail justice primarily, a litigant approaches a court, but if there is a court system that is complex and not easily accessible to the litigants, it fails the entire objective of the judicial regime. Without all the necessary support structures, it is not feasible for a user to navigate optimally, making court infrastructure a crucial aspect in determining how efficiently litigants are able to accustom themselves and utilise the available infrastructure. Thus, the Indian judicial regime has, time and again, gone through different phases to improve the Judicial Infrastructure. In the landmark case *All India Judges Association v. Union of India*⁸⁷, The Supreme Court passed various directions for monitoring the overall development of the infrastructure of the Subordinate Judiciary in India. After the Judgment, a major shift of focus to Judicial Infrastructure was observed in the Indian judiciary.

Centrally Sponsored Schemes (CSS):

'Centrally Sponsored Schemes (CSS)' in 1993-94 was brought into existence to advance financial resources to States for the infrastructural development of District/Subordinate Court in India. Under the plan, The State Governments were sensitised about the need for the development of judicial infrastructure, and thus, "an adequate provision in the budget

⁸⁵ Supra No. 54

⁸⁶ [1795] 6 T.R. 408.

⁸⁷ Interlocutory Application No. 279 of 2010

for the purpose would provide a much-needed impetus to the growth of judicial infrastructure at the subordinate level⁸⁸". The financial assistance provided to the States by the Central Government (till 2011) under the CSS Scheme was distributed to states in the form of the grant was 50:50 ratio (Centre: State), and for Union Territories was a 100% ratio (Centre: State).

In 2006-07, the States and the Union Territories were provided with an amount of Rs.690.64 crore. The States have reported an expenditure of Rs.1442.59 crore up to 30.06.2007⁸⁹. By the Eleventh Five Year Plan (2007-2011)⁹⁰, the ratio of Financial resource distribution for states (other than North Eastern States) in the form of grants is 75:25 ratio (Centre: State) and for North Eastern States is 90:10 ratio (Centre: State), with a grant of rupees 701.08 crores outlaid for the infrastructure development of the subordinate judiciary⁹¹. During 2007-08, 2008-09, and 2009-10 and 2010-11, a grant of rupees 103.80 crores, 132.47 crores, 175.70 crores, 142.74 crores, respectively, were disbursed to the States/Union Territories under the Eleventh Plan Five Year Plan.

A grant of rupees 595.74 crores was released to States/Union Territories in 2011-12. Totally, under the 'Centrally Sponsored Schemes (CSS)' till 2010-11, the Central Government released an amount of 1245 crores to different States in India. After the revision of the 'Centrally Sponsored Schemes (CSS)' in 2011, the Central Government released an amount of 1303 crores (for 2011-12: 595 crores and for 2012-13: 708 crores)⁹².

The flexibility was devised with the exception that the reform must be within the broad objectives of the scheme. The main objective of revamping the policies under the 12th five-year plan was to encourage innovation at the state level. An amount of rupees 5802 crores was provided as a grant to States. Out of the said amount, for augmenting the

⁸⁸ Ibid No. 58

⁸⁹ Development of infrastructure for the judiciary – Centrally Sponsored Scheme, The Right To Information Act, 2005 Information Under Section 4 (1)(B) Of The Act, No.15011/27/2007-Jus(M) Government Of India Ministry Of Law & Justice Department Of Justice New Delhi, January 2008., <https://www.mha.gov.in/sites/default/files/rti-J-08.pdf> (last viewed on 25th May 2021)

⁹⁰ Eleventh Five Year Plan (2007–2012) Inclusive Growth Volume I, Planning Commission, Government of India https://niti.gov.in/planningcommission.gov.in/docs/plans/planrel/fiveyr/11th/11_v1/11th_vol1.pdf (Last viewed on 26th May 2021)

⁹¹ Page No. 11 "Outlay and Funding Pattern" Sixty Seventh Report, "Infrastructure Development and Strengthening of Subordinate Courts" (Presented to the Rajya Sabha on 6th February, 2014) (Laid on the Table of Lok Sabha on 6th February, 2014), Department-Related Parliamentary Standing Committee Rajya Sabha on Personnel, Public Grievances, Law and Justice, Rajya Sabha, Parliament of India <http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Personnel,%20PublicGrievances,%20Law%20and%20Justice/67.pdf> (Last viewed on 26th May 2021).

⁹² Supra No. 58

infrastructural requirement, Rupees 4867 crores were earmarked as a grant to the States and Union Territories under CSS Scheme. One of the major initiatives taken under the plan is that the number of CSS is reduced from 172 to 66, and greater flexibility is permitted in the guidelines.

Under the Twelfth Five Year Plan period⁹³ recognising the fact that “one size fits all,” the government undertook a differentiated approach; a new system was introduced that included:

- “First, each state will be able to propose modifications in the national guidelines to suit the particular circumstances of the state.
- Second, each state will be allowed full flexibility for ten per cent of its allocation under each scheme, which can be used for projects which depart even from the modified state-specific guidelines⁹⁴”.

Creation of NITI (National Institution for Transforming India) Aayog:

The one-size-fits-all approach in devising Centrally Sponsored Schemes in different states was presumed to not be as functional as anticipated. As a consequence, the planning commission was dissolved, and NITI Aayog was constituted on 1st January 2015. In tandem with global trends and economic growth, the National Institution for Transforming India (NITI) Aayog was brought into being with a 15-year vision document. NITI Aayog does not outline any schemes or allocations or play any financial role, rather is only policy guide maps assisting in the government functioning.

The role of the NITI Aayog is mandated to foster Co-operative Federalism on a regular basis in the states by employing structured support initiatives. The main objective of NITI Aayog is to ensure continuous relationships among states, recognizing that strong states make a strong nation. Further, as NITI Aayog has no financial power, the recommendations provided by it are not of binding nature⁹⁵. Since its inception, NITI Aayog has taken a number of initiatives to modernize and strengthen the judicial system in India.

⁹³ Twelfth Five Year Plan (2012–2017) Faster, More Inclusive and Sustainable Growth Volume I, https://niti.gov.in/planningcommission.gov.in/docs/plans/planrel/fiveyr/12th/pdf/12fyp_vol1.pdf (Last viewed on 27th May 2021)

⁹⁴ Ibid No. 62

⁹⁵ Chapter 7 Five Year plans, http://mospi.nic.in/sites/default/files/Statistical_year_book_india_chapters/ch7.pdf (Last viewed on 27th May 2021)

National Court Management and Systems (NCMS) Committee:

In 2012, the National Court Management and Systems (NCMS) Committee was constituted by the Supreme Court in order to upgrade the court management systems of all the district courts in India. National Court Management Systems primarily would deal with the policy related-issues. The key objective of bringing National Court Management Systems into being was to enhance the standard, receptivity and timeliness of Courts in India. The Chief Justice of India would have overall control over the National Court Management Systems. The six main elements of NCMS are:

- (1) “A National Framework of Court Excellence (NFCE) that will set measurable performance standards for Indian courts, addressing issues of quality, responsiveness and timeliness.
- (2) A system for monitoring and enhancing the performance parameters established in the NFCE on quality, responsiveness and timeliness.
- (3) A system of Case Management to enhance the user-friendliness of the Judicial System.
- (4) A National System of Judicial Statistics (NSJS) to provide a common national platform for recording and maintaining judicial statistics from across the country. NSJS should provide real time statistics on cases and courts that will enable systematic analysis of key factors such as quality, timeliness and efficiency of the judicial system across courts, districts/states, types of cases, stages of cases, costs of adjudication, time lines of cases, productivity and efficiency of courts, use of budgets and financial resources. It would enhance transparency and accountability.
- (5) A Court Development Planning System that will provide a framework for systematic five year plans for the future development of the Indian judiciary. The planning system will include individual court development plans for all the courts.
- (6) A Human Resource Development Strategy setting standards on selection and training of judges of subordinate courts.”⁹⁶

The National Court Management Systems (NCMS) Policy & Action Plan, 2012 highlighted that the factors responsible for the mounting arrears of cases at the Courts were the lack of requisite number of Judges, Court Administrative Staff, Court Halls and proper Infrastructure; additionally,, hampering smooth dispensation of justice. It, therefore,

⁹⁶ National Court Management Systems (NCMS) Policy & Action Plan; Released By: Hon'ble The Chief Justice Of India; Prepared By: “National Court Management Systems Committee” In Consultation With “Advisory Committee”; Supreme Court of India, 2012, <https://main.sci.gov.in/pdf/NCMSP/ncmspap.pdf> (Last viewed on 28th May 2021)

emphasizes the need for the High Court to provide the correct and complete statistics about the necessary requirements at the District/Subordinate Courts⁹⁷.

The Infrastructure, in this context, includes the Physical Infrastructure- the court building, courtrooms, facility for drinking water, etc.; Personnel Infrastructure- judicial Officers, Supporting Administrative staff and Advocates; and the Digital Infrastructure- E-facilities, E-Courts, Updated Court websites, mobile applications, etc. For serving the twin functions, One of disposal of mounting arrears of cases at the Courts and Second, efficient access to justice to the litigants, expansion of infrastructure is paramount. Therefore, based on accurate statistics, proper planning should be done, including set guidelines laid by the High Court for the Infrastructural development at the District/Subordinate Court. In *R v. O'Connel*,⁹⁸ the court highlighted the following:

"The court in which we sit is a temple of justice, and the advocates at the bar as well as the judges upon the Bench, are equally ministers in that temple. The object of all equally should be the attainment of justice; now justice is only to be reached through the ascertainment of truth... But we are all –Judges, Jurors, Advocates and Attorneys – together concerned in the search for truth; the pursuit is a noble one, and those are honoured who are the instruments engaged in it ...But let us never forget that the advancement of justice and the ascertainment of truth are higher objects and nobler".

At the High Court State Court Management Systems Committee (SCMS) and Sub Committees at the District levels were established⁹⁹. Honourable Justice A.M. Khanwilkar, in the NCMS Baseline, recommended that the best practices for Court Management for the Infrastructural¹⁰⁰and Organizational issues¹⁰¹ included:

⁹⁷ Ibid No. 66

⁹⁸ [1884] Ir. L.R. 261

⁹⁹ By. Justice (Rtd)Sunil Ambwani Former Chief Justice Rajasthan High Court Former Chairman e- Committee Supreme Court of India, COURT MANAGEMENT At National Judicial Academy, Bhopal.http://www.nja.nic.in/Concluded_Programmes/2017-18/SE-13_PPTs/2.COURT%20MANAGEMENT.pdf (Last viewed on 28th May 2021)

¹⁰⁰ The non-exhaustive list recommended for the Infrastructural requirements included “• Model court building • Model Court rooms with furniture fixtures and judges chambers • Conference Rooms • Record, files storage rooms • Sitting arrangement of staff and para court staff • Bar rooms with conference halls • Judicial service centers • Computer and Server Room • Hardware requirement • Libraries • Canteens • ADR centers • Copying centers • Administration Block • Judges and Staff residences • Security • Block for State Govt Lawyers and Prosecution Lawyers • Family and Juvenile Courts • Generators, Solar Panels/wind mill.”

¹⁰¹ “Judge Strength: with periodical variation, according to pendency, establishment of new and special courts. • Staffing pattern commensurate with the minimum requirement of courts to be periodically review of the number of files handled. • Floating establishment of courts and staff to deal with sudden influx of cases in each court or nature of work. • Adequate administrative staff for each category and level with periodical recruitment in accordance with Renu vs District and Sessions Judge (2014) 14 SCC 50 • Periodical Training of Staff both on

- Planning
- Organizing
- Directing
- Coordinating
- Controlling¹⁰²

In present times, it is the responsibility of the State Government to allocate greater funds in providing requisite resources for the planning, creation, development and maintenance of infrastructure at the District/Subordinate Court¹⁰³. Concurrently, the High Court must set some strict monitoring systems at the subordinate judiciary and, in case of need, may also constitute an ‘Infrastructural bench’. If the necessary amenities are timely provided at the disposal of the subordinate judiciary, proper discharge of obligations by the key stakeholders can be expected.

2.4 ‘E-Courts Integrated Mission Mode Project’: A Critical Analysis

On the basis of the “National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary-2005”, in 2011, the “E-Courts Integrated Mission Mode Project” was introduced in the District/Subordinate Courts. The pan-India E-Courts Integrated Mission Mode Project is monitored and funded by the Department of Justice, Ministry of Law and Justice, Government of India¹⁰⁴. The main scheme of the “E-Courts Integrated Mission Mode Project” (Hereinafter referred to as E-Courts) was to secure all the key stakeholders, including the judiciary, district and subordinate courts, and citizens, litigants, and lawyers with Universal computerization of District/Subordinate courts and the enhancement of ICT enablement of the justice system¹⁰⁵. The E-Court mission project envisages the following objectives:

the nature of job and in computers • Technical Staff. • Facilitation Centers • Assignment of Codes and Digital Signature”

¹⁰² Supra No. 71

¹⁰³ Ibid No. 66

¹⁰⁴ E-Courts Mission Mode Project, E-Committee, Supreme Court of India, Information and Communication Technology in Indian Judiciary, <https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/> (last viewed on 29th May 2021)

¹⁰⁵ A Critical Analysis of the Significance of the E-Courts Information Systems in Indian Courts - <https://www.cambridge.org/core/journals/legal-information-management/article/abs/critical-analysis-of-the-significance-of-the-ecourts-information-systems-in-indian-courts/B016EE3CE400E922ED6C2F3CBDA93682> (last viewed on 29th May 2021)

- “To provide efficient & time-bound citizen-centric services delivery as detailed in E-Court Project Litigant’s Charter.
- To develop, install & implement decision support systems in courts.
- To automate the processes to provide transparency in the accessibility of information to its stakeholders.
- To enhance judicial productivity, both qualitatively & quantitatively, to make the justice delivery system affordable, accessible, cost-effective, predictable, reliable and transparent¹⁰⁶”.

The implementation of the E-Court mission project at the District/Subordinate Courts was implemented into ‘2 Phases’. The **Phase-I of the E-Court project** beginning in 2007, made multiple attempts to computerize/ digitalise the Subordinate Judiciary. New Court Complexes, Computer Server Rooms and Judicial Service Centres were readied for the District/Subordinate Courts in states. Additionally, new LAN, DG sets, UPS, Internet connectivity, and Hardware and Case Information Software (CIS) were installed for securing the basic case-related services to the litigants and the advocates. Under the first phase of the E-Court mission, the process of automation of the case management workflow has been concluded by employing appropriate software and hardware. With extended timelines and multiple reforms¹⁰⁷, the Phase-I of the E-Court mission project came to an end on 30th March, 2015¹⁰⁸.

In 2015, at the request of the Department of Justice, Government of India, research was conducted by the National Council of Applied Economic Research (NCAER) to evaluate the workability of the E-Court Mission Project Phase-I¹⁰⁹. The findings of the NCAER assessment study were that the E-Courts project had catered great level of awareness among all the key stakeholders of the Subordinate Judiciary, including Judicial Officers, Court Administrative Staff, Litigants and Advocates, about the computerisation of courts and the availability of software, namely, Case Information System. In terms of asset creation, under the first phase of the E-Court mission, more than 90 % of ICT deployments

¹⁰⁶ About Us, E-Courts services, District and Taluka courts of India,

https://services.ecourts.gov.in/ecourtindia_v6/static/about-us.php (last viewed on 29th May 2021)

¹⁰⁷ To learn more about the reforms, please refer to Sub-Heading No 2.2.5 *Failure of E-Governance Facilities (Phase-I of the E-Court project)* on Page 19.

¹⁰⁸ E-Court Mission Mode Project, District Court Nalanda, Official Website of District Court, <https://districts.ecourts.gov.in/nalanda/e-court-mission-mode-project> (last viewed on 29th May 2021)

¹⁰⁹ The study covered five High Courts representing five geographical regions in India, 100 court complexes, and 300 District/Subordinate courts covering 1,936 respondents at the High Court and district/subordinate court levels the High Courts were selected on the basis of an infrastructure index and the geographic location of all High Courts.

were made¹¹⁰. By 31 March 2014, out of the government-approved Courts of target 14,249 District/Subordinate courts, about 13,227 courts were computerised¹¹¹. Though, the degree of usage of the services provided under the E-Court project varies from state to state depending upon the availability of skilled manpower, proper connectivity, infrastructure, good computer knowledge and regularised training among the users¹¹².

After the detailed analysis of the planning, strategy and implementation of Phase I, many limitations of the District/Subordinate court, such as lack of Sufficient and appropriate Infrastructure, skilled manpower and regular updates etc., came forward. The findings reflected that the real benefits realised by the key stakeholders during the first phase of the E-Courts project were sub-optimal. Within the research universe, about 72% of the judges urged for the development of better infrastructure; 8 % requested for better Internet facilities, and 4% highlighted the need for skilled manpower in the court complex. Among the Court Administrative staff, about 80% lacked basic knowledge of computers. In comparison, another 20% of the Court official complained that the software was complicated and time-consuming. In India, all the court-related activities of the Litigants are performed by the advocates. From the research universe, the Advocates and litigants highlighted that the District court complex lacked proper security and guide maps as well as a lack of requisite manpower. On the contrary, during the study, most of the stakeholders stressed improvement in the court processes, including the process of case filing, tracking of case status, availability of the cause list, and online delivery of the copy of the judgement.

The optimal participation by all the stakeholders is indispensable for ensuring citizen-centric services and for the automation of judicial and administrative processes. Therefore, to improve the overall functioning of the system, there is a need to upgrade the existing infrastructure, user-friendly and easy access to CIS application should be provided, requisite strength of the skilled manpower in the court must be ensured, and regular training must be conducted.

The Phase II of the E-court Mission Project was brought into existence by virtue of the 12th Year plan from 2015 to 2019. The primary objective of the IInd phase is to further the ICT

¹¹⁰ "Evaluation Study of E-Courts Integrated Mission Mode Project", , National Council of Applied Economic Research, project Commissioned by Department of Justice Ministry of Law and Justice Govt. of India <https://doj.gov.in/sites/default/files/Report-of-Evaluation-eCourts.pdf> (last viewed on 29th May 2021)

¹¹¹ The project was implemented in two phases in 14,249 districts and subordinate courts spread over 3,069 court complexes throughout the country. (i) The first phase covered 12,000 courts in 2,100 court complexes by 31 March 2012. (ii) The remaining 2,249 courts of 969 court complexes were covered in the second phase by 31 March 2014.

¹¹² Supra No. 80

enhancement through the computerisation of all the District/Subordinate Courts in India, the use of cloud computing, digitalise the Case Records and ensuring enhanced e-services to lawyers and litigants via e-filing, e-payment gateways and mobile applications, etc¹¹³. Different essential facilities were introduced in the District/Subordinate Courts of India in the span of Phase II that included both hardware and software, such as issuing more computers and printers to the Judicial Officers, and improving the Case Information System and mobile Apps, etc. By far, 16,845 courts have been covered under the E-Courts project¹¹⁴.

In Phase II, the focus is to primarily cover the uncovered Courts of Phase-I, secure additional hardware with (1+3) systems per Court Room, establish New Courts with (2+6) systems per Court Room and provision the existing infrastructure for hardware, LAN etc¹¹⁵. Simultaneously, the focus of the IIInd phase is the “Automation of Workflow Management” in order to ensure greater control over the management of cases by the Courts themselves.

Under the IIInd phase of the E-Court Mission, touch screen based Kiosks with printers in each Court Complex, case-related information through Mobile, Video Conferencing facilities at all Court Complexes and corresponding jails, provisioning of laptops and printers to Judicial Officers, ensuring E-services via e-filing, e-payment gateways and mobile applications, and improved change management, and process reengineering Judicial centres are provided to make the courts more accessible, cost-efficient and citizen-friendly. Digital Signature Certificates (DSCs) are also issued to Court officials to propagate the use of e-documents and enable them to issue certified e-documents to the advocates and the litigants¹¹⁶.

Alike the First Phase, the workability of the IIInd Phase, from 2015 to 2019, was also evaluated. The Department of Justice, Government of India, *via* the National Council of Applied Economic Research (NCAER), conducted research to evaluate the workability of

¹¹³ E-Courts Mission Mode Project – Phase II, Notes for Phase II,

https://doj.gov.in/sites/default/files/Note-for-Phase-II_0.pdf (viewed on 31st May 2021)

¹¹⁴ “The Information & Communication Technology in the Indian Judiciary: Evaluation of the E-Courts Project Phase-II” National Council of Applied Economic Research, Submitted to Department of Justice, Ministry of Law and Justice, Government of India February 2021 https://districts.ecourts.gov.in/sites/default/files/2021031717_0.pdf (last viewed on 31st May 2021)

¹¹⁵ Brief on E-Courts Project, E-Courts Integrated Mission Mode Project;

[https://doj.gov.in/sites/default/files/Brief-on-eCourts-Project-\(Phase-I-%26-Phase-II\)-30.09.2015.pdf](https://doj.gov.in/sites/default/files/Brief-on-eCourts-Project-(Phase-I-%26-Phase-II)-30.09.2015.pdf) (last viewed on 31st May 2021)

¹¹⁶ To learn more about the reforms, please refer to Sub-Heading No **2.2.5 Failure of E-Governance Facilities (Phase-II of the E-Court project)** on Page 19.

the E-Court Mission Project Phase II. The findings of the NCAER assessment study were that the E-Courts project had catered great level of awareness among all the key stakeholders of the Subordinate Judiciary, including Judicial Officers, Court Administrative Staff, Litigants and Advocates, staff of the District Legal Services Authority and the State Judiciary Academy, Central Project Coordinators, officials of the National Informatics Centre, and hardware and services vendors about the computerisation of courts and the availability of updates software¹¹⁷.

The Findings of the study were that the newly provided facilities and technology available under E-Courts Phase II had been widely appropriated by the stakeholders. During the research, it was found that the adoption of new technologies under Phase II has reduced the mounting pendency of cases at both the District and Taluka Courts levels. In relation to the available judicial facilities, it was observed in the report that a wide range of gaps exists in the level of awareness levels among the litigants. The report stressed the need for regularised training and retraining programmes among the key stakeholders in relation to the use of technology and innovations made in facilities at all levels. The report suggests that for the optimal utilisation of the E-Court infrastructure and applications, it is imperative to conduct regularised impact assessment programmes and performance monitoring of the system.

As per the report, about 93-100% of the District/Subordinate Court is furnishing computers along with printers and has installed Case Information System (CIS). In the research universe, all the courts had proper electricity with backup, but none had solar power. In regard to touch-screen E-kiosks and Video Conferencing (VC) facilities, the proportion is 84-96%.

The inadequate ability to use technology exists among Court Officials as well; as per the report, few Court Administrative Staff and Advocates have a low level of computer knowledge, and most of the Judicial Officers have intermediary Computer Literacy. Only 34% of the litigants had awareness about the E-Court facilities in their respective court complexes posing a significant challenge in deriving full benefits from the E-Court Mission. It was observed that most of the Judges were satisfied with the implementation of the E-Court Mission in the Courts as it has led to proper time management and transparency in the Court processes. Whereas it was found that less than 60% of judges were satisfied with the quality of the manpower and the infrastructural facilities. 70% of the Court staff was

¹¹⁷ The Study was conducted via email and telephone-based interviews with the stakeholders.

satisfied with all the facilities provided under the E-Court Mission, with the exception of the quality of technical manpower.

One of the crucial factors responsible for the overall acceptance of the E-Court mission to the District/Subordinate courts is the availability of 'Adequate Internet Speed'. As per our survey findings, 98% of the court complex was equipped with WAN connectivity as of December 2020. As per the Court official, from the research universe, internet connectivity was satisfactory in 93% of the District Courts and 59% of the Taluka Courts. Second, to that, issues of quality manpower, low computer literacy, and the complexity of the Video Conferencing facility were highlighted¹¹⁸.

As per the Technology Acceptance Model (TAM) employed in the study, the Case Information System, JustIS App and the National Judicial Data Grid manifested a higher degree of Perceived Usefulness (PU) and high Perceived Ease of Use (PEU) among the key stakeholders. On the other hand, the National Service and Tracking of Electronic Processes (NSTEP) were monitored as having low PU and PEU due to a lack of proper implementation across the courts. Though existing for a long time, the Video Conferencing facilities hold less PEU mainly due to the poor connectivity impairing the visuals and audio. As for the advocates, the process of E-filing was still at the nascent stage leading to the inadequate usage of the project for them. In regard to the proper usage of the ICT infrastructure, and the CIS and VC facilities, the ease of use is the determinant factor implying the usefulness of a technology. Therefore, some initiation programmes should be introduced to facilitate the NSTEP and e-filing processes for the end users. The court Administrative staff must be periodically trained in facilitating Video Conferencing facilities and operating Hardware.

The report highlights factors like the location of the Court Complex, level of computer knowledge and social category of the Litigant, to a great extent, impact their awareness about the E-Court project. The major barrier faced by litigants in employing the E-kiosks, National Portals and JUSTIS mobile app are due to the lack of technological knowledge. Fundamentally, there is a dire need to generate more awareness among the litigants about the facets of the E-court project, which would simultaneously make the legal processes more efficient and effective. The Common Service Centres (CSC) like *E-Seva Kendras* must be traversed in facilitating information and quick access to judicial services.

¹¹⁸Ibid No. 86

Lastly, the report accentuates the significant impact of the E-court project in terms of court management, accessing court records, referencing court material and reducing the cost leading to the lessening of the arrears of cases. Finally, to ensure proper utilisation of the judicial infrastructure, there is a dire need to regularly monitor the functioning and the implementation of the E-court project in the District/Subordinate Courts with a wholesome perspective¹¹⁹.

By virtue of the project, E-services are catered to all the stakeholders, including the judicial officers, Court Administrative Staff, Litigants and Advocates. With the passage of time, the ICT enablement of the District/Subordinate Courts has made them more efficient and transparent¹²⁰. As of 2021, we can surely put a pin on the fact that the E-Court mission has left a momentous impact on the proper functioning of the District/Subordinate Courts and has simultaneously reduced pendency.

Digital Courts Vision & Roadmap Phase III of the E-Courts Project:

The first two phases of the E-court mission laid a solid foundation for the E-committees' objectives of digitalisation of District/Subordinate Courts. The primary objectives of the E-committee included:

- Interlinking all the courts across India.
- Providing citizens-centric services.
- To ensure ICT enablement of the judicial regime.
- Both quantitatively and qualitatively, enhancing judicial productivity.
- Make the justice delivery system more accessible, transparent, Cost-efficient, etc¹²¹.

To a great extent, the Indian Judicial regime has successfully attained the above-mentioned objectives. After the conclusion of the second phase, Dr. Justice D.Y. Chandrachud, Chairman E-Committee, in a letter to the Secretary of the Department of Justice, highlights the initiatives taken by the Supreme Court's E-Committee in drafting a vision document for the Phase III of the E-Court Project. Suggesting that the third phase of the E-Court mission would comprise two facets: access and inclusion¹²².

¹¹⁹ Ibid No. 86

¹²⁰ E-Courts Mission Mode Project, <https://doj.gov.in/sites/default/files/Brief%20on%20eCourts%20Project.pdf> (last viewed on 2nd June 2021)

¹²¹ Letter of Dr. Justice D.Y. Chandrachud, Honourable Judge, Supreme Court of India, Barun Mitra, Secretary, Department of Justice (2nd April 2021) <https://doj.gov.in/news/letter-dr-justice-dy-chandrachud-honourable-judge-supreme-court-india> (last viewed on 2nd June 2021)

¹²² Supra No. 93.

In present times, technology is one such tool that is capable of bringing in great reforms, that includes securing an equitable justice system that facilitates all citizens (including the marginalised section) in approaching the courts for dispute redressal. The Indian Judicial regime, thus, by employing the technology, is trying to accelerate its continuous endeavour of has been to secure speedy and cost-friendly access to justice for all its citizens. Owning this, under the Phase III of the E-Court mission, the E-committee envisions natively digitising the infrastructure of the Indian judicial system. In this manner, the integration of technology under Phase III towards an efficient justice delivery system must circumscribe to the complete lifecycle of justice:

1. **“Dispute Mitigation** - To ensure a better understanding of legal rights and remedies for the common citizen, to empower them to decide the best way of resolving issues devoid of adversarial court litigation.
2. **Dispute Containment** - Primarily referring to alternative dispute resolution methods where while trappings of adjudication exist, the process occurs outside the courts in a more amicable manner.
3. **Dispute Resolution** - Imbuing traditional justice delivery institutions - courts, tribunals, police, prisons, and legal aid with the vision outlined above. This vision for Phase III is built on four building blocks: a set of core values, a whole-of-system approach, a focus on the adoption of technology by users, and a robust governance framework”¹²³.

The Supreme Court’s E-committee, by virtue of Phase III, would ensure that the key stakeholders of the District/Subordinate Courts have access to the requisite hardware, digital infrastructure, and proper access to critical services. Under phase III, the focus is also levied on strengthening the judicial capabilities for dispute mitigation and containment by employing conscious technology and institutional design on an ongoing basis.

Additionally, the four building blocks around which the Phase III of the E-Court Mission is envisioned include:

¹²³ Digital Courts Vision & Roadmap Phase III of the E-Courts Project By: Expert Sub-Committee to draw up a Vision Document for Phase III E-COMMITTEE SUPREME COURT OF INDIA (Inputs, feedback and suggestions on the vision document be submitted to ecommittee@ajj.gov.in. https://doj.gov.in/sites/default/files/Draft%20Vision%20Document_eCommittee_0.pdf (last viewed on 2nd June 2021)

1. **Core Values:** Striving for a modern judicial system, phase III of the project shall be administered by the “Core Values of Digital Courts¹²⁴”, including empathy, sustainability, trust, empathy, sustainability and transparency, which would simultaneously, also amplify the positives of technology and diminish the challenges attached.
2. **Whole-of-system approach:** The primary aim of Phase III of the E-Court mission is to structure the judicial processes across the three components of dispute management, including dispute avoidance, containment and resolution. Where individually, every component demands integration of technologies with different institutions¹²⁵. Whereas the system of the court should be in such a manner that both Virtual and Physical Courts can co-exist.
3. **Adoption frameworks:** The focus of Phase III of the E-Court mission is on building strong adoption frameworks, including behavioural nudges, adequate training and skill set development, online of the requisite mandate of law.
4. **Governance framework:** Addressing the accompanying administrative structures, under the Phase III of the E-Court mission, a stable governance framework shall be laid by modifying the existing laws, rules, and practices, or enactment of new laws, rules, and practices, and establishing E-Courts. The idea behind this is that it will create the foundation of a future justice system, ensuring both scale and stability.

Figure 2.5. The Phase III of the E-Court time-bound transitional structure:



¹²⁴ Unified not Uniform Development, Commoditised and Heterogeneous, Resilient, System Wide Perspective, Scalable, User-centric Design, Agile, Data-driven Development Method, Reusable and Extensible, Accessible and Inclusive, Open and Interoperable, and Privacy and Security by Design, Supra no 95

¹²⁵ “For instance, dispute avoidance can include an online service which can evaluate an (legal) issue faced by an individual and provide sound and trustworthy pro bono advice on a suitable course of action. This would require information and communication technology (ICT) integration to extend to the State and National Legal Service Authorities”;

Source: Vision Document for Phase III E-Committee Supreme Court of India¹²⁶

The creation of a core Digital Infrastructure for the District/Subordinate Courts is the pivotal goal under the Phase III of the E-Court Mission. The E-Committee envisions the development and adoption of the Digital Infrastructure would include the following stages:

- ☐ “Stage 1: Design of the blueprint, which includes principles, architecture, identification of building blocks and standards
- ☐ Stage 2: Development of the Digital Infrastructure
- ☐ Stage 3: Implementing and adopting the Digital Infrastructure in at least 1 High Court
- ☐ Stage 4: Implementing and adopting the Digital Infrastructure in 2 High Courts, building on the learning from the first pilot.
- ☐ Stage 5: Offering and extending the Digital Infrastructure for adoption in all courts.¹²⁷”

The Digital Infrastructure may enable the development of services for a speedy resolution of disputes and dispute containment solutions and the resolution by the ecosystem. For proper usage and delivery the digital services, stable, effective and reliable broadband connectivity, power supply, and the required hardware culminate as the prerequisite of the Digital Courts. Making the District/Subordinate courts more optimised for access through mobile-based applications via the portal for judicial services would connect the judiciary to all persons, including people belonging to remote places¹²⁸.

¹²⁶ Ibid No. 95

¹²⁷ Ibid No. 95

¹²⁸ Ibid No. 95

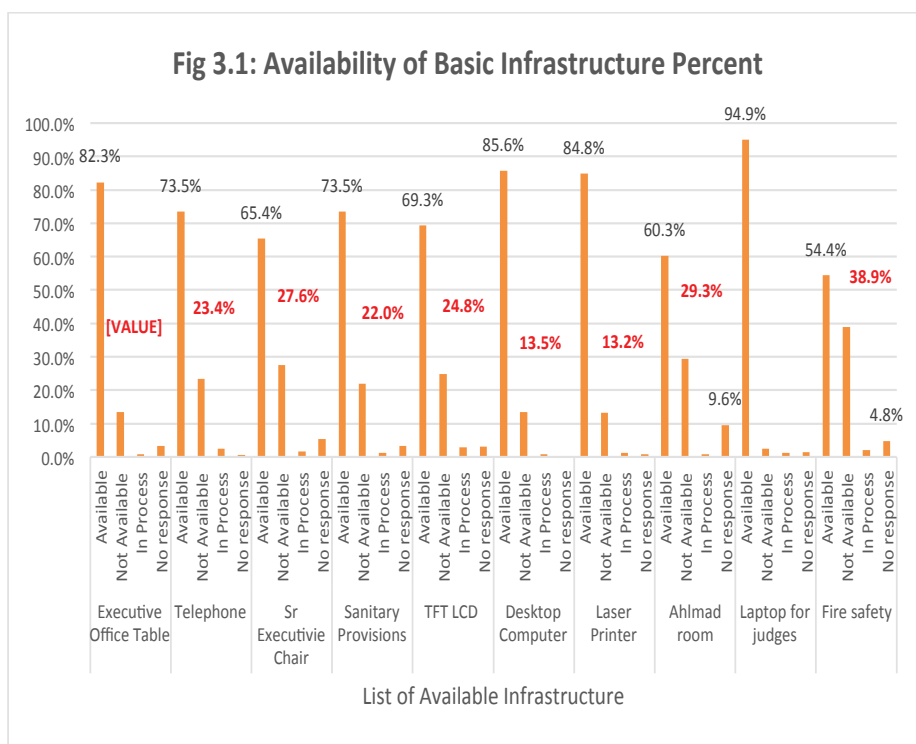
CHAPTER III

Judicial Officers

3.1. Availability of Basic Infrastructure

A courtroom in a District Court Complex should be equipped with basic infrastructure for efficient communication, for quick access to digital resources, for efficient documentation, and for effective presentation of evidence. Generally for better overall functioning of the courts adequate infrastructure facilities, hygiene and safety have to be properly maintained while being regularly upgraded and equitably distributed across courtrooms in the country. To assess the availability of basic infrastructure for Judicial Officers, our questionnaire included open-ended and close-ended questions. As shown in Fig.3.1., is a graph showing in percentage the availability of facilities. The data indicates that a majority of judicial officers have access to essential facilities. Facilities such as executive office tables, desktop computers, and laser printers are available to over 80% of judicial officers. This suggests that a significant portion of judicial officers have the necessary infrastructure to support their work, which can contribute to improved efficiency and productivity.

A high percentage of judicial officers have laptops (around 95%), while availability of telephones and quality sanitary provisions for approximately 73.5% of judicial officers indicates that communication channels and hygiene standards are addressed to a significant extent. A considerable proportion of officers have access to laptops, executive office tables, desktop computers, laser printers, telephones, and sanitary provisions. These provisions can significantly contribute to improving efficiency within the judicial system by promoting effective communication, facilitating research and documentation, enabling remote work, and ensuring a conducive working environment. However, it is important to continue monitoring and addressing any gaps or discrepancies in infrastructure availability to further enhance the efficiency of the judicial system.

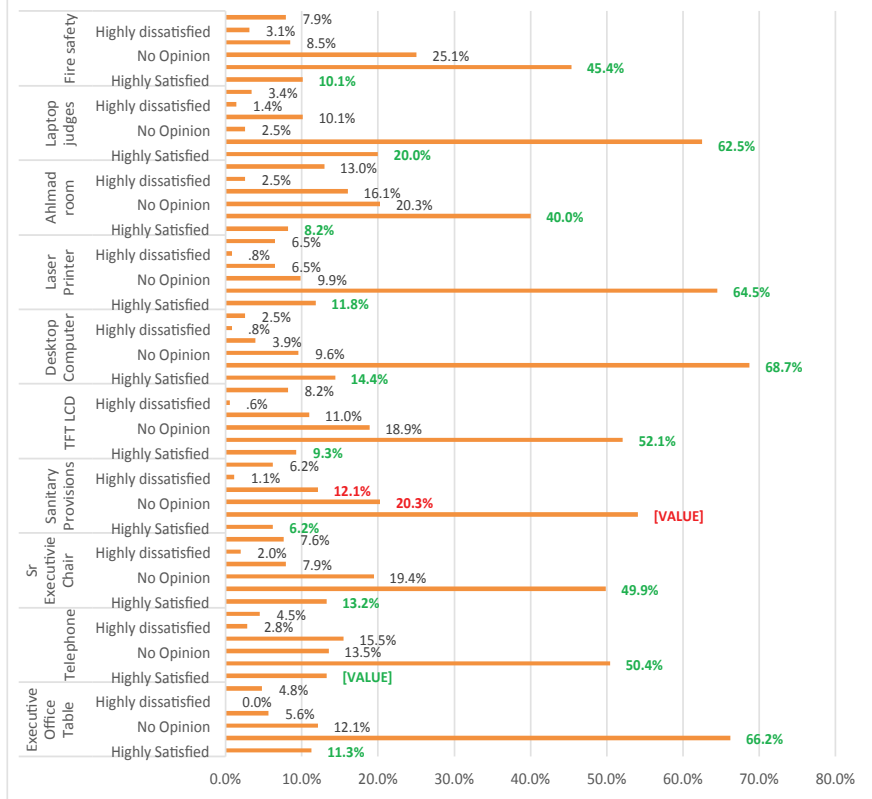


A few basic necessities were not available for more than 20% of Judicial Officers. Around 39% of Judicial Officers said that they don't have fire safety equipment within their courtroom premises. Additionally, 29.3% of Judicial Officers don't have an *Ahlmad* room attached to their Courtroom. Further, around 25% of Judicial Officers neither have an Executive Chair nor a mandatory TFT LCD in the Courtroom.

The Judicial Officers were asked about the quality of the available infrastructure. As shown in Fig.1.2., around 11% of Judicial Officers were Highly Satisfied, and 66% of Judicial Officers were only Satisfied with the quality of basic infrastructure. Further, cumulatively around 80% of Judicial Officers were satisfied with the quality of laptops they received under the digitalization process.

On the contrary, more than 60% of Judicial Officers were satisfied with various basic infrastructures, and a mere 54% of Judicial Officers were Satisfied with the quality of Sanitary provisions available to them. Another outlier was the quality of the *Ahlmad* room, as only 40% of Judicial Officers seemed Satisfied with it.

Fig. 3.2: Satisfaction with available Basic Infrastructure Percent



In general, a majority of respondents expressed satisfaction with the available basic infrastructure across different categories.

Positive Satisfaction Levels: Several categories, such as executive office tables, telephones, senior executive chairs, TFT LCD screens, desktop computers, and laser printers, received relatively higher satisfaction ratings. A significant percentage of respondents reported being satisfied or highly satisfied with these infrastructure elements.

Dissatisfaction Levels: While overall satisfaction is relatively high, there were still pockets of dissatisfaction. Categories like Ahlmad rooms and sanitary provisions received relatively higher levels of dissatisfaction, with a notable percentage of respondents expressing dissatisfaction or high levels of dissatisfaction.

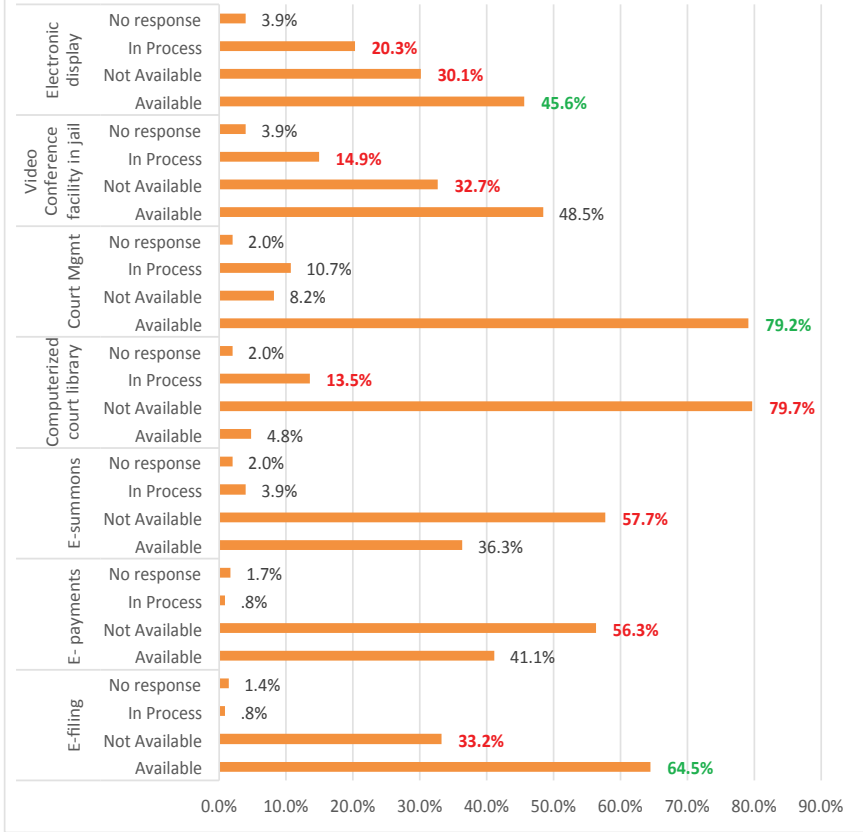
Mixed Opinions: Some categories, such as fire safety and laptop judges, received mixed opinions, with a significant percentage of respondents having no opinion. This suggests that more clarity or feedback may be needed in these areas.

Overall, the data suggests that while basic infrastructure is generally satisfactory, there are specific areas that require attention and improvement to address the concerns of dissatisfied individuals. It highlights the importance of addressing the specific needs and preferences of users when it comes to basic infrastructure provision.

3.2. Availability of Infrastructural E-Facilities

The 21st Century Courtrooms are now equipped with various E-services, which makes the functioning of Court Administration and Judicial Officers efficient compared to earlier times. The Judicial Officers were asked about the various types of E-Facilities available at their disposal. As shown in Fig. 1.3., 45% of Judicial officers were of the opinion that their Courtrooms have Electronic Display facilities, while 30% of Judicial Officers stated that electronic display screens aren't available. Another 20% of Judicial Officers responded that the installation of the electronic display screen is in process. On the availability of a video conferencing facility in jail, around 32.7% of Judicial officers responded that they do not have any video conferencing facility available in the District Court Complex, while 48.5% of Judicial Officers stated that the facility is available within their complex. Further, around 70.2% of Judicial officers marked that their Court is equipped with the digital Court Management System.

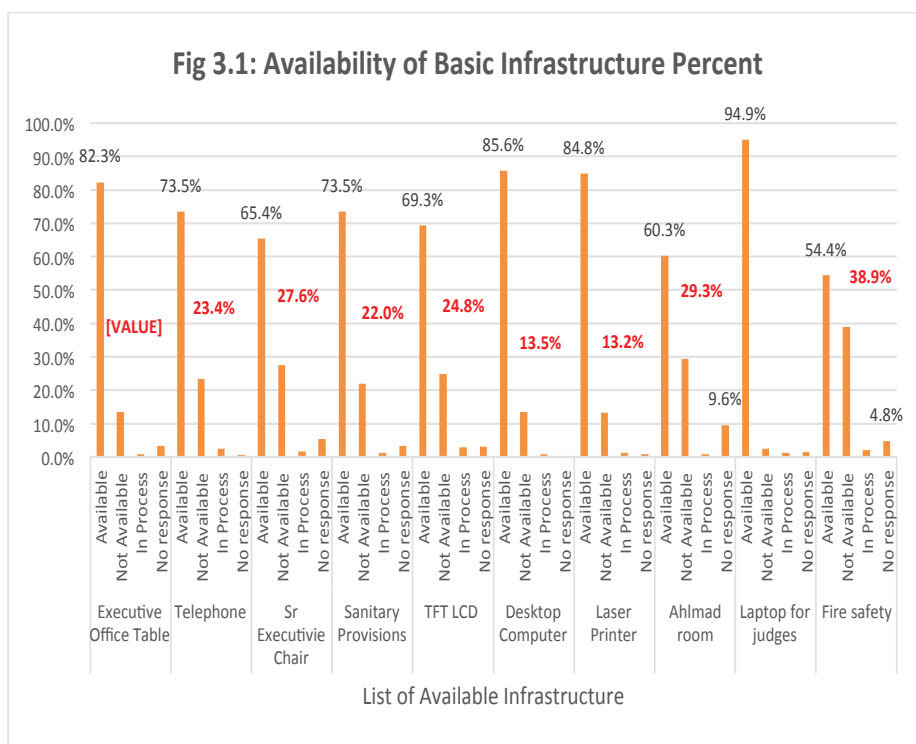
Fig.3.3.: Availability of infrastructural E-Facilities Percent



On the other hand, around 80% of Judicial Officers responded that Computerized Court Library is not available in the District Court Complex. Further, as shown in Fig.1.3., 56.3% of Judicial Officers opined that they do not have an E-Payments facility available on their court premises. Another 57.7% of Judicial Officers responded that they do not have an E-Summons facility in their court premises. However, 64.5% of Judicial Officials confirmed the availability of an E-Filing facility within their District Court Complex.

3.2.1 Impact of Available Infrastructural E-Facilities

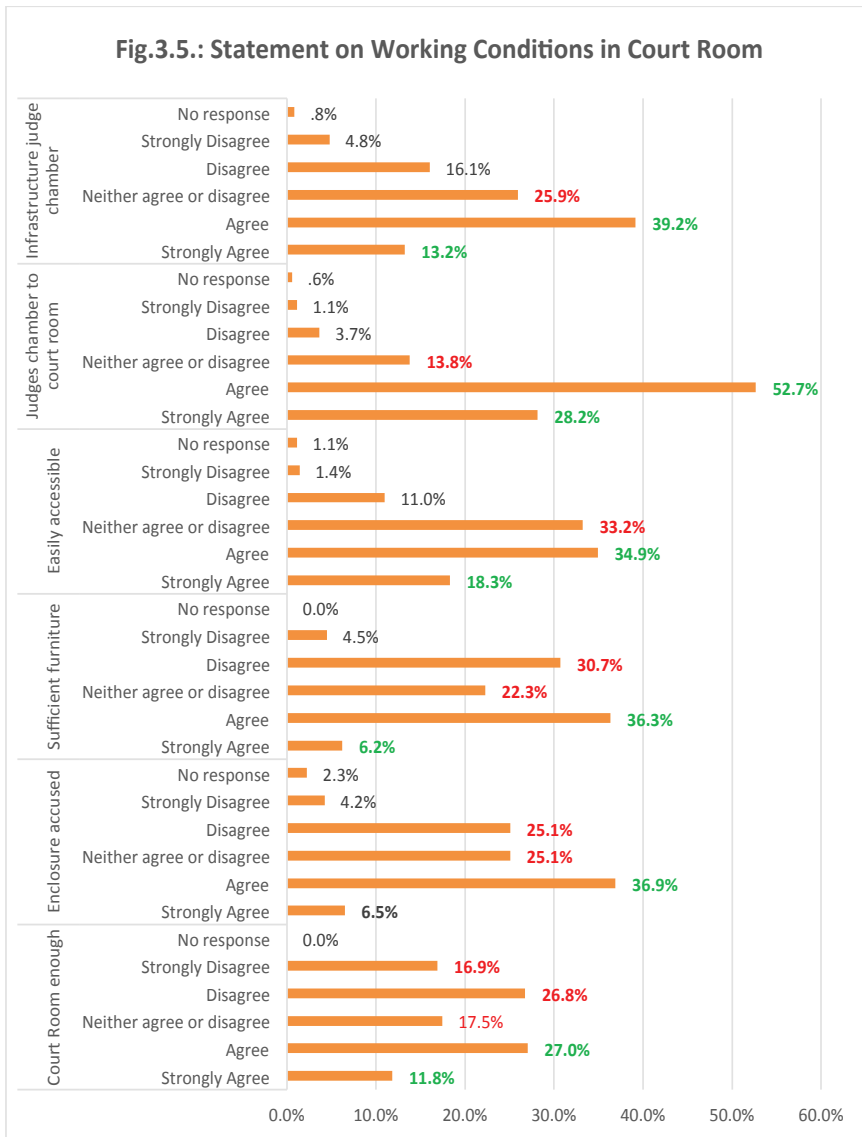
The E-Facilities provided to Judicial Officers are often assumed to ease the working judicial system and make it more efficient. The Judicial Officers were asked about the same in terms of whether using these E-Facilities has made their working Highly Efficient, Efficient, Inefficient or Highly Inefficient. As shown in Fig.1.4., on the issue of the electronic display outside the courtroom, around 39.7% of Judicial Officers found it to be Efficient, while only 3.7% of Judicial Officers found it Highly Efficient.



A few basic necessities were not available for more than 20% of Judicial Officers. Around 39% of Judicial Officers said that they don't have fire safety equipment within their courtroom premises. Additionally, 29.3% of Judicial Officers don't have an *Ahlmad* room attached to their Courtroom. Further, around 25% of Judicial Officers neither have an Executive Chair nor a mandatory TFT LCD in the Courtroom.

The Judicial Officers were asked about the quality of the available infrastructure. As shown in Fig.1.2., around 11% of Judicial Officers were Highly Satisfied, and 66% of Judicial Officers were only Satisfied with the quality of basic infrastructure. Further, cumulatively around 80% of Judicial Officers were satisfied with the quality of laptops they received under the digitalization process.

On the contrary, more than 60% of Judicial Officers were satisfied with various basic infrastructures, and a mere 54% of Judicial Officers were Satisfied with the quality of Sanitary provisions available to them. Another outlier was the quality of the *Ahlmad* room, as only 40% of Judicial Officers seemed Satisfied with it.



3.2.2. Statement on Working Conditions in Court Room

The Judicial Officers were asked about the working conditions in their Court Room. These questions were rated on the basis of the level of agreement. The Judicial Officers were asked about various aspects of their respective Court Rooms. In Fig.1.5. We see their responses on the aspect of the Court Room being spacious enough; around 27% of Judicial Officers agree, while 26.8% of Judicial Officers Disagree on the Court Room being spacious enough. Further, 16.9% of Judicial Officers Strongly Disagreed that their Court Room is spacious enough.

On the issue of neatly crafted enclosure for accused and witnessed, around 37% of Judicial Officers Agreed that it is neatly crafted, while 25% of Judicial Officers disagreed with the statement. Another 25% of Judicial Officers Neither Agreed nor Disagreed on the enclosures being neatly crafted.

