

# **VISION STATEMENT**

## **UTTARAKHAND JUDICIARY**

**(2023-2028)**

**Hon'ble High Court Of Uttarakhand at Nainital**



**State Court Management Systems Committee (SCMSC)**

## INTRODUCTION

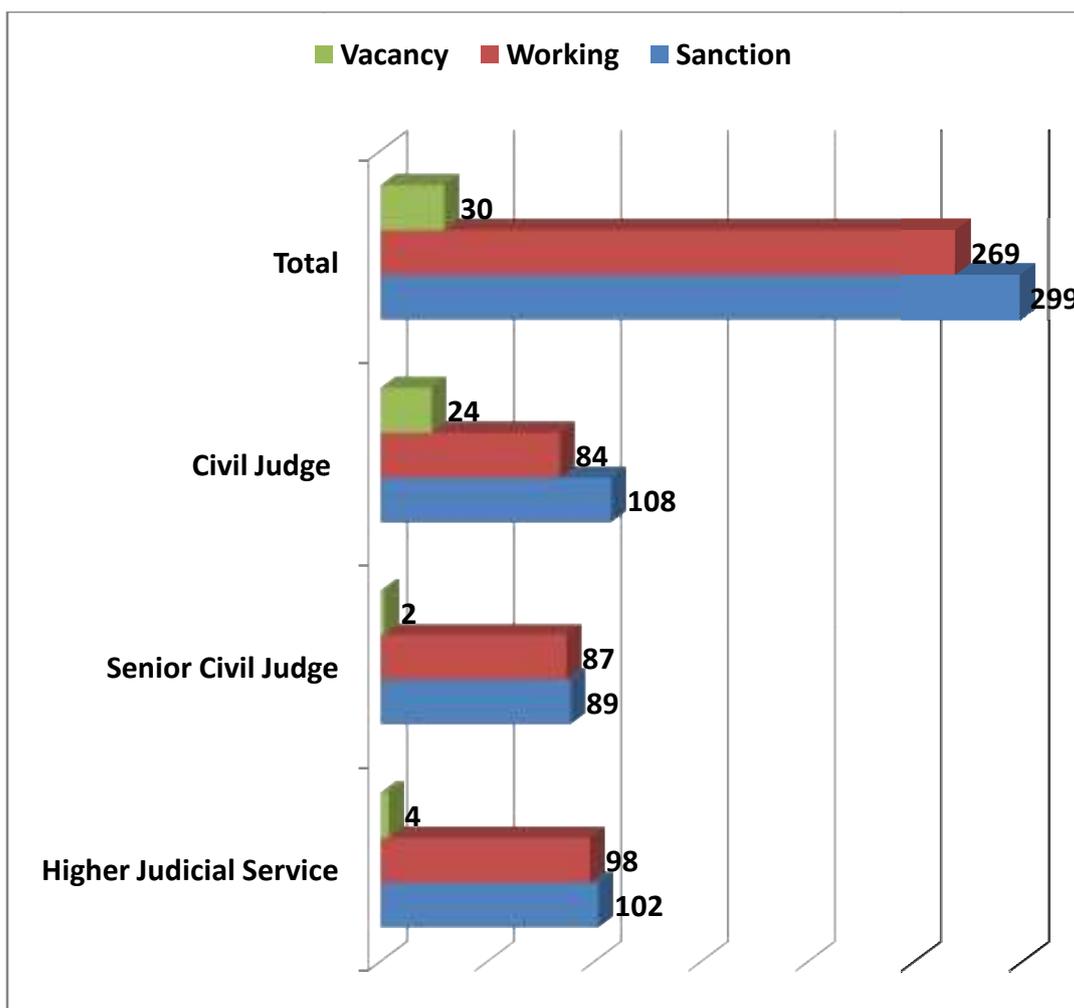
Uttarakhand state was carved out from the erstwhile State of Uttar Pradesh on 9 November 2000 and the High Court of Uttarakhand was also established at Nainital on the same day. The jurisdiction of the High Court extends over 13 Districts, namely, Almora, Bageshwar, Chamoli, Champawat, Dehradun, Haridwar, Nainital, Pauri Garhwal, Pithoragarh, Rudraprayag, Tehri Garhwal, Udham Singh Nagar and Uttarkashi. The High Court of Uttarakhand is housed in a magnificent building constructed in the year 1900 A.D., built in Gothic style and known as old Secretariat. Five Court halls were constructed in the beginning but, later on more Court halls were added in it. The Chief Justice Court Block and two more Court buildings were constructed in the year 2007. Thereupon, in view of the increasing demand of space, Glenthorn building which earlier belonged to Forest Department, and adjacent to the High Court was also taken over. A separate ADR complex was also constructed in the High Court premises, in which the office of the Uttarakhand State Legal Services Authority is situated. The Naina Peak, the highest peak in Nainital, in the background, makes the building more picturesque. As on April 1<sup>st</sup>, 2023 against the sanctioned strength of 11 Judges, 05 Judges are occupying the office.

**HON'BLE THE CHIEF JUSTICE AND JUDGES OF THE HIGH COURT OF  
UTTARAKHAND\***