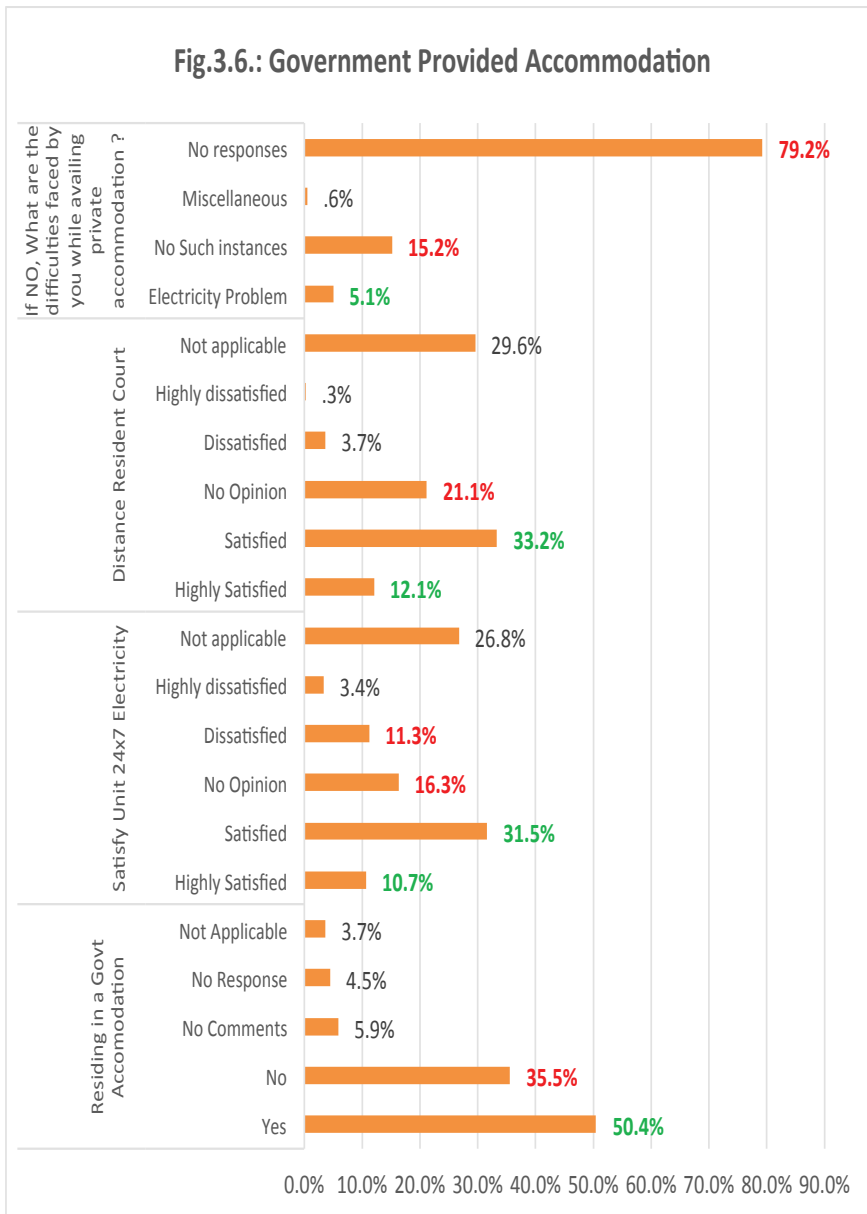
On the statement on sufficient furniture for court staff and litigants in the Court Room, 36.3% of Judicial Officers Agreed to the statement, while 30.7% of Judicial Officers disagreed with the statement. Another 22.3% of Judicial Officers Neither Agreed or Disagreed with the statement.

On the statement of the Judge's chamber connected to the Court Room, 52.7% of Judicial Officers Agreed, and 28.2% of Judicial Officers Strongly Agreed with the statement. In terms of the Judge's chamber being equipped with all necessary infrastructure, around 39.2% of Judicial Officers Agreed, and 13.2% of Judicial Officers Strongly Agreed with the statement.

3.2.3. Government Provided Accommodation

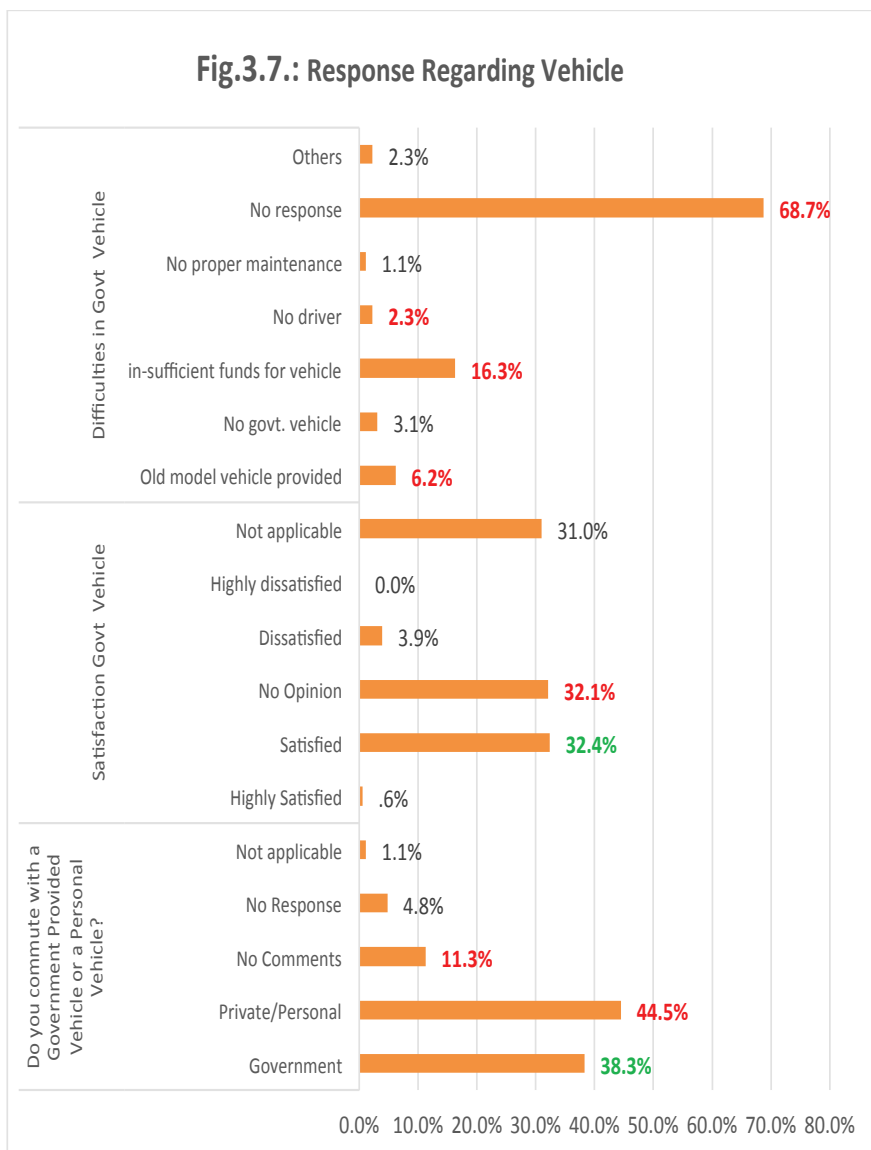
The Judicial Officers are often assigned accommodation near the District Court Complex for efficient use of their time. The study asked them whether they received any residential housing or accommodation. If Yes, those Judicial Officers were asked about issues faced by them. As seen in Fig. 1.6., for those who said they had not received any residential accommodation, only 15.2% of Judicial Officers stated that they had no such difficulties in their private residential accommodation, while a minute 5% of Judicial Officers pointed to the issue of electricity. Surprisingly, 79.2% of Judicial Officers did not respond to the specific question.

Of those Judicial Officers who resided in the government-provided accommodation (around 50.4% of the total Judicial Officers), around 33.2% of Judicial Officers were Satisfied with the distance between the Court Complex and residential accommodation, and 12.1% of Judicial Officers were Highly Satisfied with it.



3.2.4. Response Regarding Vehicle

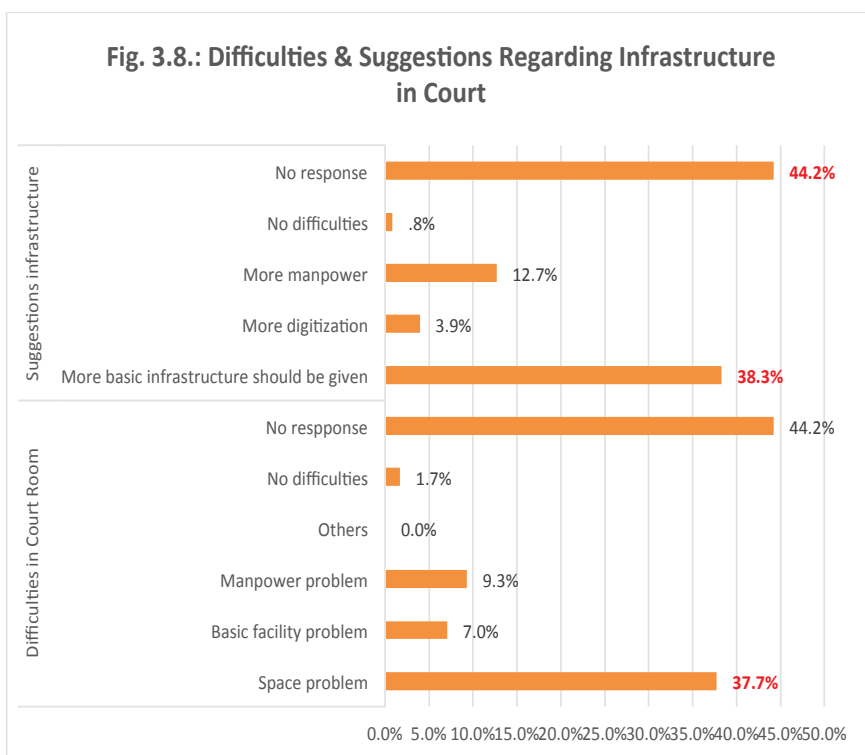
The Judicial Officers were also asked about whether they have Government provided vehicles or not. As shown in Fig.1.7., around 44.5% of Judicial Officers responded that they commute with their private/personal vehicle, while 38.3% of Judicial officers commute by a Government provided vehicle. Among those who use Government provided vehicles, around 32% of Judicial Officers were Satisfied with the vehicle, while another 32% of Judicial Officers had No Opinion about it.



3.2.5. Difficulties & Suggestions Regarding Infrastructure in Court

The Judicial Officers were requested to mention any other difficulties or suggestions they prefer to provide. As seen in Fig. 1.8., around 44.2% of Judicial Officers did not respond to this question, while 38.3 % of Judicial Officers suggested that they should be provided with more basic infrastructure. Further, around 12.7% of Judicial Officers suggested for more manpower, and 3.9% of Judicial Officers suggested more digitalization.

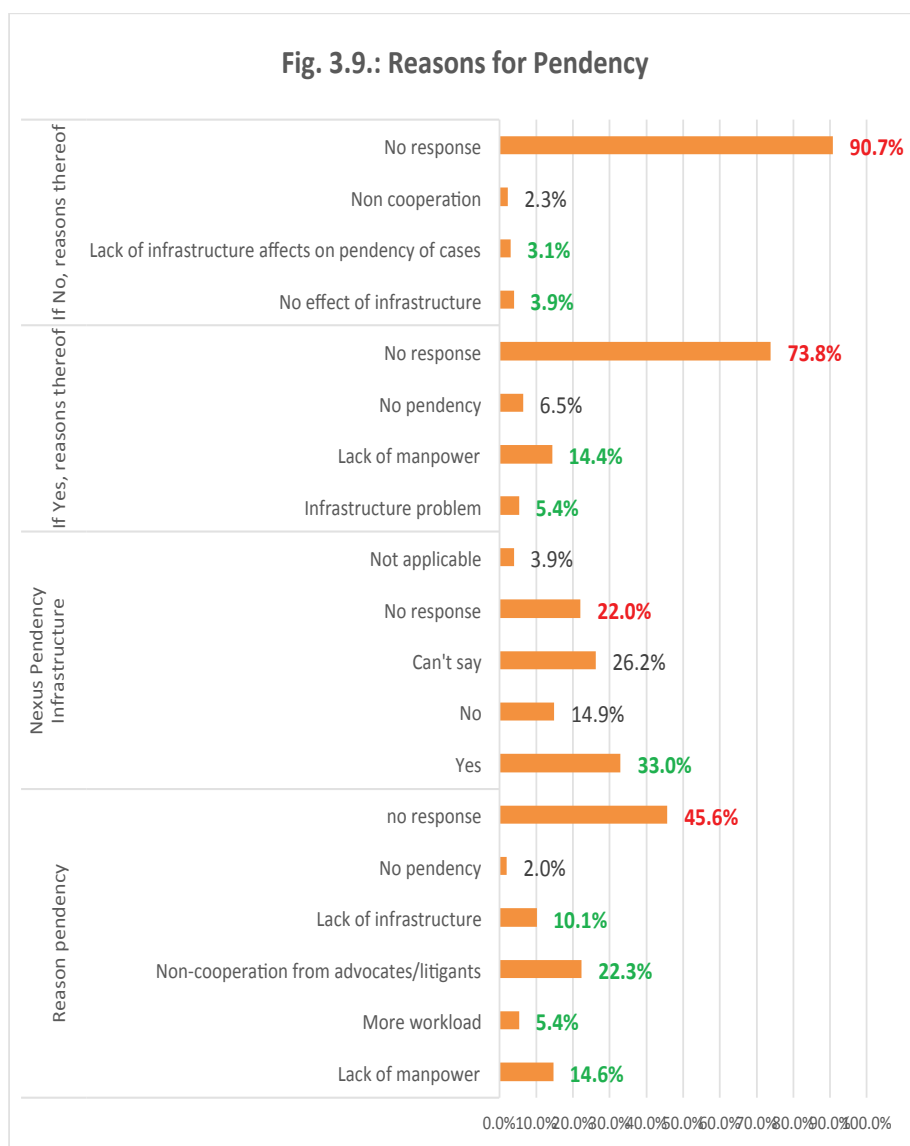
On the other hand, in mentioning difficulties, 37.7% of Judicial Officers replied that they face space issues in their Court Room. Another 9.3% of Judicial Officers mentioned the manpower challenge, while 7% of Judicial Officers raised the issue of basic facilities.



3.2.6. Reasons for Pendency

The Judicial system at the lower level has many amenities and has been in the process of digitalization. The Judicial Officers were asked about various aspects revolving around the reasons for pendency. These were open-ended questions centred on reasons for pendency. Judicial Officers were asked about the major reasons for the huge pendency of disputes before their respective Court. As shown in Fig.1.9., 45% of Judicial Officers did not respond to the question. However, around 22% of Judicial Officers stated that the non-cooperation from the advocate or litigant is one of the major reasons for pendency. Further, 14% of Judicial Officers cited lack of manpower as the major reason for pendency. Further, around 10% of Judicial Officers stated lack of infrastructure as one of the major reasons for pendency, and a minute 5.4% of Judicial Officers were of the opinion that too much workload is one of the reasons for pendency.

The Judicial Officers were further asked about whether they think there is a nexus between Pendency and lack of infrastructure. Around 73.8% of Judicial Officers did not respond to the specific question. Of the Judicial Officers who responded with no nexus with pendency and lack of infrastructure, around 90.7% did not state any reasons for their response, as shown in Fig.1.9. While only 3.9% of Judicial Officers cited no effect of infrastructure.



3.3. The State of Support Staff

3.3.1. Nature of Employment of Support Staff

The Judicial Officers are dependent on the Support Staff for efficient workflow. In the lower judiciary, it is often seen that Support Staff performs multiple tasks. This section focuses on various aspects of Support Staff from the Judicial Officers. In Fig. 1.10., we seek to know the nature of employment of the Support Staff with every Judicial Officer.

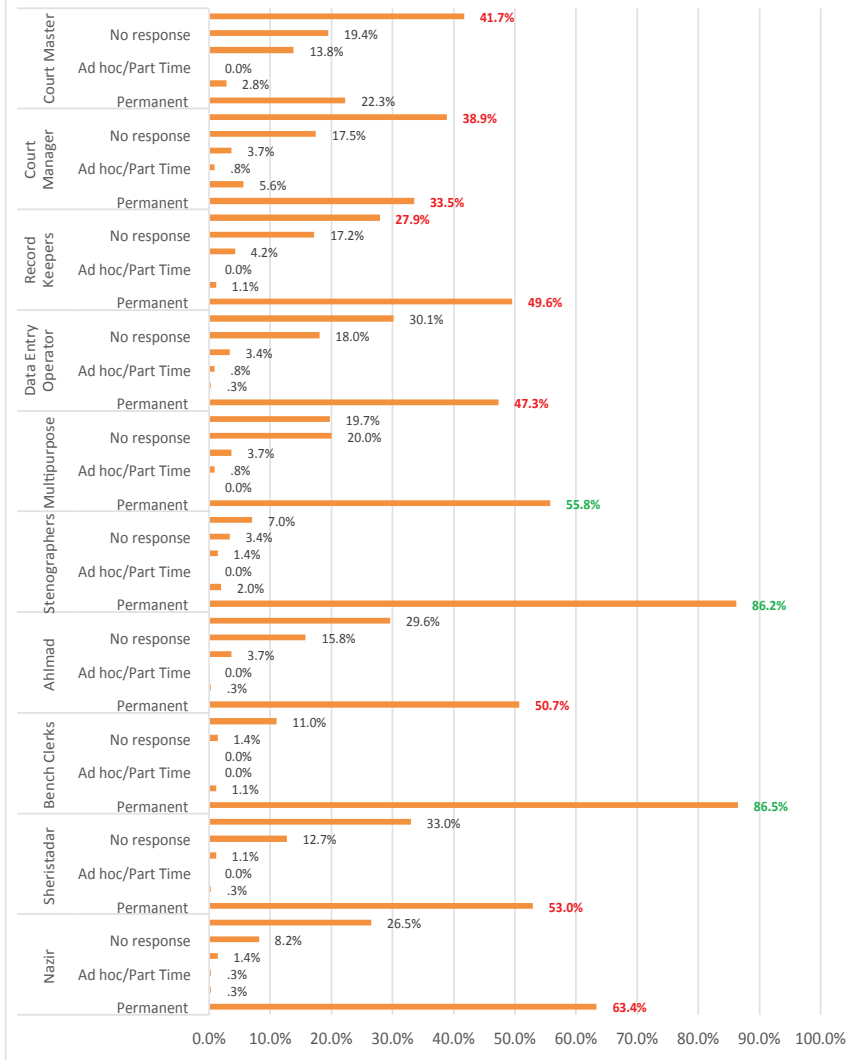
As shown in Fig.1.10., around 22.3% of Judicial Officers stated that they have a Permanent Court Master, while 19.4% did not respond to the specific question. Further, 33.5% of Judicial Officers said that they have Permanent Court Manager, while 5.6% of Judicial Officers said that they have a Contractual Court Manager.

The Judicial Officers also responded on the nature of the employment of Record Keepers. As shown in Fig.1.10., 49.6% of Judicial Officers responded that they have Permanent Record Keepers with them, while 1.1% of Judicial Officers stated that they have a Contractual Record Keeper. Further, 47.3% of Judicial Officers were of the opinion that they have a Permanent Data Entry Operator, while 18% of Judicial Officers did not respond.

The Judicial Officers often need Multipurpose Staff to perform various day-to-day tasks resulting in the efficient functioning of their Court. As shown in Fig. 1.10., 55.8% of Judicial Officers stated that they have Permanent Multipurpose Staff, while 20% of Judicial Officers did not respond to this specific question. Similarly, 86.2% of Judicial Officers have Permanent Stenographers attached to their Court. The issue of *Ahlmad* might be a cause of concern, as only 50.7% of Judicial Officers reported having a Permanent *Ahlmad*, while 3% of Judicial Officers have a Contractual or Tenured *Ahlmad*.

Further, 86.5% of Judicial Officers reported having Permanent Bench Clerks with them, while 53% of Judicial Officers reported having a Permanent *Sheristadar* attached to their Court. The Judicial Officers also responded on whether they have a Permanent *Nazir* or not. As shown in Fig.1.10., only 63.4% of Judicial Officers responded that they have a Permanent *Nazir*.

Fig. 3.10.: Nature of Employment of Support Staff



3.3.2. Level of Satisfaction with Support Staff

The Judicial Officers' efficiency is also dependent on the way their respective Support Staff is working with them. The Judicial Officers were asked about their level of Satisfaction with every Support Staff attached to their respective Court. In Fig. 1.11. we see that around 17.5% of Judicial Officers were Satisfied with Court Master, while 3.4% of Judicial Officers were Highly Satisfied. Further, 16.1% of Judicial Officers had No Opinion on the matter. 13.8% of Judicial Officers were Dissatisfied with the work of the Court Master. Further, 4.5% of Judicial Officers were Highly Dissatisfied with their Court Master.

During the field visits, it was observed that most of the Judicial Officers were not aware of the work of the Court Manager. As seen in Fig. 1.11., around 43.4% of Judicial Officers responded as Not Applicable. However, around 23.4% of Judicial Officers were Satisfied with the services provided by their respective Court Managers.

Further, 36.9% of Judicial Officers were Satisfied with their Record Keepers, while 16.1% of Judicial Officers were Dissatisfied with them. Another 3.7% of Judicial Officers were Highly Dissatisfied with them.

The digitalization of Courts in the lower judiciary has increased the dependence on support staff like Data Entry operators. The Judicial Officers were asked about the degree to which they are satisfied with their Data Entry Operator. As shown in Fig. 1.11., 45.1% of Judicial Officers are Satisfied with the work of their Data Entry Operators, while 5.6% of Judicial Officers are Highly Satisfied. On the other hand, 13.8% of Judicial Officers are Dissatisfied, and 3.7% of Judicial Officers are Highly Dissatisfied with the Data Entry Operator Provided to them.

On the level of satisfaction with Multipurpose Staff, around 46.5% of Judicial Officers are Satisfied, and another 8.5% of Judicial Officers are Highly Satisfied with the services of their Multipurpose Staff. On the contrary, 14.6% of Judicial Officers were Dissatisfied, and 2.5% of Judicial Officers were Highly Dissatisfied with the services of their Multipurpose Staff.

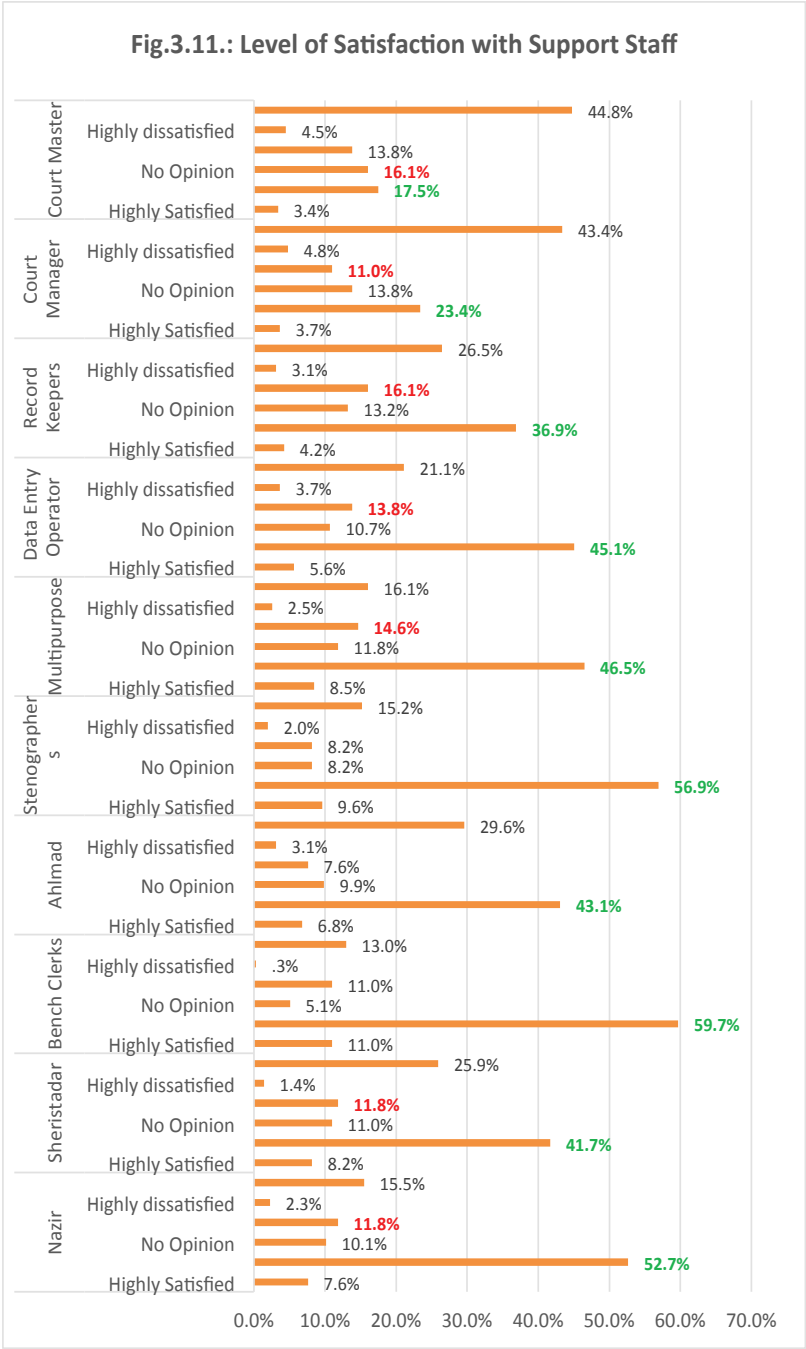
The Judicial Officers were also asked about the level of satisfaction they have with the Stenographers provided to them. Around 56.9% of Judicial Officers, as seen in Fig. 1.11., were Satisfied with the Stenographers provided to them, while 9.6% of Judicial Officers were Highly Satisfied. Oppositely, a minute 8.2% of Judicial Officers were Dissatisfied, and 2% of Judicial Officers were Highly Dissatisfied with the Stenographers.

In the case of *Ahlmad*, around 43.1% of Judicial Officers were Satisfied, while another 6.8% of Judicial Officers were Highly Satisfied with their work. A minuscule percentage, around 7.6%, of Judicial Officers responded that they are Dissatisfied with their *Ahlmad*. Only 3.1% of Judicial Officers were Highly Dissatisfied. Further,

Around 60% of Judicial Officers were Satisfied with their Bench Clerks, while 11% of Judicial Officers were High Satisfied. Around 11% of Judicial Officers were Dissatisfied with their Bench Clerks.

Less than 42% of Judicial Officers responded that they were satisfied with their respective *Sheristedar*, while 8.2% of Judicial Officers were Highly Satisfied with them. Further, 11.8% of Judicial Officers were Dissatisfied with them, while another 11% of Judicial Officers did

not have any opinion. In the case of *Nazir*, as shown in Fig.1.11. Around 52.7% of Judicial Officers were Satisfied with their services, while 7.6% of Judicial Officers were Highly Satisfied with them. Additionally, 11.8% of Judicial Officers were Dissatisfied with their services. Around 10.1% of Judicial Officers did not have any opinion on them.



3.3.3. Quality of Support Staff with Judicial Officers

The level of satisfaction informs the efficiency of work performed by Support Staff in Courts. The quality of Support Staff narrates the standard and distinctive suitability of particular support staff. As shown in Fig.1.12, the Judicial Officers were asked about the way in which the nature of employment of Support Staff affects daily proceedings in their Court. Further, they were then asked to rate the quality of Support Staff in their respective Courts from Very Good, Good, Fair, Bad or Very Bad.

On the question of ways in which the nature of employment affects the proceedings of the Court, around 57.7% of Judicial Officers did not respond. Around 12.7% of Judicial Officers cited that it causes a lack of Support Staff within their respective Court. Another 24.5% of Judicial Officers stated that the nature of employment makes Support Staff more cooperative. Additionally, around 3.9 % of Judicial Officers even stated that we need more efficient Support Staff.

On the quality of Support Staff, around 11.3% of Judicial Officers responded that the quality of the Court Master is Good, while 78% of Judicial Officers did not respond. Around 4% of Judicial Officers said the quality of Court Master is Very Bad, and 2.5% of Judicial Officers said that it is bad.

In the case of the Court Manager, 69.5% of Judicial Officers refrained from answering the question. Only 12.4% of Judicial Officers marked the quality of Judicial Officers as Good, and 1.7% as Very Good. Similarly, 8.2% of Judicial Officers found the quality of Court Managers as Bad, and around 4% of Judicial Officers rated it as Very Bad.

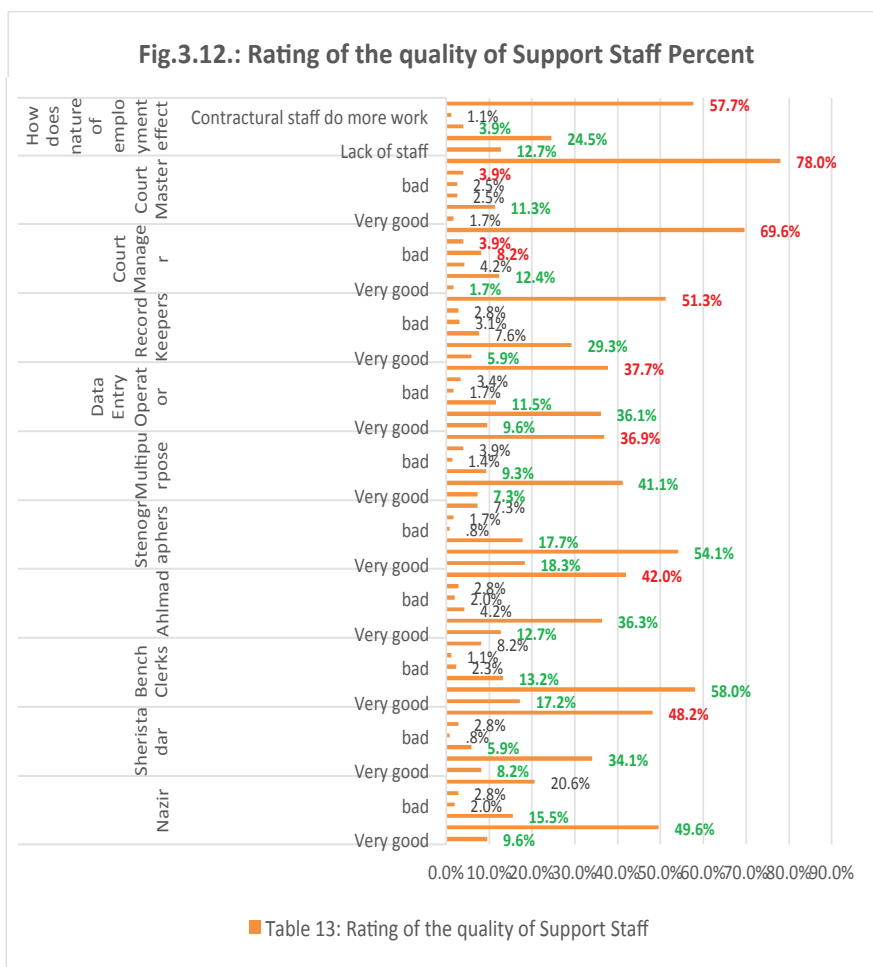
On Record Keepers, around 29.3% of Judicial Officers rated them as Good, and around 6% of Judicial Officers rated them as Very Good. 7.6% of Judicial Officers even rated their quality as Fair. Minute 3.1% of Judicial Officers rated their quality as Bad, and 2.8% of Judicial Officers rated their quality as Very Bad.

The quality of Data Entry Operators attached to Judicial Officers has also been rated by the Judicial Officer. As shown in Fig. 1.12., around 36.1% of Judicial Officers rated their quality as Good, and another 9.6% of Judicial Officers rated them as Very Good. Another 11.5% of Judicial Officers rated them as Fair. Only 3.4% of Judicial Officers rated them as Very Bad, and 1.7% of Judicial Officers rated them as Bad. 37.7% of Judicial Officers did not respond to this specific question.

Most of the Judicial Officers rated the quality of Multipurpose Staff as Good (41.1% of Judicial Officers), and 7.3% of Judicial Officers rated them as Very Good. Further, 9.3% of Judicial Officers responded that the quality of Multipurpose Staff is Fair, while 7.3% of Judicial Officers responded it as Very Good.

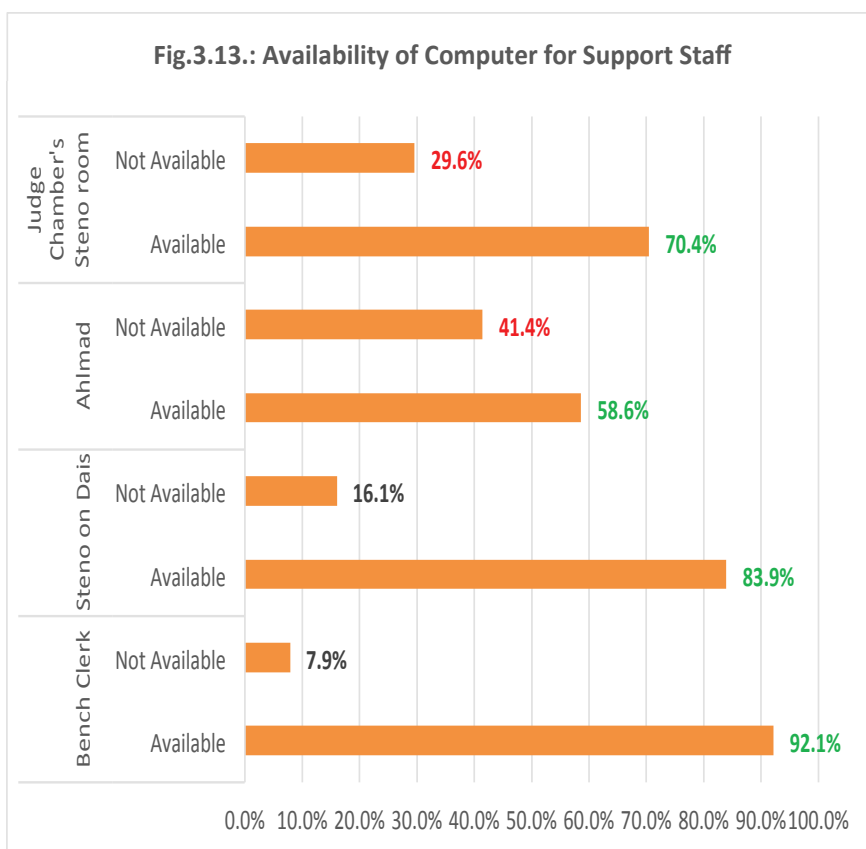
Around 54% of Judicial Officers rated the quality of Stenographers as Good, and 18.3% of Judicial Officers rated them as Very Good. Further, 17.7% of Judicial Officers rated them as Fair. Similarly, 336.3% of Judicial Officers rated the quality of *Ahlmad* as Good, and 12.7% of Judicial Officers rated them as Very Good. Around 2.8% of Judicial Officers rated their quality as Very Bad, while 2% of Judicial Officers rated them as Bad. In terms of Bench Clerks, around 58% of Judicial Officers rated their quality as Good, 17.2% of Judicial Officers rated them as Very Good, and 13.2% of Judicial Officers rated them as Fair. A small portion, around 2.3% of Judicial Officers, rated their quality as Bad, and 1.1% rated their quality as Very Bad.

In terms of the quality of *Sheristedar* and *Nazir*, around 34.1% of Judicial Officers rated the quality of *Sheristedar* as Good, 8.2% of Judicial Officers rated them as Very Good, and 5.9% of Judicial Officers rated the quality of *Sheristedari* as Fair. Meanwhile, 49.6% of Judicial Officers rated the quality of *Nazir* as Good, 9.6% of Judicial officers rated them as Very Good, and around 15.5% of Judicial rated their quality as Fair.



3.3.4. Availability of Computer for Support Staff

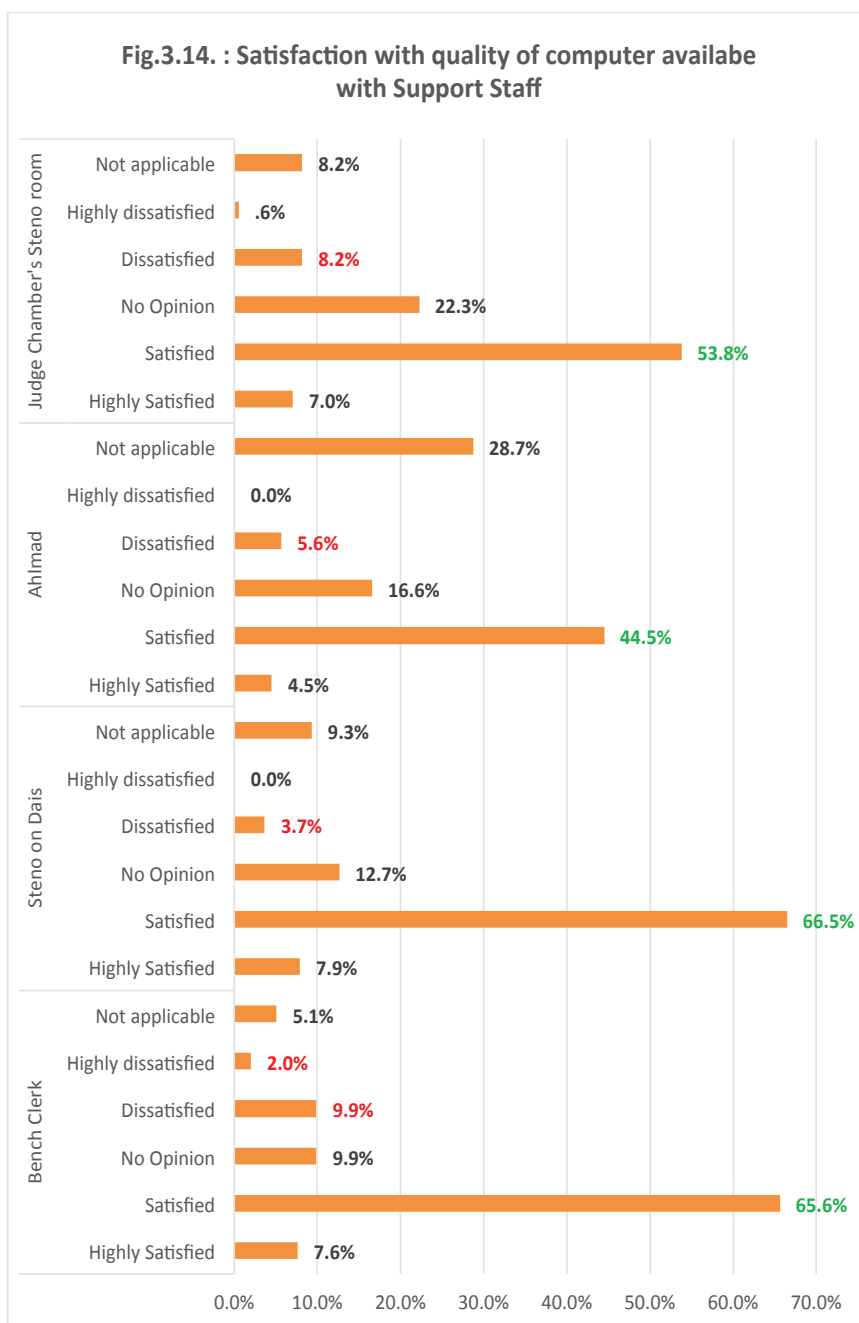
The Support Staff is required to have their professional/official computers for the efficient functioning of Court proceedings; otherwise, they often have to borrow or rely on the Computers available in nearby Courts within the District Court Complex. As shown in Fig. 1.14., around 70.4% of Judicial Officers marked the availability of a Computer in their chamber's Steno room, while 29.6% of Judicial Officers responded that such a computer facility is not available in their chamber exclusively for Steno. Similarly, around 41% of Judicial Officers reported having no computer for their *Ahlmad*, while 58.6% of Judicial Officers did confirm the availability of a computer. On the Steno Dias, around 83.9% of Judicial Officers confirmed to have a computer for use, while 16.1% of Judicial Officers said that there is no computer available for the Steno on the dais. Most of the Judicial Officers around 92.1% of the Judicial Officers said that their Bench Clerk has their individual official computer with them.



3.3.5. *The Level of Satisfaction with Quality of Computer Available for Support Staff*³

As shown in Fig. 1.14., around 53.8% of Judicial Officers were Satisfied with the quality of the computer in their chamber's steno room, while 7% of Judicial Officers were Highly Satisfied. On the contrary, 22.3% of Judicial Officers have No Opinion, and 8.2% of Judicial Officers were Dissatisfied with the computer installed in their chamber's steno room.

In the case of the computer provided to *Ahlmad*, 44.5% of Judicial Officers were Satisfied with the quality of the computer and 5.6% of Judicial Officers were Dissatisfied with the quality. Around 16.6% of Judicial Officers had No Opinion on this matter. Further, 66.5% of Judicial Officers were Satisfied with the quality of the computer made available for Steno on the dais, while a minute 3.7% of Judicial Officers were Dissatisfied with the quality of the computer. Regarding the quality of the computer provided to Bench Clerks, around 65.6% of Judicial Officers were Satisfied with the quality of the computer, while around 10% of Judicial Officers showed their dissatisfaction.

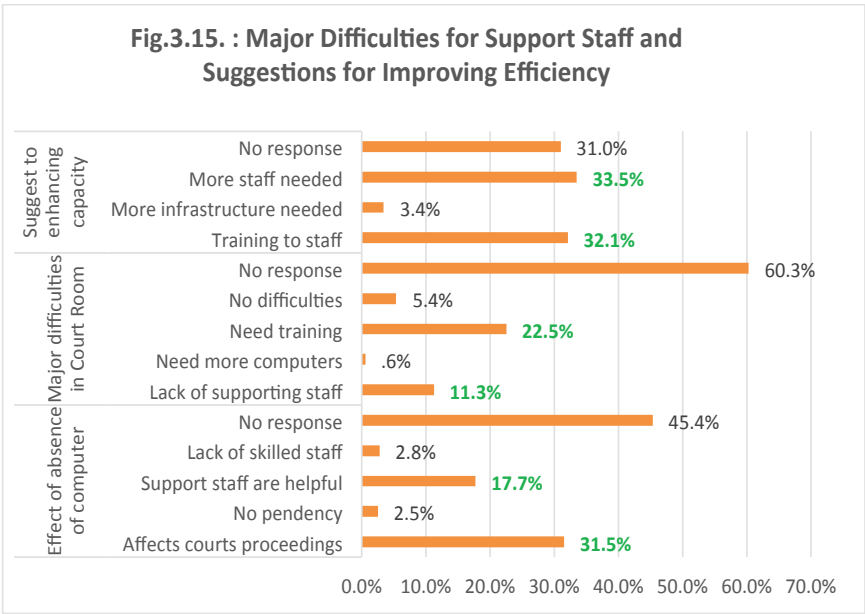


3.3.6. *Difficulties Faced by Support Staff and Suggestions from Judicial Officers*

The Judicial Officers interact with their Support Staff on a daily basis. Support Staff often narrates to them their difficulties. Therefore, Judicial Officers were asked an open-ended question on various difficulties they face regarding Support Staff and if they can provide any suggestions. As shown in Fig. 1.15, the Judicial Officers spoke about enhancing the

capacities of Support Staff, the difficulties they face in the Courtroom and ways in which the absence of a computer system hampers the proceedings.

Around 33.5% of Judicial Officers suggested that more Support Staff is needed to enhance the capacity of the judicial system. Further, 32.1% of Judicial Officers also suggested that the Support Staff needs to be trained properly. Only 3.4% of Judicial Officers suggested for increase in infrastructure.



In terms of difficulties in the Courtroom, a summary is presented in the form of a table below indicates the needs of Judicial Officer for adequate support staff, their training, and the potential impact of technology on courtroom efficiency.

Table No.3: Judicial officers suggesting issues which need immediate attention

Issue	Percentage of Judicial Officers
More Support Staff Needed	33.5%
Support Staff Training Needed	32.1%
Increase in Infrastructure	3.4%
Support staff not trained properly	22.5%

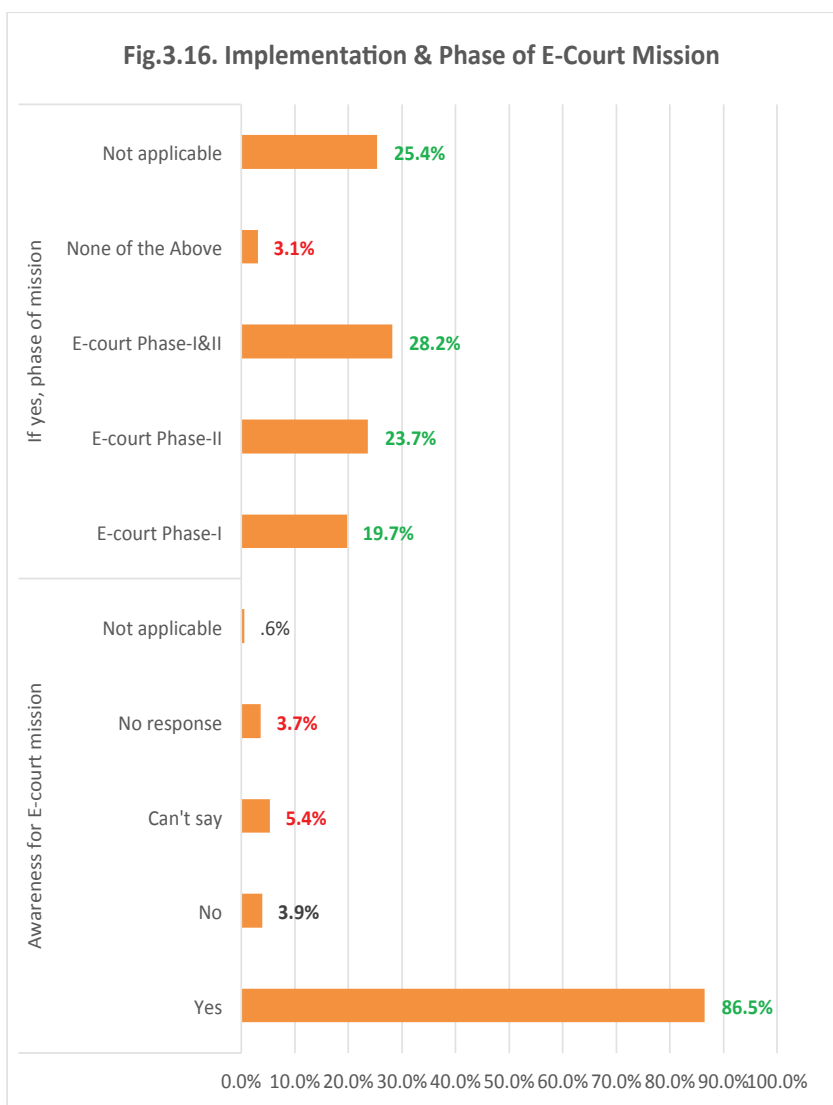
Lack of Support Staff	11.3%
Absence of computers	31.5%
Support Staff helpful without computers	17.7%

Based on their responses it can be said that a significant percentage (33.5%) of Judicial Officers believe that the judicial system requires more support staff to enhance its capacity. Additionally, 32.1% of Judicial Officers suggest that existing support staff needs proper training, indicating the importance of well trained personnel in the judiciary. Only a small percentage (3.4%) of Judicial Officers suggested an increase in infrastructure, suggesting that infrastructure may not be a major concern compared to other factors. The survey highlights two major difficulties faced by the Judicial Officers . Firstly, 22.5 % of them believe that support staff are not adequately trained, indicating a need for improved training programs. Secondly, 11.3% of Judicial Officers cited lack of support staff as a significant challenge. The absence of computers affects court proceedings according to 31.5% of Judicial Officers. However, interestingly, 17.7% of Judicial Officers mentioned that in such cases, the support staff becomes more helpful.

3.4. Schemes

3.4.1. Basic facilities Under E-Court Missions

The E-Court Mission has been active for many years in each of the selected states within our research universe. The Judicial Officers were asked about their awareness of the same. Knowing if they are aware, are they aware of the phase of the E-Court Mission? The funds for these missions have already been disbursed in the District Court Complex visited by the field investigators. As shown in Fig. 1.16, around 86.5% of Judicial Officers were found to be well aware of the E-Court Mission, while 5.4% of Judicial Officers said they could not say anything. Further, among the Judicial Officers who were aware, around 28.2% of Judicial Officers stated that their District Complex had completed both Phases I & II, 23.7% of Judicial Officers stated that their District Court Complex is in Phase II, and 19.7% of Judicial Officers responded that they are Phase-I of the E-Court Mission.

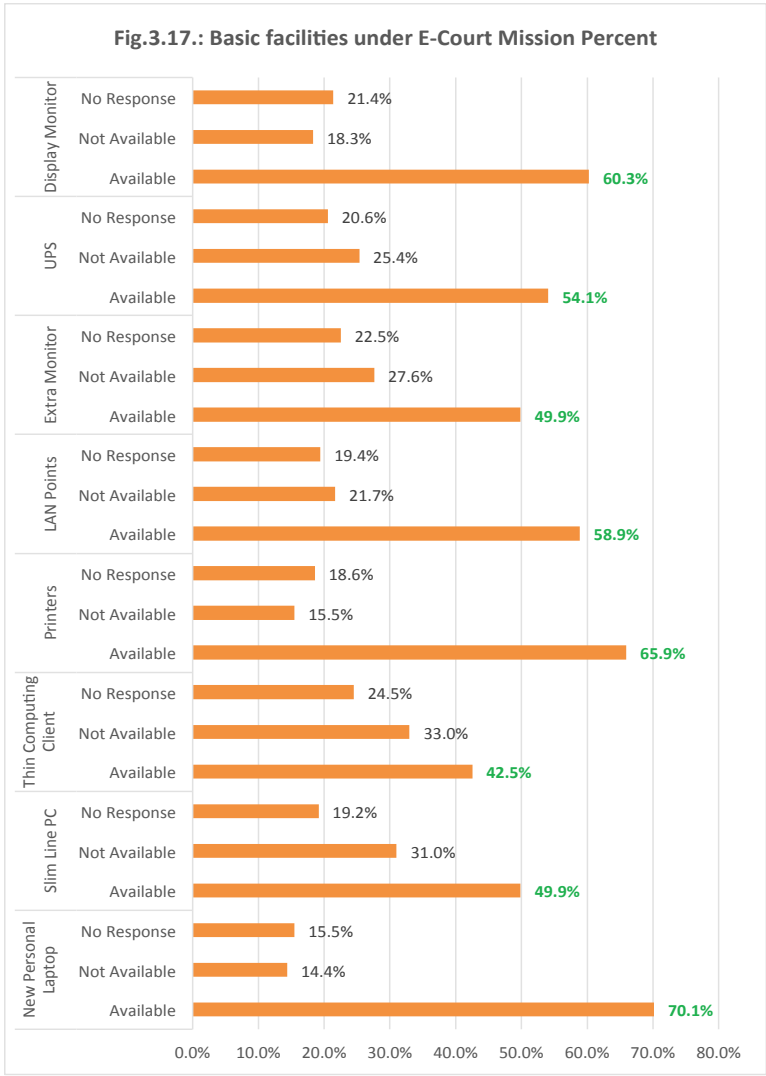


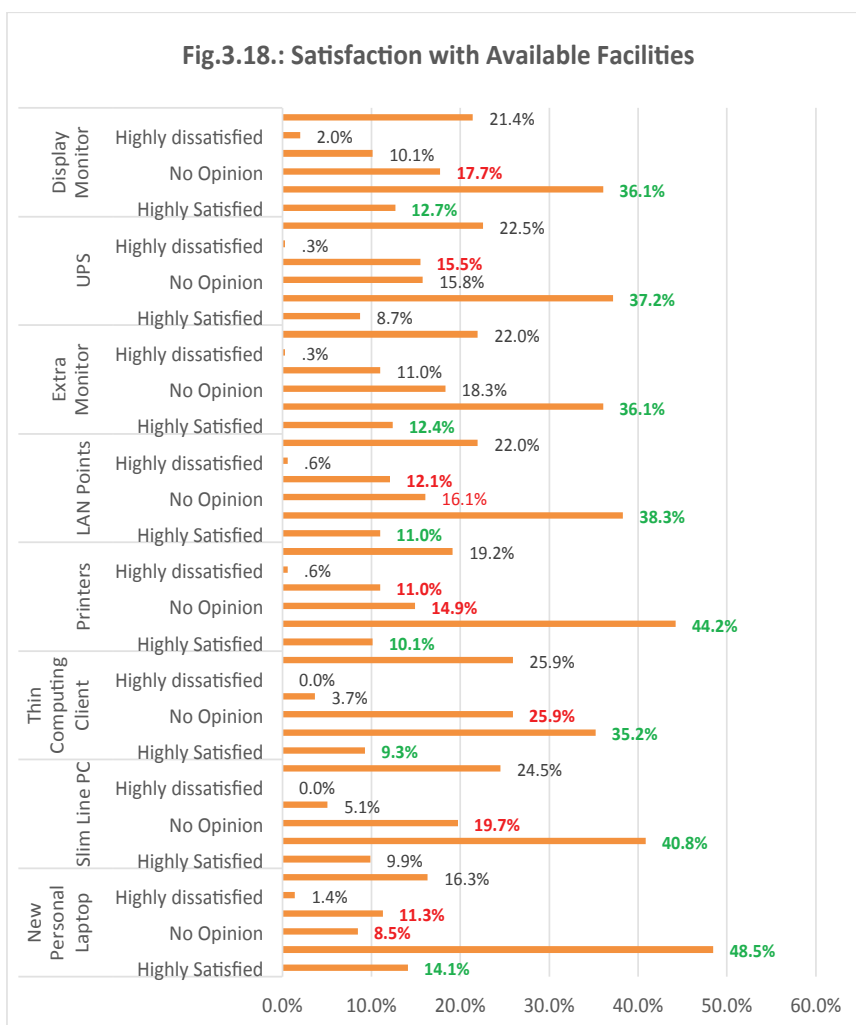
The E-Court Mission mandated and provided a few basic facilities under the mission. Judicial Officers were asked whether they have various facilities enlisted in under E-Court Mission available or not. As shown in Fig. 1.17., 60% of Judicial Officers said that they have a Display Screen Monitor Available outside their Court Room. Around 18.3% of Judicial Officers informed that the Display Screen Monitor is Not Available outside their Court Room.

Further, 54% of Judicial Officers said that they have UPS backup, while 25.4% of Judicial Officers said UPS backup is Not available to them. Moreover, the study found that around 50% of Judicial Officers have an Extra Monitor on the dais, while 27.6% of Judicial Officers said that they do not have an Extra Monitor. Around 59% of Judicial Officers stated that

their Court Room is equipped with LAN Ports, while 21.7% of Judicial Officers reported not having any such port available in their Court Room.

The Court Rooms need to have Printers available within their enclosure. As shown in Fig.1.17., 66% of Judicial Officers informed that they have Printers, while 15.5% of Judicial Officers said that they do not have any Printers available in their Court Room. In the case of Thin Computing Client, around 42.5% of Judicial Officers said it's available, while 33% of Judicial Officers reported it to Not Available. Around 49.9% of Judicial Officers said that they have Slim Line PC on their dais, while 31% of Judicial Officers told they do not have any such PC. In addition, around 70.1% of Judicial Officers informed that they have a New Official Laptop. On the other hand, 14.4% of Judicial Officers informed they did not receive any such laptop.





3.4.2. Effectiveness of Training and Workshops

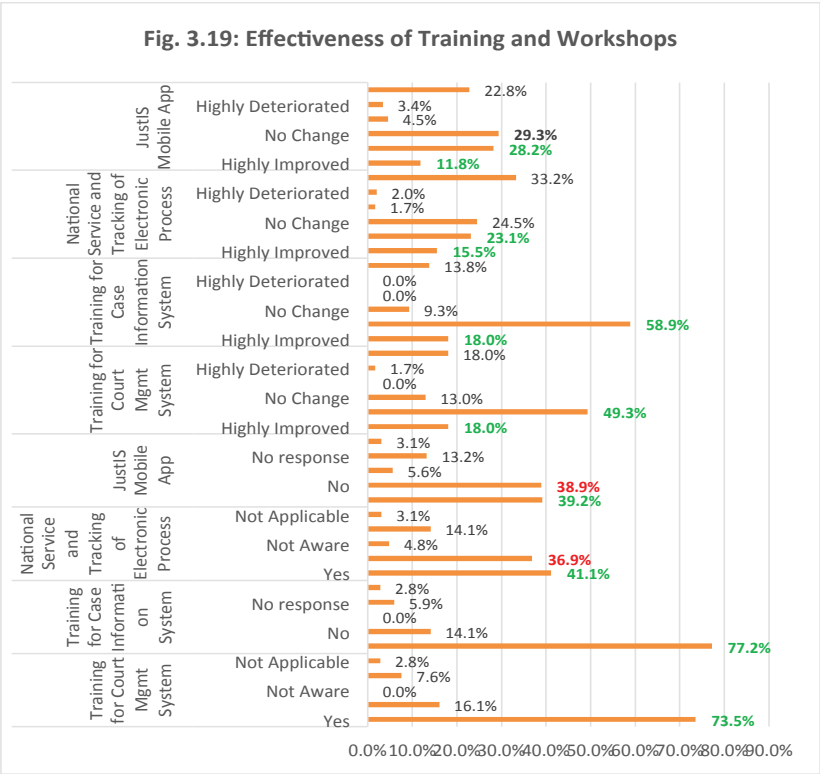
Judicial Officers also received training and workshop to make them comfortable with the digital court management software and many other digitalization processes. As shown in Fig. 1.19., the Judicial Officers were first asked whether they had received any form of training or attended any workshop on Court Management System (CMS), Case Information System (CIS), or National Service and Tracking of Electronic Processes or Just Mobile App. On the condition that they have attended any such training or workshop, Judicial Officers were asked to rate the effectiveness of proceeding of court post-training.

On the question of whether they received any training in the Court Management System, around 73.5% of Judicial Officers responded that they did receive training in it. Further, 49.3% of Judicial Officers said it had Improved the effectiveness of workflow, and 18% of Judicial Officers even informed it had Highly Improved the workflow in their Courts.

In terms of training in Case Information Systems, 77% of Judicial Officers said that they had received workshop training in it, and 14% of Judicial Officers said they did not receive any form of training in it. As shown in Fig. 1.19., among those who did receive any form of training in CIS, around 58.9% of Judicial Officers reported that it had Improved the workflow, and 18% of Judicial Officers marked the efficiency in terms of Highly Improved workflow.

The Judicial Officers also received training in National Service and Tracking of Electronic Processes; around 41.1% of Judicial Officers said that they did receive training in it, while 37% of Judicial Officers did not receive any form of training in it. Among Judicial Officers who did receive training, 23.1% of Judicial Officers responded that it Improved their workflow, and 15.5% of Judicial Officers said that it has Highly Improved their workflow.

The JusIS Mobile App is another such intervention; 39.2% of Judicial Officers responded that they did receive training in it, while 38.9% of Judicial Officers responded that they did not receive any such training. Further, around 29.3% of Judicial Officers said that they felt No Change with this intervention. On the contrary, around 28.2% of Judicial Officers marked their workflow has Improved, while another 11.8% said that their workflow has Highly Improved.



3.4.3. Level of Improvements Under E-Court Mission

The Judicial Officers were asked about the level of improvements they have observed in various aspects of judicial proceedings inside and outside their Court Room. They were given five options to answer their level of improvement in the form of Highly Improved, Deteriorated or Highly Deteriorated. As shown in Fig. 1.20., around 57% of Judicial Officers said that under E-Court Mission, the proceedings have Improved, while 13.2% said that the judicial proceedings and workflow had been Highly Improved. On Case, Filing System has also improved, as 56.3% of Judicial Officers rated it as Improved, while 10% of Judicial Officers rated it has Highly Improved.

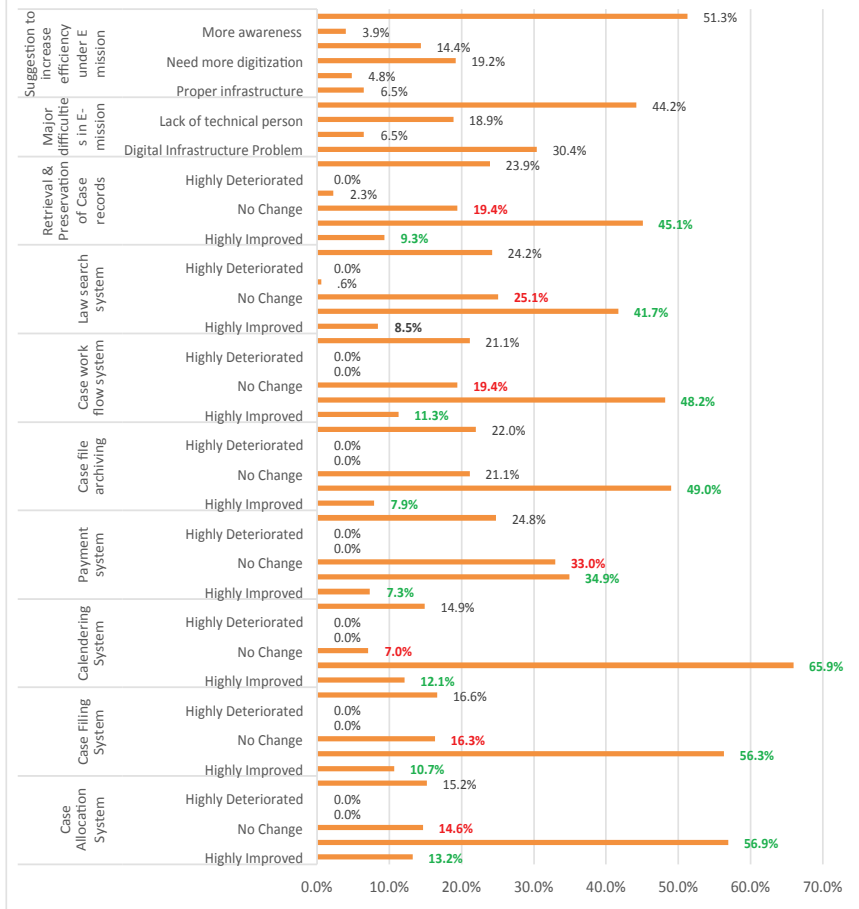
Even the Calendaring System has improved significantly post E-Court Mission, as 66% of Judicial Officers rated that it has Improved, and 12% of Judicial Officers marked that it has Highly Improved. The Payment System has not improved, as only 35% of Judicial Officers responded that it has Improved, while 33% responded with No Change in the system. The mission has also improved the Case File Archiving process, as 49% of Judicial Officers said it has Improved, while 8% of Judicial Officers said that it has Highly Improved.

Moreover, there has been a significant improvement in Case Work Flow System, as 48.2% of Judicial Officers responded that it has Improved, and 11.3% of Judicial Officers responded that it has Highly Improved.

The Judicial Officers also rated the improvements on the lines of Law Search System, Retrieval & Preservation of Case Records. As shown in Fig. 1.20., around 41.7% of Judicial Officers cited that Law Search System has Improved, and 8.5% of Judicial Officers said it has Highly Improved. In the case of Retrieval & Preservation of Case Records, it has improved significantly, as 45.1% of Judicial Officers reported it as Improved, while another 9.3% said it has Highly Improved.

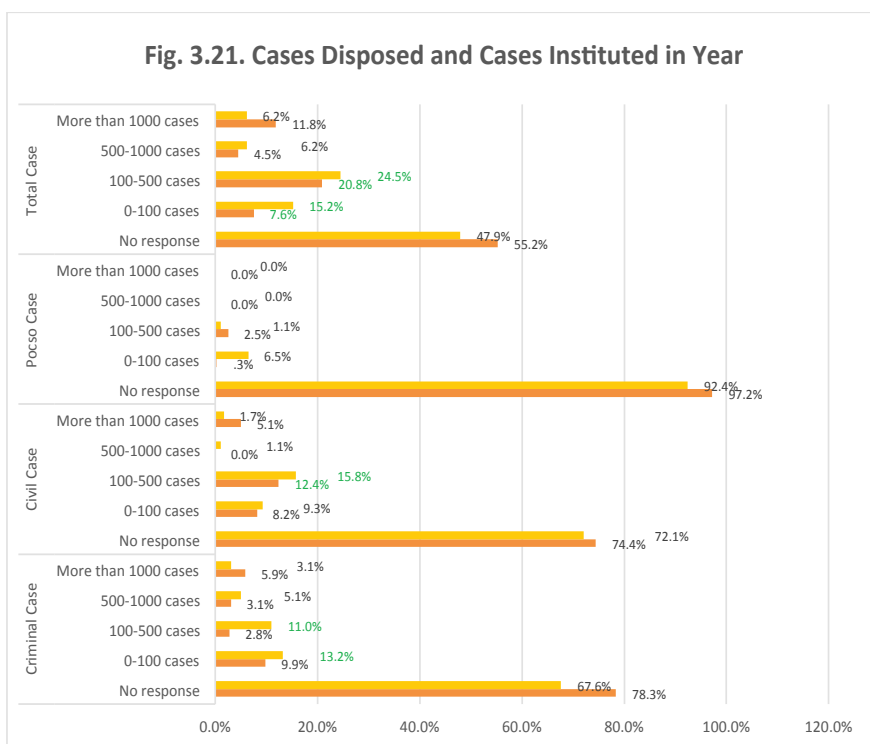
Apart from rating the improvements, Judicial Officers were also requested to suggest and tell some major difficulties they faced in E-Court Mission in their District Court Complex. 30.4% of Judicial Officers told that lack of digital infrastructure is one of the major issues, and lack of technical persons is another such issue raised by 18.9% of Judicial Officers. In terms of suggestions, Judicial Officers suggested improvements in infrastructure (6.5% of Judicial Officers), an increase in manpower (4.8% of Judicial Officers), proper training of support staff (14.4% of Judicial Officers) and the need for more digitization (19.2% of Judicial Officers) were few that came forward during the study.

Fig.3.20.: Improvement of working under E-court Mission



3.5. Pendency of cases

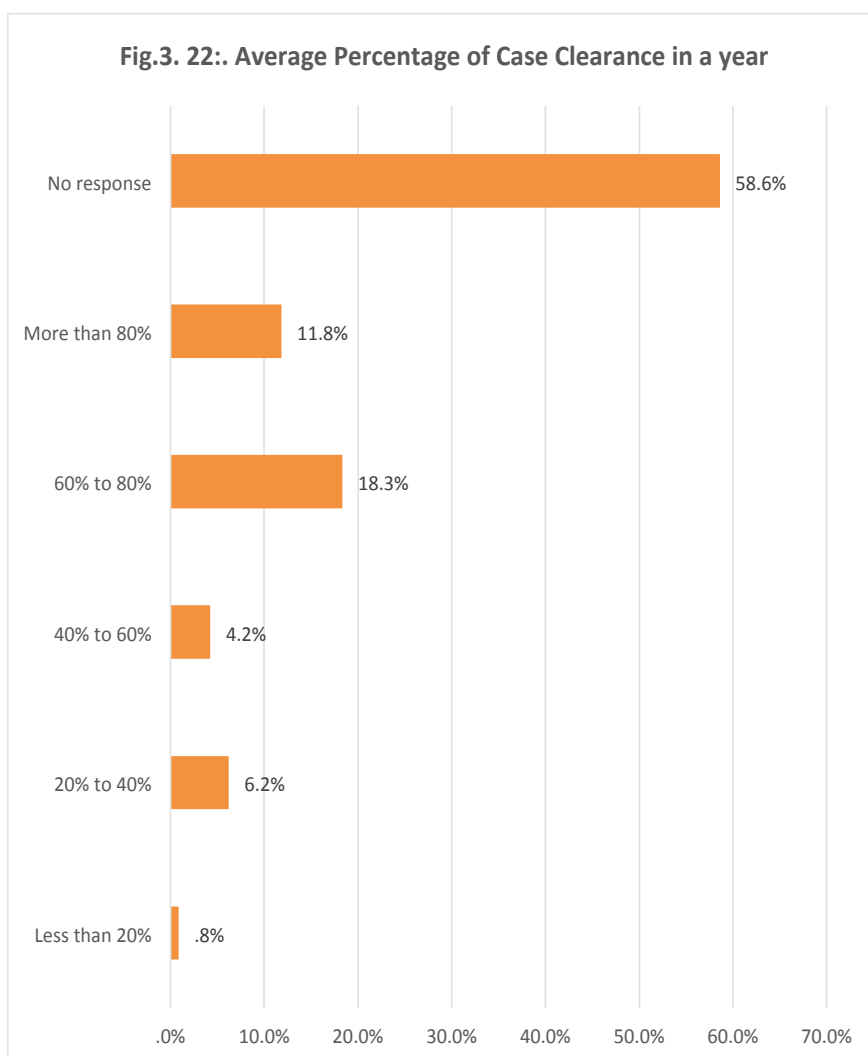
The Judicial Officers are well aware of the magnitude of the caseload every Court deal with on a daily basis. Apart from official statistics, it becomes crucial to explore the perception of Judicial Officers with regard to how the facilities have helped a Judicial Official to deal with the pending caseload. Fig. 1.21. narrates one such aspect of Caseload in terms of Cases Disposed and Cases Instituted in a year. In terms of Criminal cases, around 9.9% of Judicial Officers responded that 0 to 100 Cases are Instituted every year, and 13.2% of Judicial Officers said that a similar range of Cases is disposed of every year. Further, around 11% of Judicial Officers informed that 100 to 500 Cases are disposed of every year, and a minute 2.8% of Judicial Officers told that around 100 to 500 Cases are Instituted every year.



In terms of Civil Cases, 12.4% of Judicial Officers stated that 100 to 500 Cases are Instituted every year, while 15.8% of Judicial Officers responded that around 100 to 500 Cases are disposed of every year. Further, 9.3% of Judicial Officers informed that only 0 to 100 Cases are Disposed of, and 8.2% of Judicial Officers Informed that around 0 to 100 are Instituted every year. Even in the POCsO Cases, around 6.5% of Judicial Officers informed that around 0 to 100 Cases are disposed of every year. In total, 20.8% of Judicial Officers said that they Institute around 100 to 500 Cases a year and 24.5% of Judicial Officers said that they dispose of around 100 to 500 Cases every year. On the other hand, very few, 15.2% of Judicial Officers stated that 0 to 100 Cases are disposed of in a year, and 7.6% of Judicial Officers were of the opinion that around 0 to 100 Cases are Instituted every year.

3.5.1. Average Percentage of Case Clearance

The Judicial Officers were then further requested to suggest their perception in terms of Average Case Clearance. As shown in Fig.1.22. 58.6% of Judicial Officers did not respond to the specific question. Around 18.3% of Judicial Officers said that their Average Case Clearance is around 60% to 80% in a year. For another 11.8% of Judicial Officers, it is more than 80%, while for only 4.2% of Judicial Officers, the Average Case Clearance in a year is around 40% to 60% a year.



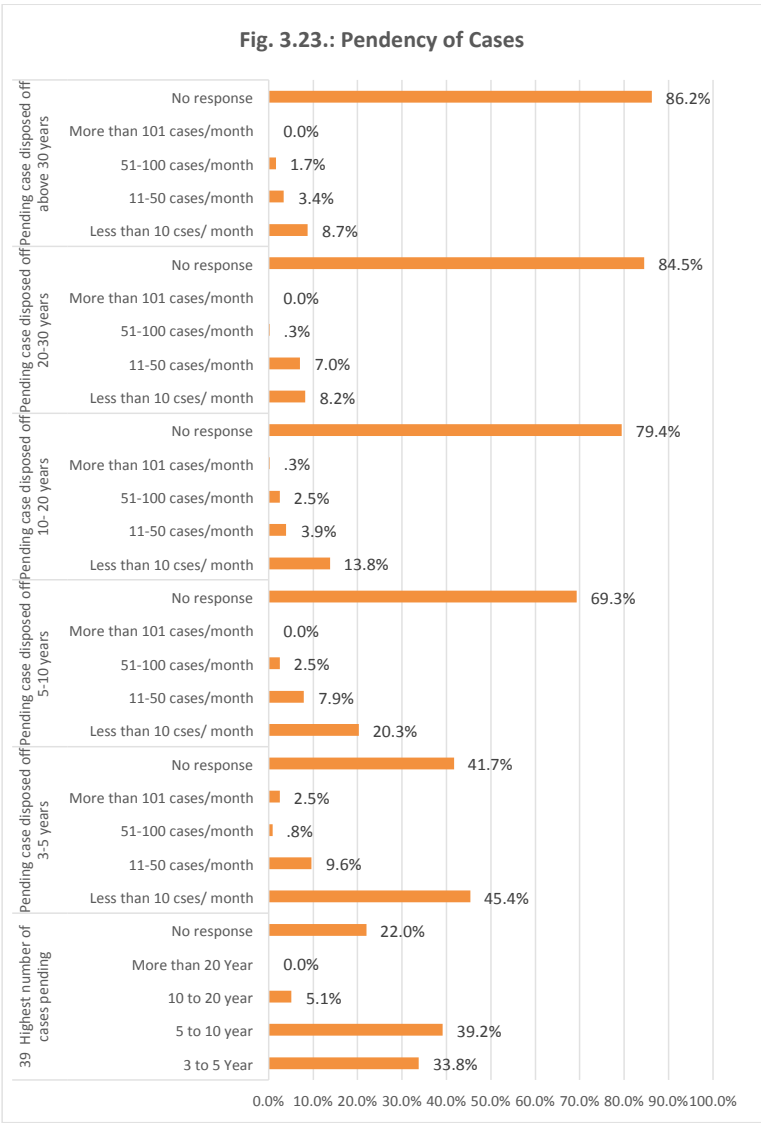
3.5.2. Range of Pendency Cases

This section reflects on the varieties of pending cases Judicial Officer comes across in their respective Courtroom. As shown in Fig. 1.23., according to 39.2% of Judicial Officers, the highest number of pending cases is 5 to 10 years old, while for another 33.8% of Judicial Officers, the highest number of pending cases is 3 to 5 years old. Only 5% of Judicial Officers stated that the highest number of pending cases is 10 to 20 years old.

The Judicial Officers were then asked to respond to the types of pending cases they dispose of every year. According to 45.4% of Judicial Officers, less than 10 cases a month are disposed of off, which is 3 to 5 years. Further, for 9.6% of Judicial Officers, it was 11 to 50 Cases, and for 2.5% of Judicial Officers, it was more than 101 Cases per month.

On the cases pending for 5 to 10 years, 20.3% of Judicial Officers responded that they dispose-off around less than 10 cases a month, 7.9% of Judicial Officers said they dispose of around 11 to 50 such cases a month, and 2.5% of Judicial Officers said that they dispose-off more than 101 such cases a month.

For Cases which are pending from 20 to 30 years, around 8.2% of Judicial Officers said that they dispose of off less than ten such cases every month, while 7% of Judicial Officers informed that they disposed of around 11 to 50 such cases per month. A minute per cent, 8.7% of Judicial Officers dispose-off less than 10 cases pending for more than 30 years in a month.



3.5.3. Difficulties and Suggestions to Reduce Pendency

This section focuses on addressing the issue of burdening pendency in the Subordinate Courts; judicial officers/Judges have been assigned specific quantitative targets to dispose of Pending cases within a designated time frame. According to Figure 1.24, 36.1% of Judicial Officers, agree with this intervention. Among those who agree, 8.2% of Judicial Officers believe that targets will reduce pendency, and 4.8% of Judicial Officers think it will enhance the quality of work. Around 21.1% of Judicial Officers have no opinion on this matter, while approximately 6% of Judicial Officers disagree with this intervention. Those who disagree argue that different types of cases and the digitization of case records make it challenging to process pending cases.

When asked to suggest interventions to reduce pendency, Judicial Officers were of the opinion that the judiciary needs better infrastructure, 9.3% of Judicial Officers provided the following responses (as shown in Figure 1.24)

Better Infrastructure: 10.7% of Judicial Officers believe that improving the judiciary's infrastructure would be beneficial.

More manpower: 9.3% of Judicial Officers suggest increasing the workforce to address the issue.

Better training: 4.2% of Judicial Officers recommend providing improved training for judicial personnel.

Proper Digitisation: 6.2% of Judicial Officers emphasize the need for effective digitization processes.

Speedy trials: Around 3.9% of Judicial Officers propose expediting trials to reduce pendency.

Regarding the major difficulties faced in reducing the pendency, the survey found the following responses among Judicial Officers:

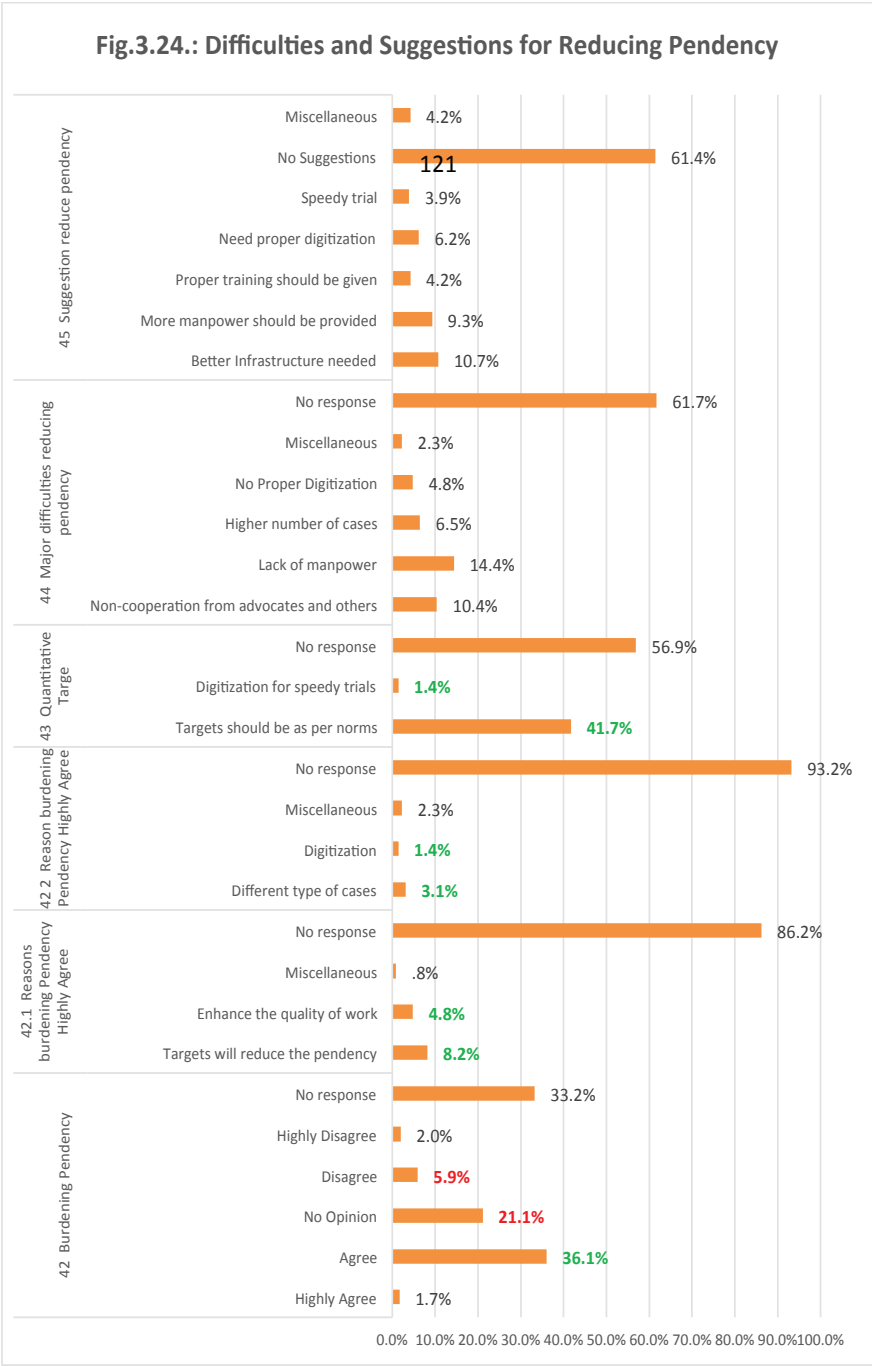
Lack of manpower: 14.4% of Judicial Officers believed that insufficient personnel is key obstacle.

Lack of cooperation among advocates and litigants: 10.4% of Judicial Officers mention a lack of cooperation as a significant issue.

High number of cases: 6.5% of Judicial Officers attribute the problem to the increasing caseload.

Lack of proper digitization: 4.8% of Judicial Officers identify inadequate digitization as a major impediment.

These findings highlight the perspectives of Judicial Officers on the challenges of reducing pendency and their suggestions for addressing the issue.



Chapter IV

Chief Administrative Officer

In a District Judiciary structure, the Chief Administrator is the highest. The principal task for such a post is to assist District Judge in maintaining the administrative aspects of the judiciary. These tasks range from matters like service conditions of employees, transfers, postings, departmental enquiries, and leaves. In addition, a Chief Administrator Officers (CAO) also keep track of pendency in District Court, filing of litigations, Appeals and Suits. Further, the CAO maintains a source for obtaining Acts, Rules, Government Orders, and High Court Circulars often required in the proper functioning of various Courts in a District Court Complex. Therefore, to understand the links between infrastructure and pendency, the study focused on CAO within the research study.

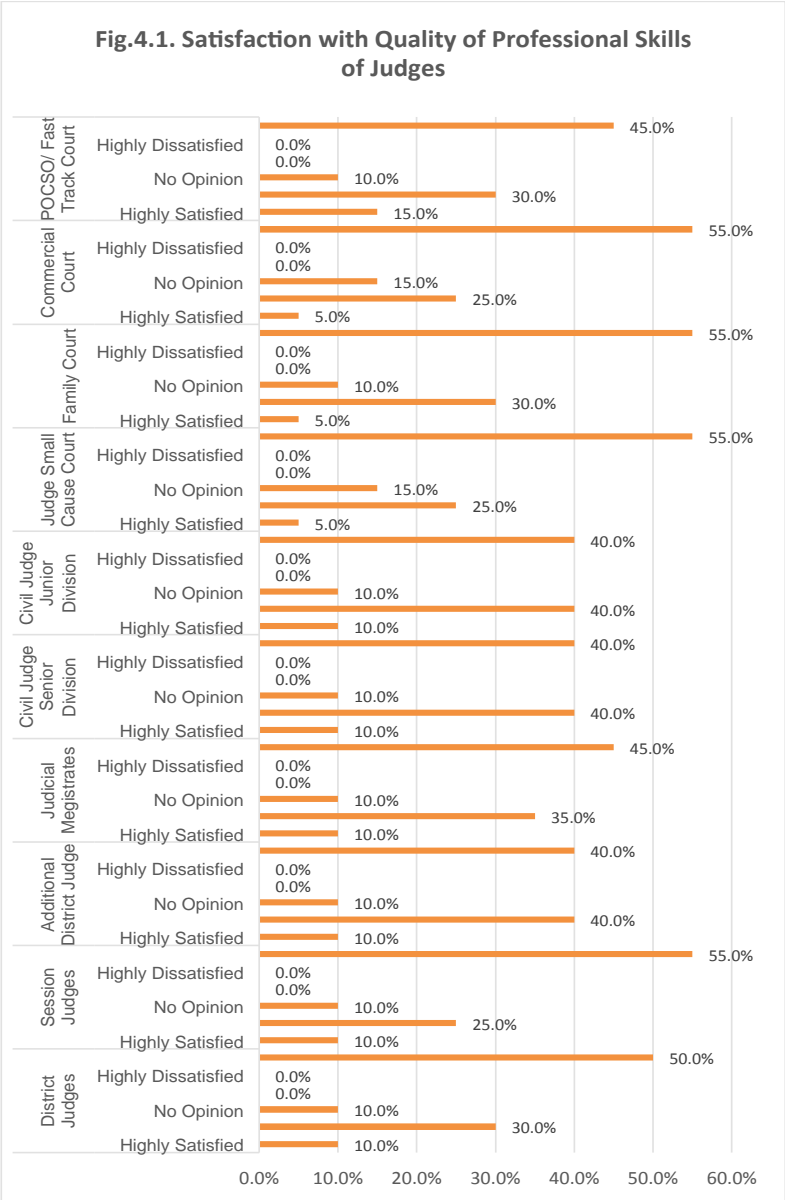
4.1. Human Resource in District Complex

4.1.1. Professional Skills of Judges in District Court Complex

The District Judge, or the most senior judge seated in a District Court Complex, is the Chief Administrator of the entire District Court Complex. The Chief District Administrator from every District Court Complex covered under this study were requested to share their understanding of the state of infrastructure within their jurisdiction.

In Fig. 4.1. we tried to capture the level of satisfaction of Chief Administrators on whether they are Highly Satisfied, Satisfied, Dissatisfied or Highly Dissatisfied with the professional skills of Judges in their District Court Complex. Around 50% of Chief Administrators did not respond to this specific question. On the other hand, 30% of Chief Administrators were Satisfied with the professional skills of District Judges, while 10% of Chief Administrators found it to be Highly Satisfied. In the case of Session Judges, around 25% of Chief Administrators stated that they were satisfied, while 10% of Chief Administrators responded that they were Highly Satisfied. Further, 40% of Chief Administrators were Satisfied with Additional Session Judge's professional skills, while only 10% of Chief Administrators were Highly Satisfied with their professional skills. On the professional skills of Judicial Magistrates, 35% of Chief Administrators said they are Satisfied, and 10% of Chief Administrators said they are Highly Satisfied. In terms of Civil Judges (Senior & Junior Division), around 40% of Chief Administrators were Satisfied with their professional skills, while 10% of Chief administrators were Highly Satisfied.

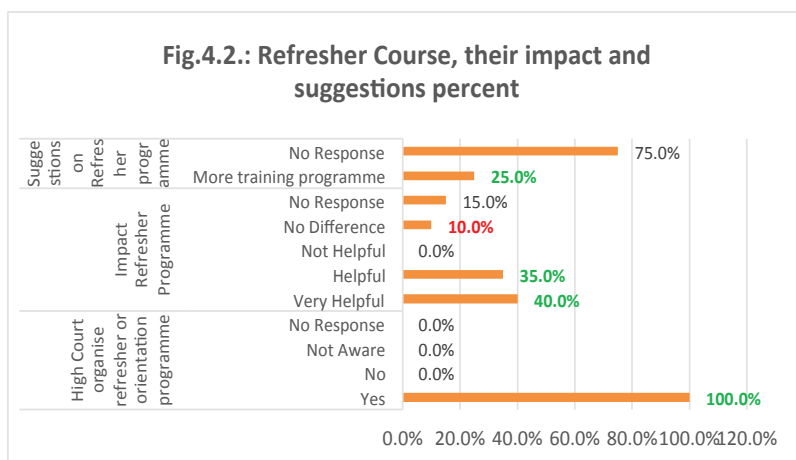
On professional skills of various courts, around 25% of Chief Administrators were Satisfied with Judges in Small Cause Courts, while another 5% of Chief Administrators were Highly Satisfied. On judges in Family Courts, around 30% of Chief Administrators were Satisfied, while 5% of Chief Administrators were Highly Satisfied. On Commercial Courts, 25% of Chief Administrators were Satisfied, and 5% of Chief Administrators were Highly Satisfied. On the professional skills of judges in POCSO/Fast Track Court, 30% of Chief Administrators responded that they are satisfied with their professional skills, while 15% of Chief Administrators were Highly Satisfied with their professional skills.



4.1.1.A. Suggestions & Impact of Trainings Judges Received

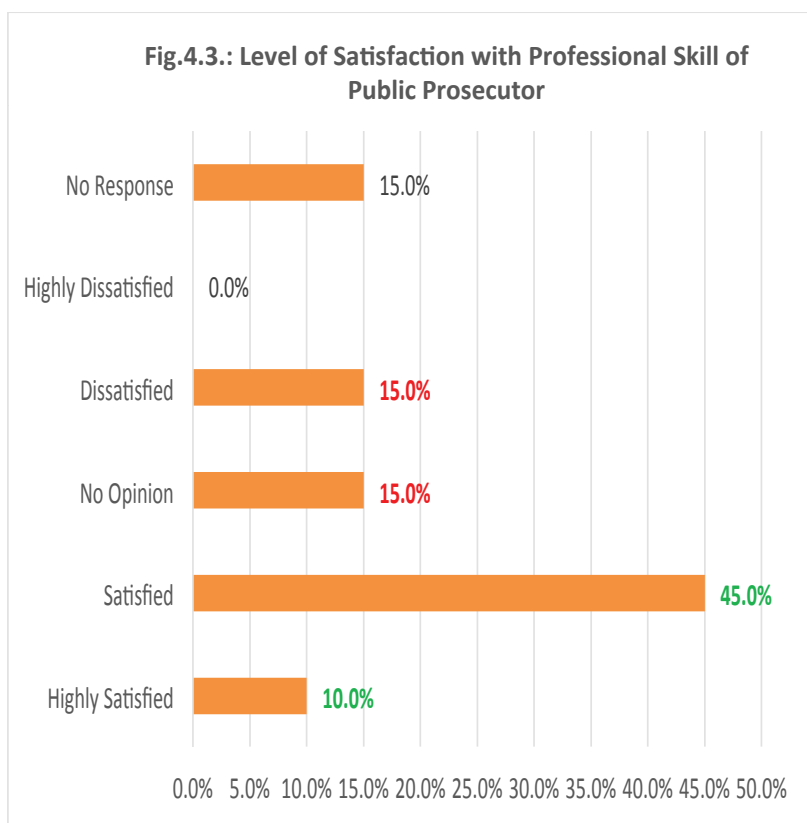
The Chief Administrators within our research universe was also asked about the training Judicial Officers /Judges get throughout their service. Fig. 4.2. shows that 100% of Chief Administrators agreed that Judicial Officers/Judges participate in workshops and orientation organised by High Courts. On the impact of such training, around 40% of Chief Administrators found it Very Helpful, while 35% of Chief Administrators found it Helpful. In a minute, around 10% of Chief Administrators stated that this training makes no difference in the professional skills of Judicial Officers or Judges.

The Chief Administrators were then requested for suggestions on refresher or orientation programs. Around 75% of Chief Administrators did not respond to such an open question. Around 25% of Chief Administrators suggested more training programmes for Judges/Judicial Officers.



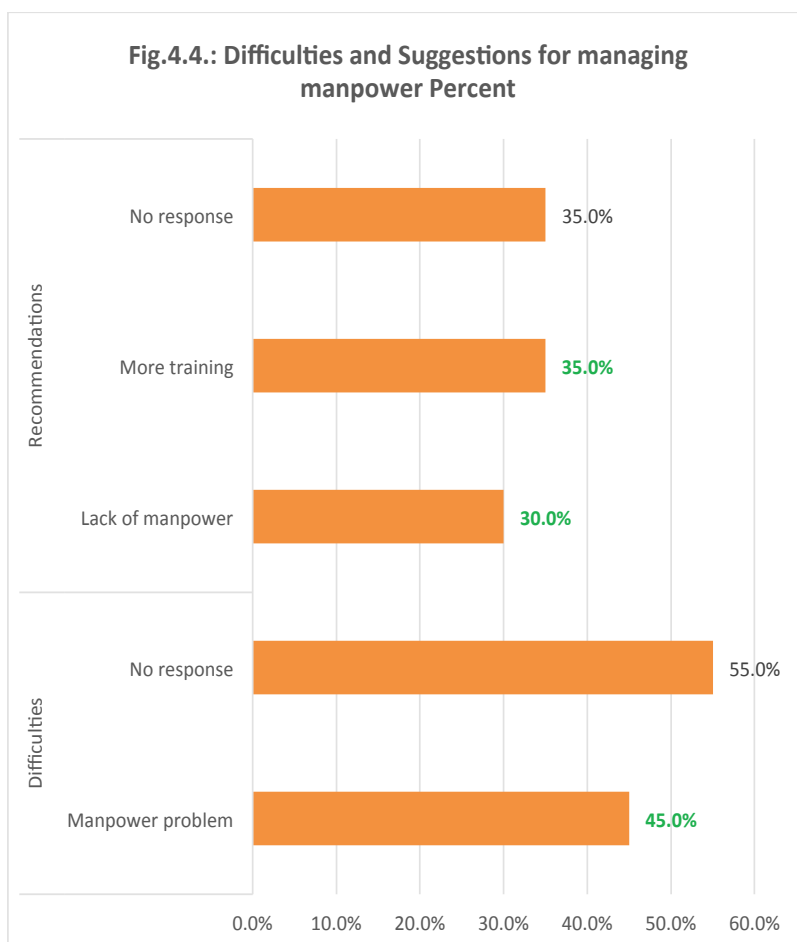
4.1.2. Professional Skills of Public Prosecutor

The Chief Administrators were also asked about the professional skills of Public Prosecutors within their District Court Complex. As shown in Fig. 4.3. around 15% of Chief Administrators responded that they either have No Opinion on the professional skills of the Public Prosecutor or they are Dissatisfied with the Professional Skills of the Public Prosecutor. On the other hand, 45% of Chief Administrators were Satisfied with the Professional Skill of Public Prosecutors, and 10% of Chief Administrators were Highly Satisfied with them.



4.1.3. Difficulties and Suggestions Faced by Chief Administrator

The Chief Administrators were asked about the difficulties and suggestions they face in their District Complex while managing manpower in their complex. As shown in Fig. 4.4., around 45% of Chief Administrators pointed out the lack of manpower as a major difficulty. The Chief Administrator recommended that they need more training, around 35% of Chief Administrators, and more manpower in their respective District Court Complex.



4.2. Status of Physical Infrastructural

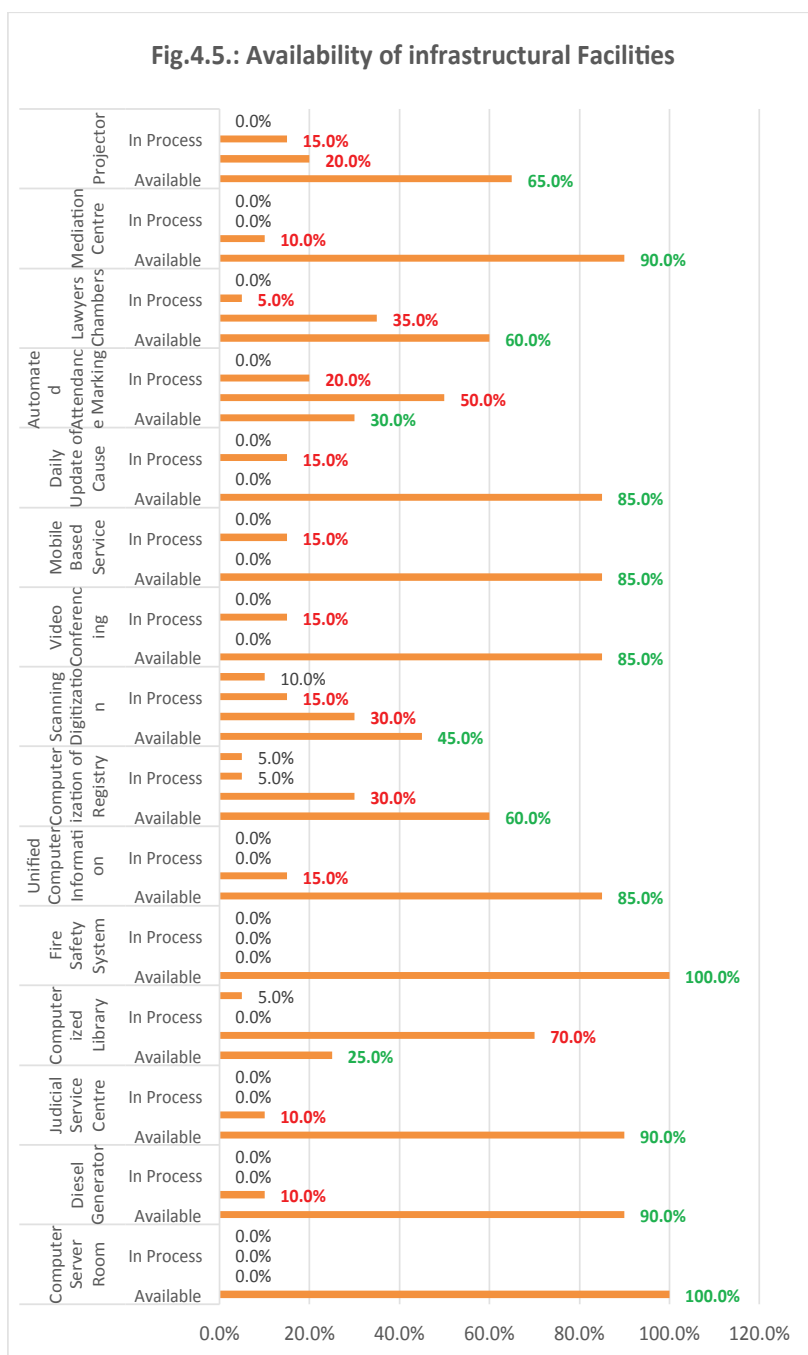
The Chief Administrators are aware of the reality of infrastructural shortcomings within their District Court Complex. Complex does not have a Computerised Library, while only 25% of Chief Administrators have a Computerised Library. Even as low as 60% of Chief Administrators informed that their District Complex have computerised while another 30% of Chief Administrators said that they do not have any such facility. Further, 30% of Chief Administrators said that they do not have any scanning digitization mechanism, while 15% of Chief Administrators said that such a mechanism is in process in their District Court Complex. Only 45% of Chief Administrators responded that their Complex has a Scanning-digitization mechanism. Moreover, 50% of Chief Administrators said that their District Court Complex does not have an Automated Attendance Marking System, while As shown in Fig. 4.5., the Chief Administrator was asked about various infrastructural elements necessary for courts to function. 100% of

Chief Administrators stated that their District Court Complex, while 90% of Chief Administrators informed that they have a Diesel Generator backup. In terms of the Judicial Service Centre, 90% of Chief Administrators informed that their District Court Complex have such a centre. Further, 85% of Chief Administrators informed that their complex is equipped with a Unified Computer Information System, Video Conferencing facility and Daily Update of Cause list.

On the contrary, 70% of Chief Administrators informed their District Court. Another 20% of Chief Administrators informed that such a system is in process. Among the District Court Complexes within our research universe, 60% of Chief Administrators said they have a Lawyer's Chamber, while 35% of Chief Administrators said they do not have any Lawyer's Chamber. In terms of the availability of the Projector, 65% of Chief Administrators said their Court Complex have a Projector facility, while 20% of Chief Administrators said they do not have such a facility.

Table No.4: The percentages here represent the responses of Chief Administrators regarding the availability of various infrastructural elements within their respective District Court Complexes

Infrastructure Element	Percentage of Chief Administrators
Computerised Library	25%
Computerised District Complex	60%
Scanning-Digitization Mechanism	45%
Automated Attendance Marking System	50%
Diesel Generator Backup	90%
Judicial Service Centre	90%
Unified Computer Information System	85%
Video Conferencing Facility	85%
Daily Update of Cause List	85%
Lawyer's Chamber	60%
Projector Facility	65%



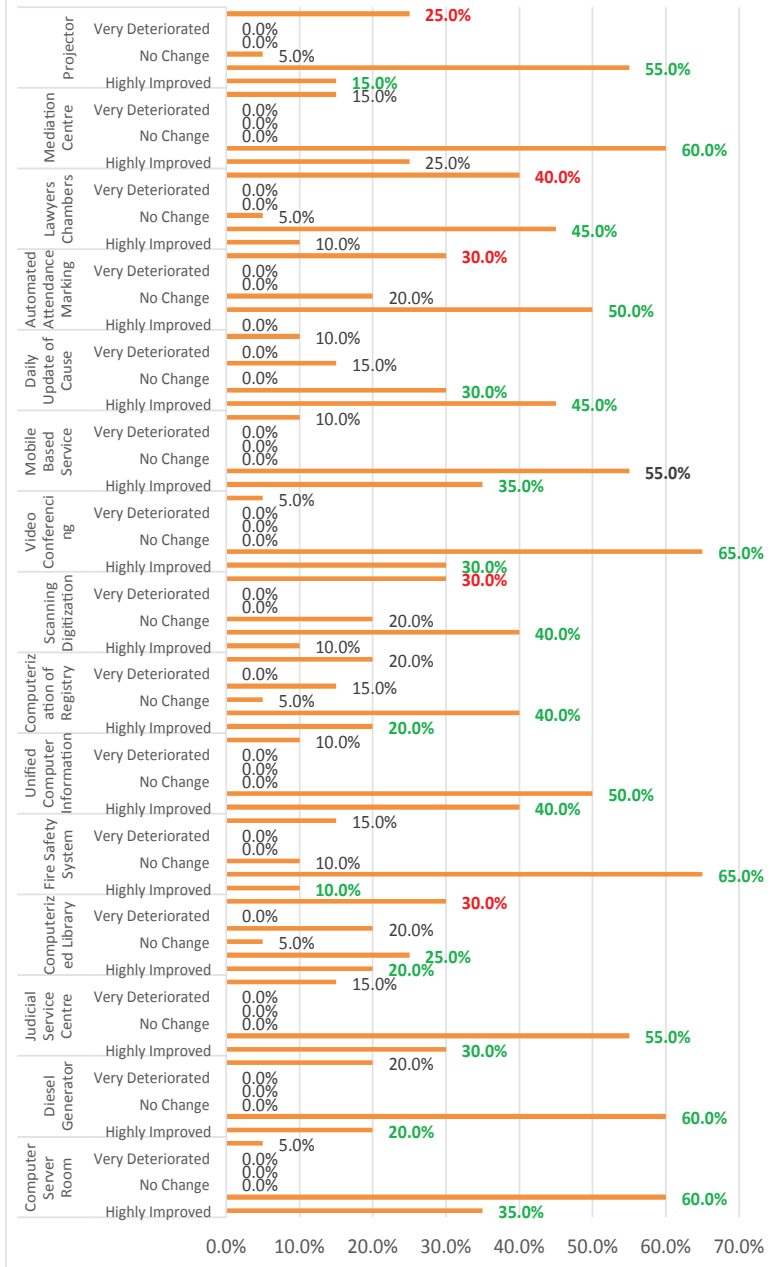
4.2.1. Impact of the Available Infrastructural Facilities

The Chief Administrator was further requested to delve into the impact such an intervention had on the working for courts. As shown in Fig. 4.6., 55% of Chief Administrators stated that the working of court proceedings had been Improved, while 15% of Chief Administrators responded that it had been Highly Improved.

In the case of the Mediation Centre, around 60% of Chief Administrators said the working of courts has improved with the availability of it. On the aspect of the Lawyer's Chamber, around 40% of Chief Administrators responded that the efficiency of District Court proceedings had Highly Deteriorated. On the other hand, another 45% of Chief Administrators stated that the working of court proceedings had been Improved with the availability of the Lawyer's Chamber. Further, 60% of Chief Administrators responded that the efficiency of court proceedings had been Improved with the Automated Attendance Marking System. Even in terms of the Daily Update of Cause List on the District Court's website, around 45% of Chief Administrators stated that it has been Highly Improved, while 30% of Chief Administrators responded that it has only Improved.

On the issue of Mobile Based Services, 55% of Chief Administrators stated that the Court proceedings have Improved, and 35% of Chief Administrators opined that it has Improved. The Availability of Video Conferencing facilities has Improved the efficiency of court proceedings as per 65% of Chief Administrators and Highly Improved as per 30% of Chief Administrators. The Scanning and Digitization of Case Records have also served to make court processing more efficient, as per 40% of Chief Administrators. Further, around 40% of Chief Administrators opined that the Computerization of the Registry had Improved the efficiency of the court, while 20% of Chief Administrators said that it has Highly Improved due to the Computerization of the Registry. The Unified Computer Information System has also Improved the efficiency of courts, according to 50% of Chief Administrators. It has Highly Improved as per 40% of Chief Administrators. The induction of a Computerized Library within the District Court Complex has Improved the efficiency of courts, as responded by 25% of Chief Administrators, while for 20% of Chief Administrators, such an intervention has Highly Improved the functioning of courts. Further, the presence of the Judicial Service Centre has Improved the working of courts according to 65% of Chief Administrators, while 30% of Chief Administrators replied that the efficiency has Highly Improved. In terms of the availability of Diesel Generator within the District Court Complex, 60% of Chief Administrators stated that it had Improved the efficiency of courts, while 20% of Chief Administrators stated that due to Diesel Generator in District Court Complex, the efficiency was Highly Improved. On the availability of Computer Server Rooms, the efficiency of courts has Improved according to 60% of Chief Administrators and Highly Improved according to 35% of Chief Administrators.

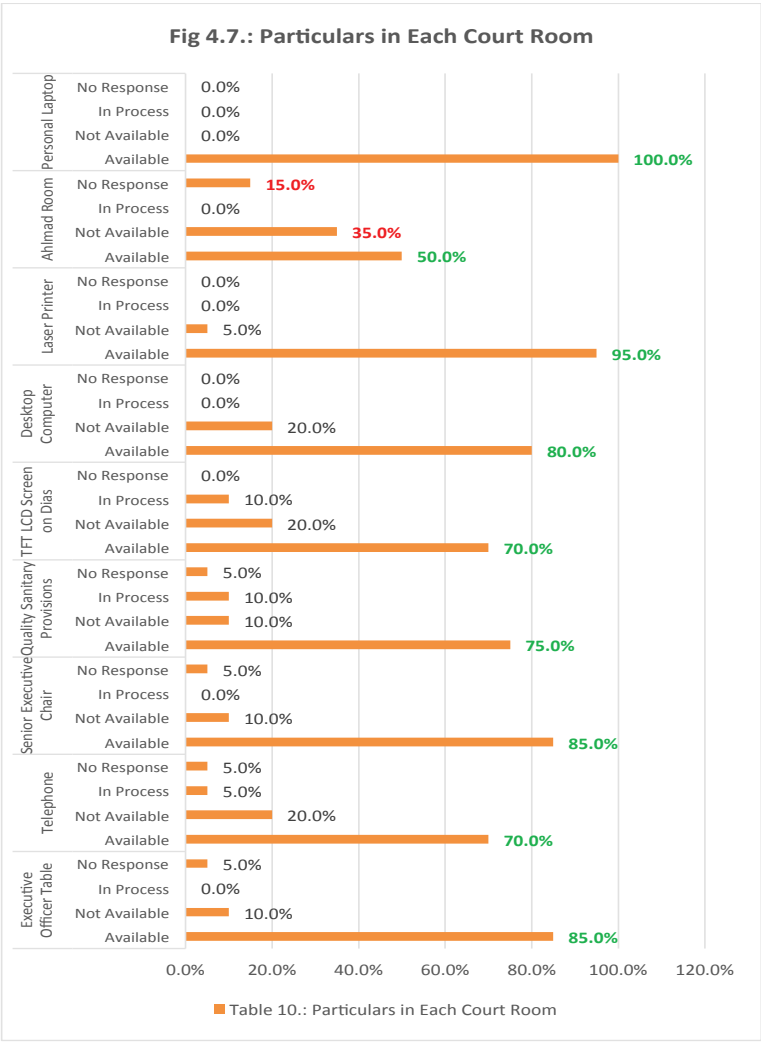
Fig.4.6.: Impact of Available Infrastructural Facilities



4.3. Availability of Infrastructural E-Facilities

The E-Court Mission equipped the District Courts with various E-Facilities. The research study asked Chief Administrators about what all facilities are available in Court Rooms within their District Court Complex. As shown in Fig. 4.7. , around 85% of Chief

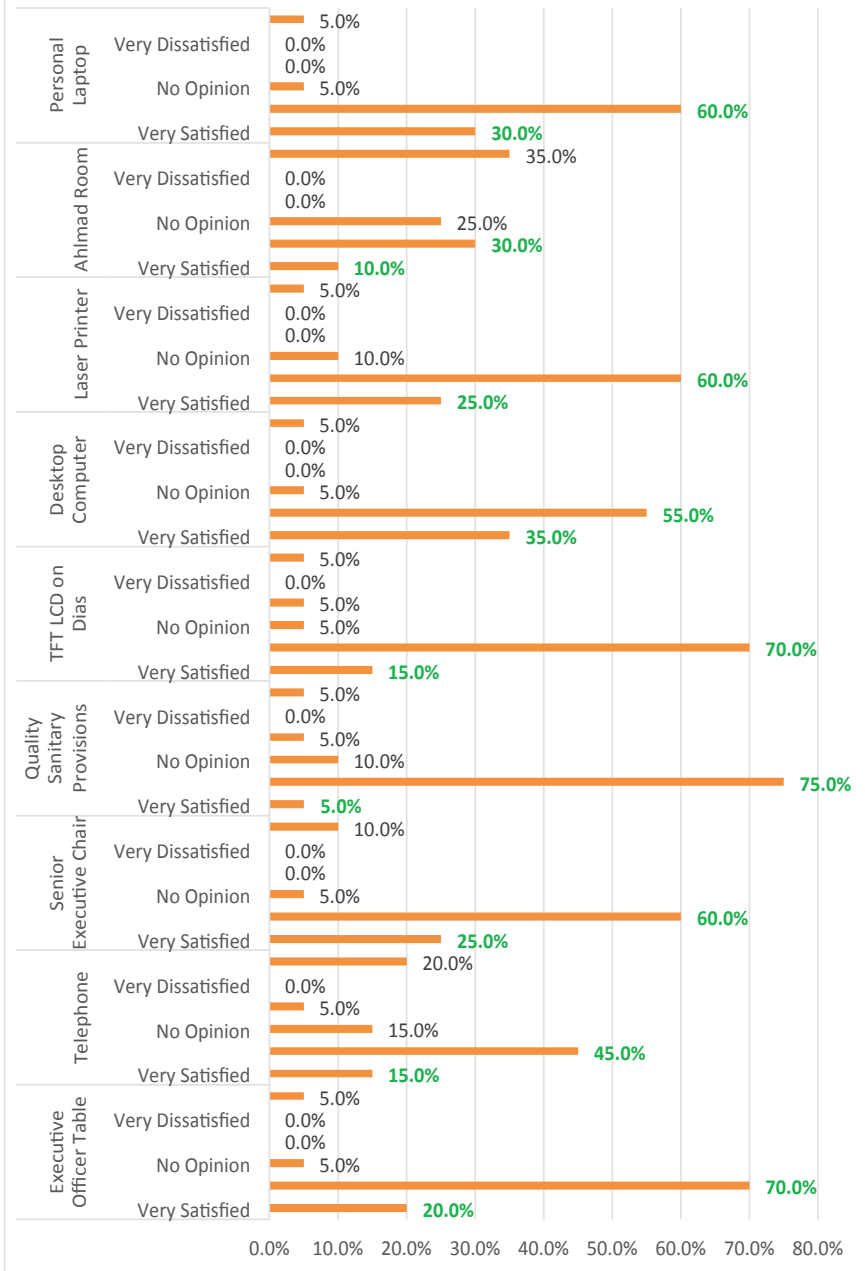
Administrators responded that they have Executive Tables in their courts. 70% of Chief Administrators also responded that Telephone facility is Available in their courts. Further, 85% of Chief Administrators stated that courts in their District Complex have a Senior Executive Table. In terms of Sanitary Provisions, 75% of Chief Administrators said that courtrooms in their District Court Complex have Quality Sanitary Provisions. Around 70% of Chief Administrators responded that Court Rooms in their District Court Complex have TFT LCD Screen on Dias, and 80% of Chief Administrators also stated that their Court Rooms are equipped with Desktop Computers. Further, around 95% of Chief Administrators agreed that Laser Printer is Available in thei Court Rooms, and around 100% of Chief Administrators responded their every Court Room is equipped with a Personal Laptop. On the contrary, only 50% of Chief Administrators responded that *Ahlmad* room is Available with Court Rooms.



4.3.1. The Level of Satisfaction with Available Facilities

The infrastructural E-Facilities that are made available to the courts within District Court Complex should be able to enhance the experience of Judicial Officers. The study delved into this very aspect while asking the Chief Administrator about the level of Satisfaction with the available E-Infrastructure. In Fig. 4.8., around 70% of Chief Administrators responded that they were satisfied with the quality of the Executive Officer Table made available in their District Court Complex, while 20% of Chief Administrators were Very Satisfied. In terms of the quality of the Telephone, 45% of Chief Administrators were Satisfied, while 15% were Very Satisfied with the quality of the telephone. Further, around 60% of Chief Administrators were Satisfied with the quality of the Senior Executive Chair, and another 25% of Chief Administrators were Very Satisfied. The Chief Administrators were asked about the quality of Sanitary Provisions; around 75% of Chief Administrators were Satisfied, while 5% of Chief Administrators were Very Satisfied with the quality of Sanitary Provisions. The Chief Administrators were also Satisfied with the quality of the TFT LCD Screen on Dias. Similarly, around 55% of Chief Administrators were Satisfied with the Desktop Computer provided to them. On the quality of Laser Printers, around 60% of Chief Administrators were Satisfied, while 25% of Chief Administrators were Very Satisfied. On the quality of Personal Laptops provided to Judicial Officers, around 60% of Chief Administrators were Satisfied with the quality, while 30% of Chief Administrators were Very Satisfied. However, only 30% of Chief Administrators responded that they were satisfied with the quality of *Ahlamd's* room, while only 105 of Chief Administrators were Very Satisfied with it.

Fig.4.8: Satisfaction with Available Facilities



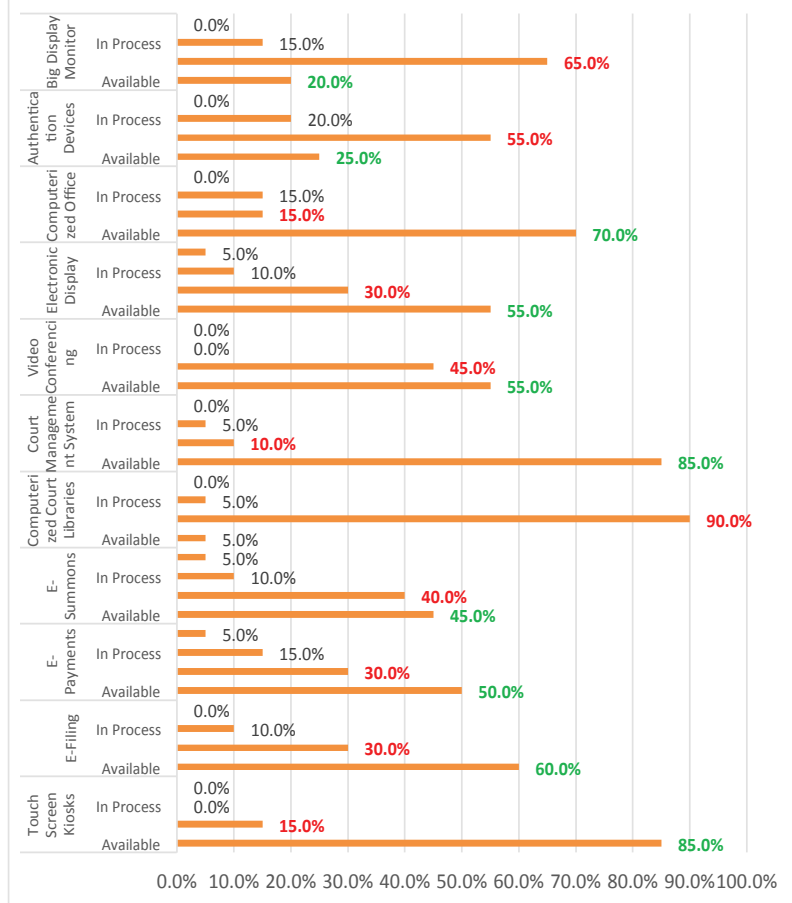
4.3.2. Availability of E-Facilities/Services for Judicial Officers

Apart from District Court's E-Infrastructure, the courts were also provided with various levels of E-Facilities for Judicial Officers and outside the court. The research study asked whether such E-services are available or not within their District Court

Complex. As shown in Fig. 4.9. 85% of Chief Administrators responded that they have a Touch Screen Kiosk within their District Court Complex, while 15% of Chief Administrators informed they do not have any such facilities. In terms of E-Filing facilities, around 60% of Chief Administrators said that such a facility is available in their complex, while 30% of Chief Administrators said such a facility is not available in their complex. In terms of E-Payments, around 50% of Chief Administrators responded that such a facility is available, while 30% of Chief Administrators responded that such a facility is not available in their complex. On the facility of E-Summons, only 45% of Chief Administrators reported that they have an E-Summons facility in their District Court Complex, while 40% of Chief Administrators responded that they do not have such a facility. The absence of a Computerised Court Library was reported by 90% of Chief Administrators, with only 5% of Chief Administrators responding that their complex has such a kind of facilities. Further, around 85% of Chief Administrators responded that Court Management System is available in their District Court Complex. 55% of Chief Administrators also stated that they have Video Conferencing facilities available in their District Court Complex, while 45% of Chief Administrators said that they do not have such facilities.

The E-Mission also mandated having a Display Screen outside every courtroom. As shown in Fig. 4.9. around 55% of Chief Administrators responded that Electronic Display is available outside courtrooms in their District Court Complex, while 30% of Chief Administrators responded that their complex does not have any such facility. In the case of Computerized Offices, around 70% of Chief Administrators reported that their offices are computerised, while another 15% of Chief Administrators said that such a facility is not available in their District Court Complex. Judicial Officers and Judges are required to have Authentication Devices in their Courts. Around 55% of Chief Administrators said that they do not have any such Authentication Device available in their District Court Complex. Only 25% of Chief Administrators stated that they have Authentication Devices available in their District Court Complex. District Court Complex is also required to have a Big Display Monitor within their premises. Around 65% of Chief Administrators reported that they do not have a Big Display Monitor available in their Complex, while only 20% of Chief Administrators said that they have a Big Display Monitor.

Fig.4.9.: Availability of Infrastructural E-facilities/ Services for Judicial Officers



4.3.3. The Level of Satisfaction with Available E-Facilities/Services for Judicial Officers

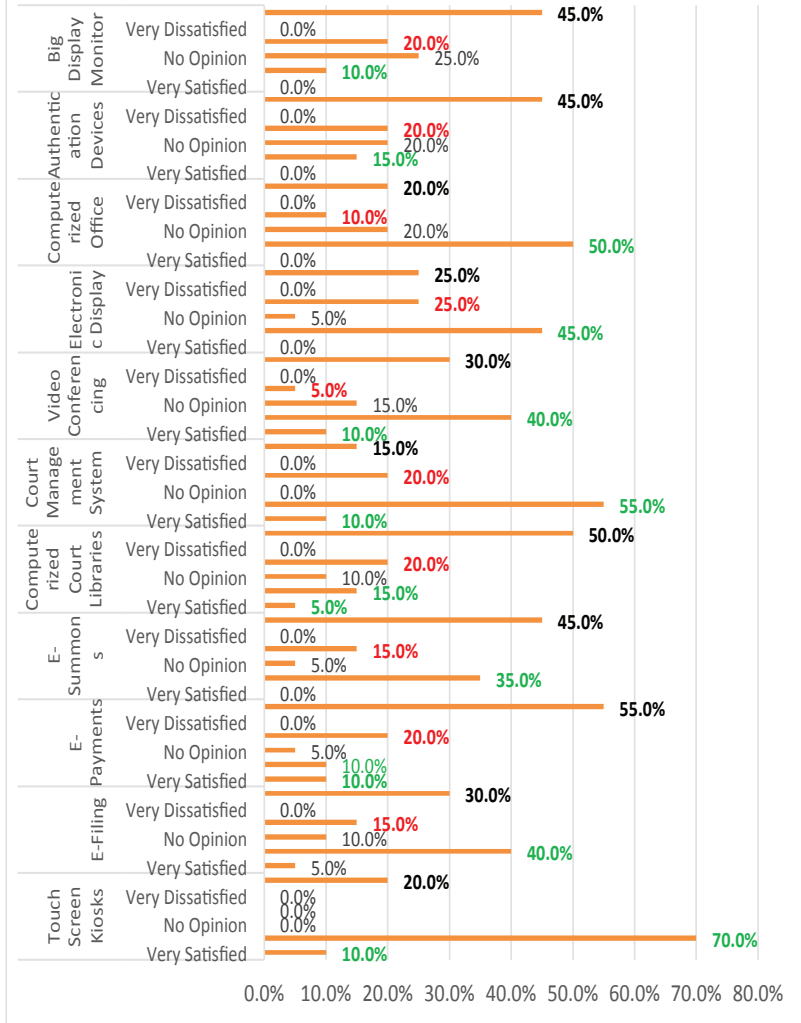
It is not sufficient to only have a certain facility or services, but how useful and efficient those facilities /services have been in terms of quality. Fig. 4.10. Shows the responses of the Chief Administrators in terms of the quality of E-Services. Around 70% of Chief Administrators were Satisfied with the services of Touch Screen KIOSKs, while 10% of Chief Administrators were Very Satisfied. In the case of E-Filing, 40% of Chief Administrators were Satisfied with the quality of services and 15% of Chief Administrators were Dissatisfied with the services. Another 30% of Chief Administrators did not respond to the question. Another such service, like E-Payments, around 10% of Chief Administrators were Satisfied, and another 10% of Chief Administrators were Very Satisfied with the quality of services. Around 20% of Chief

Administrators stated that they are Dissatisfied with the E-Payment services, while another 55% of Chief Administrators did not respond to this specific question.

In terms of E-Summons, around 35% of Chief Administrators were Satisfied with the facility, while 15% of Chief Administrators were Dissatisfied, and another 45% of Chief Administrators did not respond to the question. In the case of Computerized libraries, 5% of Chief Administrators were very Satisfied, while another 15% of Chief Administrators were Satisfied. Another 20% of Chief Administrators were Dissatisfied with the Computerised libraries. In terms of the Court Management System, around 55% of Chief Administrators were Satisfied, while 10% of Chief Administrators were very Satisfied with the system. On the aspect of video conferencing, 40% of Chief Administrators were Satisfied, while another 10% were very Satisfied. Further, around 45% of Chief Administrators were Satisfied with the Electronic Display in courtrooms, and 50% of Chief Administrators were Satisfied with the Computerized Office provided to them. 20% of Chief Administrators had no opinion, and 10% of Chief Administrators were Dissatisfied with the computerized office. In addition, only 15% of Chief Administrators were Satisfied with the Authentication devices provided to them, while 20% of Chief Administrators were Dissatisfied with them. Another 20% of Chief Administrators had no opinion on it.

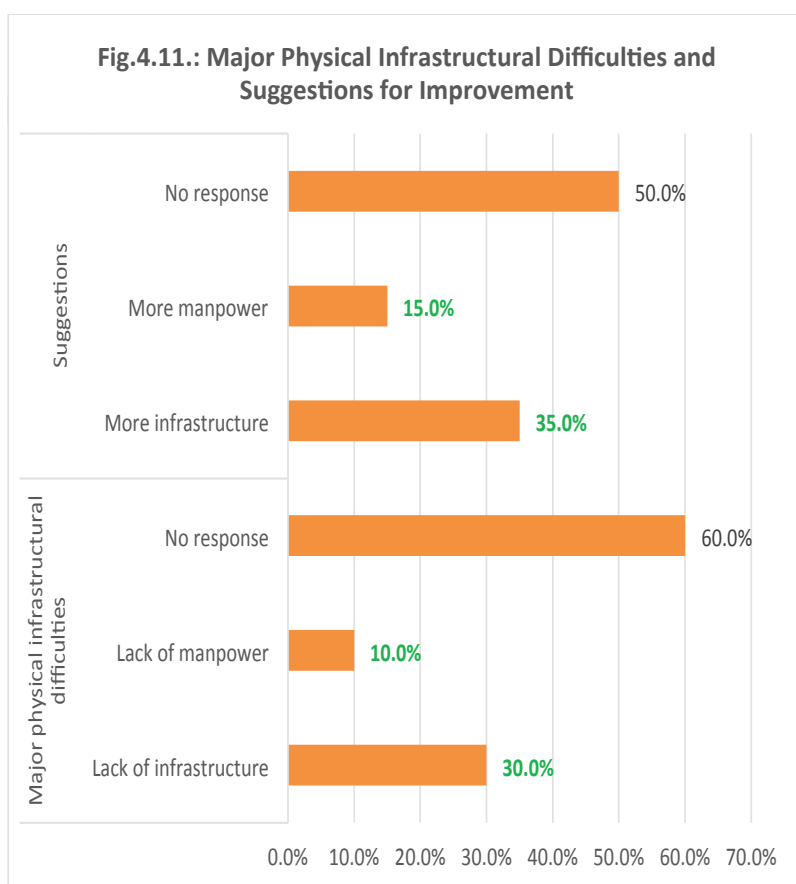
Even in the case of Big Display Screen, only 10% of Chief Administrators were Satisfied, while 20% of Chief Administrators were Dissatisfied, and 25% of Chief Administrators had no opinion.

Fig.4.10.: Level of Satisfaction with Available of Infrastructural E-facilities/Services for Judicial Officers



4.3.4. Major Difficulties and Suggestions by Chief Administrators

The Chief Administrators were also asked about any other difficulties they face while accessing physical infrastructures and any suggestions they can provide to improve it. As shown in Fig. 4.11. around 30% of Chief Administrators acknowledged the lack of physical infrastructure as one of the major issues, while 35% of Chief Administrators also suggested the availability of more infrastructure. Similarly, a lack of manpower is acknowledged by 10% of Chief Administrators, and 15% of Chief Administrators suggested the availability of more manpower.



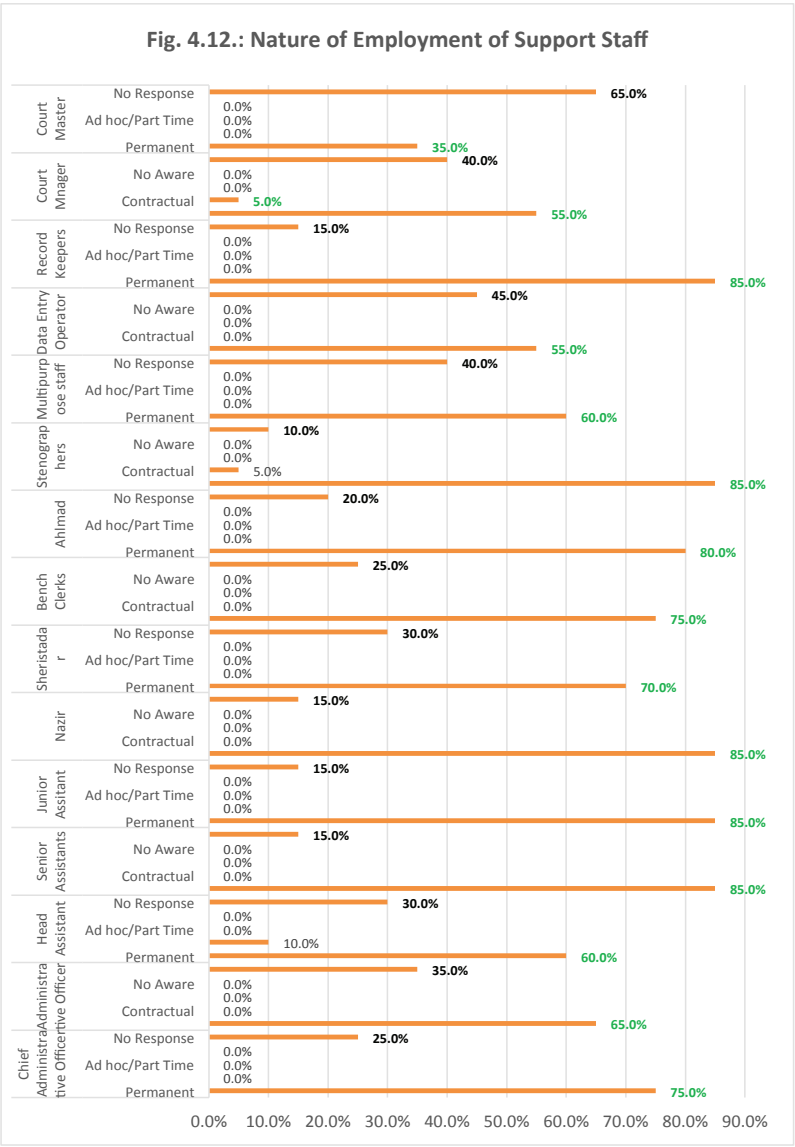
4.4. The State of Support Staff

4.4.1. Nature of Employment of Support Staff

The Support Staff are the central nervous system of a proper and efficient judicial administration. This section focuses on the state of support staff as seen from the Chief Administrator's perspective.

As shown in Fig. 4.12., as per 75% of Chief Administrators, the nature of employment of Chief Administrative Officers is Permanent in their District Court Complex. Around 65% of Chief Administrators responded that they have Permanent Administrative Officers. In terms of Head Assistants, 60% of Chief Administrators said that they are Permanent, while 10% of Chief Administrators said that they have Contractual Head Assistants. In terms of Senior Assistants, 85% of Chief Administrators responded that they have Permanent ones. Further, 85% of Chief Administrators responded that they have Permanent Junior Assistants and Nazir. In the case of

responded that they have Permanent Junior Assistants and Nazir. In the case of *Sherestidar*, 70% of Chief Administrators had Permanent ones, and 75% of Chief Administrators admitted that their Bench Clerks were also Permanent. Additionally, around 80% of Chief Administrators confirmed that their *Ahlmad* is Permanently employed. In terms of Stenographers, around 85% of Chief Administrators stated that they have Permanent ones, while only 60% of Chief Administrators stated that they have Permanent Multipurpose Staff. However, only 55% of Chief Administrators admitted to having a Permanent Data Entry Operator, and 55% of Chief Administrators also stated that they were Permanent Court Managers. In terms of Court Master, only 35% of Chief Administrators responded that they have Permanent Court Masters, while 85% of Chief Administrators responded that they have Permanent Record Keepers.

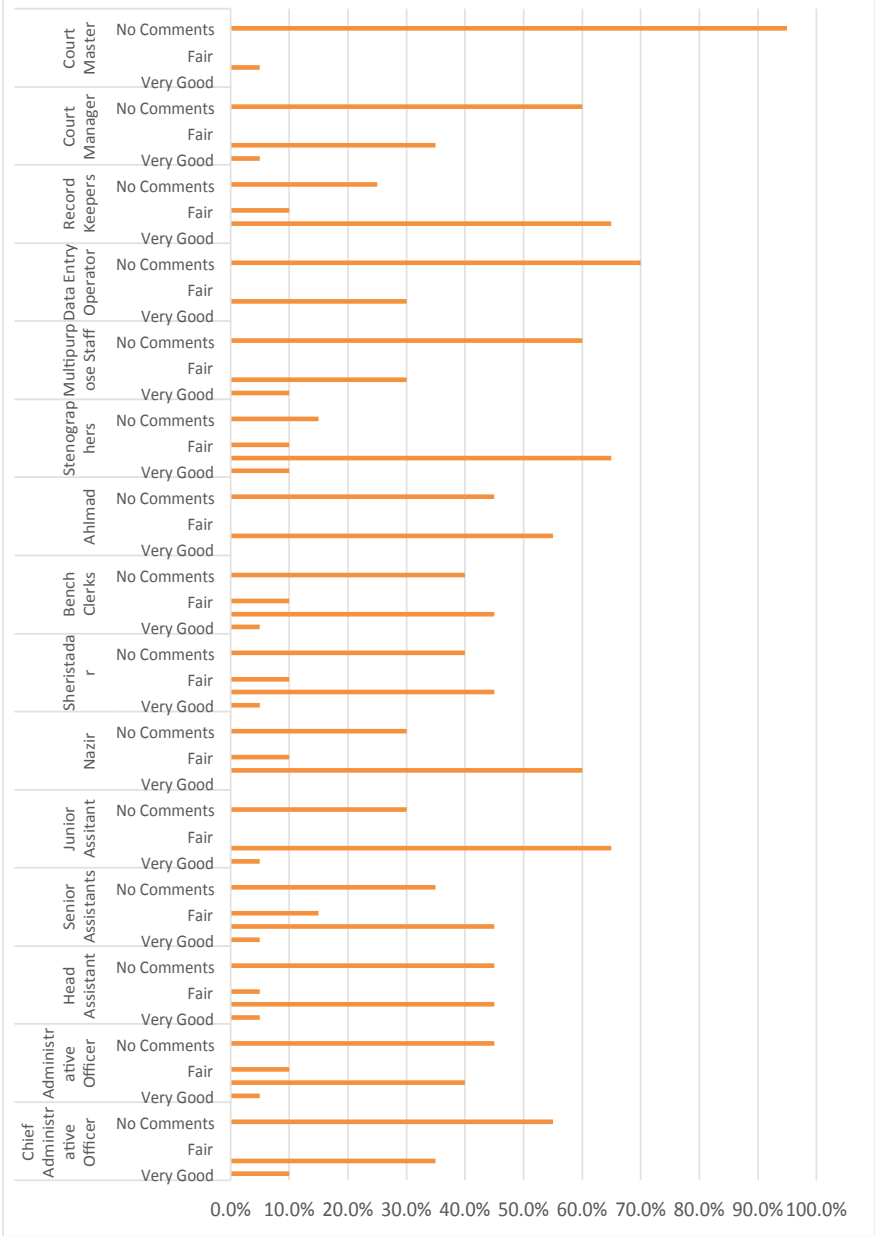


4.4.2. Quality of Services Offered by Support Staff

It is one thing to have permanent Support Staff, and another aspect is whether they yield quality services. As shown in Fig. 4.13. , 35% of Chief Administrators are Satisfied with the quality of services offered by Chief Administrative Officers, while 10% of Chief Administrators were very Satisfied. Around 40% of Chief Administrators were Satisfied with the quality of Administrative Officers, while 5% of Chief Administrators were very Good. In terms of Head Assistants, 45% of Chief Administrators found them Good, while 5% of Chief Administrators said that they are very good with Head Assistants. In terms of Senior Assistants, 45% of Chief Administrators were Good with them, while another 5% of Chief Administrators were very Good. Further, 65% of Chief Administrators responded that they are satisfied with the quality of services offered by Junior Assistants and Nazir.

In the case of *Sherestidar*, for 45% of Chief Administrators, the quality of services offered by them was Good, and for another 45% of Chief Administrators, the quality of services of Bench Clerks was Good. Additionally, around 55% of Chief Administrators found the quality of services by *Ahlmad* Good. In terms of Stenographers, around 65% of Chief Administrators stated that they find the quality of services Good, while only 30% of Chief Administrators stated that they find the quality of services Multipurpose Staff. Similarly, 30% of Chief Administrators find the services offered by Data Entry Operators as Good. In terms of Record Keepers, 65% of Chief Administrators find the services offered by them as Good and 10% of Chief Administrators as Fair. Additionally, 35% of Chief Administrators find the services offered by Court Managers as Good and 5% of Chief Administrators as very Good. Only 5% of Chief Administrators find Court Master services Good.

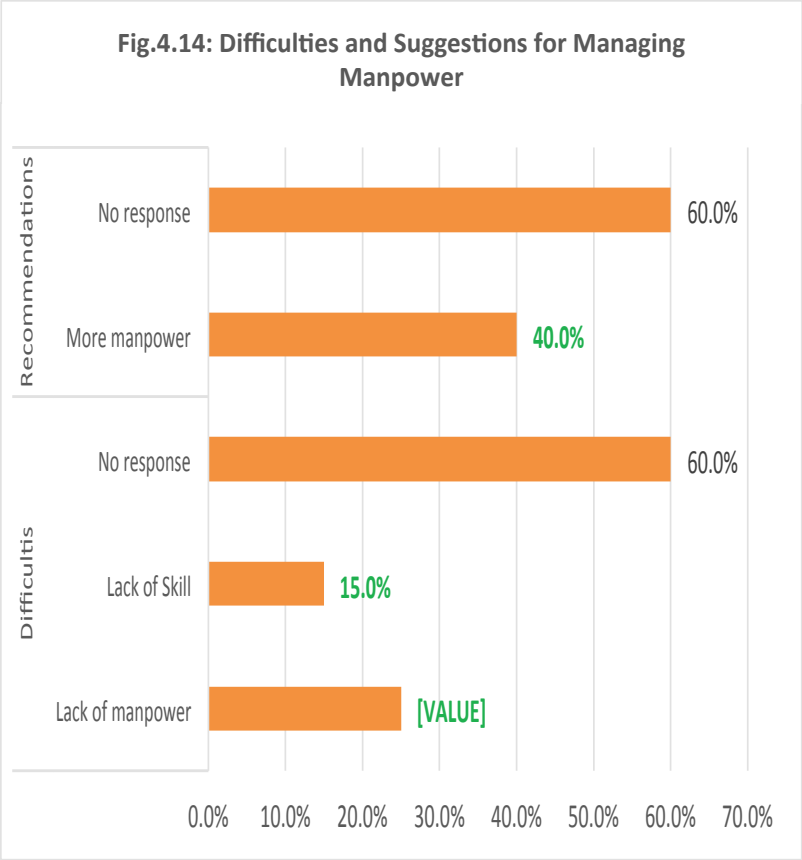
Fig. 4.13.: Rate of Quality of Services offered by Support Staff



4.4.3. Difficulties and Suggestions for Managing the Manpower

The Chief Administrators were asked about the difficulties faced in managing the Support Staff. As shown in Fig. 4.14. around 25% of Chief Administrators flagged a lack of manpower as a major difficulty, and 15% of Chief Administrators also pointed out a lack of

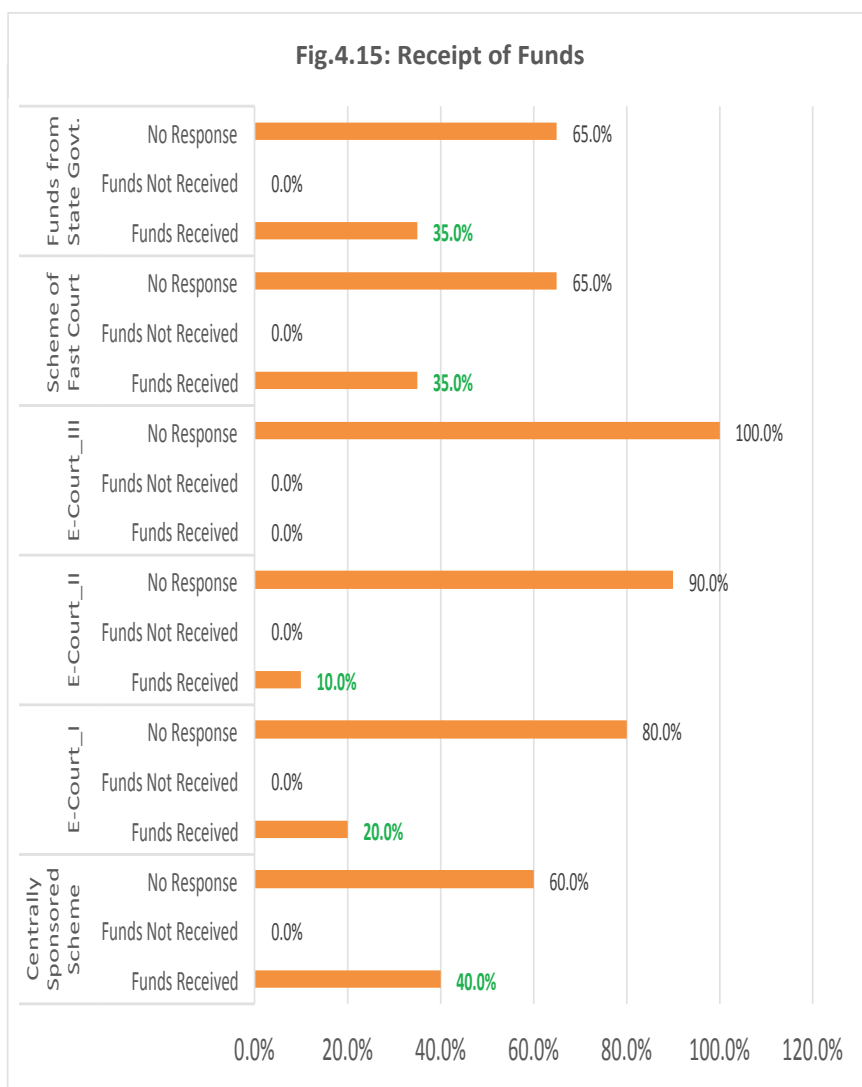
skills among the Support Staff as one of the major issues. In terms of suggestions, around 40% of Chief Administrators recommended more manpower to increase the efficiency of the process.



4.5. Schemes

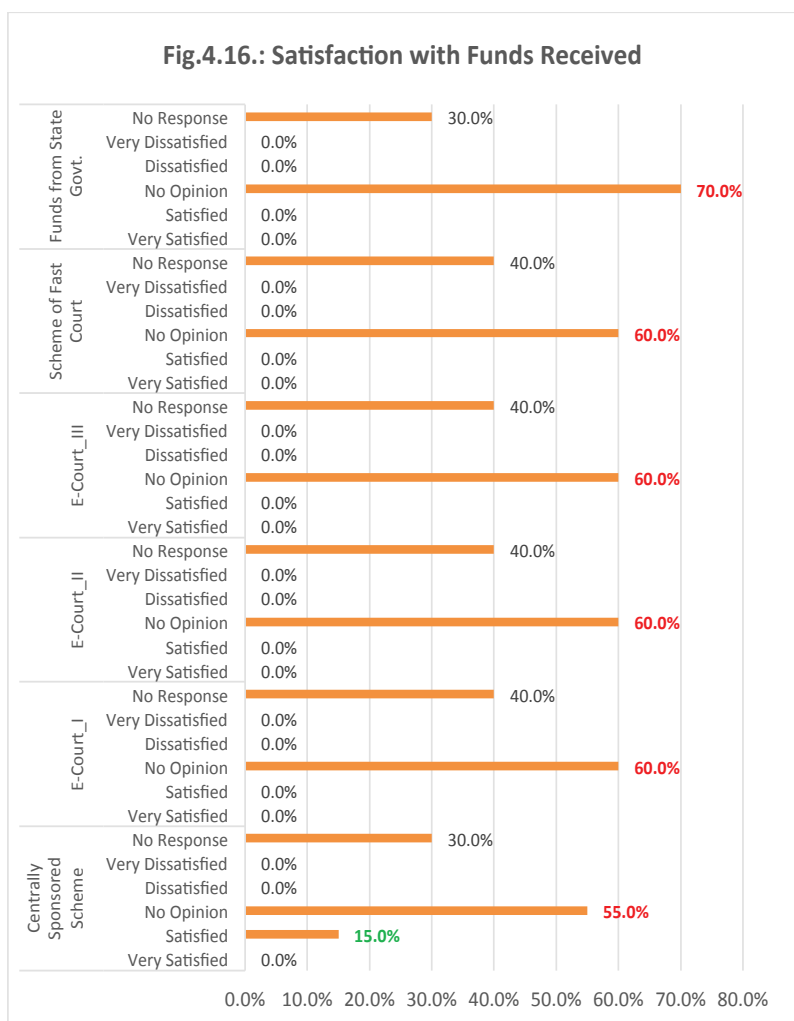
4.5.1. Receipt of Funds

The E-Missions have been implemented for more than five years. District Court Complexes received various funding for various E-Mission projects. As shown in Fig. 4.15., around 40% of Chief Administrators acknowledged that they received funding under the Centrally Sponsored Scheme, 20% of Chief Administrators responded that they received funding under E-Court Mission I, while 10% of Chief Administrators acknowledged receiving funding under E-Court Mission II. Further, 35% of Chief Administrators stated that they also received funding from the funder Scheme of Fast Track Court, and 35% of Chief Administrators further accepted that they had received funding from State Government.



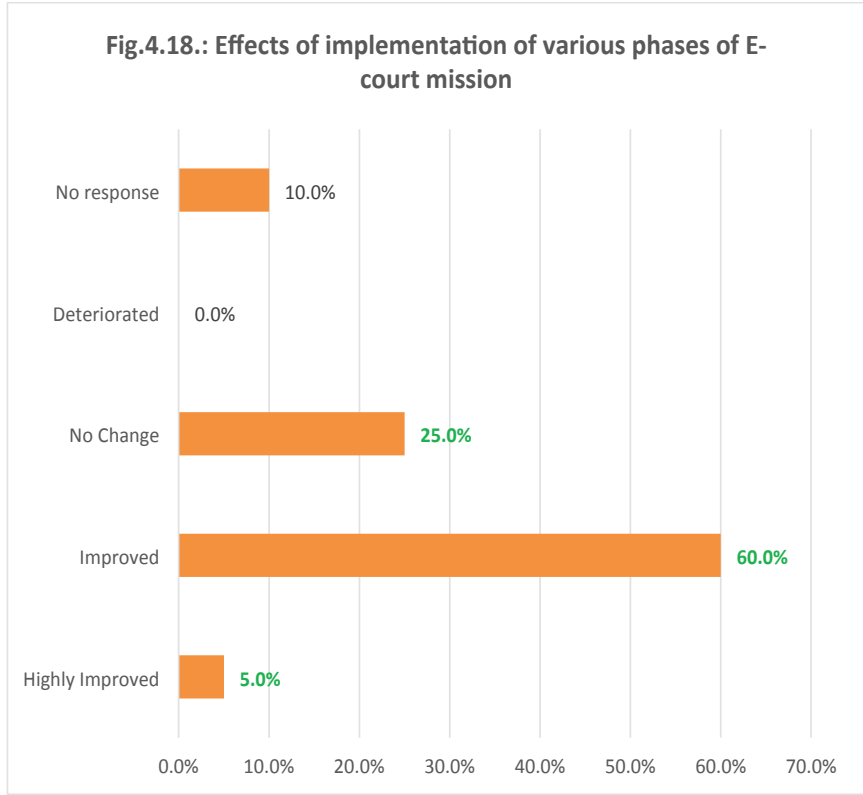
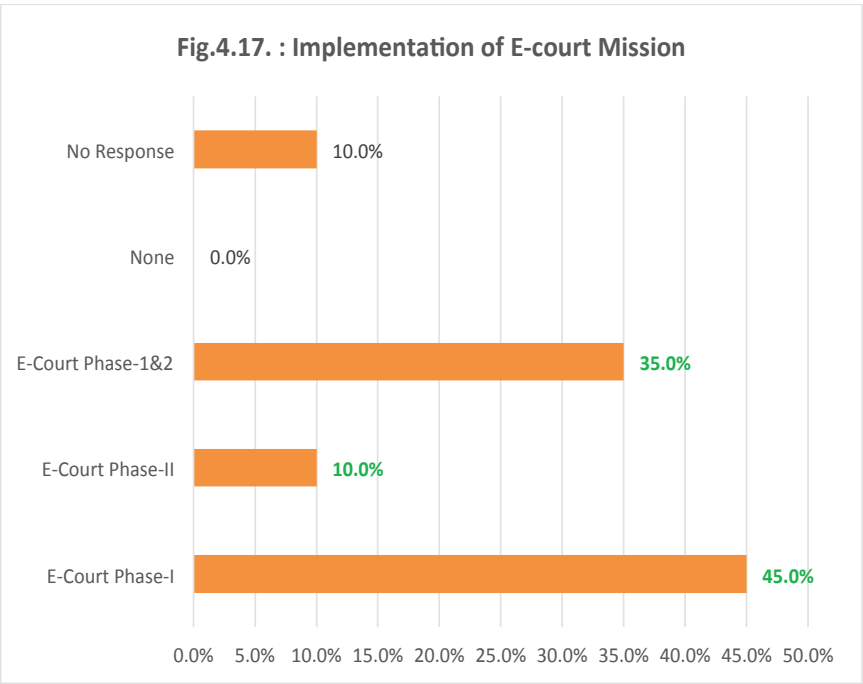
4.5.2. Satisfaction with Funds Received

The Chief Administrators were further asked about their level of Satisfaction in terms of funds their respective District Court Complex received during their tenure. As shown in Fig.4.16, only 15% of Chief Administrators were Satisfied with the funds received under the Centrally Sponsored Scheme. Another 55% of Chief Administrators had No Opinion on the funds received under the Centrally Sponsored Scheme. In terms of E Court Mission I & II and funds received under the scheme of Fast Track Courts, 60% of Chief Administrators have No Opinion on the satisfaction level. In addition, 70% of Chief Administrators had No Opinion on funds received from State Government.



4.5.3. Implementation of E- Court Mission

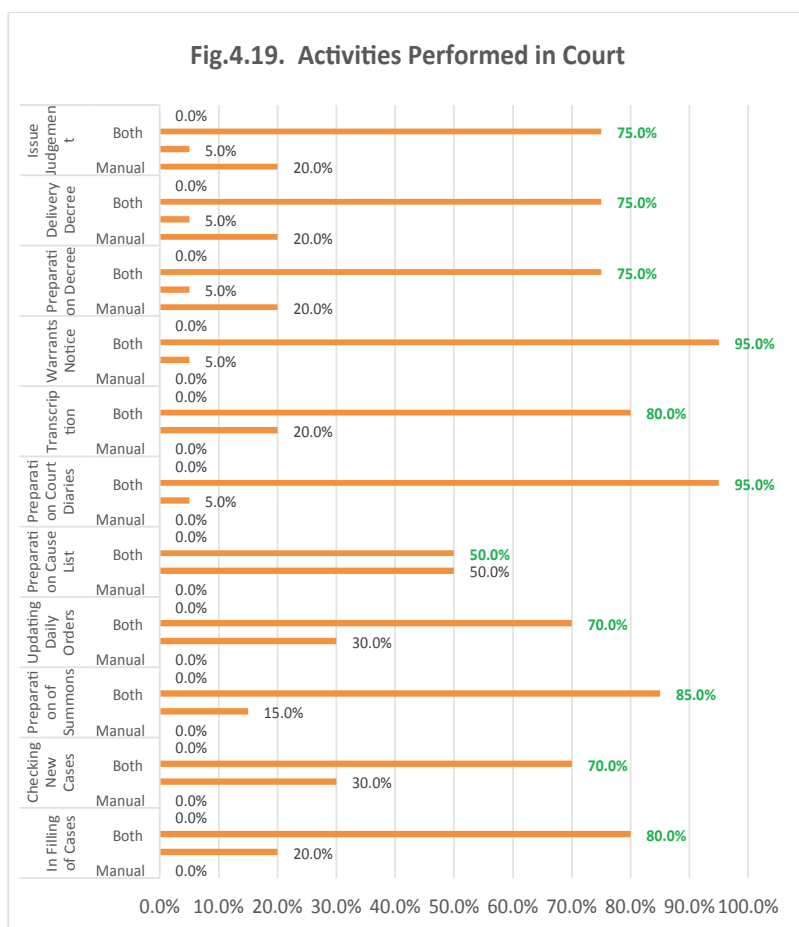
In Fig. 4.17, the implementation of various schemes is shown. Around 45% of Chief Administrators responded that E-Court Mission I had been implemented, while another 10% of Chief Administrators added that E-Court Mission II had been implemented in their District Court Complex. 35% of Chief Administrators responded that both E-Court Mission I & II had been implemented. Later, the Chief Administrators were asked about the effects of these E-Courts Missions. As shown in Fig. 4.18. 60% of Chief Administrators admitted that the working of the Court has Improved after the implementation of various phases. Another 25% of Chief Administrators stated that there had been No Change in the working courts. Further, only 5% of Chief Administrators responded that the functioning of the court has Highly Improved.



4.5.4. Types of Activities Performed Manually and Computerized

Since the implementation of the E-Court Mission in District Courts, most of the daily process has become computerized. The study also delves into the kind of activities that are still performed manually or via computer or digital medium.

In Fig. 4.19., around 80% of Chief Administrators responded that the Filling of Cases happens both manually and Computerized, while 20% of Chief Administrators stated it is computerized. In terms of Checking New Cases, 70% of Chief Administrators reported it is done in both ways (manually & computerized). In terms of the preparation of summons, 85% of Chief Administrators stated that it'd done both ways, while 30% of Chief Administrators added that they use computerized ways to Update Daily Orders. Another 70% of Chief Administrators said they Update Daily orders in both ways. The Preparation of Cause list is done through a computerized method, according to 50% of Chief Administrators, while another 50% of Chief Administrators said they use manual and computerized methods. A minute 5% of Chief Administrators responded that they maintain their Court Diaries with the computerized method, while 95% of Chief Administrators responded that they adopt both methods. According to 80% of Chief Administrators, Transcriptions are carried over via both methods, while 20% of Chief Administrators stated that Transcriptions are done only with a computerized method. The Warrants Notes are issued in manually as well computerized method according to 95% of Chief Administrators. In terms of the Preparation of Decree, according to 20% of Chief Administrators, it is done manually, while 5% of Chief Administrators stated that it is done in a computerized way. Another 75% of Chief Administrators responded that it is done both ways. Further, the Delivery of the Decree has been carried it out in both ways, while according to another 20% of Chief Administrators, it is done manually. The Issue Judgement or Judgement is issued in both ways according to 75% of Chief Administrators, while according to 20% of Chief Administrators, Issue Judgement is done manually.

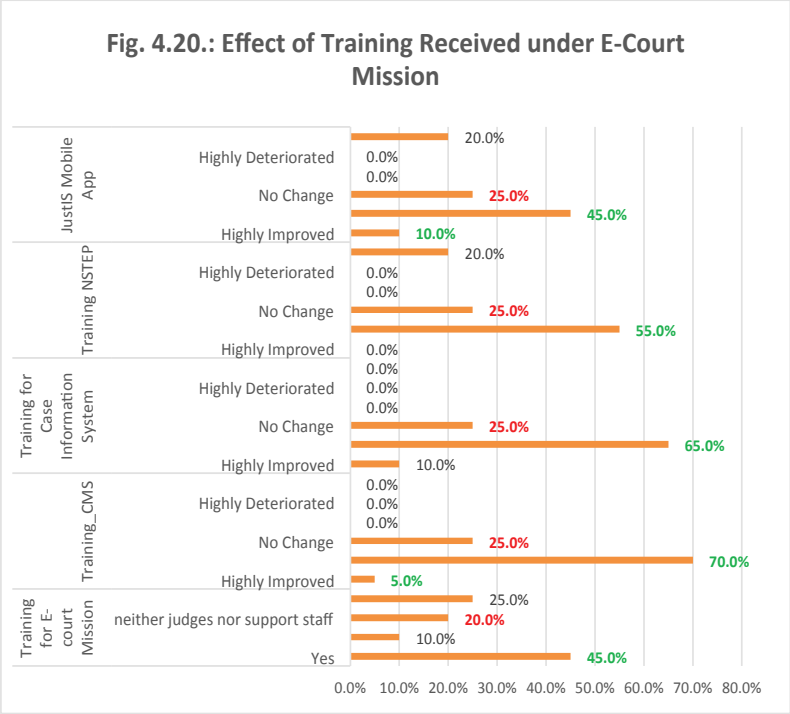


4.5.5. Effect of Training Received under E-Court Mission

Fig. 4.20 shows whether the District Court Complex received any form of training for E-Court Mission or not. If yes, how effective is it in improving the efficiency of the court? Around 45% of Chief Administrators acknowledged that they received proper training for E-Court Mission, while 10% of Chief Administrators said that only Judges/Judicial Officers received training. Another 20% of Chief Administrators responded that neither Judges nor Support Staff received training for E-Court Missions.

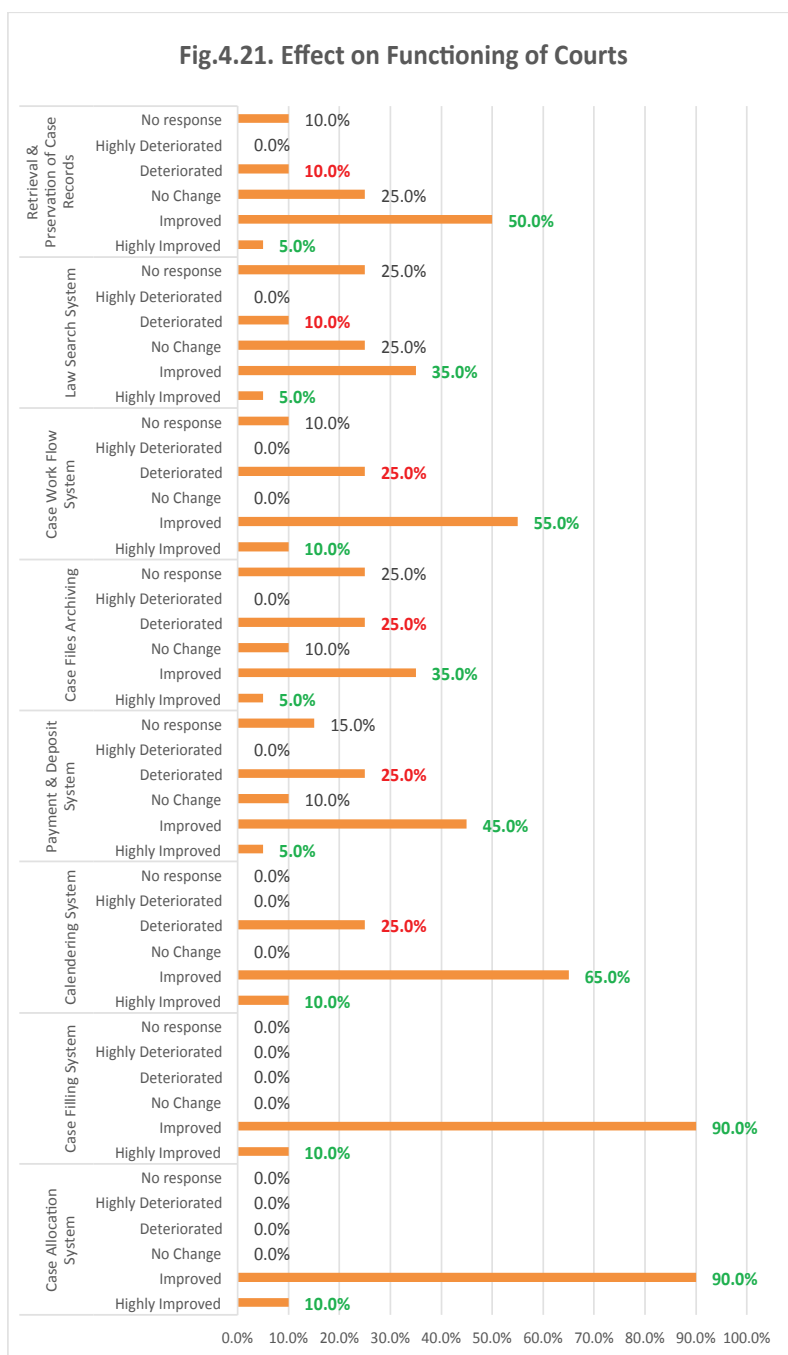
The next set of questions was based on training received in various processes and whether that training has improved the function of courts. In terms of training received in the Court Management System (CMS), 70% of Chief Administrators responded it has Improved, while 25% of Chief Administrators stated that there had been No change. Similarly, 65% of Chief Administrators responded that the efficiency of the court has Improved after they received training in Case Information Systems. In terms of training received in NSTEP, 55% of

Chief Administrators responded that the functioning of the court has improved, while 25% of Chief Administrators said there had been No Change. Further, in terms of using the JustIS Mobile App, 45% of Chief Administrators stated that the functioning of the Court has increased, while 25% of Chief Administrators said there had been No Change.



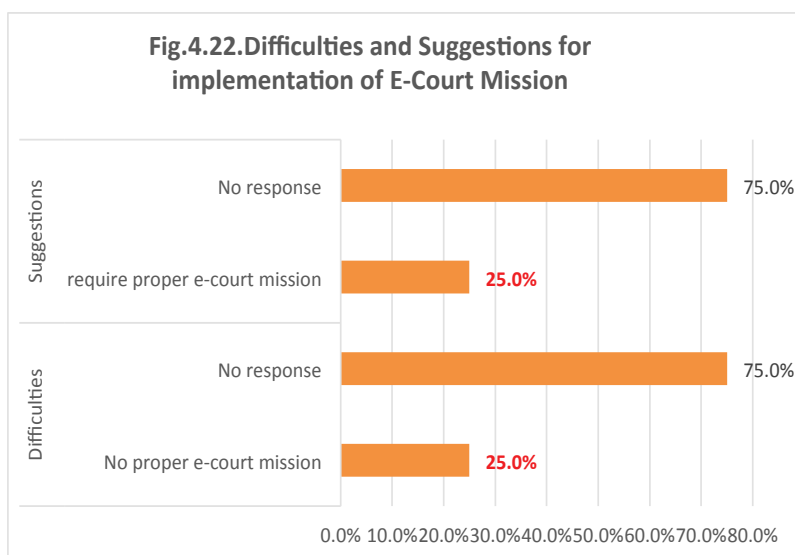
4.5.6. Effect of E Mission on the Functioning of Courts

In Fig. 4.21., we see the responses of Chief Administrators on the effect of the E-Court mission on the function of Courts. Around 90% of Chief Administrators responded that Case Allocation System and Case Filling System have Improved, while 10% of Chief Administrators stated that it has Highly Improved. In terms of calendaring systems, 65% of Chief Administrators stated that it has Improved, while another 25% of Chief Administrators reported it has Deteriorated. The Payment and Deposit System has been Improved as per 45% of Chief Administrators and Deteriorated according to 25% of Chief Administrators. The Case File Archiving System has Improved as per 35% of Chief Administrators and Highly Improved as per 5% of Chief Administrators. It has deteriorated as per 25% of Chief Administrators. The Case Work Flow System has been Improved by 55% of Chief Administrators, while 25% of Chief Administrators responded it has Deteriorated. Further, according to 35% of Chief Administrators, the Law Search System has been improved, and by 10% of Chief Administrators, it has deteriorated. The Retrieval and Preservation of Case Records have been Improved as per 50% of Chief Administrators, and it has Deteriorated according to 10% of Chief Administrators.



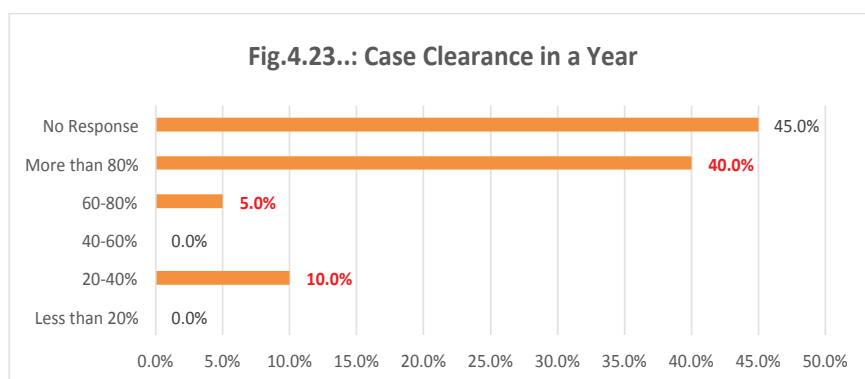
4.5.7. Difficulties and Suggestions for Implementation of E-Court Mission

The Chief Administrators were also asked about difficulties and suggestions on the implementation of E-Court Missions. As shown in Fig. 4.22., 25% of Chief Administrators suggested that such a mission requires a proper approach in terms of implementation.



4.6. Pending Case Load

The Chief Administrators were asked about the Case clearance of their District Court Complex. As shown in Fig. 4.23. 40% of Chief Administrators responded that more than 80% of inducted cases are cleared every year, while 10% of Chief Administrators responded that 20% to 40% of Cases are cleared every year. In a minute, 5% of Chief Administrators reported clearing 60% to 80% of Cases.

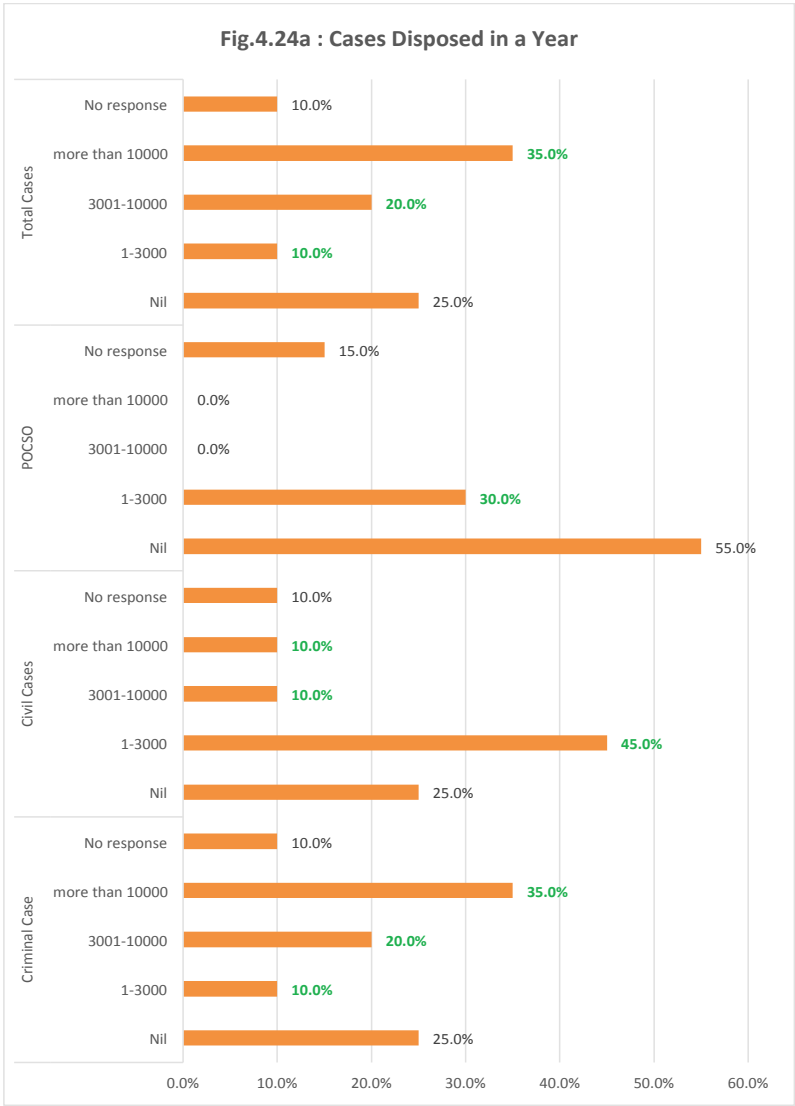


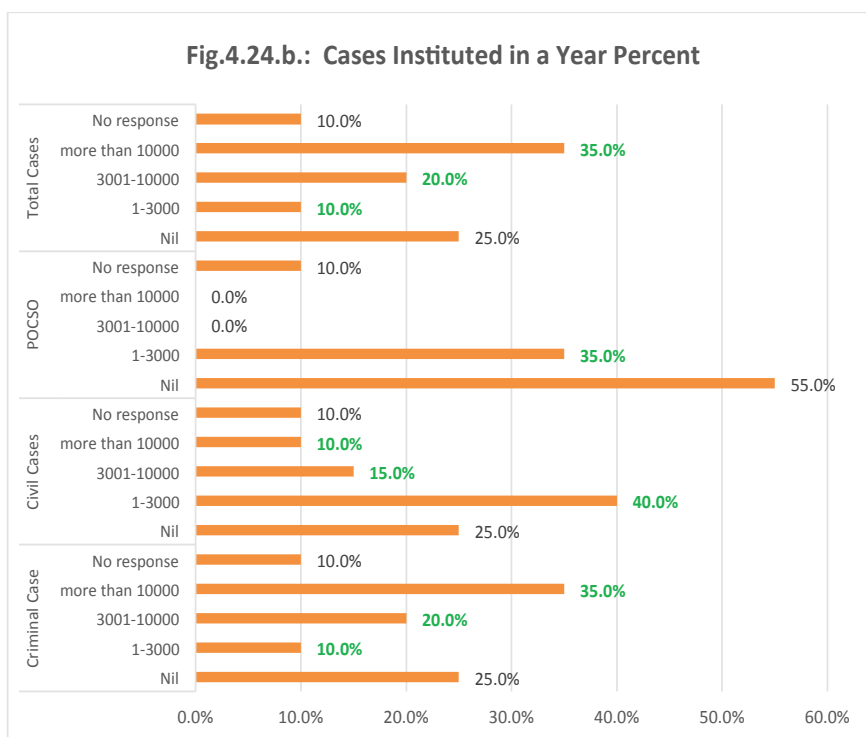
4.6.1. Cases Disposed and Instituted in a Year

The Chief Administrators were asked about the range in which various types of cases are disposed of and instituted in a year. As shown in Fig. 4.24.a. and Fig. 4.24.b, in terms of

Criminal Cases, around 35% of Chief Administrators responded that their District Court disposes of more than 10,000 Criminal Cases every year and admitted more than 10,000 Criminal Cases. Similarly, 20% of Chief Administrators responded that their District Court disposes 3001 to 10,000 Criminal cases a year and institutes 3001 to 10,000 Criminal Cases in a year.

In terms of Civil Cases, 45% of Chief Administrators responded that around 1 to 3000 Civil Cases are disposed of in a year, while 40% of Chief Administrators responded that around 1 to 3000 Civil Cases are instituted in a year. Another 10% of Chief Administrators said that around 3001 to 10,000 Civil Cases are disposed of, while 15% of Chief Administrators said that 3001 to 10,000 are instituted in a year.





In terms of POC SO, around 30% of Chief Administrators responded that they dispose of around 1 to 3000 POC SO Cases, while 35% of Chief Administrators stated that they institute around 1 to 3000 POC SO Cases in a year. In total, around 35% of Chief Administrators said that they dispose-off more than 10,000 Cases per year and institute more than 10,000 Cases per year. Further, around 3001 to 10,000 Cases are disposed of and instituted in a year according to 20% of Chief Administrators, while 1 to 3000 Cases are disposed of and instituted according to 10% of Chief Administrators in a year in their District Court Complex.

4.6.2. Cases Disposed and Cases Instituted in the Last Four Years

This section focuses on the number of cases disposed of and instituted in the last four years at a District Court Complex in last four years. In 2014-15, according to 25% of Chief Administrators, around 1 to 3000 Cases were disposed of, as shown in Fig. 4.25.a. Further, according to 15% of Chief Administrators, more than 10,000 Cases were disposed of in the year 2014-15. In 2015-16, as per 50% of Chief Administrators, more than 10,000 were disposed of, while 10% of Chief Administrators responded that only 1 to 3000 Cases were disposed of in the year. Similarly, in the year 2016-17, 40% of Chief Administrators responded that more than 10,000 Cases were disposed of, while 10% of Chief Administrators responded that around 3001 to 10,000 were disposed of in the year. In the year 2018-19,

50% of Chief Administrators responded that in their District Court Complex, more than 10,000 Cases were disposed of, while 10% of Chief Administrators stated that around 1 to 3000 Cases were disposed of in the year.

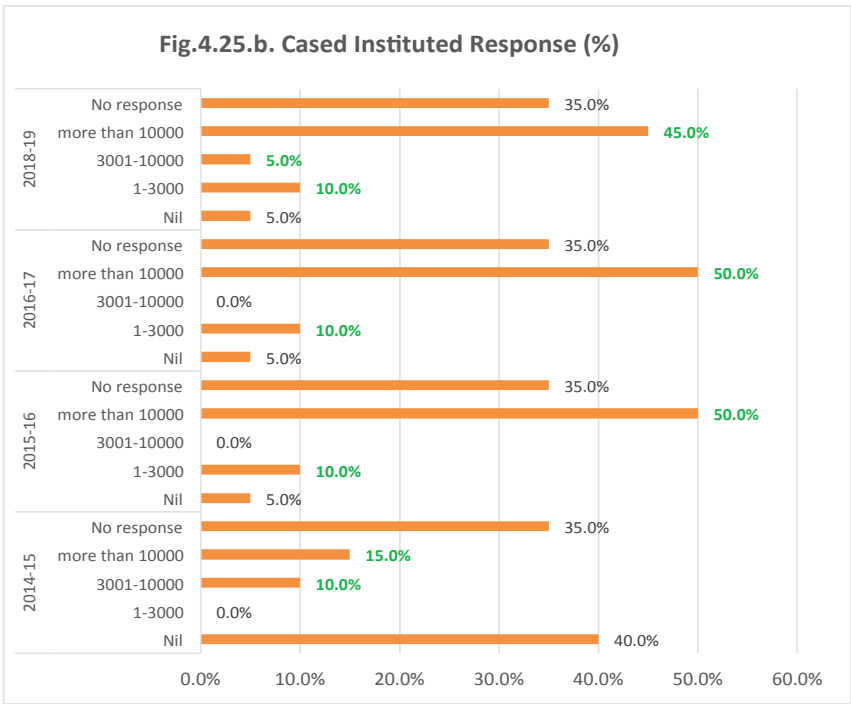
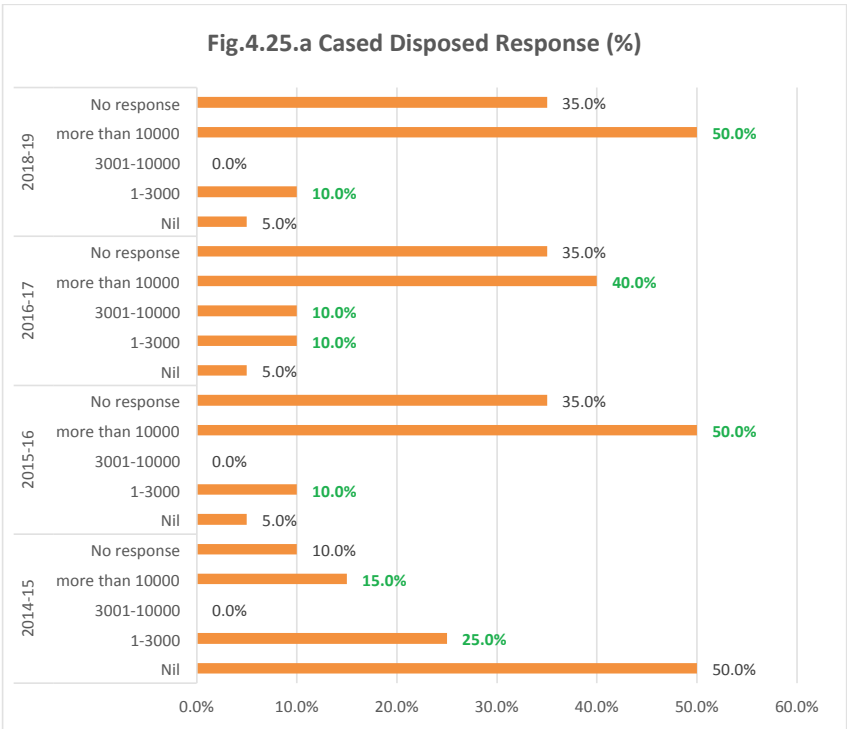
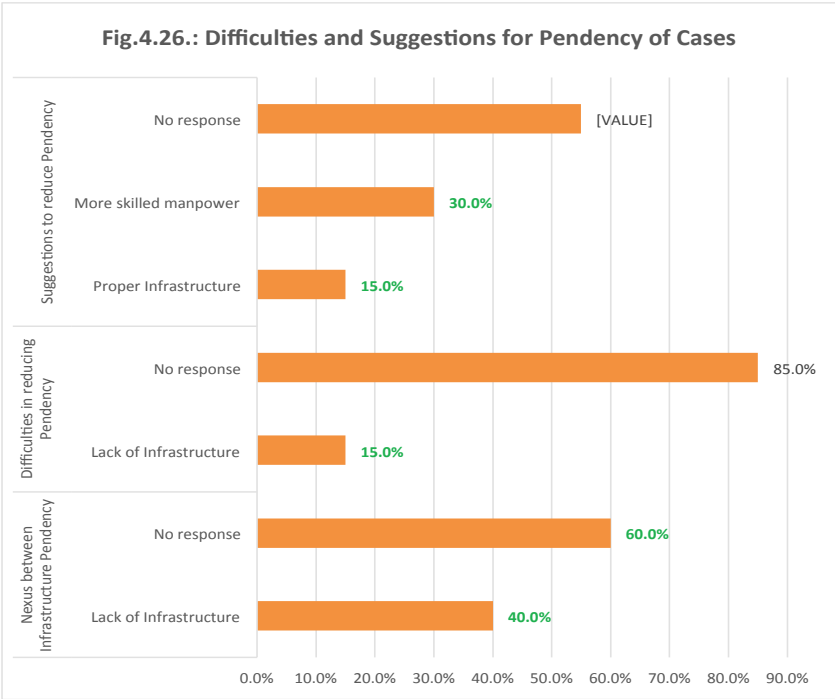


Fig. 4.25.b. shows the response of Chief Administrators in terms of a range of Cases instituted in the last four years. For the years 2014–15, around 15% of Chief Administrators stated that more than 10,000 Cases were instituted, while 10% of Chief Administrators stated that around 1 to 3000 Cases were instituted. For the year 2015– 16 & 2016–17, 50% of Chief Administrators stated that more than 10,000 Cases were instituted, while only 10% of Chief Administrators stated that around 1 to 3000 Cases were instituted. For the year 2018–19, 45% of Chief Administrators responded that more than 10,000 Cases were instituted, while 10% of Chief Administrators responded that around 1 to 3001 Cases were instituted. Only 5% of Chief Administrators responded that around 3001 to 10,000 Cases were instituted.

4.6.3. Difficulties and Suggestions for Pendency of Cases

The Chief Administrators were also requested to delve some light on difficulties and suggestions of pending cases in their District Court Complex. As shown in Fig. 4.26. 40% of Chief Administrators admitted that there exists a nexus between infrastructure and pendency because the major difficulty is the lack of infrastructure. In terms of suggestion, around 30% of Chief Administrators suggested improving skilled manpower at the lower judiciary, and 15% of Chief Administrators suggested the availability of proper infrastructure.



Chapter V

Advocates

Advocates practising within the District Court Complex are the first and foremost users to get benefits of various infrastructures, whether physical or virtual. The study focuses on a few selected themes through which Advocates can assess various aspects of the quality of infrastructure and its effect on the efficiency of courts.

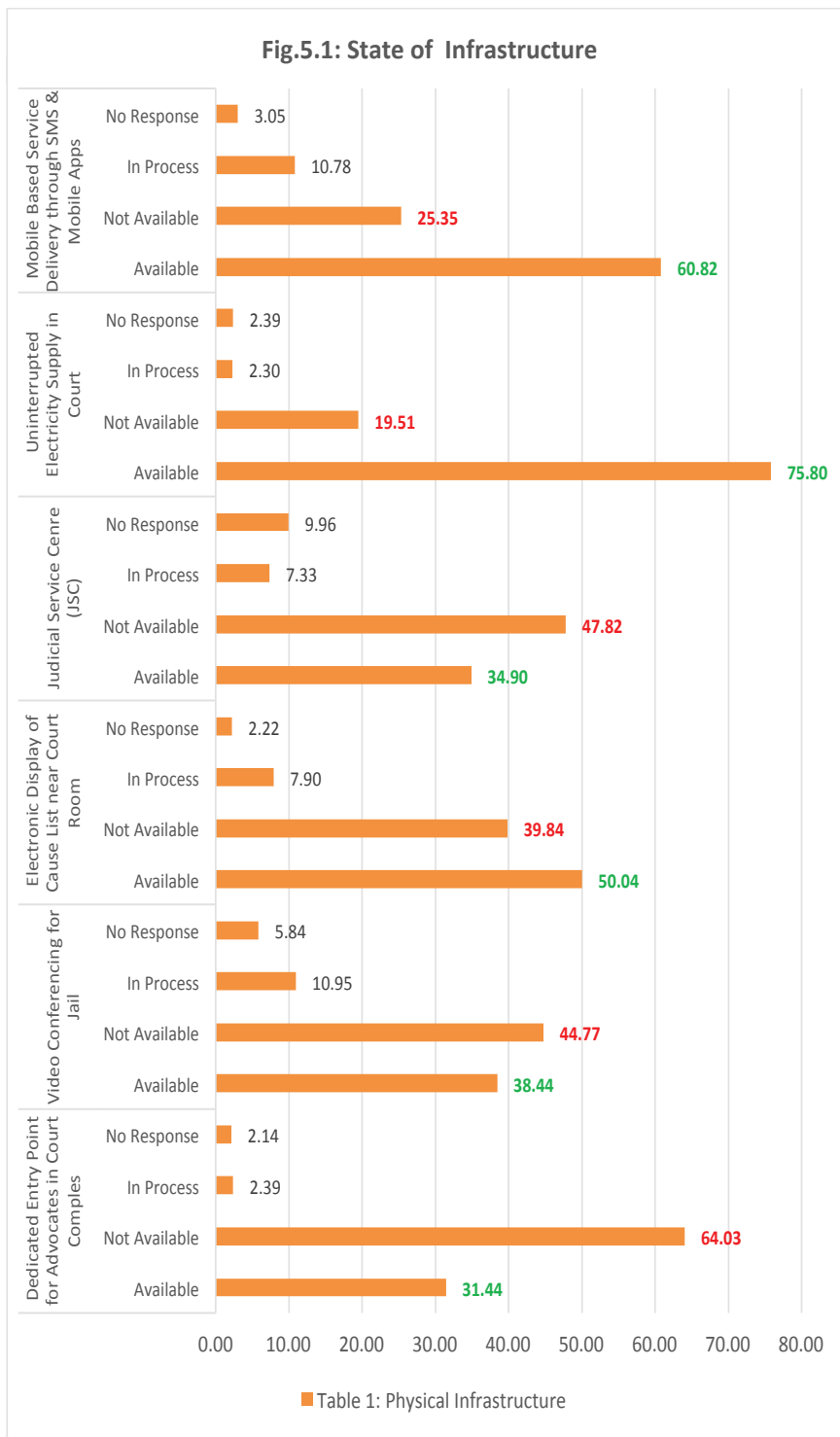
5.1. The State of Infrastructure

The Advocates practising in their respective District Court Complexes were asked whether some basic physical infrastructure is available in the District Court Complex. As shown in Fig. 5.1. around 31.4% of Advocates responded that they have a Dedicated Entry Point for Advocates in the Court Complex, while 64% of Advocates acknowledged that such facility or entry is Not Available to them in their District Court Complex. However, 2.39% of Advocates responded that such an entry point is in process. The facility of Video Conferencing for Jail is Available within the District Court Complex for 38.44% of Advocates, while for 44.7% of Advocates, such a facility is Not Available in their District Court Complex. However, around 10.9% of Advocates responded that the Video Conferencing facility is under process.

The Advocates were also asked about the availability of an Electronic Display of Cause List near the Court Room. As shown in Fig. 5.1., 50% of Advocates responded that such a facility is Available in their District Court Complex. Around 40% of Advocates also responded that an Electronic Display of Cause List near Court Rooms is Not Available in their District Court Complex. Further, around 7.9% of Advocates responded that such a facility is in process in their respective Court Complexes. Advocates are also required to have access to Judicial Service Centre. Around 34.9% of Advocates were of the opinion that such a centre is Available in their District Court Complex, while 47.8% of Advocates responded that such a centre is Not Available in the District Court Complex.

The Advocates were also asked about whether their District Court Complex have an uninterrupted electric supply. Around 75.8% of Advocates responded that it is available in their Court Complex, while 19.5% of Advocates' uninterrupted electric supply is not available in the District Court Complex. On the availability of Mobile Based Service Delivery through SMS & Mobile Apps, around 60.8% of Advocates responded such a

facility is Available while around 25.35% of Advocates responded that such a facility is Not Available in the District Court Complex.

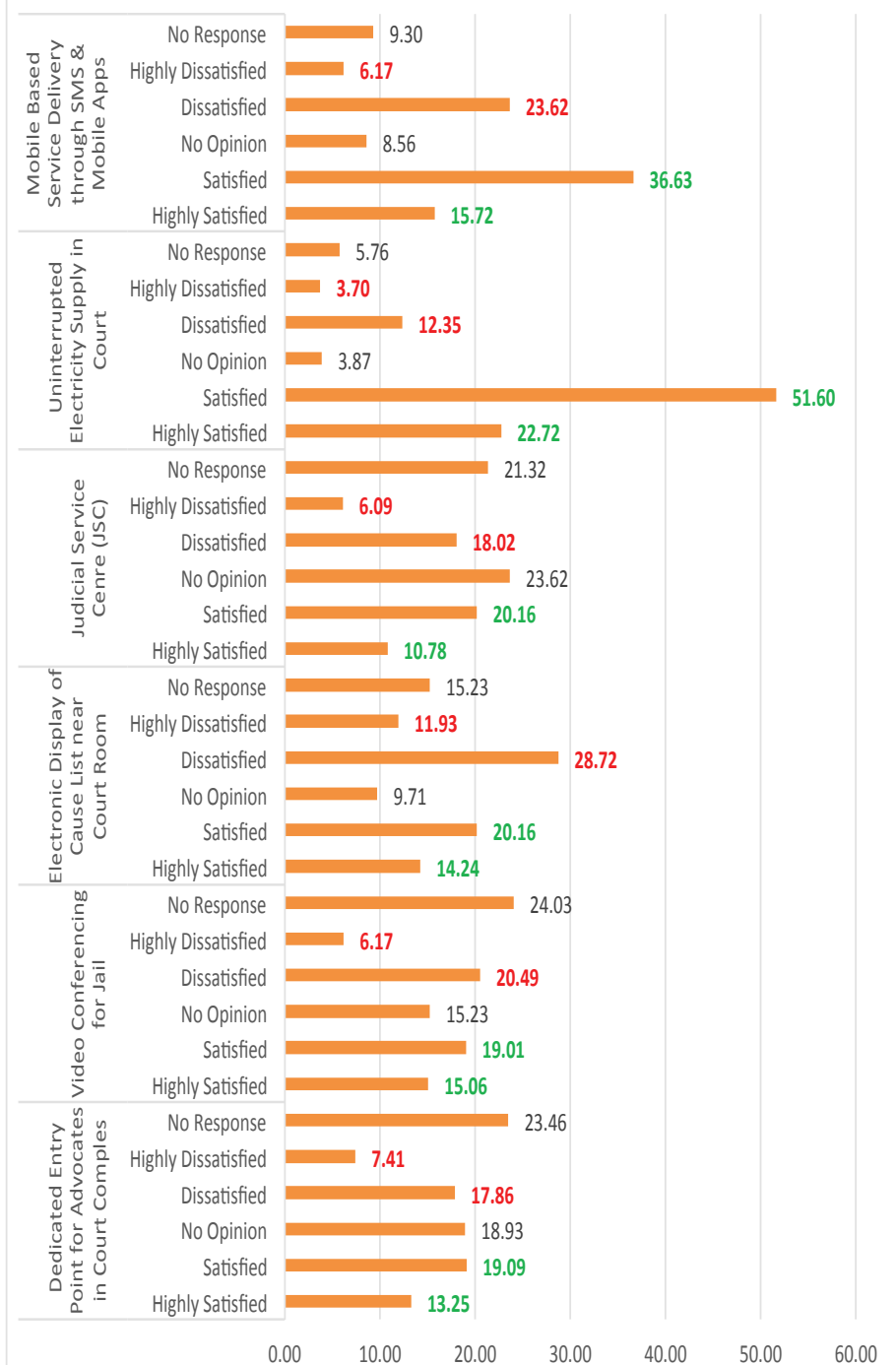


5.1.1. The Level of Satisfaction with the Available Infrastructure

This section shows the responses of Advocates as 13.2% of Advocates were Highly Satisfied with the dedicated entry point for Advocates in the court complex, while 19% of Advocates were only Satisfied. Further, 17.8% of Advocates were Dissatisfied with it, and 7.41% of Advocates were High Dissatisfied with the dedicated entry point provided to Advocates. In terms of Video Conferencing for Jail, 15% of Advocates were Highly Satisfied with the service, while 19% of Advocates were Satisfied with the services. Around 20.5% of Advocates were Dissatisfied with the Video Conferencing facility, and 6.17% of Advocates were High Dissatisfied.

Further, 14.2% of Advocates were Highly Satisfied with the services of the Electronic Display of Cause List, while 20.16% of Advocates were Satisfied with it. Another 28.7% of Advocates were Dissatisfied with the Electronic Display of Cause List, and 11.9% of Advocates were Highly Dissatisfied with it. For Judicial Service Centre (JSC), around 10.7% of Advocates were Highly Satisfied with the availability of it, while 20.16% of Advocates were only Satisfied with it. Further, 18.02% of Advocates were Dissatisfied with the JSC, while 6.09% of Advocates were Highly Dissatisfied with it. In terms of the availability of uninterrupted electricity supply, 51.6% of Advocates were Satisfied with such a facility, while 22.7% of Advocates were Highly Satisfied. However, 12.35% of Advocates were Dissatisfied with it. In the case of Mobile based services and delivery SMS and Mobile Apps, around 15.7% of Advocates were Highly Satisfied with it, while 36.6% of Advocates were Satisfied with it. Although around 23.62% of Advocates were Dissatisfied with this kind of service, and 6.17% of Advocates were Highly Dissatisfied.

Fig. 5.2: Satisfaction with Available Infrastructure



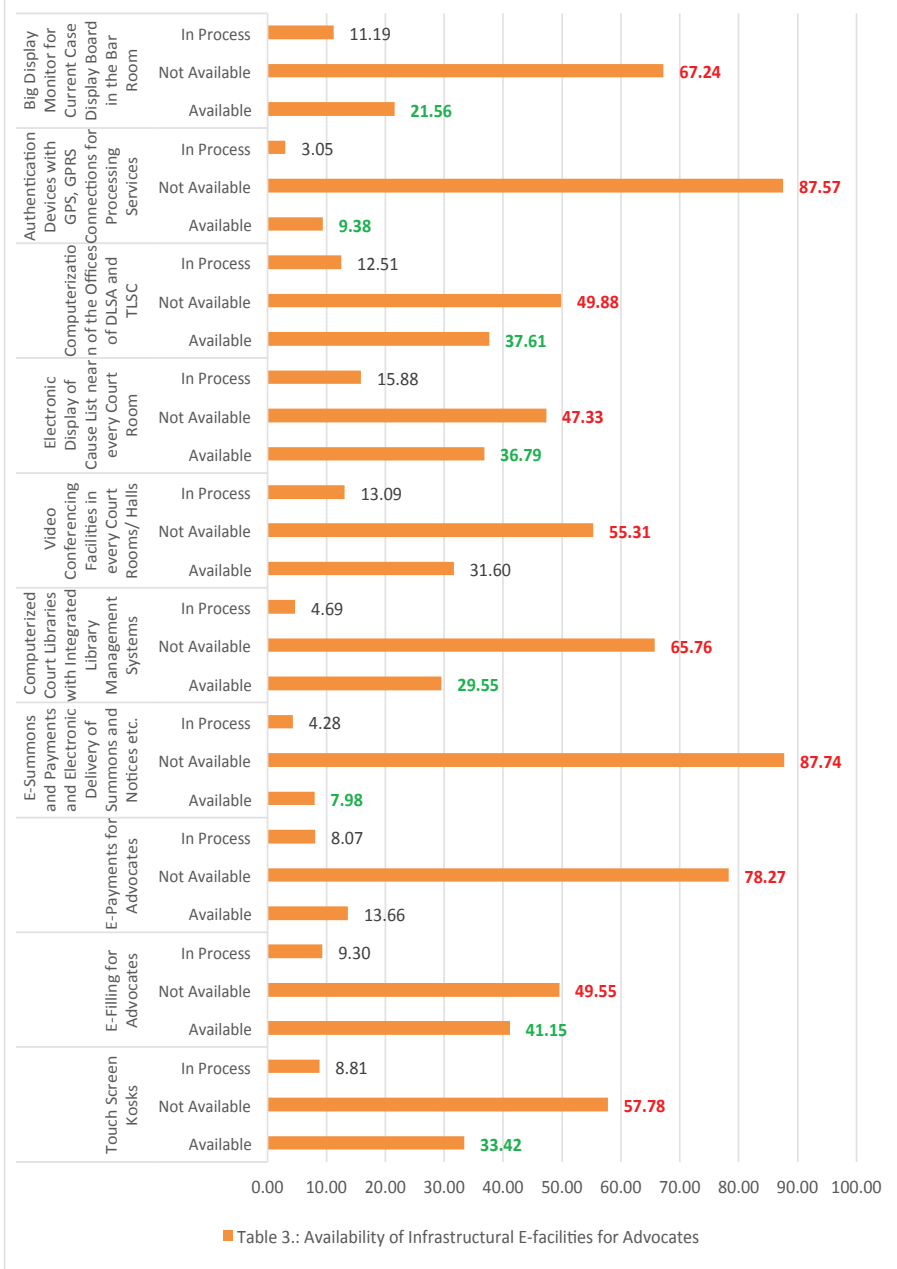
■ Table 2: Satisfaction with availability of Physical Infrastructure

5.2. *Infrastructural E-Facilities got Advocates*

The Advocates were asked about the availability of various E-Facilities, which they interact with on a daily basis, to better understand the availability of these facilities in the District Court Complex. As shown in Fig. 5.3. 33.4% of Advocates responded that Touch Screen KIOSK is Available in their District Court Complex, while 57.8% of Advocates responded that it is Not Available. The Facility for E-Fillings for Advocates is Available to only 41.1% of Advocates, while 57.8% of Advocates stated that such a facility is Not Available in their District Court Complex. Around 78.2% of Advocates responded that E-Payments are Not Available for them, while for 13% of Advocates, it is Available. The facilities related to E-Summons, E-Payments and E-Notices were Not Available for 87.7% of Advocates and are Available for only 7.98% of Advocates. Services like Computerized Library with an integrated library management system are Not Available for 65.7% of Advocates, while 29.5% of Advocates responded that such a facility is available to them. The Video Conferencing Facility in Court Rooms for Advocates is Available for 31.6% of Advocates, and such a facility is Not Available for 55.31% of Advocates. Further, 47.3% of Advocates responded that an Electronic Display of Cause List near every Court Room is Not Available in the District Court Complex, while 36.7% of Advocates stated that such a facility is Available.

The Computerisation of the Offices of DLSA and TLSC has not been achieved according to 49.8% of Advocates, while for another 37.61 such a facility is Available in their District Court Complex. In addition, Authentication Devices with GPS and GRPS connections are Not Available, according to 87.5% of Advocates. Even the Big Display Screen/monitor for the Current case Display Board in the Bar Room is Not Available as per 67.24% of Advocates, while it is Available as per 21.5% of Advocates.

Fig. 5.3.: Availability of Infrastructural E-facilities for Advocates



5.2.1. Effect on Efficiency of Functioning of Advocates with Available Infrastructural E-facilities

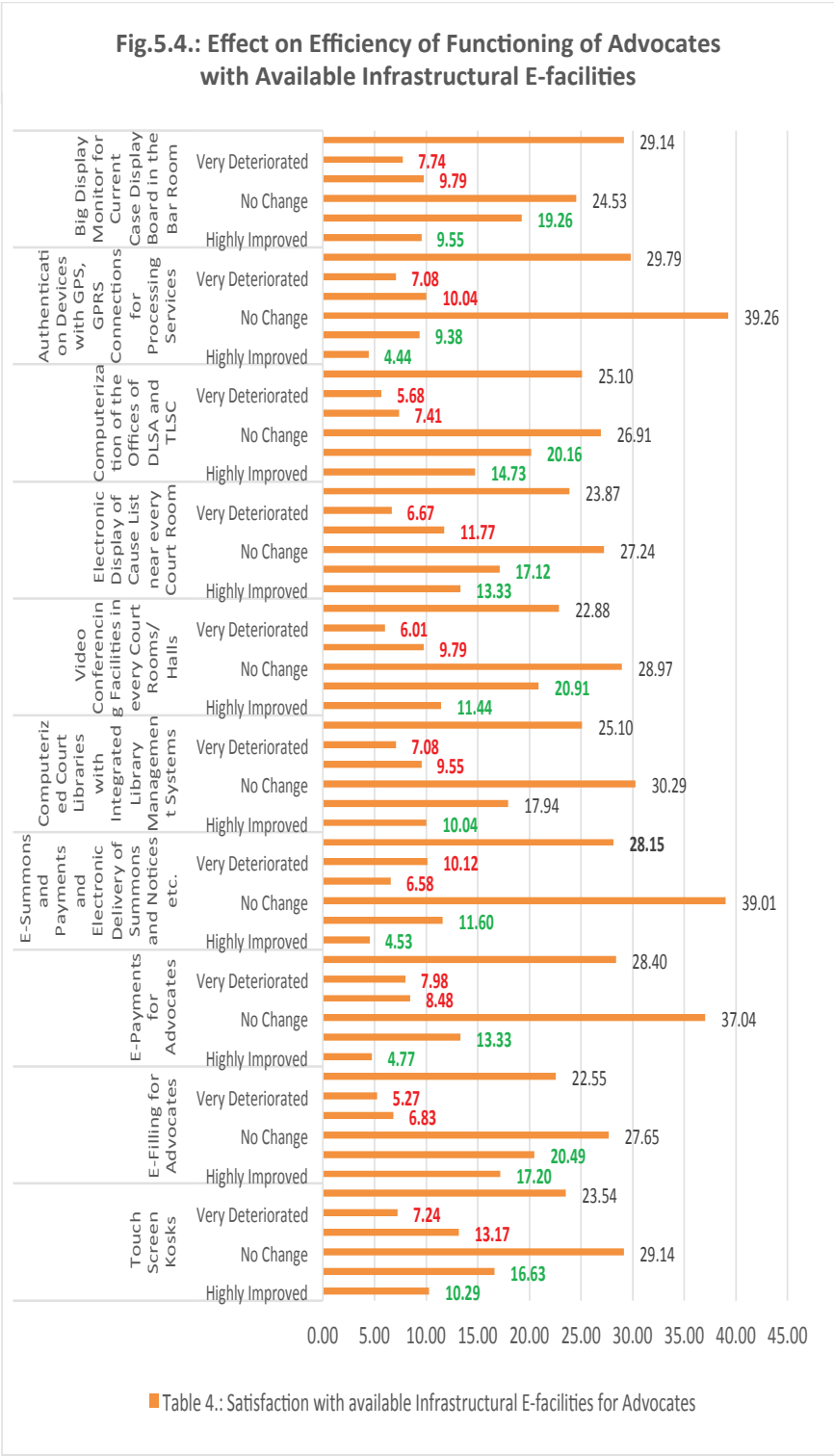
The Advocates were asked about their level of Satisfaction with the availability of various E-Facilities, which they interact with on a daily basis, to better understand the availability of these facilities in the District Court Complex. According to 10.2% of Advocates, their working has Highly Improved with Touch Screen KIOSK, while 16.6% of Advocates stated

that it has Improved. On the other hand, 13.7% of Advocates reported that it has Deteriorated, and another 7.24% of Advocates reported that it has very Deteriorated. In terms of E-Filing, around 17.2% of Advocates responded that it has Highly Improved, while another 20.4% of Advocates responded that it has Improved. A minute 6.8% of Advocates responded that it had Deteriorated their efficiency, while another 5.27% of Advocates said that it had Very Deteriorated the services. In terms of E-Payments, only 4.7% of Advocates responded that efficiency had been High Improved, while for 13.33% of Advocates, it has improved their efficiency. Less than 8% of Advocates reported that it has either Deteriorated or very deteriorated. The services like E-Summons, E-Payments and Electronic Delivery of Summons and Notices, around 11.6% of Advocates said that it had improved their functioning, while 4.53% of Advocates said it Highly Improved their functioning. Further, around 10% of Advocates also responded that it has Very Deteriorated their efficiency. The availability of a Computerized library with an integrated library management system has Highly Improved the efficiency of Advocates, according to 10.4% of Advocates, while only Improved, according to 17.9% of Advocates. On the contrary, 9.5% of Advocates responded that it had Deteriorated their functioning, while 6% of Advocates such as E-facility had Very Deteriorated their functioning.

As shown in Fig. 5.4., around 11.4% of Advocates opined that the availability of Video Conferencing facilities in Jail has Highly Improved their functioning, while 20.9% of Advocates stated that it had improved their functioning. Further, around 9.7% of Advocates reported that such a facility had Deteriorated their functioning, while for 6.6% of Advocates, it has Very Deteriorated. The Electronic Display of Cause Lists near every court room has Highly Improved the function of around 13.33% of Advocates, while it has only Improved for 17.12% of Advocates. For another 11.7% of Advocates, it has Deteriorated their functioning. On the Computerized Offices of DLSA and TLSC, around 14.7% of Advocates it has Highly Improved functions of Advocates while 20.16% of Advocates it has only Improved. Alternatively, such a computerized office has Deteriorated the functioning of Advocates; as per 4.44% of Advocates, the Authentication Devices and Processing Services have Highly Improved their efficiency, while for 9.38% of Advocates, it has been Improved.

For another 10.4% of Advocates, it has further Deteriorated their functioning, and for 7.7% of Advocates, it has very Deteriorated functioning of Advocates. The availability of a Big Display Monitor for Current Cases in the Bar Room has Highly Improved the functioning of Advocates as per around 9.5% of Advocates. Further, for 19.26% of Advocates, it has

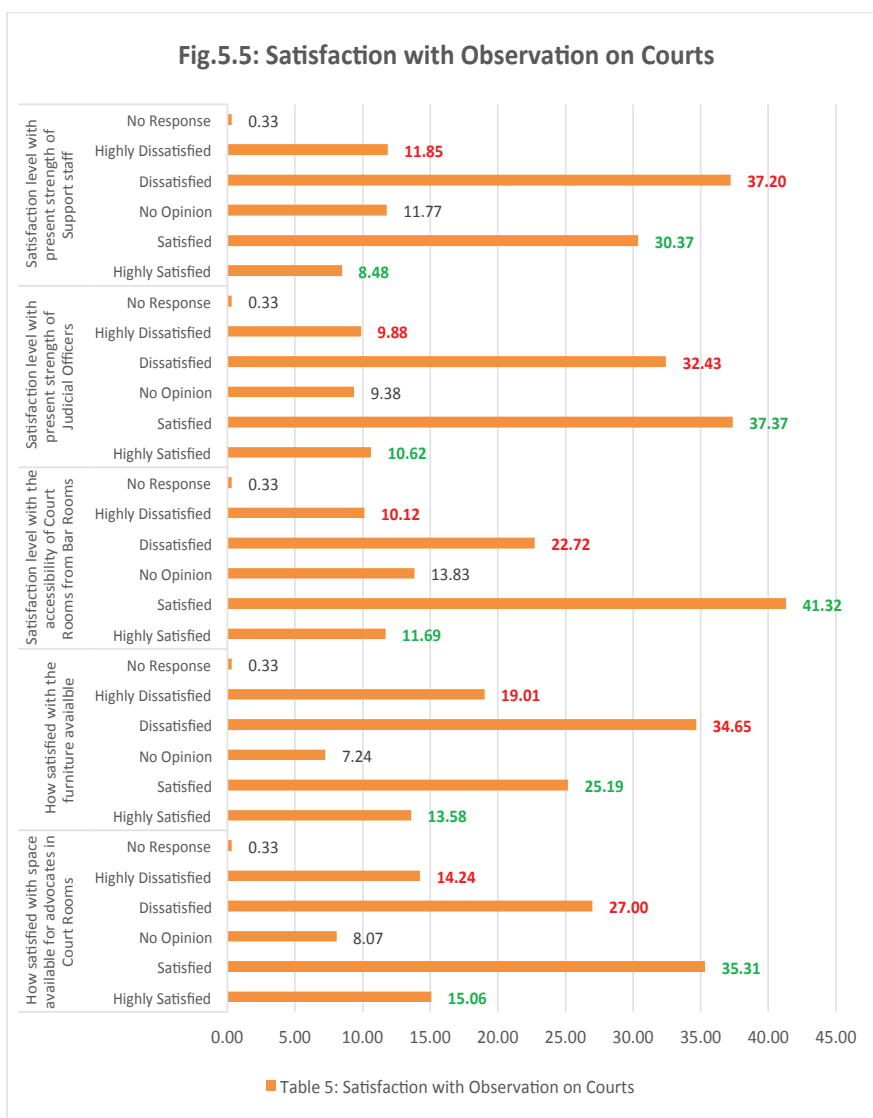
Improved their functioning, while for 9.79% of Advocates, such a Big Display Screen has Deteriorated their efficiency.



5.3. The Level of Satisfaction of Advocates with Observation on Condition of Courts

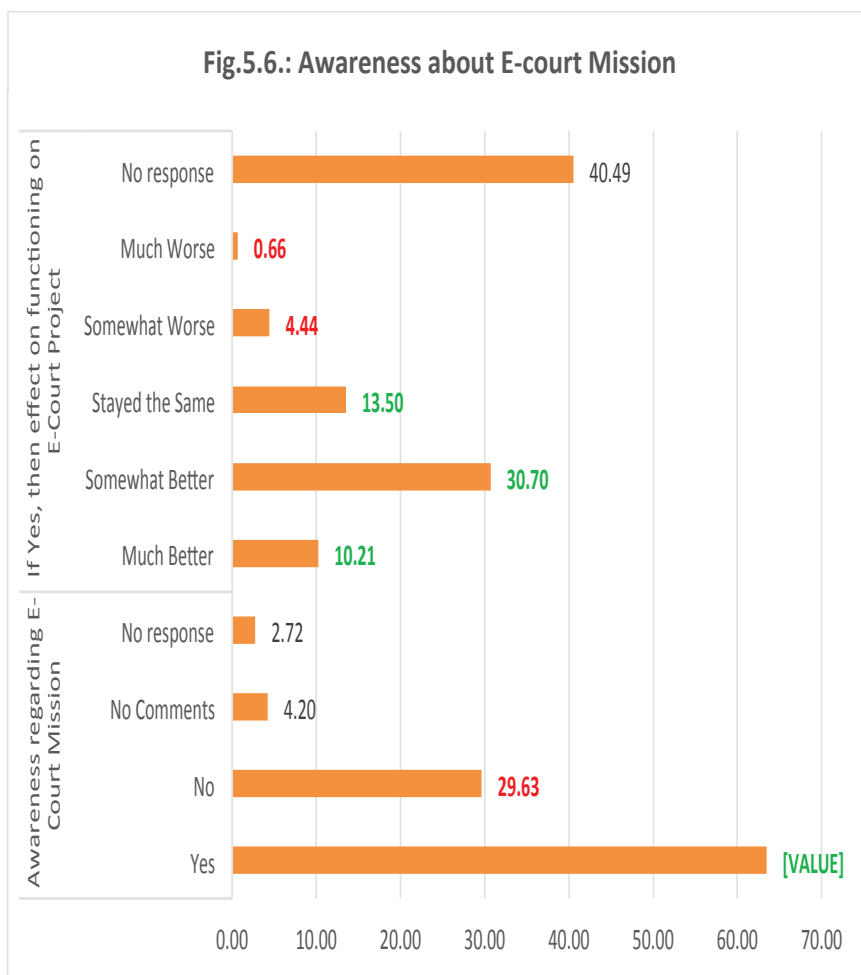
As shown in Fig. 5.5, around 15.6% of Advocates said that they were satisfied with the space made available for Advocates in Court Rooms, while 35.3% of Advocates responded that they were satisfied with the space made available to them in the Court room. 27% of Advocates were Dissatisfied with the space made available to them in the Court Room while 14.2% of Advocates were Highly Dissatisfied with the space made available to them. Further, in terms of satisfaction with the kind of furniture made available to them, around 13.5% of Advocates were Highly Satisfied with the furniture, while 25.19% of Advocates were Satisfied with the furniture made available to Advocates in Court Rooms. Around 34.6% of Advocates were Dissatisfied with the furniture made available to them, while 19% of Advocates were Highly Dissatisfied with the furniture made available to Advocates.

On the level of Satisfaction with the accessibility of Court Rooms from Bar Rooms, around 11.69% of Advocates responded that they were Highly Satisfied with it, while 41.32% of Advocates said that they were satisfied with it. Another 22.7% of Advocates were Dissatisfied with the accessibility of Court Rooms from Bar Rooms, while 10.12% of Advocates were Highly Dissatisfied. In terms of Satisfaction with the present strength of Judicial Officers in their District Court Complex, around 10.6% of Advocates responded they were Highly Satisfied with the strength of Judges/Judicial Officers, while 37% of Advocates were Satisfied with the strength of Judicial Officers in their District Court Complex. Around 32.4% of Advocates were Dissatisfied, while another 9.88% of Advocates were Highly Dissatisfied with the strength of Judicial Officers. Further, in terms of the strength of Support Staff, around 8.48% of Advocates were Highly Satisfied with it, while 39.37% of Advocates were Satisfied with it. Another 37.2% of Advocates were Dissatisfied with the strength of the Support Staff, while 11.85% of Advocates were Highly Dissatisfied with the Strength of the Support Staff.



5.4. Awareness About E-Court Mission Among Advocates

As shown in Fig. 5.6., around 63.46% of Advocates were aware of the E-Court Mission carried out in their respective District Court Complex, while 29.63% of Advocates were not aware of any such mission. Further, among those who were aware, around 10.21% of Advocates said that the function of the court has become much better because of E Court projects, while 30.7% of Advocates responded it has become somewhat better. Another 13.5% of Advocates reported that it had remained the same. In a minute, 4.44% of Advocates responded that it has become somewhat worse by the E-Court projects.

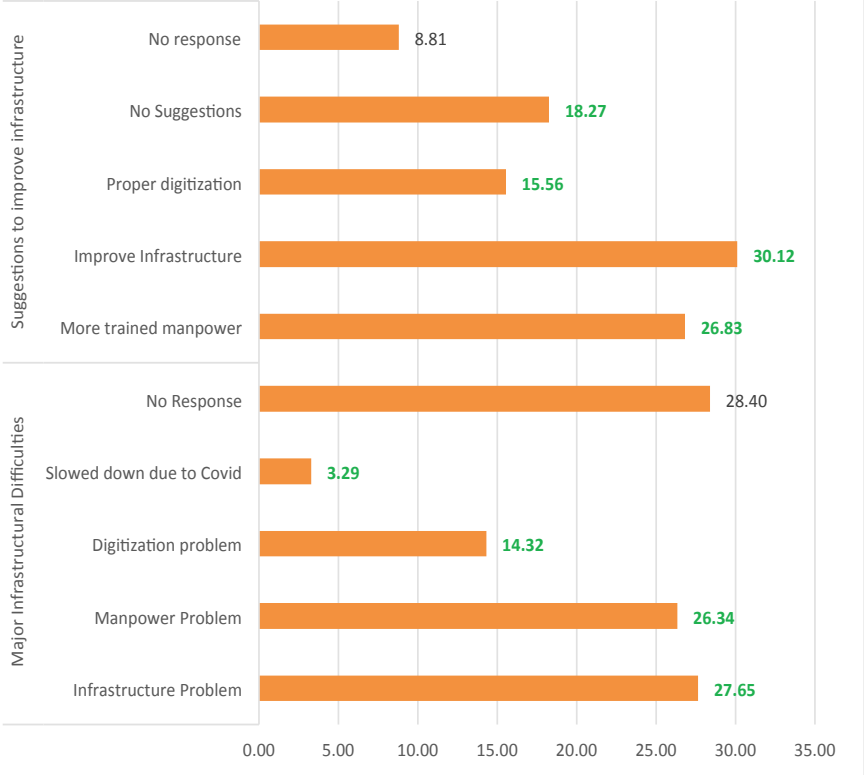


5.5. Difficulties and Suggestions for Improvement of Infrastructure in District Court Complex

As shown in Fig. 5.7., around 27.6% of Advocates responded that infrastructural problem is one of the major issues, while another 26.34% of Advocates stated lack of manpower as one of the major infrastructural difficulties. Further, around 14.32% of Advocates also stated Digitization as one of the major problems. A few, around 3.29% of Advocates, also commented that slow down due to COVID-19 has also become an issue.

In terms of suggestions, 26.83% of Advocates suggested more trained manpower as one of the ways to make the judiciary efficient, while another 30.12% of Advocates responded that improving the current state of infrastructure can be one of the ways. Another suggestion, around 15.56% of Advocates, is proper digitization.

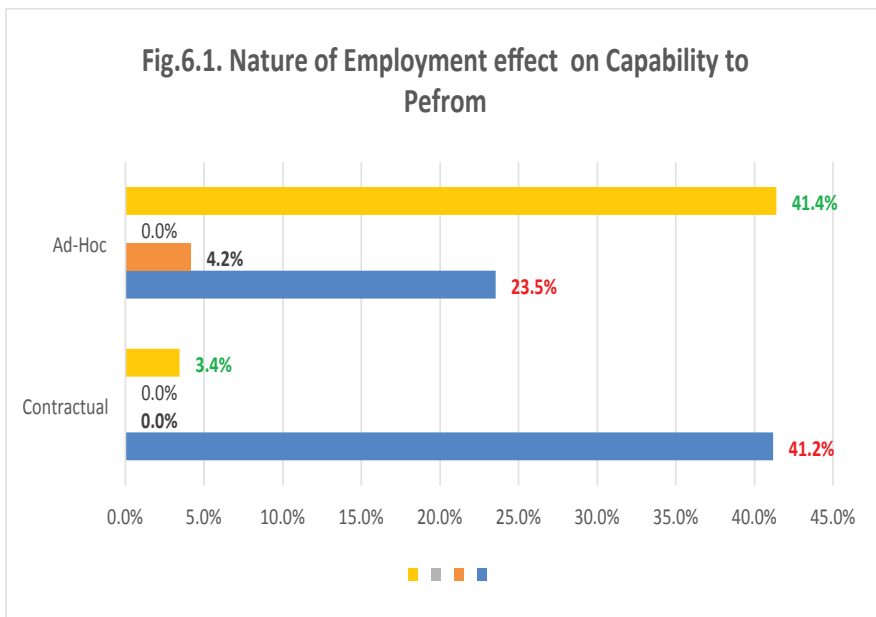
Fig.5.7.: Infrastructural Difficulties and Suggestions for their Improvement



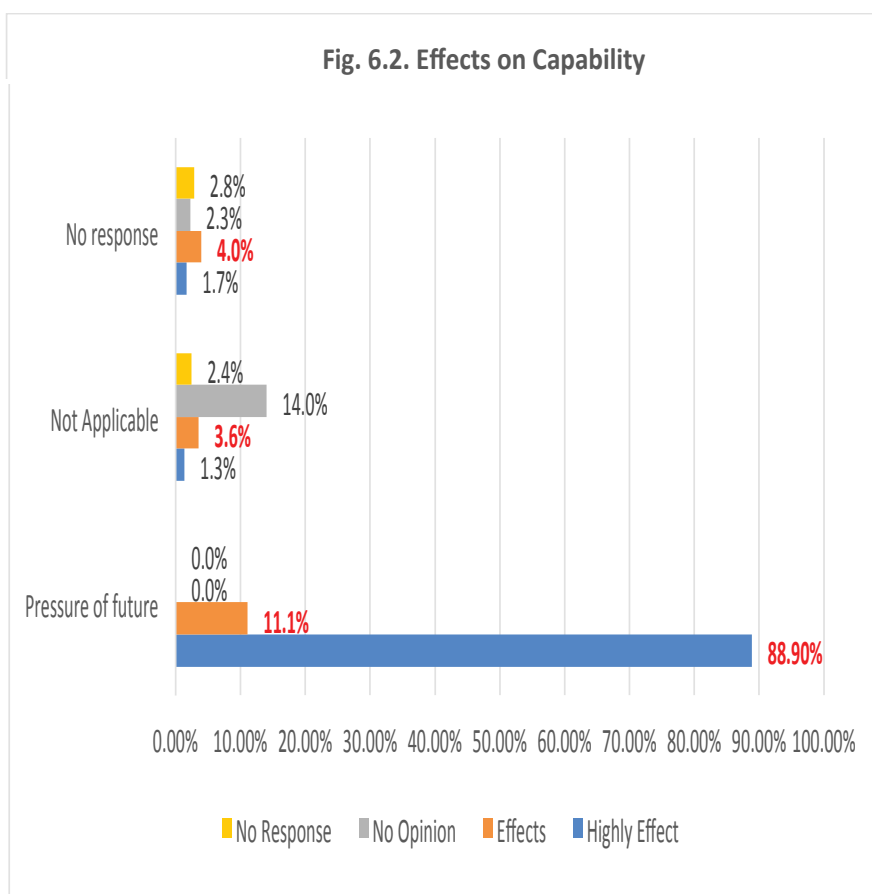
Chapter VI: Supporting Staff

6.1. *Aspects of the Nature of Employment*

The Support Staff at most of the District Complex are now being employed at a contractual or Ad-hoc level. The study aims to know the ways in which such a casual or Ad-hoc arrangement affects the efficiency of Courts. As shown in Fig. 6.1. Around 41.4% of Ad-Hoc Support Staff responded that such a nature of employment does not affect their capability to perform. However, around 23.5% of Ad-Hoc Supporting Staff also responded that their performance gets Highly Affected because of the nature of employment. In terms of Contractual Supporting Staff, around 41.2% of Contractual Supporting Staff responded that any arrangement Highly Affects their capability to perform.



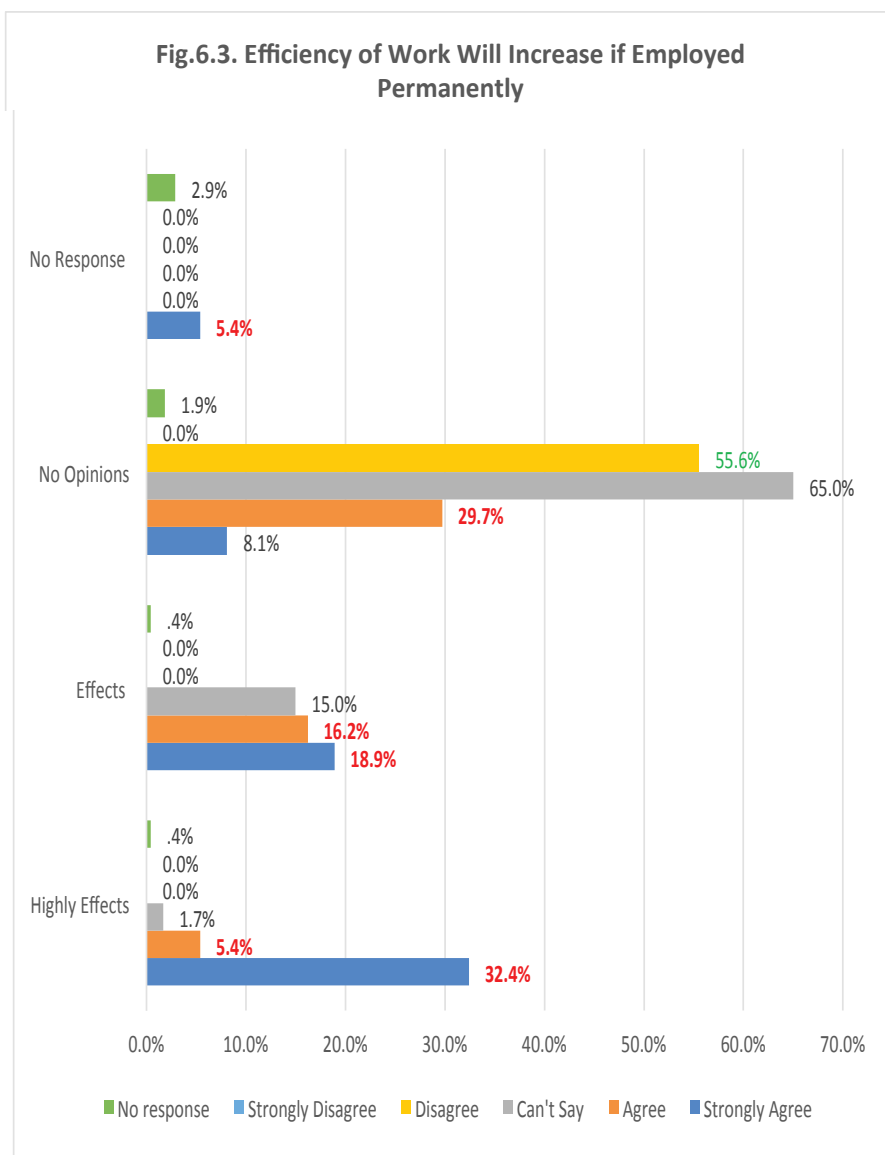
Another aspect of such an engagement is the way it affects the Supporting staff employed either contractually or Ad-hoc, as shown in Fig. 6.2. around 88.9% of Support Staff who responded with High effect reasoned pressure of future employment as one of the major reasons to effect on their capability.



6.1.1. *Effect on the Efficiency of Work*

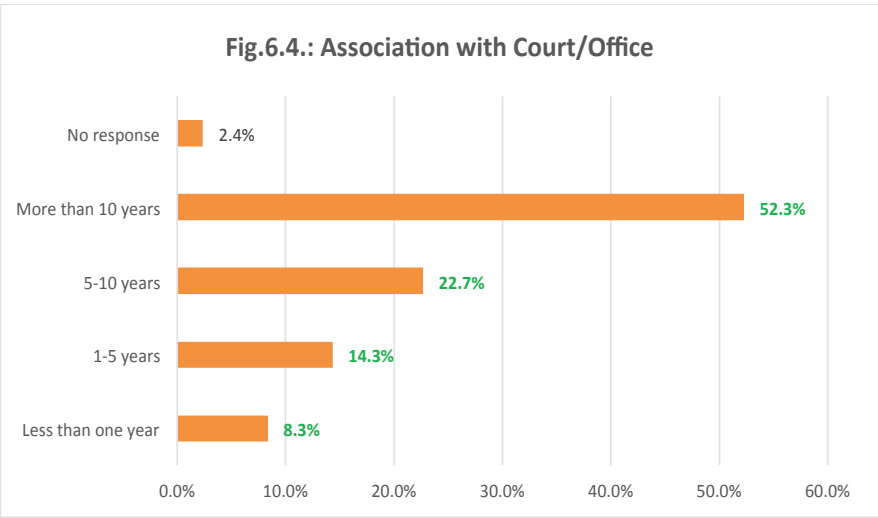
The study focuses on Ad-Hoc and Contractual Supports and further queries on the statement whether the efficiency of your work will increase if they were employed permanently. As shown in Fig.6.3. Around 32.4% of Ad-Hoc/Contractual Support Staff, which marked the nature of employment Highly Affects their capability, responded that they Strongly Agree with the statement, while 5.4% of the same Support Staff responded they Agree with the statement.

Further, around 18.9% of the Ad-Hoc/ Contractual Supporting Staff, which marked as the nature of employment Effects their capability, responded that they Strongly Agree with the statement, while 16.2% of the same Support Staff responded they Agree with the statement. Moreover, around 29.7% of Supporting Staff, which marked No Opinion, also responded that they agree with the statement that the efficiency of work will increase if they are employed permanently.



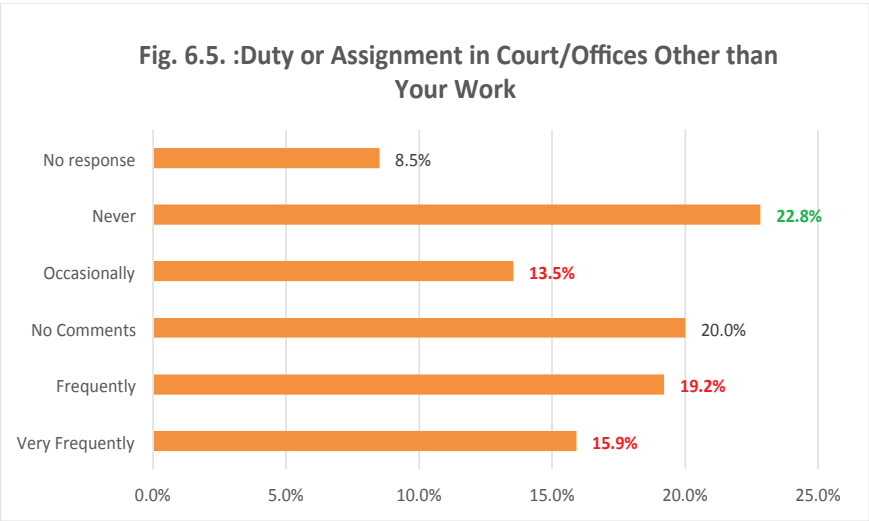
6.1.2. *Period of Association with Court/Office*

The Support Staff were also asked about the period of their association with their respective court/office. As shown in Fig. 6.4, 52.3% of Support Staff responded that they are associated with the Court/Office for more than 10 years, while another 22.7% of Support Staff responded that they are associated with the Court/Office for more than 5 to 10 years. Further, around 14.3% of Support Staff acknowledged that they had been associated with their Court /office for around 1 to 5 years.



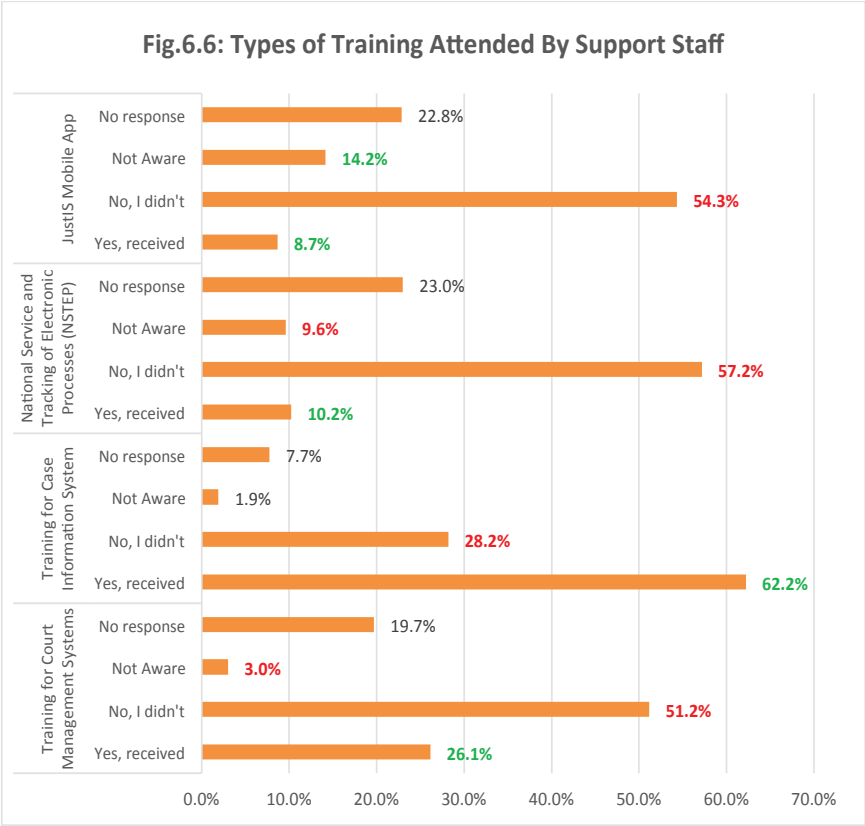
6.1.3. *Duty or Assignment Other than Assigned Work*

The Support Staff often performs various other tasks apart from the assigned task in Court/Office to better assist the functioning of Courts. However, often such other tasks diminish the working ability of Support Staff in terms of assigned work. As shown in Fig. 6.5, 22.8% of Support Staff responded that they are Never allotted a duty or assignment other than their own work. On the other hand, around 19.2% of Support Staff acknowledged that they are Frequently assigned work other than their own. Further, 15.9% of Support Staff also responded that they are Very Frequently assigned work or duty in Courts/offices other than their own.



6.1.4. Types of Training Attended By Support Staff

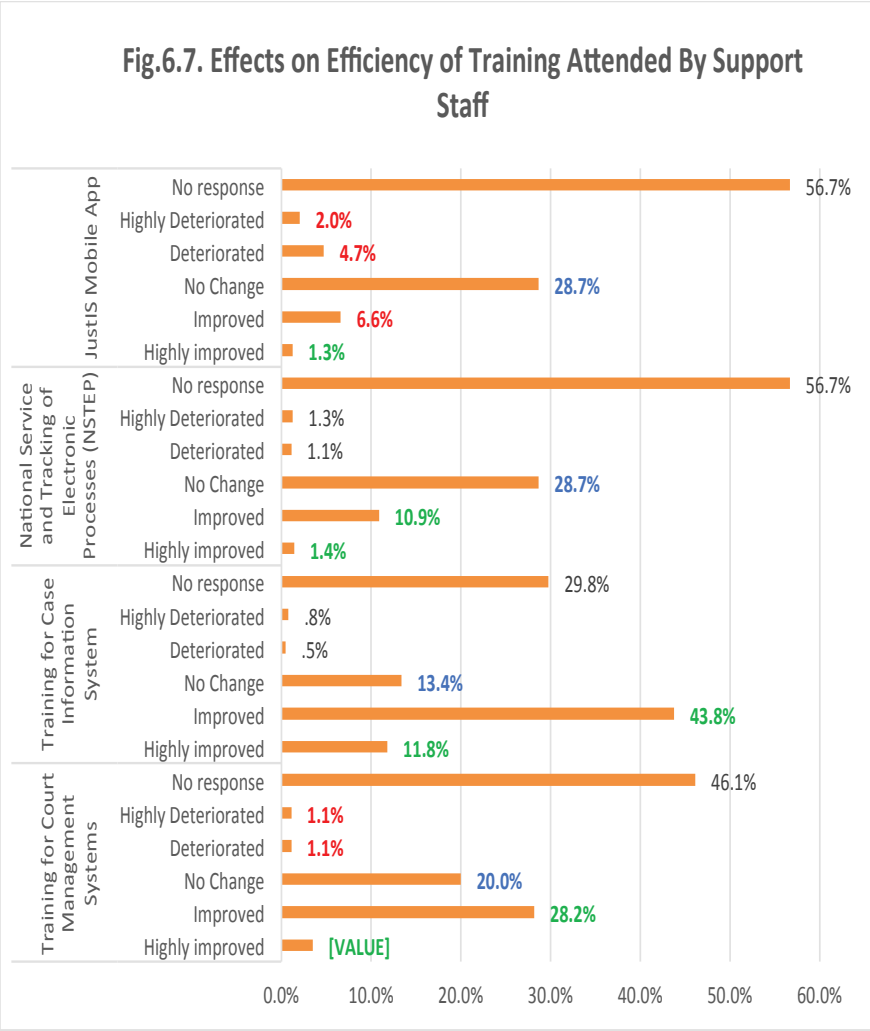
Th Support Staff are also given certain training to better understand the changing work process within the judicial system. The support staff in the study were asked whether they received certain training or not. They were then asked whether such training improved their working or not. In Fig.6.6. Around 26% of Support Staff responded that they had received Training for the Court Management System, while 51% of Support Staff responded that they did not receive any form of training. However, around 62.2% of Support Staff responded that they had received Training in Case Information Systems, while 28.2% of Support Staff did not receive any such training. Further, only 10% of Support Staff received Training in National Service and Technical Electronic Process (NSTEP), while another 57% of Support Staff did not receive any such form of training.



6.1.5. Effects on Efficiency of Training Attended By Support Staff

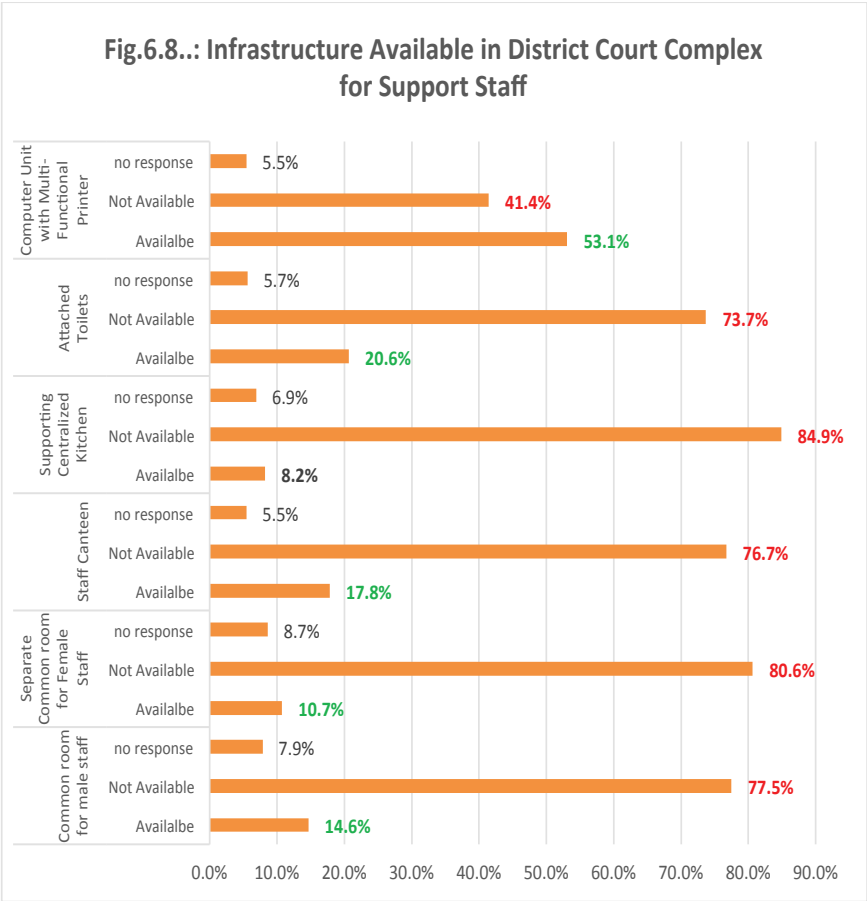
The Support Staff were further asked how the training received has improved their Efficiency in working in the Court. As shown in Fig. 6.7. around 3.5% of Support Staff

responded that training received in the Court Management System Highly Improved their working, while 28.2% of Support Staff stated that it has only Improved their efficiency. Further, 28.3% of Support Staff responded that such training had improved their efficiency. In terms of Training for Case Information Systems, 11.8% of Support Staff stated that their efficiency is Highly Improved, while another 43.8% of Support Staff stated their efficiency has Improved. In terms of NSTEP training, only 1.4% of Support Staff stated that their efficiency is Highly Improved, while another 10.9% of Support Staff stated that it has Improved. Around 28.7% of Support Staff stated that it had not changed at all. The training received in JUSTIS Mobile App also has little impact as around 1.3% of Support Staff stated that it has Highly Impacted their efficiency, and 6.6% of Support Staff stated that it has only Improved their efficiency of work.



6.2. Infrastructure Available for Support Staff in District Court Complex

In Fig. 6.8, the responses received from Support Staff in terms of infrastructure made available to them are shown. Only 14.6% of Support Staff responded that they are provided with a common room for male staff, while 77.5% of Support Staff stated that they do not have any such common room. Further, 10.7% of Support Staff stated that they have a common room for female staff, while 80.6% of Support Staff said that they do not have any such room for female staff. In terms of Staff Canteen, around 17.8% of Support Staff responded that they have Staff Canteen Available in the Court, while 76.7% of Support Staff responded that they do not have such a facility. In terms of attached Toilets, 20.6% of Support Staff responded that they have such a facility available in their District Court Complex, while 73.7% of Support Staff responded that they do not have any such facility. On the availability of a Computer Unit with a Multi-Functional Printer, around 53.1% of Support Staff responded that they have such a facility Available within their District Court Complex, while another 41% of Support Staff said the such facility is not available.

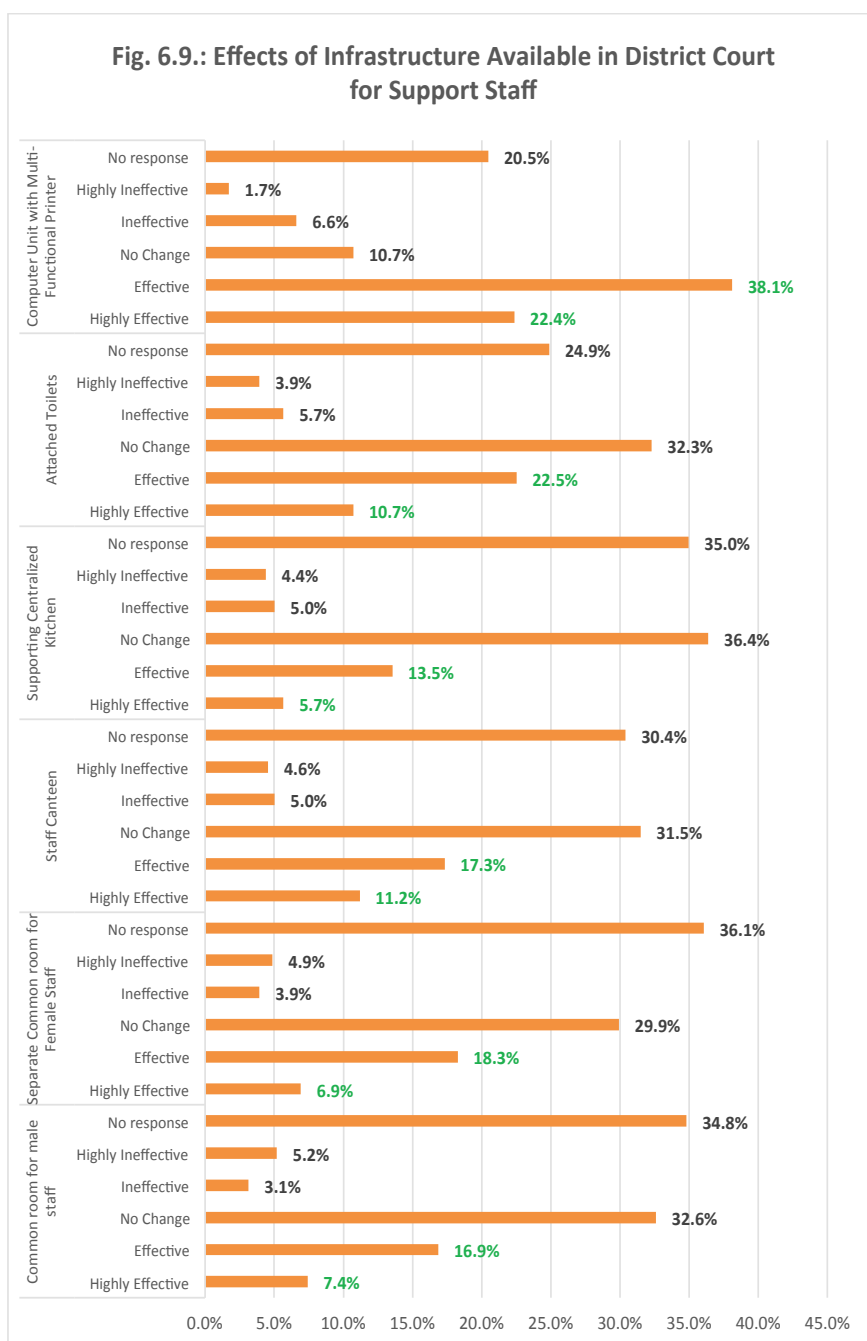


6.2.1. Effect of Infrastructure Available for Support Staff in District Court Complex

As shown in Fig. 6.9. around 7.4% of Support Staff responded that the availability of a Common room for male staff has their working efficiency Highly Improved, while for 16.9% of Support Staff, it has only improved. Another 32.6% of Support Staff responded that there had been No Change in the working efficiency. In terms of the common room for female support staff, around 6.9% of Support Staff reported that it had made their working efficient and it has Highly Improved, while for 18.3% of Support Staff, it only Improved. Further, around 29% of Support Staff responded that it had not changed anything.

In terms of availability of the Staff Canteen, around 11.2% of Support Staff responded that due to availability, the functioning has Highly Improved while another 17.3% of Support Staff it has only Improved. On the other hand, for 31.5% of Support Staff it has No Change in their efficiency. The facility of Attached Toilets has Highly Improved the efficiency of around 10.7% of Support Staff while only Improved for 22.5% of Support Staff. For another 32.3% of Support Staff, it has been no change in efficiency.

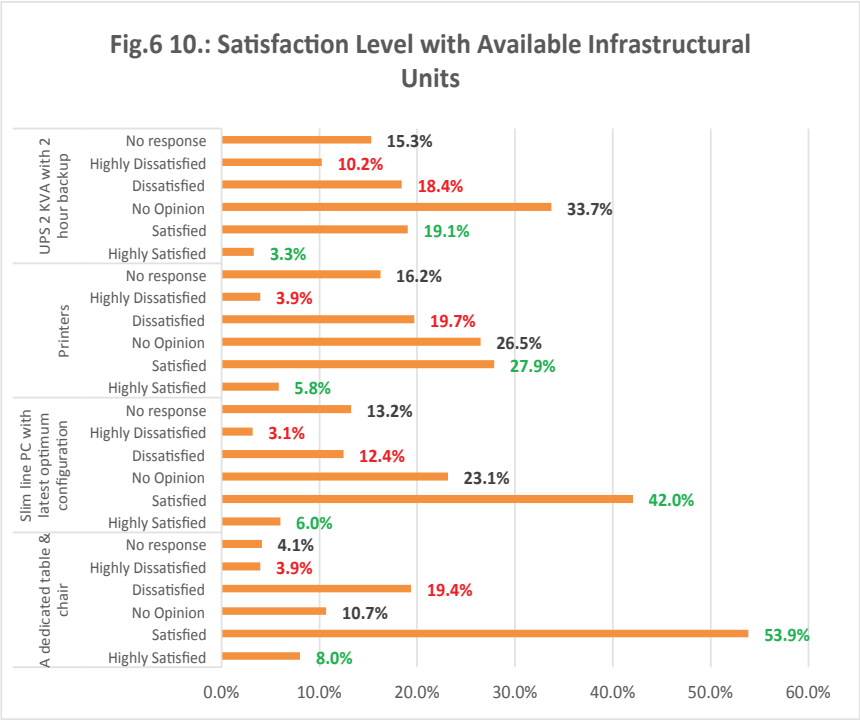
In terms of the availability of Computer Units and attached multi-purpose printers, around 22.4% of Support Staff responded that it has Highly Improved their facility, while another 38.5% of Support Staff responded that it has only Improved their efficiency.



6.2.2. Level Satisfaction with the Available Infrastructural Units

Every Supporting Staff is provided with minimum infrastructural units to perform their work efficiently. It becomes pertinent that a support staff is satisfied with the quality of the unit. As shown in Fig. 6.10, around 8% of Support Staff responded that they were Highly Satisfied with the Table and Chair provided to them, while 53.9% of Support Staff were only

Satisfied with them. Around 19.4% of Support Staff were Dissatisfied with it, while 3.9% of Support Staff were highly Dissatisfied with the Chair and Table provided to them. Further, around 42% of Support Staff were Satisfied with the Slim PC provided to them, while 6% of Support Staff were Highly Satisfied. Another 12.4% of Support Staff were Dissatisfied with the computer provided to them.



In terms of Printers, around 29.9% of Support Staff were Satisfied with the Printers provided to them, while 5.8% of Support Staff were Highly Satisfied with them. Further, 19.7% of Support Staff were Dissatisfied with it, and another 26.5% of Support Staff had No Opinion about it. In terms of UPS provided to them, only 19% of Support Staff were Satisfied with it, while 3.3% of Support Staff were Highly Satisfied with it. On the other hand, around 33.7% of Support Staff had No Opinion on it. Around 18.4% of Support Staff were Dissatisfied with it, and 10.2% of Support Staff were Highly Dissatisfied with it.

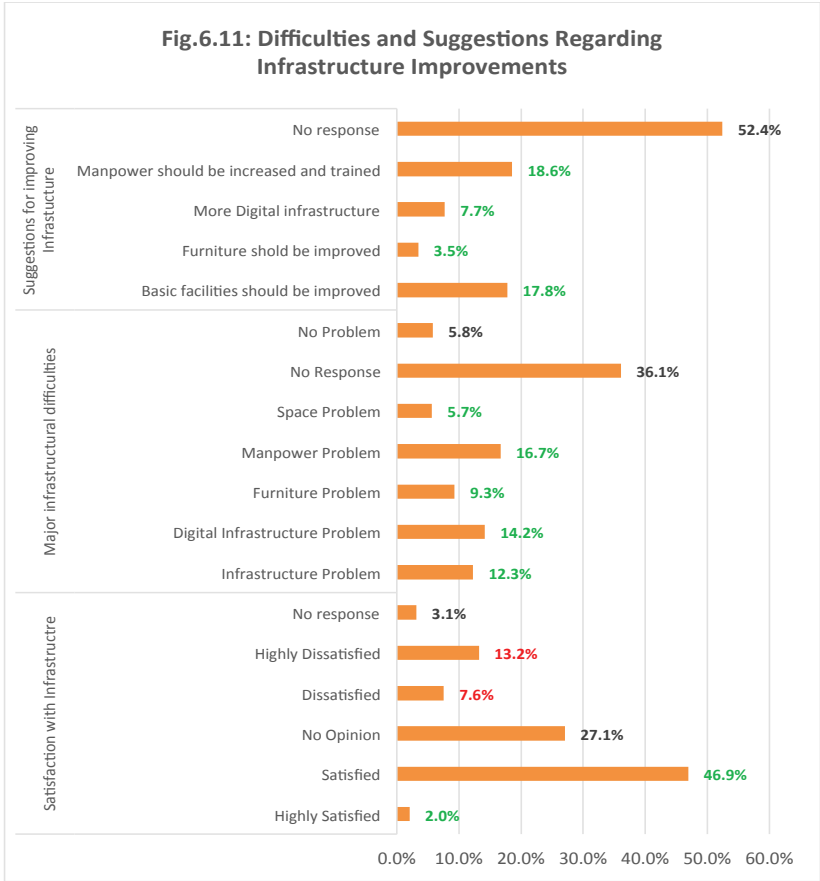
6.2.3. Difficulties and Suggestions Regarding Infrastructural Improvements

A Support Staff is well aware of the condition of, quality and availability of infrastructure in a District Court Complex. As shown in Fig. 6.11, Support Staff were first asked about their level of Satisfaction in terms of overall level and then asked about the difficulties and

suggestions. Around 46.9% of Support Staff responded that they were satisfied with the infrastructure, while 13.3% of Support Staff were Highly Dissatisfied with it.

However, in terms of difficulties, they responded with various issues. In terms of major infrastructural difficulties, around 12.3% of Support Staff said that core lack of infrastructure is an issue, and another 14.2% of Support Staff responded that lack of Digital Infrastructure is an issue. Further, 9.3% of Support Staff responded that the lack of furniture in the court rooms is an issue, while 26.7% of Support Staff responded that lack of manpower is one of the major difficulties. Another 5.7% of Support Staff even stated lack of space in the court room is also an issue.

In terms of suggestions, around 17.8% of Support Staff suggested that basic facilities should be improved, while 3.5% of Support Staff stated that furniture should be improved. Another 7.7% of Support Staff suggested that there should be more digital infrastructure, while around 18.6% of Support Staff even suggested that more trained and skilled manpower should be inducted.



Chapter VII

Assessment of Infrastructure and Deliverance of Speedy Justice at Courts

The relationship between the quality of infrastructural facilities and the timely delivery of justice in the Indian legal system has been a topic of significant interest and scrutiny. In this research study, we aim to explore and analyze this relationship within our research universe, focusing on District and Session Courts. We have put forward several hypotheses to examine the impact of infrastructural facilities on the reduction of mounting arrears of cases and the speedy access to justice. These hypotheses delve into the direct nexus between quality infrastructure and speedy access to justice, the consequences of poor infrastructural facilities on decision-making delays, the role of infrastructural deficiencies in the accumulation of pending cases, and the effects of existing infrastructural impediments on the proper operations of the subordinate judiciary.

Additionally, we investigate the implementation mechanism of the 'E-Courts Integrated Mission Mode Project' and the challenges faced in digitalizing courts at the district level. Finally, we propose that effective access to justice can be achieved and promoted through the availability of good infrastructure at District and Session Courts in the States. Through this research, we aim to shed light on the critical role of infrastructural facilities in shaping the efficiency and effectiveness of the Indian judicial system

7.1 Pendency: Inadequate Physical Infrastructure

Hypothesis 1: *There is a direct nexus between lack of infrastructure and speedy access to justice.*

Hypothesis 1 suggests that there is a direct relationship between the quality of infrastructural facilities and pendency of cases. It implies that well-equipped and properly maintained infrastructural facilities can contribute to a more efficient and expedited justice system. The responses of multiple groups consisting of Judges, Advocates, Support Staff and CAO on the difficulties faced causing pendency of arrears can be deciphered from the following table, which shows that besides infrastructure, there is manpower, digitisation of the process which leads to pendency as well. Therefore, it is crucial to our study to find out how much is the 'lack of infrastructure', a cause for pendency of cases.

Based on our data, it appears that the 'lack of infrastructure' is repeatedly mentioned by multiple groups, which includes advocates, supporting staff, and the CAO. While the

frequency of reporting ‘the lack of infrastructure’ is not as high as compared with other kinds of difficulties faced by them. Neither in their list of ‘suggestions for improvement’ does it figure higher up, although it is still considered as a significant factor affecting the judicial system.

Judges have expressed that ‘non-cooperation’ and ‘lack of manpower’ are the biggest challenges that they have primarily faced, which indirectly suggests that the absence of ‘digital infrastructure’ may impede the efficient handling and processing of cases. This could potentially contribute to delays in delivering speedy justice.

Advocates also identify ‘infrastructure problem’ as a hurdle only after ‘lack of manpower’ and ‘digitisation’, and they suggest improving infrastructure as a way to enhance services, but have given priority to digitisation and training program.

Supporting staff members identify ‘lack of manpower’ and non-cooperation from police, advocates and other as more of a difficulty over lack of infrastructure. They have suggested that more manpower and digitisation needs to be prioritised over proper infrastructure.

CAOs have rather given no response, over identifying ‘lack of infrastructure’ as a difficulty. Even in their suggestion, skilled manpower is recognised more than proper infrastructure.

Hypothesis 4: *The existing infrastructural impediments affect the proper operations of the subordinate judiciary at District & Session Courts in providing speedy access to justice*

This hypothesis highlights that the already existing infrastructure impedes functioning of subordinate judiciary at District & Session Courts, affecting their ability to deliver timely justice.

Table No 5.: The general operations of Court, this table looks at the condition of these operations after upgradation of these systems

Infrastructure	Improved	Not Improved
Case Allocation System	388	248
Case Filing System	404	174
Calendaring System	396	159
Payment & Deposit System	214	239
Case Files Archiving	249	203

Case Work Flow System	270	185
Law Search System	221	220
Retrieval System	214	234

This study considers 'lack of improvement' in existing infrastructure as an impediment, for instance the existing systems can become an impediment if they remain archaic and don't improve their conditions.

The above table presents the number of respondents who reported 'improvements' and those who reported 'no improvements' in different existing court infrastructures and systems. From this data, we can analyse how these improvements or lack of it thereof may affect the operations of the courts in providing speedy justice.

There is a drastic improvement in case filing system and calendaring system, others such as case allocation system, case files archiving, case workflow system, law search system have improved but the number of respondents who don't find any significant change is also quite significant. Finally, retrieval system, payment and deposit system need more improvement in coming times.

Similarly, here is another dataset collected from the CAO on existing infrastructures' improvement:

Table No.6: Impact of available infrastructure

Facility	Improved	Deteriorated
Computer Server Room	12	0
Diesel Generator	12	0
Judicial Service Centre	11	0
Computerized Library	5	4
Fire Safety System	13	0
Unified Computer Information	10	0
Computerisation of registry	8	3
Scanning digitisation	8	0
Mobile based service	11	0
Daily update of cause	6	3
Automated attendance marking	10	0
Lawyers chamber	9	0

Meditation chamber	12	0
Projector	11	0

This exhaustive data collected on all the facilities have mostly improved, except some downsides that can be seen with computerised library, computerisation of registry and daily update of cause.

7.2: Delay Cause: Insufficient Resources

Hypothesis 2: *The poor quality of infrastructural facilities causes inordinate delays in the decision-making process at District & Session Courts:*

The decision making process at District and Session courts seem to have improved over time. According to the data collected from 20 CAO, it is seen that in the year 2014-15, 50% of them think that no cases were disposed & 40% thought that no cases were instituted. If we compare this with the year 2018-19, it is seen that 50% of respondents think that more than 10000 cases were disposed and 45% were instituted. The situation seems to have improved over 5 years time. If we cross examine this with another dataset with responses from CAO we find that highest number of respondents still think that more than 10000 case clearance is happening in a year. Highest number of judicial officers and advocates believe that about 60-80% of cases are getting cleared in a year.

The hypothesis asserts that poor quality of infrastructural facilities causes inordinate delays in the decision-making process at District & Session Courts. Insufficient resources, outdated technology, or inadequate physical infrastructure may hinder the courts' ability to handle cases promptly, resulting in prolonged litigation processes.

In Table No.7 (below), the supporting staff have stated the reasons for delay in disposal of both criminal and civil cases,

Table No.7.1: Disposal of Civil Cases			
Reasons for delay	Non co-operation from advocates	62	9.8%
	Manpower problem	40	6.3%
	Digitization problems	32	5.0%
	Pendency of cases	8	1.3%
	No response	493	77.6%

This set of data where the respondents i.e., the supporting staff have stated reasons for the inordinate delay in decision making process, we see that non-cooperation from advocates, manpower problems, and digitisation problems contribute significantly to the delays. These issues suggest a lack of collaboration, inadequate staffing, and technological challenges. All of these factors does hinder the smooth progress of cases, resulting in prolonged litigation processes.

Part of Table 7.2, Disposal of Criminal Cases

Reasons for delay	Non cooperation from advocates	49	7.7%
	Non appearance of accused	42	6.6%
	Pendency of cases	85	13.4%
	Lack of staff	28	4.4%
	No difficulties	7	1.1%
	No response	424	66.8%

This set of data provides further insight into the reasons for delay in the disposal of criminal cases. It further reinforces the impact of insufficient resources on the decision making process at the courts. The non-appearance of accused individuals, high pendency of cases, and a lack of staff all contribute to delays.

Moreover, the significant percentage of “no response” cases suggests a lack of communication or follow-up, which can hinder the progress of cases.

Overall our hypothesis seems to have a direct co-relation with ability of district and session courts to handle cases effectively. Therefore, efforts need to be put in this direction to improve resource allocation, upgrade technological systems, and provide better physical infrastructure to support the functioning of the courts.

Therefore, based on this data we can say that the link between infrastructure with speedy justice system is necessarily not a direct one, they have indirect impact on the speed at which justice is delivered. Insufficient infrastructure may impede digitisation efforts, hinder the efficiency of various stakeholders, and contribute to delays in the judicial system.

Hypothesis 3: The dearth of quality infrastructure services assists in the mounting arrears of cases:

This hypothesis suggests that besides the physical infrastructure, lack of quality infrastructure services that directly assist in functioning of courts can have direct affect on the case arrears. In the data collected around 1215 advocates have responded that they are satisfied with physical infrastructure like dedicated entry point for advocates, but a large number of advocates are dissatisfied with quality of available services like video conferencing for jail and with electronic display of cause list near court room. On the other hand, they have been satisfied with judicial service centre, uninterrupted electricity supply and mobile based service delivery through SMS and Apps.

Within the courtrooms across the states where this empirical research was carried out if we use a scale of 1 to 5 (where 1 represents “ Highly Dissatisfied” and 5 represents “Highly Satisfied”) to find the average of the overall satisfaction level of services available in the courts. We find the following

Table No. 8: Average Satisfaction levels, observations on courts by advocates on facilities

Facility	Average Satisfaction Level
Space available for advocates in Court Rooms	3.26
Furniture available	2.77
Accessibility of Court Rooms from Bar Rooms	3.44
Present strength of Judicial officers	3.15
Present strength of support staff	2.95

If the mean for the above dataset is 3.11, it can be noticed that the strength of support staff and availability of furniture are below satisfaction levels

Alongside this we can also take a look at the e-facilities available, which can have correlation with arrears of case. The following table gives a fair understanding of e-facilities either available or not available as per the responses of advocates across states.

Table No.9: Availability of Infrastructure E-facilities for advocates

Facilities	Available	Not Available
Touch Screen Kiosks	406	702
E-Filing for Advocates	500	602
E-Payments for Advocates	166	951
E-Summons and Payments and Electronic Delivery of	97	1066

Summons and Notices etc.		
Computerised Court Libraries with Integrated Library Management Systems	359	799
Video Conferencing facilities in every court rooms/halls	384	672
Electronic display of cause list near every court room	447	575
Computerisation of the offices of DLSA and TLSC	457	606
Authentication Devices with GPS, GPRS connections for processing services	114	1064

7.2.1 Improved Efficiency:

E-facilities such as touch screen kiosks, e-filing, e-payments, and electronic delivery of summons and notices can streamline administrative tasks and reduce manual paperwork. Yet they are insufficiently present across courts. This has potential to speed up the case resolution process.

7.2.2 Enhanced Communication:

Video conferencing facilities can enable remote hearings and reduce the need for physical appearances in court. This can lead to faster proceedings and reduce delays caused by logistical issues. But even this is unavailable in many courts.

7.2.3 Access to information:

Computerised court libraries and electronic displays of cause lists can provide easy access to legal resources and information. This can assist advocates in preparing their cases effectively and minimise delays caused by the unavailability of essential documents. Many courts still have to equip themselves with these. The data above indicates that many courts still lack these equipment.

7.2.4 Automation of Processes:

Computerisation of the offices of legal services authorities and authentication devices with GPS and GPRS connections can automate various administrative tasks and services. This automation can contribute to more efficient handling of cases, reducing the backlog and mounting arrears.

Overall, the availability of all of the above listed facilities have a positive correlation with the mounting arrears of cases in courts. By improving efficiency, communication, access to

information, and automating processes, these facilities can help expedite case resolutions, reduce delays, and potentially address the back log of pending cases.

7.3.: Hindrance to Digitisation and E-courts mission:

***Hypothesis 5:** The ‘E-Courts Integrated Mission Mode Project’ implemented in the District & Session Courts, as a citizen-centric initiative, lacks a proper implementation mechanism*

***Hypothesis 6:** Due to a lack of proper infrastructural resources and a lack of required awareness, the digitalization of courts at the district level has, by far, failed in its objectives:*

There has been some difficulties in implementing the mission, 30.4% judicial officers suggest it is due to problems with digital infrastructure, 6% suggest it is lack of infrastructure and 18.9% suggest it is due to lack of technical persons. According to the data collected from judicial officers we find that there maybe some shortcomings or challenges in the implementation mechanism of e-courts. The availability rates for certain facilities are not consistently high, indicating a lack of uniform implementation. Some facilities, such as new personal laptops and printers, show a higher availability rate (70.1% and 65.9% respectively) compared to others. On the other hand, facilities like Thin computing clients and extra monitors have a relatively low lower availability rate (42.5% and 49.9% respectively).

Table No. 10: Availability Rates of all the facilities under the E-Court Mission:	
Facility	Availability Rate
New Personal Laptop	70.1%
Slim Line PC	49.9%
Thin Computing Client	42.5%
Printers	65.9%
LAN Points	58.9%
Extra Monitor	49.9%
UPS	54.1%

These availability rates represent the percentage of respondents who reported that the respective facility was available.

Under another dataset which tries to gauge the improvement of working systems as a result of implementation of e-court mission, we find that significantly high responses of improved working conditions were stated for a) case allocation system, b) case filing system, c) calendaring system, d) payment system e) case file archiving f) case work flow system, g) law search system, h) retrieval and presentation of case records, the following suggestion was made to improve efficiency under e-courts

Table No. 11: As suggested by advocates for digitalisation of operations

Proper infrastructure	6.5%
More manpower	4.8%
Need more digitization	19.2%
Need proper training to staff	14.4%
More awareness	3.9%
No response	51.3%

But is there any deficiency in implementing the mission, this question needs direct questioning about implementation of the missions. The CAO responded to questions regarding the funds received under the mission, the implementation of different phases and it’s effect.

Table No. 12: Implementation of E-Court Mission	
Implementation of E-Court Mission	Percent
E-Court Phase-I	45.0%
E-Court Phase-II	10.0%
E-Court Phase-1&2	35.0%
None	0.0%
No Response	10.0%

If there has been proper implementation then there would be some improvement in the courts system. Based on available data, we find that a majority of 60% of respondents felt that it had led to improvements. Therefore, it does seem like there is greater implementation of the mission, with proper mechanism in place for it, but the 40% still needs to be accounted for.

***Hypothesis 6:** Due to a lack of proper infrastructural resources and a lack of required awareness, the digitalization of courts at the district level has, by far, failed in its objectives:*

Judges received training under the e-court mission, our data shows that training was given for CMS, Case Information System, NSTEP, and JustIS Mobile app.

The idea behind digitalisation is to move away from manual dealings during the entire process of justice delivery, and provide end to end computerised services.

This hypothesis posits that the digitalization of courts at the district level has not met its objectives due to insufficient infrastructural resources and a lack of awareness among stakeholders. Manual recording is still carried in certain operations of the court. Here is a table highlighting the activities performed in the court and the extent to which they are digitised, considering the hindrance caused by manual recording.

Table no 13: Computerised or manual handling of operations, a list of all court activities

Activity	Digitized	Hindrance from Manual Recording
Filling of Cases	65.0%	35.0%
Checking for New Cases	60.7%	39.3%
Preparation of Summons	67.1%	32.9%
Updating of Daily Orders	74.3%	25.7%
Preparation of Cause List	74.9%	25.1%
Preparation of Court Diaries	49.9%	50.1%
Transcription of evidence	51.1%	48.9%
Warrants and notice generation	67.7%	32.3%
Preparation of decree	34.7%	65.3%
Delivery of decree	25.6%	74.4%
Issues of Copy of judgement/Order	53.2%	46.8%

In the table, the ‘digitised’ column represents the percentage of activities that have been digitised (either computerised or both manual and computerised), while hindrance from manual recording” column represents the percentage of activities where manual recording is hindering the digitalisation process.

Lack of end to end digital operation of courts is a significant reason which definitely can emerge from both lack of resources as well as lack of awareness.

The hypotheses are formulated based on observations, experiences, and feedback from judicial officers, chief administrators, and other stakeholders involved in the Indian legal system. Additionally, the hypotheses are informed by an understanding of the challenges faced by the judiciary, such as inadequate resources, outdated technology, lack of proper facilities, and the impact of digitalization initiatives.

Resource allocation and planning: The hypothesis helps in identifying the areas where infrastructural investments are most needed. It provides insights into the specific infrastructural requirements, such as computerized libraries, digitization mechanisms, or automated systems, that can streamline court processes and enhance productivity. This information is valuable for resource allocation and long-term planning, enabling authorities to prioritize infrastructural improvements based on their potential impact on reducing delays and improving access to justice.

Access to justice for marginalized populations: Infrastructure plays a crucial role in ensuring equal access to justice, especially for marginalized populations. By examining the relationship between infrastructure and access to justice, the hypothesis can bring attention to the disparities and challenges faced by underserved communities. It can highlight the need for targeted interventions to address infrastructural gaps in areas with limited resources, enabling a more inclusive and equitable justice system.

Evaluation of reform initiatives: The hypothesis allows for the evaluation of reform initiatives, such as the 'E-Courts Integrated Mission Mode Project' and digitalization efforts, by assessing their impact on the efficiency of the judicial system. If the hypothesis is supported, it emphasizes the importance of implementing and monitoring such initiatives effectively to maximize their potential benefits. If the hypothesis fails, it prompts a critical examination of the implementation mechanisms and identifies areas for improvement in reform strategies.

Overall, the hypothesis is crucial as it provides insights into the relationship between infrastructure and access to justice, guiding policy decisions, resource allocation, and reforms aimed at enhancing the efficiency and effectiveness of the judicial system for the benefit of all stakeholders involved.

These hypotheses provide a framework for exploring the relationship between infrastructural facilities and the delivery of justice, as well as identifying potential challenges and areas for improvement within the Indian legal system.

Chapter VIII

Findings and Recommendations

8.1. INTRODUCTION:

Speedy Trial and Speedy Justice are the essences of the Indian judicial regime. An effective civil and criminal justice system is assured to the citizen by the rule of law, where the foundation of the justice delivery system is laid on its 'infrastructure', in the absence of which the rule of law would not sustain. The linchpin of a strong and stable judicial system is a sound infrastructure which simultaneously plays a pivotal role in the justice dispensation process. It is difficult to ascertain the structured functioning of the District/Subordinate courts without the availability of requisite infrastructure, including personnel and digital infrastructure.

The study focused on various aspects of Infrastructural issues faced by Chief Administrators, Judicial Officers, Advocates and Support Staff within the research universe of the study. It has been observed that most of the issues revolve around the unavailability of basic infrastructural facilities, the absence of skilled manpower and issues with the implementation aspects of E-Court Missions. The data represents varied narratives about the benefits of E-Court Missions. For instance, the ways in which certain Court processes became efficient while others suffered due to issues with digitalization faced by either Support Staff or Advocates. The findings in stem from one such narrative, the first section focused on the absence of basic infrastructure and expected manpower, the second section focuses on the varied ways the E-Court Mission has affected the working of courts, and the third section focuses on how these issues intersect with the pendency in the court in general.

8.2 FINDINGS:

8.2.1. Dearth of Physical Infrastructure Services and skilled manpower

Some of the most significant findings of this research is about the state of physical infrastructure, IT Infrastructure and manpower that directly assists in court operations and proceedings. Judicial Officers, Advocates, Support Staff and Chief

Administrators are generally satisfied with the current state, there are some findings that we would like to bring out through this empirical research work. It is through few of our open-ended questions that the reality of infrastructure deficiency has emerged .

8.2.1.1 Basic Infrastructure

Space constraints: The lack of adequate space in courtrooms is a significant problem in many district/taluka court complexes.

A majority of **37.7% of Judicial Officers (JOs)** have reported this issue. Courtrooms are burdened. One of the major problem is that of space constraints. The Courtrooms are burdened with case files and archived case files, leading to a lack of space for people inside. As a result, advocates, litigators and parties have to stand in the courtroom due to limited space inside. The field investigators were able to sense dissatisfaction among the advocates regarding the accessibility of courtrooms. Often, the bar room was far from most of the courtrooms. Sometimes the passage from the bar room to the courtroom was found to be overcrowded with litigants and attendants

Availability of Basic Facilities:

Another major problem identified is the lack of basic facilities within the district court complexes. Around **30% of Chief Administrators** consider this as the most significant difficulty. However, only 7% of JOs and 27.65% of Advocates share the same opinion. Chief Administrators attribute this to the lack of funds for infrastructure development as the major obstacle in addressing this issue. They often rely on funds allocated from the High Court, and its implementation is dependant on specific conditions.

Insufficient Fire Safety Equipment:

It is concerning to note that approximately **39% of JOs mentioned the absence of fire safety equipment within their courtroom premises**. This indicates potential safety hazard, as courtrooms should have appropriate measures in place to handle emergencies.

Lack of Ahlmad Room, Executive Chair and TFT LCD:

About **29.3% of JOs do not have an Ahlmad room** attached to their courtroom, which may impact the efficiency of court proceedings. Additionally, **25% of JOs lack an executive chair and a mandatory TFT LCD** in the courtroom, which can affect the comfort and functionality of the courtroom setup.

Crafted enclosure for accused and witnesses:

Approximately **37% of JOs agreed that the enclosure is neatly crafted**, indicating their satisfaction with the quality and design of enclosure. On the other hand, **25% of JOs disagreed with the statement**, suggesting that they do not find the enclosure to be neatly crafted. The disagreement could be due to various factors such as poor construction, lack of maintenance, or inadequate facilities within the enclosure. There is a lack of uniformity in the quality and design of enclosures across different court complexes.

Insufficient furniture in Court Room:

There exists varied perceptions around availability of furniture. **Approximately 36.3% of JOs agreed that there is insufficient furniture**, while 30.7% disagreed with the statement. Insufficient furniture can have a negative implications for court staff and litigants, affecting their comfort and functionality with the court room.

8.2.2. Judicial Officers use their private vehicles for official duties:

A significant percentage of JOs, approximately **44.5% reported** using their private or personal vehicles for official duties. This indicates that a considerable number of JOs do not have access to government-provided vehicles and rely on their own means of transportation to fulfil their official responsibilities. On the other hand, a substantial portion, 38.3% of JOs states they commute using government-provided vehicle. This suggests that a substantial portion of JOs do have access to such vehicles. But the data indicates a potential shortage or limited availability of government-provided vehicles.

8.2.3. Inadequate infrastructure available for support staff in the district court complex:

Common rooms for male staff- Only 14.6% of support staff reported having a common room for male staff. This indicates that a majority, **77.5% do not have access to a dedicated room**.

Female Staff:

Similarly, 10.7% of support staff stated having a common room for female staff, while **80.6% reported not having any such facility**. This suggests a significant lack of common rooms specifically designated for female staff.

Staff Canteen-

Only 17.8% of support staff reported having a staff complex. This means that the majority, **76.7% do not have access to a staff canteen**.

Attached toilets-

Approximately 20.6% of support staff stated that they have access to attached toilets within their District Court Complex. However, a significant percentage of **73.7% responded** that they do not have any such facility available. This highlights the inadequacy of toilet facilities for support staff.

Computer Unit with multifunctional printer-

Around **53% of support staff reported having access to a computer** unit with a multifunctional printer in their district court complex. However, 41% of support staff indicated that such a facility is not available. This suggests that while a majority have access to this infrastructure, a significant portion still lacks it.

Overall the data indicates inadequate infrastructure for support staff in the District Court Complex. The absence of common rooms for both male and female staff, limited availability of a staff canteen, insufficient attached toilets, and the absence of computer units with multifunctional printers are significant issues that need to be addressed. Improving the infrastructure and facilities for support staff can contribute to their well being, productivity, and overall efficiency in carrying out their duties within the court complex.

8.2.4.. Absence of Skilled Manpower of Judges and Supporting Staff:

Regarding the lack of skilled manpower among judges and supporting staff in the district court complex:

Lack of Adequate Judicial Officers:

- Burden of cases: Judicial Officers expressed their concern about the burden of cases they have to handle on a daily basis, trying to maintain a balance between instituted and disposed cases. This suggests that there is a shortage of Judicial Officers to effectively manage the workload and maintain a timely disposition of cases.
- Dissatisfaction among advocates: A significant percentage of Advocates (**32.4%**) reported being dissatisfied with the strength of Judicial Officers in their district Court Complex. This dissatisfaction highlights the need for an adequate number of judicial officers to handle the caseload effectively.

Inadequate Support Staff:

- *Shortage of support staff:* The research revealed a crisis and absence of support staff in the District Court Complex. Advocates dissatisfaction (**37.2%**) with the strength of

support staff. This shortage of support staff can have a detrimental impact on the clearance of pending cases and the smooth functioning of court activities.

- *Lack of training and skill development:* It was also noted that support staff members do not receive any training or orientation programs for skill development, further exacerbating the challenges they face in carrying out their duties effectively.

Overall, the data emphasizes the need for addressing the shortage of skilled manpower among judges and supporting staff in the District Court Complex. It is essential to increase the number of Judicial Officers to manage the workload and provide timely justice. Additionally, recruiting and training an adequate number of support staff, are crucial for the smooth functioning of the court system and the clearance of pending cases.

8.2.5 Dearth of digital infrastructure and computerisation of court activities under E-court mission

Lack of Digital Infrastructure and IT support

- Support staff's perspective:

Support staff highlighted the lack of digital infrastructure in courtrooms as a major difficulty. They emphasized the need for more human resources and training to keep up with the rapid digitalisation of court activities.

- Advocates' perspective:

Advocates highlighted their **own inability to cope up with the technicality of digitisation process** especially the senior advocates. Also many have cited that networks/servers are always down. Therefore, technical support is an important area to look at, besides giving training to court staff and advocates to acquaint them with operations.

Inadequate IT Infrastructure

- UPS backup: While **54%** of JOs reported having UPS backup, **25.4%** stated that UPS backup was not available to them. This indicates that a considerable portion of Judicial Officers still do not have access to uninterrupted power supply for their courtrooms.
- Extra Monitor: Around **50%** of Judicial Officers have an extra monitor on the dais, **but 27.6%** do not have this facility. This suggests a lack of consistent provision of necessary equipment.

- LAN Ports: Approximately **59%** of Judicial Officers reported having LAN ports available in their courtrooms, **while 21.7%** stated that they do not have access to such ports. This highlights the need for consistent networking infrastructure.
- Computer Facilities: Availability of computers in various areas of the court complex varied. While some areas, such as the chamber's steno room(**70.4%**) and the steno's dais (**83.9%**), reported high availability, other areas, such as the Ahlmad's computer (**58.6%**), reported lower availability. This indicates inconsistencies in the provision of computer facilities across different roles and locations within the court complex.

Printer and IT Equipment

- Printers: Around **66%** of Judicial Officers reported having printers in their courtrooms, while **15.5%** stated that printers were not available. This suggests that there is a significant percentage of courtrooms without access to printers, which can impact document management and workflow.
- Thin Computing Client, Slim Line PCs(**49.9%**), and Official Laptop: The availability of thin computing clients (**42.5%**), slim line PCs (**49.9%**), and new official laptops (**70.1%**) varied among JOs. Some reported not having access to these IT equipment, indicating inconsistencies in the provision of modern computing resources.

Therefore, there is inconsistent availability of UPS backup, extra monitors, LAN ports, computers, printers, and IT equipment. This highlights the need for improved IT infrastructure and standardised provision of necessary tools across courtrooms. Addressing these issues is crucial for the successful implementation of digital court processes and enhancing efficiency in the judicial system.

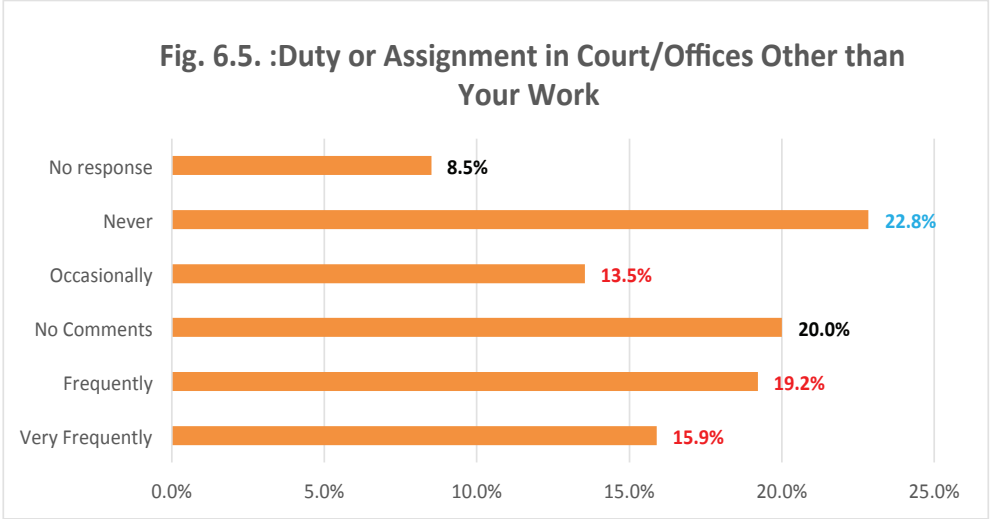
Lack of Proper Implementation of E- Court Mission

- *Burden on support staff including performance of non-official assignments:*

There is a direct impact of availability of time for official assignments with reduction of pending cases. When the available time is diverted to some unproductive assignment, then productivity at official work drops over time. This is evident from the primary data collected from the supporting staff, employed at district and taluka courts in the selective States.

The Support Staff often performs various other tasks apart from the assigned task in Court/Office to better assist the functioning of Courts. On one hand the implementation of

E-Court Missions has led to an increased burden on the support staff. The practice of double entry, where manual and digital records are maintained for court activities, adds to their workload. On the other hand, such supporting staff are also involved in other non-productive assignments. However, often such other tasks diminish the working ability/time of Support Staff in terms of assigned official work.



As shown in Fig. 6.5. 22.8% of Support Staff responded that they are Never allotted a duty or assignment other than their own work. Around 13.5% of the supporting staff were of the considerate views that they were involved in personal work **occasionally**. On the other hand, around 19.2% of Support Staff acknowledged that they are **Frequently** assigned work other than their own. Further, 15.9% of Support Staff also responded that they are **Very Frequently** assigned work or duty in Courts/offices other than their own. Therefore, taking into account the feedback from Supporting staff engaged in the specific district courts around **48.6% of the respondent were involved in non-official work of the courts.**

In other words, as per the opinion of around **300 respondents out of the total respondents (622)** supporting staff were involved in work other than official assignments. It is logically inferred that such an arrangement for supporting staff has reduced available time for official assignment, therefore contributing to the pendency of cases directly or indirectly.

Lack of manpower and Digital Infrastructure:

Advocates and support staff have expressed **dissatisfaction** with the functioning of E-courts, pointing out the lack of man power and digital infrastructure. This suggests that there may be a shortage of staff and inadequate technological resources to effectively implement E-court missions.

Incomplete Implementation of E-court missions:

Chief administrators have highlighted the lack of proper implementation of E-court missions. Specific issues include the **absence of touch kiosks, E-facilities for advocates, E-payment facilities, E-Summons, computerised court libraries, video conferencing facilities, electronic display of cause lists, authentication devices in courtrooms, and big display monitors for current cases.** This indicates that the full range of services and facilities intended under the E-court Missions are not available in most courts.

Advocates' Awareness and Perception:

Around **63.46%** of advocates were aware of E-Court Mission in their respective District Court Complexes, while 29.63% were not aware.

Among those aware, a portion of Advocates (**10.21%**) felt that the functioning of the court had significantly improved due to the E-court projects, while a larger percentage (**30.7%**) believed it had somewhat improved. A smaller percentage (**13.5%**) reported that there was no significant change, and a minute portion (**4.44%**) mentioned a slight worsening of court functioning due to the E-court projects.

The findings indicate that the implementation of e-court Missions has faced challenges, such as a lack of necessary infrastructure and services, leading to dissatisfaction among advocates and support staff.

Availability of Electronic Display facilities in courtroom:

Approximately **45%** of Judicial officers reported having electronic display facilities in their courtrooms. This suggests that significant portion of courtrooms is equipped with electronic display screens to aid in presenting information during proceedings.

Lack of Electronic Display facilities in courtrooms:

Around **30%** of judicial officers stated that electronic display screens are not available in courtrooms. This indicates that a considerable number of courtrooms still rely on traditional methods of displaying information, potentially causing limitations in effectively presenting relevant data.

Ongoing Installation of Electronic Display Screens:

Approximately **20%** of judicial officers mentioned that the installation of electronic display screens is currently in progress. This implies that efforts are being made to introduce electronic displays in courtrooms, indicating a potential transition towards modernisation and improved information sharing.

Availability of Electronic Display of Cause List:

Among the surveyed advocates, **50%** responded that an electronic display of the cause list is available in their district court complexes have implemented electronic displays to present cause lists, aiding both the advocates and the court staff in accessing relevant case information.

Lack of Electronic Display of Cause List:

Around **40% advocates** reported that an electronic display of the cause list is not available in their district court complexes. This implies that a significant proportion of court complexes still rely on traditional methods of sharing cause lists, potentially leading to challenges in accessing and staying updated on case information.

Computerisation of DLSA and TLSC Offices:

According to **49.8% of advocates**, the computerisation of the Offices of District Legal Services Authority (DLSA) and Taluk Legal Services Committee (TLSC) has not been achieved. This indicates that almost half of the advocates perceive a lack of computerisation in these offices, potentially affecting their efficiency and effectiveness in delivering legal services. Availability of Authentication Devices with GPS and GPRS connections are not available. This suggests a lack of access to technology-driven authentication methods, potentially impacting the efficiency and security of legal processes.

Availability of Big Display Screens for Current Case Display in Bar Rooms:

As per **67.24% of advocates**, big display screens or monitors for the current case display board are not available in bar rooms. However, 21.5% of advocates reported that such displays are available. This indicates a mixed availability of technology-based case display boards, with a majority of advocates stating their unavailability

E-Filing:

Online filing of cases is not the primary mode of filing yet, hybrid and dual mode of e-filing is mostly preferred, it is noticed that it gives additional flexibility to users who may prefer offline filing options. Therefore, **cases filed online do not remain in the electronic format despite the initiatives taken by the government.**

Difficulties faced by advocates with e-filing process, online format of filing cases and translation work by advocates:

Advocates have identified several difficulties while e-filing. By using an open ended questionnaire we have found that problems with **document management, server issues, lack of computer resources, user interface challenges, storage problems, and a lack of knowledge and training in computer technologies exist.** These findings suggest that the transition to e-filing in the legal system has encountered significant challenges. It appears that there is a lack of adequate infrastructure and resources to support seamless e-filing processes. The server problems and network issues indicate a need for improved technical infrastructure and maintenance. The difficulties with document management and data storage highlight the importance of robust and reliable systems for organising and preserving legal documents. The lack of familiarity with computer technologies and the need for computer operators emphasize the importance of training and support for legal professionals to effectively utilise e-filing platforms.

The concerns raised by rural advocates and the mention of network issues suggest that there may be disparities in access to technology and internet connectivity, which need to be addressed to ensure equal access to the e-filing system. The mention of difficulties for senior advocates and the protection of gadgets implies that there might be a need for tailored support and security measures for individuals who may be less technologically inclined or experienced. Overall, the findings indicate the need for improvements in technology infrastructure, user interface design, training programs, and technical support to address the challenges faced by advocates during e-filing.

Lack of dedicated software for translating documents from the local language to English and vice versa:

The above statement suggests there is a lack of dedicated software for translating documents from the local language to English and vice versa. This implies that advocates do not have access to automated translation tools to assist them in their work. Advocates take up translation as part of their work. This might indicate a gap in language services, highlighting the importance of developing software or services that can facilitate document translation and improve accessibility to information across different language.

E-payment:

- Approximately **50%** of Chief Administrators have E-payments available in their complex, while **30%** do not have this facility. This indicates that cashless transactions are being favoured quite rapidly in the courts at different levels.
- Only 20% of CAO are satisfied with the quality of E-Payment services
- Around 20% are dissatisfied with E-Payment services
- While a majority (55%) did not respond to the question.
- E-Payments are gateway to smooth cashless transaction and any inhibition or fear during transaction needs to be removed with reliable payment portals.

E-Summons :

- Only **45% of CAO** have an E-Summon facility in their District Court Complex, while 40% do not, about 35% of CAO are satisfied with the E-summons facility, whereas 15% are dissatisfied. About 57.7% do not have E-summons facility in their court premises.
- E-Summons are effective, faster and cost cutting method that should be taken benefit of, by officers. The rates of availability suggest its usage but its absence rates shows that less efforts are being put towards adopting electronic summoning.

Computerised Court library:

- **Majority of CAO (90%)** reported absence of Computerised Court library in their complex. Only 5% of CAO have a computerised court library. 80% of JOs do not have a Computerised Court library in their court complex. 65.7% of advocates do not have access to a computerised library with an integrated management system.
- Computerised Court Library are a step towards modernising libraries across various courts and creating a network within which could provide a rich resource material for those working there, but the lack of such a step shows lack of seriousness towards building such spaces that are highly important to any institution.

Video Conferencing Facilities:

- **55% of CAO** have video conferencing facilities while 45% do not have it, 32.7% do not have video conferencing in their court complex, 55.31% advocates do not have video conferencing.
- This is indicative of disinterest in having and utilising modern equipments that could make the operation of courts easier. This also draw our attention towards the availability of internet connectivity without which such facilities will be of no use.

WAN/LAN availability, Internet Connectivity as well as electricity's status in District and Taluka Courts:

- In a small sample with **29 respondents** were asked about availability of WAN/LAN separately in district and taluka courts, there were **19** who said there was WAN/LAN in **district courts**, **9** who said there was none, while 1 filed in no reply. The internet connectivity is **not 100% present** as one would have expected in district courts
- While in the **Taluka courts**, 14 said there was WAN/LAN, few of them had said that the connectivity which was available was poor, 9 said there was none, 6 filed no reply. The situation at Taluka level seems not very well when compared with the district level.
- Out of **29 responses**, **26 said there was internet and electricity**, 1 filed no reply, while 2 said it was not available in **District Court**. At the **Taluka court** -23 said there was both internet and electricity, nearly 5 did not reply and 1 said no to their availability. These basic amenities show a big variation at both the levels. One would expect uninterrupted services in both the levels of courts but unfortunately the situation is not so.

This data is retrieved from a small sample group which showed the condition of internet connectivity, WAN/LAN and electricity across various courts. These indicate that district courts have better facilities than taluka courts, also the availability of WAN/LAN connectivity, internet connectivity, and electricity supply are better compared to Taluka courts. But this gap needs to be reduced by prioritising the fund allocation and utilisation.

8.2.6. *Pendency of cases and Infrastructure:*

This section tries to interconnect the above two sections with the pendency of cases.

- Judicial Officers acknowledge that the pendency of cases is increasing and burdening them with more workload.
- Setting quantitative targets for JOs or courts is a practiced solution within the District Court Complexes to manage pendency, but it may affect the quality and nature of justice.
- Non-cooperation from advocates and others is cited as one of the reasons for the pendency of cases.
- Lack of manpower, including both judicial officers and skilled support staff, is related to pendency
- Improper digitisation of the judicial system is flagged as an issue by judicial officers and CAOs.

Nexus between Lack of Infrastructure and Pendency:

- There exists a nexus between the lack of proper infrastructure , availability of skilled manpower, and digitisation of the judicial system at the lower judiciary.
- The lack of an automated attendance marking system in district court complexes is reported by **50%** CAOs, which can potentially affect punctuality and remove casual attitude towards court's valuable time.

Hybrid Modes of Operations and Preference for Offline Activities:

- Majority of CAOs reported that various courts activities such as case filing, checking new cases, preparation of summons, updating daily orders, preparation of cause lists, court diaries, and transcriptions are **carried out both manually and computerised**.
- **Preference is given to offline activities**, as reported by CAOs, this indicates disinterest in upgradation and opting for convenience, also this shows that technical skill holds a lot of value and there needs to be proper recruitment of skilled manpower to assist in court's activities.
- Most of the Advocates prefer offline filing of applications, suits, etc. at the Taluka and District Courts.

Effect of E-Court Mission Training:

- Administrators acknowledges receiving proper training for E-court mission, while **20%** mentioned that neither judges nor support staff received training. Upgrading

technical knowledge for ease of operation is being taken up seriously and more efforts are being put in this direction than before.

- The E-court mission has had positive effect on case allocation systems and case filing systems, according to a majority of CAOs .
- Calendaring systems have shown improvement, but there are some reports of deterioration. E-court mission's initiatives are increasing accessibility for all stakeholders.
- Payment and deposit systems, case file archiving systems, case workflow systems, law search systems, and retrieval and preservation of case records have shown mixed response in terms of improvement and deterioration. There is a need to regularise operations, without which informality seeps into work sphere and accessibility to courts remain affected.

8.2.7. Satisfaction with Funds under the Centrally sponsored scheme to District Courts:

Only 15% of CAOs expressed satisfaction with the funds received under the CSS for District Court Complexes. This suggests that a majority of CAOs were dissatisfied or felt that the funds were inadequate.

Lack of opinion on funds for E court Mission and Fast Track Courts:

A significant percentage (60%) of CAO had no opinion on the satisfaction level of funds received for the E-court Mission I & II and the Fast Track Courts scheme. There seems to be no clear consensus, and many are unfamiliar with the fund flows and obstacles attached with this initiative. Similar thing has happened where the CAOs are significantly not aware and have no opinion about financial support from the state government.

8.2.8. Majority of pending cases are below 10 years :

According to **39.2%** of Judicial Officers, the highest number of pending cases is between 5 to 10 years old, an additional 33.8% of Judicial Officers, stated that the highest number of pending cases is 3 to 5 years old. This implies that a combined total of **73% (39.2%+33.8%) of Judicial Officers reported that the majority of pending cases fall**

within the range of 3 to 10 years. Only 5% of Judicial Officers stated that the highest number of pending cases is between 10 to 20 years old.

Concerns about intervention and digitisation:

The Judicial Officers who disagree with the notion of intervention argue that they handle different types of cases and face challenges due to the digitization of case records. This indicates that some JOs perceive difficulties in processing pending cases, potentially attributing it to the impact of intervention measures and the transition to digital case management systems. Majority of pending cases are fairly recent , primarily within the range of 3 to 10 years, according to JOs.

8.2.9. Inadequate Training and its impact on Support Staff:

- *Court Management System training:*

Only 3.5% of Support Staff responded that the training received highly improved their working, while **28.2% stated** that it improved their efficiency. This indicates that a small percentage of Support Staff experienced a significant improvement, while a larger proportion found the training to be beneficial but with moderate impact.

- *Case Information Systems training:*

For this training, 11.8%of Support Staff reported a highly improved efficiency, and **43.8%** stated that their efficiency improved. This suggests a relatively higher impact compared to the Court Management System training.

- *NSTEP training:*

Only 1.4% of Support Staff mentioned a highly improved efficiency. This indicates a low impact of NSTEP training on their work.

- *JUSTIS Mobile App training:*

Around 1.3% of support staff reported a highly impacted efficiency, 6.6% stated that it improved their efficiency. The impact of this training appears to be limited.

Training received by Support Staff

- *Court Management System training:*

- Approximately **26% of Support staff received this training, while 51% did not receive any form of training in this area.** This suggests a major reluctance in upgradation of skills and also that such a training was not made mandatory

for support staff is telling of the fact that the support staff is in flux and there needs to be a system for continual training of new recruits and orientation programs.

- *Case Information Systems training:*

About **62.2%** of Support Staff received training in this area, while **28.2%** did not receive any such training. Same reasons as above holds true for this.

- *NSTEP Training:*

Only 10% of Support Staff received training in National Service and Technical Electronic Process, while **57%** did not receive any training in this regard. This is a very small number that received training, this is revealing of the fact that these training programs are not taken very seriously by the management.

Reluctance to disclose infrastructure and staff details:

- Judicial Officers were unwilling to disclose the details of physical infrastructure and the quality of supporting staff, citing concerns that it would adversely affect their institutions. This may indicate reluctance to openly address deficiencies in infrastructure and staff resources.

Cumbersome procurement and maintenance process:

- CAO expressed the opinion that local services provided by state governments for the maintenance of court complexes are of low quality and ineffective. This suggests dissatisfaction with the support received from state governments.

Heavy workload for Judicial Officers and Single Judicial officers for combined civil and Criminal Courts:

- In most states it is observed that a single judicial officer is responsible for handling both civil and criminal cases, with an average of over 50 cases listed for trial and other requirements daily. This indicates substantial workload for the judicial officers.

Unwillingness to disclose infrastructure deficiencies:

- Judicial Officers were unwilling to provide specific deficiencies related to infrastructure services, including human resources and physical infrastructure at the court complex. This reluctance to comment may be due to concerns about the impact on their institutions.

There are concerns about the procurement and maintenance process, dissatisfaction with local services, and heavy workloads for JOs. The reluctance to disclose infrastructure deficiencies suggests a need for improvement in transparency and addressing the challenges faced by court systems.

8.2.10. Other Reasons for Pendency of cases before the district courts:

Lack of cooperation and coordination among all departments of District Courts :

This is considered as a major reason for pendency of cases. **Around 22% of Judicial Officers cited non-cooperation from advocates or litigants as a significant factor contributing to the backlog.**

Non-compliance to official working hours at District and Taluka Courts:

During the Course of visit of the research team to selective district courts and covered taluka courts, it was observed that most of the **courts did not strictly adhere to official working hour of 10am to 5pm**. It is seen that most of the Courts in the districts commence in between 10.15am and 10.45am and Taluka Courts between 10.30 and 11am, thereby directly/indirectly contributing to the pendency.

Insufficient Manpower:

Approximately 14% of Judicial Officers identified the lack of manpower as a major reason for the pendency of cases. This suggests that there might be an inadequate number of judicial officers and supporting staff to handle the workload efficiently.

Infrastructure Limitations:

Around 10% of Judicial Officers mentioned the lack of infrastructure as a reason for the pendency of cases. This implies that the district courts might face challenges in terms of physical facilities and resources required for efficient case management.

Heavy workload:

While a smaller percentage (5.4%) of Judicial Officers mentioned it, the excessive workload was identified as a contributing factor to the pendency of cases. This indicates that the volume of cases handled by the district courts exceeds their capacity to process them promptly.

E-services and Digitisation:

Some JOs(4.8%) acknowledged the lack of proper digitisation as an obstacle to reducing case pendency. This suggests that the adoption of electronic services and digitised processes could potentially improve the efficiency of case management.

Nature of Employment of Support Staff:

A majority of Judicial Officers (57.7%) were not aware of the nature of employment of most supporting staff. However, among those who responded, **a significant percentage (12.7%) mentioned that temporary or casual employment of support staff leads to lack of support within the court system.** On the other hand, a considerable number (24.5%) believed that the nature of employment makes support staff more cooperative. Some officers (3.9%) even expressed the need for more efficient support staff.

These inferences highlight the challenges faced by the district courts in reducing case pendency, including issues related to cooperation, manpower, infrastructure, workload, e-services and the nature of support staff employment. Addressing these factors could potentially improve the efficiency and effectiveness of the court system.

8.3 RECOMMENDATIONS:

Quality of Infrastructure and quality of human resources have grave linkages to the quality of judgments and speed of trial processes; therefore, the State and Central government must equip local courts with the best human resources and IT services to reduce pendency and restore public trust in the judicial process. The entire lower judicial system needs restructuring. The issue of lack of infrastructure and human resources in terms of the space of courtrooms, availability of basic furniture, digital infrastructure and skilled manpower needs to be monitored at the lower judiciary level.

- Infrastructural Intervention is required whereby an independent IT department equipped with the latest hardware and software with sufficiently trained manpower to manage and service, at District and Taluka courts should be present. This should have a training component attached with it.
- Further, a strict compliance policy should be drafted mandating the construction of new court buildings within a Court Complex on a yearly basis. Such a compliance policy should constitute a State level Committee to adhere to the timely disbursement of funds dedicated or given under a Centrally Sponsored Scheme (CSE) to a particular District Court Complex.

- The High Courts should introduce a grading system for District Courts based on their Administrative Performance and the varied methods a District Court employs to reduce the infrastructural gap and burdening pendency. Further, in order to make High Court Administration accountable for the district-level performance, a similar approach should be adopted to grade respective High Courts in terms of granting funds.
- Apart from the above intervention to deal with the huge pendency, it is recommended that the system of creation of separate courts for civil and criminal matters, also manned by different Judicial officers, should be implanted across the nation.

8.3.1 Independent Infrastructure divisions to be created that can establish proper coordination with local administration with the help of its regular and not deputation based Supporting Staff

The High Courts of the respective state are liable or accountable for disbursing of funds received under various schemes. The District Court Complexes rests on the grants approved by the High Court Committee for any kind of infrastructural-related expenses. The District Court Complex should be allotted a certain amount of funds to provide quick solutions for any infrastructure-related issue in at least five working courts.

- It is certain from the findings and study that inadequate human resources are the main issue related to pendency and rising cases. The High Courts should start a recruitment drive specifically for skilled permanent support staff in various District Court Complex. The recruitment drive could be focused on region-based or district based. Further, new recruits should be provided with regular rejuvenation training with senior Support Staff to better understand the Court Process and functioning of Court systems.
- The implementation of E-Court Missions is monitored through a web-based assessment process. Such an assessment process should consist of a variable of judicial system-specific interventions and quality check interventions.

8.3.2 Appointment and Induction Training to Supporting Courts Staff should be provided:

Pendency can be taken care of by stimulating skilled manpower and other infrastructural services. 10.7% of Judicial Officers were of the opinion that the judiciary needs better

infrastructure, 9.3% of Judicial Officers suggested provisions for more manpower, 4.2% of Judicial Officers said better training should be provided, 6.2% of Judicial Officers informed that they need proper digitization,

- The support staff lack proper training and often face difficulty in grasping legal language. The scarcity of Support Staff affects the working of Courts, as the most efficient supports staffs are often transferred to higher/senior courts within the District Court Complex. Additionally, there should be two separate cadres of court staff: Court Specific and Office Specific Staff.
- Available human resources are inadequate, ill-equipped, and lack a sound understanding of the functioning of the current judicial regime. **There is an urgent need to employ skilled full-time and Permanent Court Staff.** The Practice of outsourcing such posts should be discontinued. Further, the Supporting Staff must be provided induction training on the functioning of the Court systems and the necessary drafting of relevant documents. Regular capacity building and training programs for the court staff should be organised in the district court complex. Proper induction training and orientation program should be part of the policy on court administration.
- No personal work other than those related to courts should be allotted to the support staff as this would only result in hindering the court's day to day activities, and also create informal practises to prevail.

8.3.3 Availability of Independent Computer system for Support Staff:

- There is an urgent need to employ sufficient skilled full-time and permanent IT staff at District and Taluka Courts to empower the e-Operations of Courts. The practice of outsourcing such posts should be discontinued. Further, its staff must be provided induction training on the functioning of the court systems and necessary drafting of relevant documents at district and taluka levels. Upgradation of hardware and software, including internet connectivity and speed of the net at regular intervals, must be a part of long-term national policy on CSS and other programs dealing with pendency and infrastructure impediments.
- The computer systems provided under the E-Court missions are often non-functional. The Judicial Officers and Chief Administrators suggested that the computer systems must be replaced after every five years. Further, each Court

should have an office-cum- computer maintenance annual fund to maintain their systems.

8.3.4 Dealing with Pendency through improved E- Courts, more emphasis should be laid on sustaining the filed cases in electronic form till the end to increase efficiency.

8.3.5 Creating a helpline number to assist in e-filing services for citizens, to improve accessibility and remove obstacles.

- The High Courts of respective District Courts Complex often provide a specific quantitative target to Judicial Officers. Such an incentive often doesn't acknowledge the administrative aspect of efforts by certain Judicial Officers. The assessment should also incentivize alternate methods to resolve the dispute in the cases. Further, New Court similar to Fast Track Courts should be formulated to deal only with pending cases in a particular District Court Complex. The Courts should have specialized expertise in most of the pending cases in a District Court Complex.
- The practice of double entry should be avoided and end to end electronic format should be adopted, i.e., performing tasks like E-Fillings or E-Summons, should be done in single mode only. A committee should be formed headed by member-process and member system to draft state-specific mechanisms. In addition, the IT team should be well-staffed in every court.
- A dedicated hotline number to resolve any doubts regarding e-filing will go a long way in opting for electronic format of filing cases in future.

8.3.6 Functional Integration of Departments at District Courts.

- There is a need to integrate the function of all departments at District courts to ensure effective cooperation and coordination among all departments of District Courts for the purpose of handling files and other records.

8.3.7 Empowerment of Judicial Officers for effective implementation of CSS I, II, and III:

The Judicial Officers also received training in National Service and Tracking of Electronic Processes; around 41.1% of Judicial Officers said that they did receive training in it, while 37% of Judicial Officers did not receive any form of training in it. The JustIS Mobile App is another such intervention to ease matters and make it more convenient for users; 39.2% of

Judicial Officers responded that they did receive training in it, while 38.9% of Judicial Officers responded that they did not receive any such training.

8.3.8 Creation of Independent Courts: Separate Court for Civil and Criminal Matters

In order to stimulate specialisation and reduce the pendency of cases, the State of Delhi has created a system of separate Civil and Criminal Courts handled by different judicial officers. However, it is seen that most of the States have appointed ONE Court, manned by ONE Judicial officer, to deal with both civil and criminal matters. It is firmly believed that the right person or human resource at the right place can do wonders. If a specialized Judicial officer is given responsibility only for civil or criminal matters, then the pendency would also be reduced; it will also enhance the quality of judgments.

The Judicial officers and Chief Administrative officers (Principal and Sessions Judges) have also recommended creation of separate courts for Civil and Criminal matters to deal with long daily cause list averaging more than 50 items per day and dealing with huge pendency.

Therefore, in order to deal with the huge pendency, it is recommended that the system of creation of separate courts for civil and criminal matters, after taking into account the number of pending civil and criminal cases, also manned by different Judicial officers, should be implanted across the nation.

8.3.9 Monitoring vacancies and transfer policy of Judicial Officers:

In order to equip all Courts with quality judicial officers, existing vacancies and future vacancies of judicial officers should also be monitored on priority, and desirable actions must be completed in advance. Further Transfer of Judges, without affecting the operations of Courts, must be done during vacation only.

8.3.10: Dedicated Team to Monitor Utilization of Fund from Central Sponsored Schemes (CSS):

- A dedicated team should be appointed, which will be in charge of monitoring the progress and utilization of funds transferred from CSS.
- Studies show there is slow utilization of funds by the state government, which are allocated from judicial projects. The team will see whether the matching contribution was made by the state government or not.

- Also, poor coordination among different departments in implementing infrastructural projects leads to not completion despite fund availability. It has been observed that out of a total of 982 crore rupees sanctioned under CSS to States and UTs for the development of infrastructure in courts, only 85 crore rupees were utilised by a combined five states, and the remaining 91 per cent remained unutilised¹²⁹.

8.3.11: Encouragement of use of Local Language, need for better translation services via translation software to reduce burden on advocates

- The language used in court processes is English, whereas many court staff are unaware of the English language (oral/written), which prolongs the court processes. Thus, the use of multilingual language in the court system must be encouraged.
- There is a need to use software for translation work, the heavy workload on advocates to make translation work is a time taking process which only delays time.

8.3.12. Strict compliance to official working hours at District and Taluka Courts:

In order to take care of punctuality, compliance to standard working hours, and also to take care of pendency and effective utilisation of the working hours, it is recommended that a proper mechanism to ensure punctuality and compliance of official working hours at district and taluka should be implemented and monitored. It is suggested that biometrics system for attendance can be introduced, alongwith softwares that keep attendance records, to keep checks on delays .

8.3.13. Commitment to official assignments for reducing pendency:

As also observed from the primary data, that around 50% of the supporting staff were called upon to perform non-official assignments also, Thereby adversely affecting the availability of time for official assignments and reducing pendency. It is also important to mention that public servants, as the trustees of public offices, are paid out of public exchequer for performance of public functions and also the service jurisprudence also restricts performance of non-official assignments during official Therefore it is suggested that the charter of duty for service personnel engaged in the services at District Courts should be restricted from performing non-official assignments.

¹²⁹ Soibam Rocky Singh (6th December 2021), Judicial Infrastructure A Neglected Case, The Hindu, <https://www.thehindu.com/news/cities/Delhi/judicial-infrastructure-a-neglected-case/article37859686.ece>

8.3.14.Scope of Further Research on Impediments in Construction/maintenance of Court Halls/Residential Units:

The research study focuses on the perception of the lack of infrastructure in Sessions and District Court within the selected Courts. The physical and administrative aspects of focusing on building the infrastructure were not part of the research study. As quoted by most of the Chief Administrators, there is a link between a lack of infrastructure and pendency and slow disposal of cases. The issues and suggestions are subjective in nature as every District Court Complex has a unique set of challenges. The report showcases the broad patterns which need further investigation.

8.3.15.Scope of Further Research: to examine the status of available infrastructure and its impact on the same with an increase in the working strength of Judicial Officers and pendency and disposal patterns in courts.

The approved study focused on the quality of available infrastructural services in the selected District and Sessions Courts. It records the perceptions of Chief Administrators, Judicial Officers, and Support Staff with respect to an available and upgraded facility.

Of course, it has been accepted by all stakeholders involved in access to justice at District Courts that the availability of quality physical infrastructure, IT services, Skilled Judicial Manpower and supporting staff directly impact the pendency of cases. However, it becomes problematic to measure such an impact in statistical terms without looking into the moderating and mediating variables such as the rate of filing cases, disposal rate of cases, availability of Judges during the said period, efficiency/ skills of Judges, and other relevant factors affecting the said causal connection.

Further, out of 20 Districts visited during research, only the Dindigul District Court in TN had shifted to a new complex, where no such data regarding the pendency of cases before and after shifting to the new complex has been maintained.

A completely new research study is required to understand such patterns. Thus, the current research study becomes foreground for research focusing on the Sessions & District Courts covered under the *Nyay Vikas* monitoring mechanism.

8.3.16. There is a need to frame a National policy on Infrastructure services at District Courts

The research report also espouses the recommendations of the Hon'ble Chief Justice of India on the dearth of quality infrastructure at district courts across the nation. It is reiterated that there is an urgent need for the creation of some Centralised agencies at the Central and State Levels to coordinate and monitor infrastructure services at District Courts to ensure the availability of good IT services on a regular basis. The organisational structure, powers, jurisdictions funding, and other concerned matters are suggested to be dealt with by another empirical research.

Primarily, address the issue of judicial pendency where the primary concern is its infrastructure. A strict Compliance policy should be constituted to construct the new court complex. The infrastructure of the existing court building should be adequately maintained. A National Policy under the guidance of the Supreme Court introducing a grading system of the district court complex across India should be brought into being. Based on those grades, the functioning of a district court must be adjudged. Further, proper action toward its improvement and advancement should be taken.

8.3.17. Creation of Human Resource Management and Development Cell:

The study brings to light a form of Human Resource Management and Development Cell within the District Court Complex. Such a cell should focus on training Judicial Officers and Support Staff about administrative works and judicial works in their respective courtrooms. Further, it should be adept in effectively training newly appointed court staff and regular refresher course.

8.3.18 .Independent District Court Development Funds:

The District Court Complexes are dependent on the State Government for allotment of funds on any Centre or State Government scheme. A separate fund for court development created through revenue generated by Court fees etc. may be utilized by courts for infrastructural development. Such a fund will give autonomy to various District Complexes to develop the required infrastructure as per the requirements.

ANNEXURES

Questionnaires:

EMPIRICAL STUDY TO EVALUATE THE DELIVERY OF JUSTICE THROUGH IMPROVED INFRASTRUCTURE
Questionnaire for Judicial Officers
<p>Sir/Madam,</p> <p><i>GoodDay/Namaskar</i></p> <p><i>I, Prof. Jeet Singh Mann, Professor of Law, National Law University, Delhi, under the Research Project funded by the Department of Justice, Ministry of Law and</i></p> <p><i>Justice, the Government of India, is undertaking research on judicial infrastructure.</i></p> <p><i>This questionnaire is designed to evaluate the delivery of justice through improved infrastructure. The basic objective of this research is to identify the infrastructural impediments in the operations of the subordinate judiciary at District & Sessions Courts in providing effective and quick access to justice in India. Information collected through this exercise will be kept confidential and shall be used for academic purposes only. Therefore, you are requested to kindly fill out this questionnaire</i></p>
Name (Optional):
Name of Court:
Total Experience:
State/ District Court Complex:

I. Physical Infrastructure

Q.1. Does the following basic infrastructure is available in the Court Room?

	Infrastructure Facilities in Court Rooms	Available (A)	Not Available (B)	In- Process ©	No Response (D)
1. 1	Executive Office Table				
1. 2	Telephone				
1. 3	Senior Executive Chair				
1. 4	Quality Sanitary Provisions				
1. 5	TFT LCD Screen on Dias				
1. 6	Desktop Computer in your Chamber				
1. 7	Laser Printers/MultiPurpose Printer				
1. 8	Ahlmad Room Attached to Court Room				
1. 9	Laptop for Judges				
1.1 0	Fire Safety System in Court Room				

Q.2. Are you satisfied with the quality of facilities provided to you in your Court Room?

	Infrastructure Facilities in Court Rooms	Highly Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion (C) (-)	Dissatisfied (D) (4-1 Marks)	Highly Dissatisfied (E) (0 Marks)
2.1	Executive Office Table					
2.2	Telephone					
2.3	Senior Executive Chair					
2.4	Quality Sanitary Provisions					
2.5	TFT LCD Screen on Dias					
2.6	Desktop Computer in your Chamber					
2.7	Laser Printers/MultiPurpose Printer					
2.8	Ahlmad Room Attached to Court Room					
2.9	Laptop for Judges					
2.10	Fire Safety System in Court Room					

Q 3. Are the following infrastructural E-facilities Available in your Court Room?

	Facilities	Available (A)	Not Available (B)	In Process (C)
3.	E-Filing			

1				
3. 2	E-Payments			
3. 3	E- Summons and Payments and electronic delivery of summons and notices etc.			
3. 4	Computerized Court Libraries with Integrated Library Management Systems			
3. 5	Court Management System/Case Information System			
3. 6	Video Conferencing Facilities with Jail in your Court Room			
3. 7	Electronic Display of Cause List near Your Court Room			

Q 4. Did the availability of the following infrastructural E-facilities make the working of your Court more efficient? (*in terms of Disposal of Cases*)

	Facilities	Highly Efficient (A) (10-8 Marks)	Efficient (B) (7-5Marks)	No Change (C) (-)	Inefficient (D) (4-1 Marks)	Highly Inefficient (E) (0 Marks)
4.1	E-Filing					
4.2	E-Payments					
4.3	E- Summons and Payments and Electronic Delivery of Summons					

	and Notices etc.					
4.4	Computerized Court Libraries with Integrated Library Management Systems					
4.5	Court Manageme nt System/Ca se Information System in the Court Room					
4.6	Video Conferencing Facilities with Jail in Your Court Room					
4.7	Electronic Display of Cause List near Your Court Room					

As a Judge/Judicial Officer, How much do you agree with the following statements made on the working conditions in your Court room?

	Observations	Strongly Agree (A) <i>(10 Marks)</i>	Agree (B) <i>(7-9 Marks)</i>	Neither agree or disagree (C) (-)	Disagree (D) <i>(4-6 Marks)</i>	Strongly Disagree (E) <i>(0 Marks)</i>
5.1	The Court Room is Spacious enough.					
5.2	Enclosure for Accused and Witness are neatly crafted					
5.3	The Court Room has Sufficient Furniture for Court Staff and Litigants					
5.4	The Court Room is easily Accessible to Litigants and Lawyers					
5.5	Judge's Chamber is connected to Court Room					
5.6	The Judge's Chamber has all the necessary					

	infrastructure					
--	----------------	--	--	--	--	--

Q.5. Do you reside in a Government provided accommodation?

A) Yes

B) No

C) No Comments

D) No Response

Q.5.1. If YES, are you satisfied with the following observations:-

	Residential Unit	Very Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion © (-)	Dissatisfied (D) (4-1 Marks)	Very Dissatisfied (E) (0 Marks)
6.1.1	The Residential Unit has 24x7 Electricity					
6.1.2	The Distance from Court Complex & Residential Accommodation					

Q.5.2. If NO, What are the difficulties faced by you while availing of private accommodation?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.6. Do you commute with a Government Provided Vehicle or a Personal Vehicle?

A) Government **B)** Private/Personal **C)** No Comments **D)** No

Response

Q.8. If you have a Government vehicle, are you satisfied with the quality of vehicle provided to you for commuting from your residential accommodation to District Court Complex?

A) Very Satisfied **B)** Satisfied **C)** No Opinion **D)** Dissatisfied **E)** Very Dissatisfied

Q.9. What are the difficulties faced by you in using Government provided vehicle or personal vehicle ?

.....

.....

.....

.....

.....

.....

.....

.....

Q.10. What are the major physical infrastructural difficulties faced by you in your Court room/hall that effects the rate of case disposal and pendency?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.13. Do you think there exists a direct nexus between Pendency and Lack of Infrastructure in Courts?
A). Yes B) No C) Cannot Say D) No Response

Q.13.1. If YES (A), reasons thereof

1.....
.....
.....
.....
.....
2.....
.....
.....
.....
.....
.....
3.....
.....
.....
.....
.....
.....
4.....
.....
.....
.....
.....

Q.13.2. If NO (B), the reason thereof

1.....
.....
.....
.....
.....
2.....
.....
.....
.....
.....
.....
.....
3.....
.....
.....
.....
.....

4.....
.....
.....
.....
.....
.....
.....

II. The Support Staff

Q.14. How many Support Staff are available in your Court, and how many does your Court require?

	Support Staff P	Sanctioned (A)	Available(B)	Require d ©	No Response (D)
14.1	Nazir/Head Clerks				
14.2	Sheristadar/ Superintendent				
14.3	Bench Clerks				
14.4	Ahlmad/ Reader				
14.5	Stenographers				
14.6	Multipurpose Employee				
14.7	Data Entry Operators				
14.8	Record Keepers				
14.9	Court Manager				
14.1 0	Court Master				

Q.15. What is the nature of employment of the following support staff in your Court Room?

	Support/Court Staff	Permanent (A)	Contractual/Tenure (B)	Ad hoc/Part Time ©	Not Aware (D)	No Response (E)
15.1	Nazir/Head Clerks					
15.2	Sheristadar/ Superintendents					
15.3	Bench Clerks					
15.4	Ahlmad/ Reader					
15.5	Stenographers					
15.6	Multipurpose Staff					
15.7	Data Entry Operators					
15.8	Record Keepers					
15.9	Court Manager					
15.10	Court Master					

Q.16. Taking into account the Case Load in your Court, are you satisfied with the number of Support Staff made available for your use?

	Support Staff	Very Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion © (-)	Dissatisfied (D) (4-1 Marks)	Very Dissatisfied (E) (0 Marks)
16.1	Nazir/Head Clerks					
16.2	Sheristadar/					

	Superintendents					
16.3	Bench Clerks					
16.4	Ahlmad/ Reader					
16.5	Stenographers					
16.6	Multipurpose Employee					
16.7	Data Entry Operators					
16.8	Record Keepers					
16.9	Court Manager					
16.10	Court Master					

Q.17.1 How would you rate the quality of professional skills of the Support Staff working in your Court?

	Quality of Support Staff in Court	Very Good (A) (10-8 Marks)	Good (B) (7-6 Marks)	Fair (B) (5 Marks)	Bad (D) (4-1 Marks)	Very Bad (E) (0 Marks)
17.1.1	Nazir/Head Clerks					
17.1.2	Sheristadar/ Superintendents					
17.1.3	Bench Clerks					
17.1.4	Ahlmad/ Reader					
17.1.5	Stenographers					
17.1.6	Multipurpose Employee					
17.1.7	Data Entry					

		<i>Tick)</i>		
18.1	Bench Clerk / Reader / Shirestedar / Court Master etc. on Dais			
18.2	Steno on Dais			
18.3	Ahlmad / Case Record Keeper / Misc. Clerk in the Court Room			
18.4	Judge Chamber's Steno Room			

Q.19. If available, are you satisfied with the quality of the computer unit available with your Court/Support Staff?

	Court/Support Staff	Very Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion © (-)	Dissatisfied (D) (4-1 Marks)	Very Dissatisfied (E) (0 Marks)
19.1	Bench Clerk / Reader / Shirestedar / Court Master etc. on the dais					
19.	Steno on					

2	dais					
19. 3	Ahlmad / Case Record Keeper / Misc. Clerk in the Court Room					
19. 4	Judge Chamber's Steno Room					

Q.20. How does the absence or inadequate computer units for your Court Staff effects the working of the Court?

.....

.....

.....

.....

.....

.....

Q.21. What are the major difficulties faced by you in the Courtroom from the Support Staff?

.....

.....

.....

.....

.....

.....

Q.22 What suggestion will you make to enhance the capacity and efficiency of the Court/Support Staff for better functioning of your Court? (*Efficiency in terms of disposal of cases and reducing the age of pending cases*)

.....

.....

.....

24.1	New Personal Laptop (<i>under Phase-II</i>)				1
24.2	Slim line PC with the latest optimum configuration				2
24.3	Thin / Shared / Cloud Computing Client				6
24.4	Printers (1 MFD Printer with Ethernet port + 1 Duplex Printer with Ethernet Port)				2
24.5	LAN Points				12
24.6	Extra Monitor + 2 port VGA Splitter/Extension/Distribution Unit				1
24.7	UPS 2 KVA with 2-hour backup				1
24.8	Display Monitor for Current Case Display Board outside Court Room with basic shared computing or thin client				1

Q.25. If the above facilities are available to you, how you are satisfied with these facilities?

	Very Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion (C) (-)	Dissatisfied (D) (4-1 Marks)	Very Dissatisfied (E) (0 Marks)
Basic Facilities					

		<i>Marks</i>))
25. 1	New Personal Laptop (under Phase-II)					
25. 2	Slim line PC with the latest optimum configuration					
25. 3	Thin / Shared / Cloud Computing Client					
25. 4	Printers (1 MFD Printer with Ethernet port + 1 Duplex Printer with Ethernet Port)					
25. 5	LAN Points					
25. 6	Extra Monitor + 2 port VGA Splitter/Extension/Distribution Unit					
25. 7	UPS 2 KVA with 2-hour backup					
25. 8	Display Monitor for Current Case Display Board outside Court Room with basic shared computing or thin client					

Q.26. Did you attend any workshops or training under the followings?

	Types of Training	Yes (A)	No, (B)	Not Aware ©	No Respon se (D)
26. 1	Training for Court Management System				
26. 2	Training for Case Information System				
26. 3	National Service and Tracking of Electronic Processes (NSTEP)				
26. 4	JustIS Mobile App				

Q.27. Has the training you received improved the rate of case disposal in your Court?

	Types of Training	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change (C) (-)	Deteriorated (D) (4-1 Marks)	Highly Deteriorated (E) (0 Marks)
27. 1	Training for Court Management System					
27. 2	Training for Case Information System					
27. 3	National Service					

	and Tracking of Electronic Processes (NSTEP)					
27. 4	JustIS Mobile App					

Q.28 In terms of E-Court Missions, the working of your Court has been improved in terms of?

	Indicators	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change (C) (-)	Deteriorated (D) (4-1 Marks)	Very Deteriorated (E) (0 Marks)
28. 1	Case Allocation System					
28. 2	Case Filing System					
28. 3	Calendarin g System (Cause List)					
28. 4	Payment & Deposit					

	System					
28. 5	Case Files Archiving					
28. 6	Case Work Flow System					
28. 7	Law Search System					
28. 8	Retrieval & Preservati on of Case Records					

Q.29. What are the major difficulties faced by you in your Court while implementing E-Mission projects?

.....

.....

.....

.....

.....

.....

.....

.....

Q.30. What are your suggestions and recommendations to address these difficulties in order to increase the efficiency of the Court? (*Efficiency: Increasing the Case Disposal Rate and Decreasing the Pendency*)

.....

.....

.....

.....

.....

.....

IV. Pending Case Load

Q.31. How many cases are Disposed of and Instituted in your Court in a Year? (*Average Number*)

	Types of Cases	Number of Case Instituted in a Year (A)	Number of Cases Disposed of in a Year (B)
31.1	Criminal		
31.2	Civil		
31.3	POCSO/FTC		
31.4	TOTAL		

Q .32 What is the average percentage of Case Clearance Rate in your Court in a year?

The formula for Case Clearance Rate:

No. of Cases Disposed of in a Year

Case Clearance Rate= ----- × 100

No. of Cases Instituted in a Year

A) Less than 20% B) 20% to 40% C) 40% to 60% D) 60% to 80%

E) More than 80%

Q.33. On Average, how many CIVIL CASES get LISTED in your Court Room? (*Please Specify in Number of Cases*)

Q.33.1	Cause Listed /Day	(A)10-20 Cases/Day	(B) 20 - 40 Cases/Day	© 40 -50 Cases/Day	(D)More than 50 Cases/Day	(E) No Response
	Specify No./Day					

Q.33.2	Cause Listed/Month	(A) 1-150 Cases/Month	(B) 151-300 Cases/Month	© 301-451 Cases/Month	(D) More than 450 Cases/Month	(E) No Response
	<i>Specify</i>					

Q.34. On Average, how many CIVIL CASES get HEARD in your Court Room? (*Please Specify in Number of Cases*)

Q.34.1	Cases Get Heard /Day	(A) 10-20 Cases/Day	(B) 20 - 40 Cases/Day	© 41 -50 Cases/Day	(D) More than 50 Cases/Day	(E) No Response
	<i>Specify No./Day</i>					
Q.34.2	Cases Get Heard /Month	(A) 1-150 Cases/Month	(B) 151-300 Cases/Month	© 301-450 Cases/Month	(D) More than 450 Cases/Month	(E) No Response
	<i>Specify No./Month</i>					

Q.34.3. What are the reasons for the difference between CIVIL CASES LISTED and CIVIL CASES HEARD in the Court?

.....

.....

.....

.....

.....

.....

.....

.....

Q.36. On Average, how many CRIMINAL CASES get HEARD in the Court Room?

(Please

Specify in Number of Cases)

Q.36. 1	Cases Get Heard /Day	(A) 1-100 Cases/Day	(B) 101 - 150 Cases/Day	© 151 - 200 Cases/Day	(D) More than 200 Cases/Day	(E) No Response
	<i>Specify No./Day</i>					
Q.36. 2	Cases Get Heard /Month	(A) 500- 1000 Cases/Month	(B) 1001- 1500 Cases/Month	© 1501- 2000 Cases/Month	(D) More than 2000 Cases/Month	(E) No Response
	<i>Specify No./Month</i>					

Q.36.3. What are the reasons for the difference between CRIMINAL CASES LISTED and CRIMINAL CASES HEARD in the Court?

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Q.37. On Average, how many CIVIL CASES get Disposed of in the Court?

Q.37. 1	Cases Get Disposed /Weekly	(A) 1-100 Cases/Weekly	(B) 101 - 150 Cases/ Weekly	© 151 - 200 Cases/ Weekly	(D) More than 200 Cases/ Weekly	(E) No Response
	<i>Specify No./Day</i>					
Q.37. 2	Cases Get Disposed /Month	(A) 500- 1000 Cases/Month	(B) 1001- 1500 Cases/Month	© 1501- 2000 Cases/Month	(D) More than 2000 Cases/Month	(E) No Response
	<i>Specify No./Month</i>					

Q.37.3. What are the reasons that cause a delay in the Disposal of CIVIL CASES in your Court?

.....

.....

.....

.....

.....

.....

.....

Q.38. On Average, how many CRIMINAL CASES get Disposed of in the Court?

Q.38. 1	Cases Get Disposed of/ Weekly	(A) 1-100 Cases/Weekly	(B) 101 - 150 Cases/ Weekly	© 151 - 200 Cases/ Weekly	(D) More than 200 Cases/ Weekly	(E) No Response
	<i>Specify No./Day</i>					

	Pending Cases	Less than 11	11 to 50	51 to 100	More than 101
	Disposed-Off	Cases / Month	Cases/Month	Cases / Month	Cases /Month
	Age From Which Cases Are Pending □	(A)	(B)	©	(D)
40.1	3 to 5 Years				
40.2	5 to 10 Years				
40.3	10 to 20 Years				
40.4	20 to 30 Years				
40.5	Above 30 Years				

Q.41. In which type of Cases, the age of pendency is the highest in your Court?
(Mark the Highest Number of Cases Pending in front of the specific period?)

	Time Frame □	0 to 3 Years (A)	3 to 5 Year (B)	5 to 10 years ©	10 to 20 years (D)	More than 20 Years (E)
	Types of Cases □					
41.1	Criminal					
41.2	Civil					
41.3	POCSO/FTC					

Q.42. In order to deal with burdening Pendency in the Subordinate Courts, Judicial officers/Judges are being allotted specific Quantitative Targets to Dispose of Pending cases within a Specific Time frame. Do you think attaching such conditions with Annual Performance Assessment Reports (APAR) will reduce the pendency in your Court?

A) Highly Agree B) Agree C) No Opinion D) Disagree E) Highly Disagree

Q.42.1. If Highly Agree or Agree, the reason thereof

1.....
.....
.....
.....
.....
.....
.....
2.....
.....
.....
.....
.....
.....
.....
3.....
.....
.....
.....

Q.42.2. If Highly Disagree or Disagree, the reason thereof

1.....
.....
.....
.....
.....
.....
.....
2.....
.....
.....
.....
.....
.....
.....
3.....
.....
.....
.....

Q.43. What is the Quantitative Target set by you for the Disposal of Pending Cases?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.44. What are the major difficulties faced by you in Reducing the Pendency of Cases in your Court?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.45. What suggestion would you give to reduce the Pendency of Cases in the Lower Judiciary of India?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

<p align="center">EMPIRICAL STUDY TO EVALUATE THE DELIVERY OF JUSTICE THROUGH IMPROVED INFRASTRUCTURE</p>
<p align="center">Questionnaire for Advocates</p>
<p>Sir/Madam,</p> <p><i>Good Day/Namaskar</i></p> <p><i>I, Prof. Jeet Singh Mann, Professor of Law, National Law University, Delhi, under the Research Project funded by the Department of Justice, Ministry of Law, and Justice, the Government of India, is undertaking research on judicial infrastructure. This questionnaire is designed to evaluate the delivery of justice through improved infrastructure. The basic objective of this research is to identify the infrastructural impediments in the operations of the subordinate judiciary at District & Sessions Courts in providing effective and quick access to justice in India. Information collected through this exercise will be kept confidential and shall be used for academic purposes only. Therefore, you are requested to kindly fill out this questionnaire</i></p>
<p>Name (Optional):</p>
<p>Area of Practice :</p>
<p>Total Experience:</p>
<p>State/ District Court Complex:</p>

Physical Infrastructure

- Q.1.** Are the following infrastructural facilities available to the Advocates at the District Court Complex?

	Type of Infrastructure	Available (A)	Not Available (B)	In Process ©	No Response (D)

1.1	Dedicated Entry Point for Advocates in Court Complex				
1.2	Video Conferencing for Jail				
1.3	Electronic Display of Cause List near Your Court Room				
1.4	Judicial Service Centre (JSC): a hub for Reception cum Inquiry and also as a Central Filing Centre (CFC)				
1.5	Uninterrupted Electricity Supply in Court				
1.6	Mobile-Based Service Delivery through SMS & Mobile Apps				

Q.2. Are you satisfied with the quality of Infrastructure available to the Advocates? (Please mark the Degree of Satisfaction or Dissatisfaction before the Available Facilities.)

	Type of Infrastructure	Highly Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion© (-)	Dissatisfied (D) (4-1 Marks)	Highly Dissatisfied(E) (0 Marks)
--	------------------------	--------------------------------------	------------------------------	--------------------	---------------------------------	-------------------------------------

2.1	Dedicated Entry Point for Advocates in Court Complex					
2.2	Video Conferencing for Jail					
2.3	Electronic Display of Cause List near Your Court Room					
2.4	Judicial Service Centre (JSC): a hub for Reception cum Inquiry and also as a Central Filing Centre (CFC)					
2.5	Uninterrupted Electricity Supply in Courts					
2.6	Mobile Based Service Delivery through SMS &					

	Mobile Apps					
--	--------------------	--	--	--	--	--

Q.3. Which infrastructural E-facilities are available for Advocates in the District Court Complex?

	Facilities	Available (A)	Not Available (B)	In Process ©
3.1	Touch Screen KIOSKS with Printing Facility for Advocates			
3.2	E-Filing for Advocates			
3.3	E-Payments for Advocates			
3.4	E- Summons and Payments and Electronic Delivery of Summons and Notices etc.			
3.5	Computerized Court Libraries with Integrated Library Management Systems			
3.6	Video Conferencing Facilities in every Court Rooms /Halls			
3.7	Electronic Display of Cause List near every Court Room			
3.8	Computerization of the Offices of District Legal Services Authority (DLSA) and Taluka Legal Services Committee (TLSC)			
3.9	Authentication Devices with GPS,			

	GPRS Connections for Processing Services			
3.10	Big Display Monitor for Current Case Display Board in the Bar Room			

Q.4. If available, has the availability of the above mentioned E-facilities made the court proceedings and day-to-day functioning of Courts better for Advocates?
(Please mark the facilities which made the functioning better)

	Facilities	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change © (-)	Deteriorated (D) (4-1 Marks)	Very Deteriorated (E) (0 Marks)
4.1	Touch Screen KIOSKS with Printing Facility for Advocates					
4.2	E-Filling for Advocates					
4.3	E-Payments for Advocates					
4.4	E- Summons and Payments and Electronic Delivery of Summons and Notices etc.					
4.5	Computerized Court Libraries with					

	Integrated Library Management Systems					
4. 6	Video Conferencing Facilities in every Court Rooms /Halls					
4. 7	Electronic Display of Cause List near every Court Room					
4. 8	Computerizati on of the Offices of District Legal Services Authority (DLSA) and Taluka Legal					
	Services Committee (TLSC)					
4.9	Authenticatio n Devices with GPS, GPRS Connections for Processing Services					

4.10	Big Display Monitor for Current Case Display Board in the Bar Room					
------	---	--	--	--	--	--

Q.5. How much are you satisfied with the following observations on Courts?

	Observations	Highly Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion © (-)	Dissatisfied (D) (4-1 Marks)	Highly Dissatisfied (E) (0 Marks)
5.1	Are You Satisfied with the Space Available for Advocates in Court Rooms?					
5.2	Are you Satisfied with the Furniture Available for Advocates in Court Room					

5. 3	Are you Satisfied with the accessibility of Court Rooms from Bar Rooms in the Court Complex?					
5. 4	Are you Satisfied with the present Strength of Judicial Officers/Judges in the District Court Complex?					
5. 5	Are you Satisfied with the present Strength of Support Staff in the District Court Complex?					

Q.6. What are the major infrastructural difficulties faced by advocates that delay the Court proceedings and result in pendency?

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.7. What suggestions and recommendations would you give to improve the infrastructure of the district court complex to make Courts more efficient in terms of the disposal of cases?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

I. Schemes

Q.8. Are you aware of E- Court Mission projects being implemented in the district court complex?

- A). Yes B) No C) No Comments D) No

Response

Q. 9. If YES, do you think that the E-Court projects have made the functioning of courts more efficient?

A) Much Better B) Somewhat Better C) Stayed the Same D) Somewhat Worse E) Much Worse

Q.10.1 According to you, whether the mode of following services delivered in the Court are manually, computerized or both?

	Activities	Manually (A)	Computerized (B)	Both ©	No Comments(D)
10.1.1	Filing of cases				
10.1.2	Issue of check slips				
10.1.3	Case Filing Confirmation				
10.1.4	Case Registration Confirmation				
10.1.5	Case Allocation Information				
10.1.6	Cause list				
10.1.7	Case Status Information				
10.1.8	Process Service				
10.1.9	Service of summons				
10.1.10	Service of Warrant				
10.1.11	Orders/proceedings Delivery of order & judgments				
10.1.12	Court Fee				
10.1.1	Judicial Deposit				

3					
10.1.1 4	Penalty/Fine				

Q.10.2. Please mark the level of difficulty you face while using these services in the District Court Complex:

	Activities	Highly Difficult (A)	Difficult (B)	No Opinion ©	No Difficulty (D)	No Response (E)
10.2.1	Filing of cases					
10.2.2	Issue of check slips					
10.2.3	Case Filing Confirmation					
10.2.4	Case Registration Confirmation					
10.2.5	Case Allocation Information					
10.2.6	Cause list					
10.2.7	Case Status Information					
10.2.8	Process Service					
10.2.9	Service of summons					
10.2.10	Service of Warrant					
10.2.11	Orders/Proceedings Delivery of Order & Judgments					
10.2.1	Court Fee					

2						
10.2.1 3	Judicial Deposit					
10.2.1 4	Penalty/Fine					

Q11. How has the working of the Courts improved after the Computerization and Digitalization of the following Services? (*Working of Courts in terms of Disposal of Court Cases*)

	Indicators	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change © (-)	Deteriorated (D) (4-1 Marks)	Very Deteriorated (E) (0 Marks)
11.1	Filing of Cases in Court					
11.2	Status of Pending Cases					
11.3	The trial Process Became Efficient					
11.4	Tracking of Previous Case Proceedings					
11.5	Status of Pending Cases					
11.6	Tracking of Case Status					
11.7	Availability of orders/Judgment online					
11.8	E-Courts					

	Digital Payments					
11.9	E- Fillings					
11.10	E-Submission of Judicial Deposit					
11.11	E-Submission of Penalty/Fine					

Q.12. What are the major difficulties faced by Advocates in the process of computerization and digitalization of Courts? How can courts be made more efficient and Advocate friendly?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.13. What Suggestions and Recommendations would you give to improve the services provided under E-Courts?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

<p align="center">EMPIRICAL STUDY TO EVALUATE THE DELIVERY OF JUSTICE THROUGH IMPROVED INFRASTRUCTURE</p>
<p align="center">Questionnaire for Chief Administrator</p>
<p>Sir/Madam,</p> <p><i>Good Day/Namaskar</i></p> <p><i>I, Prof. Jeet Singh Mann, Professor of Law, National Law University, Delhi, under the Research Project funded by the Department of Justice, Ministry of Law and Justice, the Government of India, is undertaking research on judicial infrastructure. This questionnaire is designed to evaluate the delivery of justice through improved infrastructure. The basic objective of this research is to identify the infrastructural impediments in the operations of the subordinate judiciary at District & Sessions Courts in providing effective and quick access to justice in India. Information collected through this exercise will be kept confidential and shall be used for academic purposes only. Therefore, you are requested to kindly fill out this questionnaire</i></p>
<p>Name (Optional):</p>
<p>Name of Court:</p>
<p>Total Experience:</p>
<p>State/ District Court Complex:</p>

I. Manpower/Human Resources

Q.1. What is the Judges/Judicial Officers' Strength in the District Court Complex?

	Division	Sanctioned Strength (A)	Actual Strength (B)	Vacant©	Not Applicable(D)
1.1	District Judges				
1.2	Session Judges				
1.3	Additional District Judge				
1.4	Judicial Magistrates				
1.5	Civil Judge Senior Division				
1.6	Civil Judge Junior Division				
1.7	Judge Small Cause Court				
1.8	Family Court				
1.9	Commercial Court				
1.10	POCSO/Fast Track Court				

Q.2. Are you satisfied with the quality of professional skills and performance of Judges/Judicial officers in your District Court Complex?

	Division	Highly Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion (-)	Dissatisfied (D) (4-1 Marks)	Highly Dissatisfied (E) (0 Marks)
2.1	District					

	Judges					
2.2	Session Judges					
2.3	Additional District Judge					
2.4	Judicial Magistrates					
2.5	Civil Judge Senior Division					
2.6	Civil Judge Junior Division					
2.7	Judge Small Cause Court					
2.8	Family Court					
2.9	Commercial Court					
2.10	POCSO/Fast Track Court					

Q.3. Does the High Court organize any refresher or orientation programs for Judges/Judicial Officers?

A) Yes B) No C) Not Aware D) No Response

Q. 4. How helpful are these refresher/orientation training for Judges/Judicial Officials in making Courts more efficient (*in terms of Disposal of Cases. Rate out of 10*)?

A). Very Helpful **B)** Helpful **C)** Not Helpful **D)** No Difference **(E)** No Response

(10-8 Marks) (7 to 6 Marks) (5 to 4 Marks) (3 to 1 Marks)

Q.5. What are your suggestions on such refresher /orientation programs at District and Taluka levels?

.....

.....

.....

.....

.....

.....

.....

Q.6. What is the sanctioned strength of the Public Prosecutor in your District Court Complex?

	Rank	Sanctioned Strength (A)	Actual Strength (B)	Vacant©	Not Applicable (D)
6.1	Senior Public Prosecutor				
6.2	Public Prosecutor				
6.3	Assistant Public Prosecutor				

Q.7. Are you satisfied with the Professional Skills of the Public Prosecutor in your District Court Complex?

A). Highly Satisfied **B)** Satisfied **C)** No Opinion **D)** Dissatisfied **E)** Highly Dissatisfied

Q.8. What are the major difficulties faced by you in managing and maintaining the human resources of the District Court Complex?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.9. What recommendations and suggestions would you like to give to improve the efficiency and strength of human resources (Judges/Judicial Officers) in your district court complex?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

II. Physical Infrastructure

Q.10. How many Courts Rooms/Halls and Residential Units are available for Judges/Judicial Officers in your District Court Complex?

			Sanctioned (A)	Available (B)	No Response ©
10.1	Court Rooms	General			
		Special			
		Tribunals			
10.2		Total			

.					
10.3	Residential Units (Judge/Judicial Officer)				
.					

Q.11. Are the following infrastructural facilities available in your District Court Complex?

	Type Infrastructure Facilities	Available (A)	Not-Available (B)	In Process ©	No Response(D)
11.1	Computer Server Room				
11.2	Diesel Generator				
11.3	Judicial Service Centre (JSC): a hub for Reception cum Inquiry and also as a Central Filing Centre (CFC)				
11.4	Computerized Library for Judges/Judicial Officers				
11.5	Fire Safety System				
11.6	Unified Computer Information System (CIS) for all the Courts				
11.7	Computerization of Registry				
11.	Scanning &				

8	Digitalization of Case Records				
11.9	Video Conferencing for Jail, Legal Aid Offices				
11.10	Mobile-Based Service Delivery through SMS & Mobile Apps				
11.11	Daily Update of Cause List, Case Status and Order on DC Website				
11.12	Automated Attendance Marking System				
11.13	Lawyers Chambers				
11.14	Mediation Centre				
11.15	Projector with Screen				

Q.12. If available, has the availability of the following facilities made the proceedings in your District Complex Efficient?

	Type Infrastructure Facilities	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change © (-)	Deteriorated (D) (4-1 Marks)	Very Deteriorated (E) (0 Marks)
12.1	Computer					

	Server Room					
12.2	Diesel Generator					
12.3	Judicial Service Centre (JSC): a hub for Reception cum Inquiry and also as a Central Filing Centre (CFC)					
12.4	Computerized Library for Judges/Judicial Officers					
12.5	Fire Safety System					
12.6	Unified Computer Information System (CIS) for all the Courts					
12.7	Computerization of Registry					

12.8	Scanning & Digitalization of Case Records					
12.9	Video Conferencing for Jail, Legal Aid Offices					
12.10	Mobile Based Service Delivery through SMS & Mobile Apps					
12.11	Daily Update of Cause List, Case Status and Order on DC Website					
12.12	Automated Attendance Marking System					
12.13	Lawyers Chambers					
12.14	Mediation Centre					
12.15	Projector					

	with Screen					
--	--------------------	--	--	--	--	--

Q.13. Does every Court room in your District Court Complex has the following particulars?

	Particulars in Court Rooms	Available (A)	Not Available (B)	In-Process ©	No Response (D)
13. 1	Executive Office Table				
13. 2	Telephone				
13. 3	Senior Executive Chair				
13. 4	Quality Sanitary Provisions				
13. 5	TFT LCD Screen on Dias				
13. 6	Desktop Computer in Judge's /Judicial Officer Chamber				
13. 7	Laser Printers				
13. 8	Ahlmad Room Attached to Judge Chamber				
13. 9	Personal Laptop				

Q.14. Are you satisfied with the quality of facilities available in the Court rooms of your District Court Complex?

	Particulars in Court Rooms	Very Satisfi ed (A) (10- 8 Marks)	Satisfie d (B) (7-5 Marks)	No Opinio n © (-)	Dissatisfi ed (D) (4- 1 Marks)	Very Dissatisfi ed (E) (0 Marks)
14. 1	Executive Office Table					
14. 2	Telephone					
14. 3	Senior Executive Chair					
14. 4	Quality Sanitary Provisions					
14. 5	TFT LCD Screen on Dias					
14. 6	Desktop Computer in your Chamber					
14. 7	Laser Printers					
14. 8	Ahlmad Room Attached to Judge Chamber					
14. 9	Personal Laptop					

Q.15. What infrastructural E-facilities are available in your District Court Complex?

	Facilities	Available (A)	Not Available (B)	In Process ©
15.1	Touch Screen KIOSKS with Printing Facility			
15.2	E-Filing			
15.3	E-Payments			
15.4	E- Summons and Payments and Electronic Delivery of Summons and Notices etc.			
15.5	Computerized Court Libraries with Integrated Library Management Systems			
15.6	Court Management System/Case Information System			
15.7	Video Conferencing Facilities in every Court Rooms /Halls			
15.8	Electronic Display of Cause List near every Court Room			
15.9	Computerization of the Offices of District Legal Services Authority (DLSA) and Taluka Legal Services Committee (TLSC)			
15.10	Authentication Devices with GPS, GPRS Connections for Processing Services			
15.11	Big Display Monitor for Current Case Display Board in the Bar Room			

Q.16. If Available, how much are you satisfied with the facilities provided to your District Court Complex under the E-Courts mission?

	Facilities	Very Satisfied (A) (10-8 Marks)	Satisfied (B) (7-5 Marks)	No Opinion (C) (-)	Dissatisfied (D) (4-1 Marks)	Very Dissatisfied (E) (0 Marks)
16.1	Touch Screen KIOSKS with Printing Facility					
16.2	E-Filing					
16.3	E-Payments					
16.4	E- Summons and Payments and Electronic Delivery of Summons and Notices etc.					
16.5	Computerized Court Libraries with Integrated Library Management Systems					
16.6	Court					

	Management System/Case Information System					
16.7	Video Conferencing Facilities in Court Rooms/Halls					
16.8	Electronic Display of Cause List near every Court Room					
16.9	Computerization of the offices of the District Legal Services Authority (DLSA) and Taluka Legal Services Committee (TLSC)					
16.10	Authentication Devices with GPS, GPRS Connections for Processing					

	Services					
16.11	Big Display Monitor for Current Case Display Board in the Bar Room					

Q.17. What are the major physical infrastructural difficulties faced by your District Court Complex which effects the rate of disposal of cases?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.18. What suggestions would you like to provide to improve the physical infrastructure of your district court complex to make it more efficient? *(Efficient in terms of Disposal of Cases & Pendency)*

.....

.....

.....

.....

.....

.....

[illegible]

Q.19. How many Support Staffs are sanctioned and available in your district court complex?

	Support Staff P	Sanctioned (A)	Current Strength (B)	Vacancy ©	Not Aware (D)	No Response (E)
19.1	Chief Administrative Officer					
19.2	Administrative Officer					
19.3	Head Assistant					
19.4	Senior Assistants					
19.5	Junior Assistants					
19.6	Nazir/Head Clerks					
19.7	Sheristadar/ Superintendents					
19.8	Bench Clerks					
19.9	Ahlmad/ Reader					
19.10	Stenographers					
19.11	Multipurpose					
19.12	Data Entry Operators					

19.13	Record Keepers					
19.14	Court Manager					
19.15	Court Master					

What is the nature of employment of the following support staff in your district court complex?

	Support/Court Staff □	Permanent (A)	Contractual/Tenure (B)	Ad hoc/Part Time©	Not Aware (D)	No Response (E)
20.1	Chief Administrative Officer					
20.2	Administrative Officer					
20.3	Head Assistant					
20.4	Senior Assistants					
20.5	Junior Assistants					
20.6	Nazir/Head Clerks					
20.7	Sheristadar/ Superintendents					
20.8	Bench Clerks					
20.9	Ahlmad/ Reader					
20.10	Stenographers					
20.11	Multipurpose Staff					
20.12	Data Entry Operators					
20.13	Record Keepers					

20.1 4	Court Manager					
20.1 5	Court Master					

Q.20. How would you rate the quality of services offered by the support staff in the district court complex (*in terms of Professional Skills*)?

	Quality of Support/Court Staff in Court	Very Good (10-8 Marks) (A)	Good (6- 7 Mark s) (B)	Fair (5 Mark s) ©	Very Bad (4-0 Mark s) (D)	No Comme nts (E)
21.1	Chief Administrative Officer					
21.2	Administrative Officer					
21.3	Head Assistant					
21.4	Senior Assistants					
21.5	Junior Assistants					
21.6	Nazir/Head Clerks					
21.7	Sheristadar/ Superintendents					
21.8	Bench Clerks					
21.9	Ahlmad/ Reader					
21.1 0	Stenographers					
21.1 1	Multipurpose Staff					
21.1 2	Data Entry Operators					
21.1	Record Keepers					

Q. 26.2. What Suggestions and Recommendations will you provide to make the funds easily available for the development of the District Court Complex?

Q.27. Are you satisfied with the funds received from the various schemes/authority to enhance the efficiency of your district court complex?

261

	Scheme					
27.2	E-Court Phase-I					
27.3	E-Court Phase-II					
27.4	E-Court Phase-III					
27.5	The Scheme of Fast Track Courts					
27.6	Funds From State Government					

Q.28. Please provide the year-wise amount received by your district court complex from 2015 to 2019 under various schemes/authorities. (Please fill in the average amounts in terms of ₹Crores)

	Schemes/Authority	2015 (A)	2016 (B)	2017©	2018(D)	2019(E)
28.1	Centrally Sponsored Scheme					
28.2	E-Court Phase-I					
28.3	E-Court Phase-II					
28.4	E-Court Phase-III					
28.5	The Scheme of Fast Track Courts					
28.6	Funds From State Government					

Q.29. What phases of the E-Court Mission have been implemented in your district court complex?

- A) E- Court Phase-1 B) E-Court Phase -2 C) E-Court Phase 1 &2 D) None of the Above

Q.30. Did the working of Courts at your district court complex improve after the implementation of various phases of the E-Court Mission?

- A) Highly Improved B) Improved C) No Change D) Deteriorated E) No Response

Q. 31. Whether the following activities performed in your court manually or computer-based?

	Court Activities	Manual (A)	Computerise d (B)	Both ©	No Respon se (D)
31.1	In the filling of Cases				
31.2	Checking for new cases				
31.3	Preparation of Summons				
31.4	Updating of Daily Orders				
31.5	In preparation for the Cause List				
31.6	In preparation of Court Diaries				
31.7	Transcription of Evidence				
31.8	Warrants and Notice Generation				
31.9	Preparation of				

	Decree				
31.10	Delivery of Decree				
31.11	Issue of Copy of Judgment/Order Copy				

Q. 32. Did the Judges/Judicial Officers & Support Staff receive any form of training under E Court Mission?

- A).** Yes, **B)** Only Judges/Judicial Officers **C)** neither Judges nor Support Staff
D) No Response

Q.32.1. Does the following training, received under E-Court Mission, improve the rate of Case Disposal in the Courts of the District Court Complex?

	Types of Training	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change © (-)	Deteriorated (D) (4-1 Marks)	Highly Deteriorated (E) (0 Marks)
32.1.1	Training for Court Management System					
32.1.2	Training for Case Information System					
32.1.3	National Service and Tracking of Electronic					

	Processes (NSTEP)					
32.1. 4	JustIS Mobile App					

The functioning of Courts has improved in the following areas after the

Computerization/Digitalization of Courts in your District Court Complex:-

	Indicators	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change (C) (-)	Deteriorated (D) (4-1 Marks)	Highly Deteriorated (E) (0 Marks)
33.1	Case Allocation System					
33.2	Case Filing System					
33.3	Calendarin g System (Cause List)					
33.4	Payment & Deposit System					
33.5	Case Files Archiving					
33.6	Case Work Flow System					

[illegible]

Q.36. How many cases are Disposed of and Instituted in your Court in a Year? (*Average Number*)

Q.37. What is the average percentage of Case Clearance Rate in the District Court Complex in a year? The formula for Case Clearance Rate:

- A) Less than 20% B) 20% to 40% C) 40% to 60% D) 60% to 80% E) More than 80%

Q.37.1. Could you please provide the year-wise Cases instituted and disposed of in the following years?

	Year	No. of Cases Disposed of in a Year (A) (Average No.)	No. of Cases Instituted in a Year (B) (Average No.)
37.1. 1	2014-2015		
37.1. 2	2015-2016		
37.1. 3	2016-2017		
37.1. 4	2018-2019		

Q.38. On Average, how many CIVIL CASES get Disposed of in the District Court Complex?

Q.38.1	Cases Get Disposed/ Weekly	(A) 1-100 Cases/Weekly	(B) 101 - 150 Cases/Weekly	© 151 - 200 Cases/Weekly	(D) More than 200 Cases/Weekly	(E) No Response
	Specify No./Day					
Q.38.2	Cases Get Disposed/ Month	(A) 500-1000 Cases/Month	(B) 1001-1500 Cases/Month	© 1501-2000 Cases/Month	(D) More than 2000 Cases/Month	(E) No Response

	d /Month	nth	nth	nth	nth	
	<i>Specify</i> <i>No./Month</i> <i>nth</i>					

Q.40. What are the reasons that cause a delay in the Disposal of CRIMINAL CASES in your District Court Complex?

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.41. In which type of Cases the age of pendency is the highest in your Court? *(Mark the Highest*

Number of Cases Pending in front of the specific time frame?) (Average No.)

	Time Frame P	0 to 3	3 to 5	5 to	10 to	More
	Types of Cases □	Years	Year (B)	10	20	than
		(A)		years	years	20 Years
				©	(D)	(E)
41. 1	Criminal					
41. 2	Civil					
41. 3	POCSO/FTC					

Q. 42. In terms age of pending cases, how many pending cases are being Disposed-Off in your District Court Complex per month? *(Average No.)*

	Pending Cases Disposed-Off	Less than 100 Cases	100 to 200 Cases	200 to 300 Cases	More than 300 Cases
	Age From Which Cases Are Pending	(A)	(B)	(C)	(D)
42.1	3 to 5 Years				
42.2	5 to 10 Years				
42.3	10 to 20 Years				
42.4	20 to 30 Years				
42.5	Above 30 Years				

Q.43. In order to deal with burdening Pendency in the Subordinate Courts, Judicial officers/Judges are being allotted specific Quantitative Targets to Dispose of Pending cases within a Time frame. Do you feel that such a move will affect the quality of decision-making of Judges and Judicial Officers in your District Court Complex?

A) Highly Agree B) Agree C) No Opinion D) Disagree E) Highly Disagree

Q.44.1. If Highly Agree or Agree, the reason thereof

1.....
.....
.....
.....
2.....
.....
.....
.....
3.....
.....
.....
.....

Q.44.2. If Highly Disagree or Disagree, the reason thereof

1.....
.....
.....
.....
2.....
.....
.....
.....
3.....
.....
.....

Q.45. Do you think there is a nexus between a lack of infrastructure and the pendency of Cases? Please elaborate on your stand.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Q.46. What are the difficulties faced by you as the Administrator to Reduce the Pendency in your District Court Complex?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Q.47. What Suggestion/Recommendation would you give to reduce the Pendency in the Lower Judiciary of India?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

*EMPIRICAL STUDY TO EVALUATE THE DELIVERY OF JUSTICE THROUGH
IMPROVED INFRASTRUCTURE*

Questionnaire for Support Staff
<p>Sir/Madam,</p> <p><i>GoodDay/Namaskar</i></p> <p><i>I, Prof. Jeet Singh Mann, Professor of Law, National Law University, Delhi, under the Research</i></p> <p><i>Project funded by the Department of Justice, Ministry of Law and Justice, Government of India, is undertaking research on judicial infrastructure. This questionnaire is designed to evaluate the delivery of justice through improved infrastructure. The basic objective of this research is to identify the</i></p> <p><i>infrastructural impediments in the operations of the subordinate judiciary at District & Sessions Courts in providing effective and quick access to justice in India. Information collected through this exercise will be kept confidential and shall be used for academic purposes only.</i></p> <p><i>Therefore, you are requested to kindly fill out this questionnaire</i></p>
Name(Optional) :
Name of Court & Post :
Total Experience:
State/ District Court Complex:

I. Personal Information

Q.1. What is the Nature of your Employment?

- A) Permanent B) Contractual C) Ad Hoc D) Not Aware E) No
Response

Q.2. If NOT Permanent, has the nature of employment affected your capability to perform to the best of your abilities?

- A) Highly Effects B) Effects C) No Opinion D) Did not Effect E) No Response

Q.2.1 If Highly Effects or Effects, reason thereof...

1.....
.....
.....
2.....
.....
.....
3.....
.....
.....

Q.3. Answer only IF NOT Permanent. Do you think that the efficiency of your work will increase if you are employed permanently?

- A) Strongly Agree B) Agree C) Can't Say D) Disagree E) Strongly Disagree

Q.4. How long have you been associated with the Court/Office?

- A) Less than One Year B) 1-5 Years C) 5-10 Years D) More than 10 Years E) No Response

Q.5. How often are you asked to engage or perform duties assigned in Courts/Offices other than yours?

- A) Very Frequently B) Frequently C) No Comments D) Occasionally E) Never

Q.6. If you marked options A), B), or D) in the previous question. Please mark your profession and write the duties assigned to you in Courts/Offices other than yours:

	Support Staff P		Duties Assigned in Courts/Offices Other than
			Yours
6.1	Chief Administrative Officer	(A)	
6.2	Administrative Officer	(B)	
6.3	Head Assistant	©	
6.4	Senior Assistant	(D)	
6.5	Junior Assistant	(E)	
6.6	Nazir/Head Clerks	(F)	
6.7	Sheristadar/ Superintendents	(G)	
6.8	Bench Clerks	(H)	
6.9	Ahlmad/ Reader	(I)	
6.10	Stenographer	(J)	
6.11	Multipurpose Employee	(K)	
6.12	Data Entry Operator	(L)	
6.13	Record Keeper	(F)	

Q.7. Have you ever received/attended training in the following domains?

	Types of Training	Yes, Received (A)	No, I Didn't (B)	Not Aware ©	No Response (D)
7.1	Training for Court Management System				
7.2	Training for Case Information System				
7.3	National Service and				

	Tracking of Electronic Processes (NSTEP)				
7.4	JustIS Mobile App				

Q.8. Has the training you received improved the efficiency of your Court in terms of speedy disposal of Cases?

	Types of Training	Highly Improved (A) (10- 8 Marks)	Improved (B) (7-5 Marks)	No Change (C) (-)	Deteriorated (D) (4-1 Marks)	Highly Deteriorated (E) (0 Marks)
8.1	Training for Court Management System					
8.2	Training Case Information System					
8.3	National Service and Tracking of Electronic Processes (NSTEP)					
8.4	JustIS Mobile App					

II. Infrastructure

Q.9. Please mark if the following Infrastructure is made available for you in the district court complex:-

	Infrastructure	Available	Not	No Comments/No
--	----------------	-----------	-----	----------------

		e (A)	Available (B)	Response ©
9.1	Common room for Male Staff			
9.2	Separate Common Room for Female Staff			
9.3	Staff Canteen			
9.4	Supporting Centralized Kitchen			
9.5	Attached Toilets			
9.6	Computer Unit with Multi-Functional Printer			

Q.10. How effective have the following infrastructures been in making the working conditions of the Court conducive?

	Infrastructure	Highly Effective (A)	Effective (B)	No Change ©	Ineffective (D)	Highly Ineffective (E)
10.1	Common room for Male Staff					
10.2	Separate Common Room for Female Staff					
10.3	Staff Canteen					

10.4	Supporting Centralized Kitchen					
10.5	Attached Toilets					
10.6	Computer Unit with MultiFunction al Printer					

Q.11. Please mark whether the following infrastructure has been made available to you in the courtroom.

	Infrastructure Units	Available (A)	Not Available (B)	No Response ©
11.1	A Dedicated Table & Chair			
11.2	Slimline PC with the latest optimum configuration			
11.3	Printers (1 MFD Printer with Ethernet port + 1 Duplex Printer with Ethernet Port)			
11.4	UPS 2 KVA with 2-hour backup			

Q.12. Are you satisfied with the infrastructural facilities provided to you in the courtroom?

	Infrastructure Units	Highly Satisfied (A) (10-8 Marks)	Satisfie d (B) (7-5 Marks)	No Opinio n © (-)	Dissatisfi e d (D) (4-1 Marks)	Highly Dissatisfi ed(E) (0 Marks)
12.1	A Dedicated Table					

	& Chair					
12.2	Slimline PC with the latest optimum configuration					
12.3	Printers (1 MFD Printer with Ethernet port + 1 Duplex Printer with Ethernet Port)					
12.4	UPS 2 KVA with 2-hour backup					

Q.13. Whether the following activities performed in your court manually or computer-based?

	Court Activities	Manual (A)	Computerise d (B)	Both ©	No Response (D)
13.1	In the filling of Cases				
13.2	Checking for new cases				
13.3	Preparation of Summons				
13.4	Updating of Daily Orders				
13.5	In preparation for the Cause List				
13.6	In preparation of Court Diaries				
13.7	Transcription of				

	Evidence				
13.8	Warrants and notice generation				
13.9	Preparation of Decree				
13.10	Delivery of Decree				
13.11	Issue of a copy of judgment/order copy				

Q.14. In terms of E-Court Missions, the working of your Court has been improved in terms of the following?

	Indicators	Highly Improved (A) (10-8 Marks)	Improved (B) (7-5 Marks)	No Change © (-)	Deteriorated (D) (4-1 Marks)	Very Deteriorated (E) (0 Marks)
14.1	Case Allocation System					
14.2	Case Filing System					
14.3	Calendaring System (Cause List)					
14.4	Payment & Deposit System					
14.5	Case Files Archiving					
14.	Case Work					

6	Flow System					
14. 7	Law Search System					
14. 8	Retrieval & Preservation of Case Records					

Q.15 Are you satisfied with the Infrastructure provided to you for performing duties and assignments assigned to you in the Court Room/Office?

- A) Highly Dissatisfied B) Satisfied C) Neither Satisfied nor Dissatisfied D) Highly Dissatisfied E) Satisfied

Q.16 What are the major infrastructural difficulties faced by you in performing your duties in the Court Room?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.17. What suggestions/recommendations you will like to give to improve the physical infrastructure to increase the disposal of cases in your courtroom?

.....

.....

.....

.....

.....

III. Case Load

Q.18. What is the number of Case Disposed of and Instituted in your Court Room in a Year? (On an Average)

	Types of Cases	Number of Cases Instituted in a Year (A)	Number of Case Disposed of in a Year (B)
18.1	Criminal		
18.2	Civil		
18.3	POCSO/FTC		
18.4	TOTAL		

Q. 19. What is the average percentage of Case Clearance Rate in your Court in a year?

The formula for Case Clearance Rate: (Answer only if you are associated with Court Room)

No. of Cases Disposed of in a Year

$$\text{Case Clearance Rate} = \frac{\text{No. of Cases Disposed of in a Year}}{\text{Cases Instituted in a Year}} \times 100$$
 No. of Cases Instituted in a Year

- A) Less than 20% B) 20% to 40% C) 40% to 60% D) 60% to 80% E) More than 80%

Q.20. Does your Court is able to exhaust all the matters in Cause List for a day?

- A) Yes B) No C) No Comments D) No Response

Q.20.1 If NO, please state the reason for not being able to exhaust all the matters in Cause List for a day?

.....

Q.21. On Average, how many CIVIL CASES get LISTED in your Court Room? (Please Specify in Number of Cases)

21. 1	Cause Listed /Day	(A)10-20 Cases/D ay	(B) 20 - 40 Cases/Day	© 40 -50 Cases/Da y	(D)More than 50 Cases/Da y	(E) No Respo ns e
	<i>Specify No./Day</i>					
21. 2	Cause Listed/ Mont h	(A)1-150 Cases/M ont h	(B) 151-300 Cases/Mon t h	© 301- 451 Cases/M ont h	(D)More than 450 Cases/M ont h	(E) No Respo ns e
	<i>Specify No./Mo nth</i>					

Q.22. On Average, how many CIVIL CASES get HEARD in the Court Room? (Please Specify in Number of Cases)

22. 1	Cases Get Heard /Day	(A)10-20 Cases/Da y	(B) 20 - 40 Cases/Da y	© 41 -50 Cases/Da y	(D)More than 50 Cases/Day	(E) No Respon se
	<i>Specify No./Day</i>					
22. 2	Cases Get Heard /Month	(A)1-150 Cases/Mo nth	(B) 151- 300 Cases/Mo nth	© 301-450 Cases/Mo nth	(D)More than 450 Cases/Mo nth	(E) No Respon se
	<i>Specify No./Mo nth</i>					

[illegible]

	Cases Get Listed /Day	(A)1-100 Cases/Da y	(B) 101 - 150 Cases/Day	© 151 -200 Cases/Day	(D)More than 200 Cases/Day	(E) No Respons e
23. 1	<i>Specify No./Day</i>					
23. 2	Cases Get Listed /Month	(A)500- 1000 Cases/Mo nth	(B) 1001- 1500 Cases/Mo nth	© 1501- 2000 Cases/Mo nth	(D)More than 2000 Cases/Mo nth	(E) No Respons e
	<i>Specify No./Mo nth</i>					

Q.24. On Average, how many CRIMINAL CASES get HEARD in the Court Room? (Please Specify in Number of Cases)

24.1	Cases Get Heard /Day	(A)1-100 Cases/Day	(B) 101 - 150 Cases/Day	© 151 - 200 Cases/Day	(D)More than 200 Cases/Day	(E) No Response
	<i>Specify No./Day</i>					
24.2	Cases Get Heard /Month	(A)500-1000 Cases/Month	(B) 1001-1500 Cases/Month	© 1501-2000 Cases/Month	(D)More than 2000 Cases/Month	(E) No Response
	<i>Specify No./Month</i>					

Q.24.3. What are the reasons for the difference between CRIMINAL CASES LISTED and CRIMINAL CASES HEARD in the Court?

This image shows a full page of white paper with horizontal dotted lines. The lines are evenly spaced and run across the width of the page, providing a guide for handwriting practice. There are no margins, text, or other markings on the page.

Q.27. What are the major difficulties faced by you in reducing and dealing with the pendency of cases in the Court?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Q.28. What suggestions would you give to reduce and effectively deal with the pendency of cases in the lower judiciary of India?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

BIBLIOGRAPHY

Literature Referred

1. 77th Report of the Law Commission of India, “Delay and arrears in trial courts,” November 1978
2. *All India Judges Association v. Union of India*, Interlocutory Application No 279 OF 2010; Writ Petition (CIVIL) NO 1022 OF 1989
3. Alok Prasanna Kumar “Judicial Efficiency and Causes for Delay,” Chapter 9 Part-Administering The Judicial System, “The State of the Indian Judiciary,” A Report by DAKSH
4. Brief on E-Courts Project, E-Courts Integrated Mission Mode Project 2015;
5. Brij Mohan Lal v. Union of India and others (2012) 6 SCC 502
6. Centre, states should form National Judicial Infrastructure Corporation: Justice Ramana” 27th March 2021, News Report
7. Chitrakshi Jain, “Why Only Filling Judicial Vacancies Won’t Decrease Pendency: Judicial reforms need to be comprehensive,” 21 APR 2020
8. Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs Report (Volume-I), Page No. 163-166
9. Development of infrastructure for the judiciary – Centrally Sponsored Scheme, The Right To Information Act, 2005 Information Under Section 4 (1)(B) Of The Act, No.15011/27/2007-Jus(M) Government Of India Ministry Of Law & Justice Department Of Justice New Delhi, January 2008.
10. Digital Courts Vision & Roadmap Phase III of the E-Courts Project By Expert Sub-Committee to draw up a Vision Document for Phase III E-COMMITTEE SUPREME COURT OF INDIA
11. Dushyant Mahadik, Administrative Staff College of India, “Analysis of Causes for Pendency in High Courts and Subordinate Courts in Maharashtra,” Submitted to Department Of Justice Government Of India Jaisalmer House, 26 Mansingh Road, New Delhi-110011.

12. Economic Research, Project Commissioned by Department of Justice, Ministry of Law and Justice, Government of India, 2015
13. E-Court Mission Mode Project, District Court Nalanda, Official Website of District Court,
14. E-Courts Mission Mode Project – Phase II, Notes for Phase II,
15. E-Courts Mission Mode Project, E-Committee, Supreme Court of India, Information and Communication Technology in Indian Judiciary,
16. Eleventh Five Year Plan (2007–2012) Inclusive Growth Volume I, Planning Commission, Government of India
17. Evaluation Study of E-Courts Integrated Mission Mode Project”, National Council of Applied Economic Research, project Commissioned by the Department of Justice Ministry of Law and Justice Govt. of India
18. Evaluation Study of E-Courts”, Integrated Mission Mode Project, National Council of Applied
19. Fourteenth Law Commission of India, 1958,
20. *Imtiyaz Ahmad vs State Of U.P. & Ors* on 2 January 2017, CRIMINAL APPEAL Nos. 254-262 OF 2012
21. Inaugural address of Hon’ble Dr. Justice A.S. Anand, Chief Justice of India, at the golden celebrations of the Rajasthan High Court, (1999) 7 SCC (Jour) 1
22. Indian Justice Report, 2020 on Ranking States on Police, Judiciary, Prisons & Legal Aid, National Factsheets, Supported by TATA Trusts 2021
23. Justice (Rtd) Sunil Ambwani Former Chief Justice Rajasthan High Court Former Chairman e- Committee Supreme Court of India, COURT MANAGEMENT At National Judicial Academy, Bhopal.
24. Justice David G. Mann, “Curbing Delays in the Administration Of Justice: Case Management in the Magistrate Courts,”; A Paper presented at the Orientation Course for the newly appointed Magistrates, On 24th July 2017,
25. Letter of Dr. Justice D.Y. Chandrachud, Honourable Judge, Supreme Court of India, Barun Mitra, Secretary, Department of Justice (2nd April 2021)
26. National Court Management Systems (NCMS) - Policy & Action Plan”; Released By: Hon’ble The Chief Justice Of India; Prepared By: “National Court Management

- Systems Committee”; In Consultation With “Advisory Committee”; Supreme court of India 27.09.2012
27. National Court Management Systems (NCMS) Policy and Action Plan
 28. National e-Courts services portal,
 29. National Judicial Data Grid (District and Taluka Courts of India)
 30. National Legal Mission to Reduce Average Pendency Time from 15 Years to 3 Years National Litigation Policy Document Released,
 31. Outlay and Funding Pattern” Sixty-Seventh Report, “Infrastructure Development and Strengthening of Subordinate Courts” (Presented to the Rajya Sabha on 6th February 2014) (Laid on the Table of Lok Sabha on 6th February 2014), Department-Related Parliamentary Standing Committee Rajya Sabha on Personnel, Public Grievances, Law and Justice, Rajya Sabha, Parliament of India
 32. Pendency Dashboard, National Judicial Data Grid (District and Taluka Courts of India) 17th May 2021
 33. Performance Indicators for Subordinate Courts and Suggestive Policy / Procedural Changes for Reducing Civil Case Pendency; Center of Excellence in Public Policy and Government Indian Institute of Management Kashipur Kashipur 244713 Uttarakhand, December 2017;
 34. Renu vs District and Sessions Judge (2014) 14 SCC 50
 35. Report No. 245 Arrears and Backlog: Creating Additional Judicial manpower, July 2014, Law Commission of India
 36. Report of the Uttar Pradesh Judicial Reforms Committee (1950-1951), Page No. 15.
 37. Report of the Working Group on Employment, Planning & Policy for the Twelfth Five Year Plan (2012-2017), Government of India Labour, Employment & Manpower (LEM) Division Planning Commission, December 2011
 38. Shalini Seetharam and Sumathi Chandrashekar, E-COURTS IN INDIA FROM POLICY FORMULATION TO IMPLEMENTATION, Vidhi – Centre for Legal Policy, July 2016
 39. Sixty-Seventh Report, “Infrastructure Development and Strengthening of Subordinate Courts” (Presented to the Rajya Sabha on 6th February 2014) (Laid on the Table of Lok Sabha on 6th February 2014), Department-Related Parliamentary Standing Committee Rajya Sabha on Personnel, Public Grievances, Law and Justice, Rajya Sabha, Parliament of India
 40. Status of Physical Infrastructure in Lower Judiciary, Vidhi Central,

41. Subordinate Courts of India: A Report on Access to Justice 2016, Centre for Research & Planning, Supreme Court of India New Delhi
42. The Information & Communication Technology in the Indian Judiciary: Evaluation of the eCourts Project Phase-II” National Council of Applied Economic Research, Submitted to Department of Justice, Ministry of Law and Justice, Government of India February 2021
43. The Report of the National Commission to Review the Working of the Constitution (Volume I), Page No.213
44. UNSTARRED QUESTION NO 675, Judge Population Ratio, Ministry of Law & Justice, Department of Justice, Lok Sabha, Government of India,
45. Vandana Ajay Kuma, Department of Laws, Panjab University, Chandigarh, “Judicial Delays in India: Causes & Remedies,” Journal of Law, Policy and Globalization www.iistorg ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol 4, 2012
46. Why Is it So Hard to Fill up the Judicial Vacancies in Our Courts?”, The WIRE 11 MAY/2021
47. Yashomati Ghosh, “Indian Judiciary: An Analysis of the Cyclic Syndrome of Delay, Arrears and Pendency,” Asian Journal of Legal Education 5(1) 21–39; 2017; The West Bengal National University of Juridical Sciences, Kolkata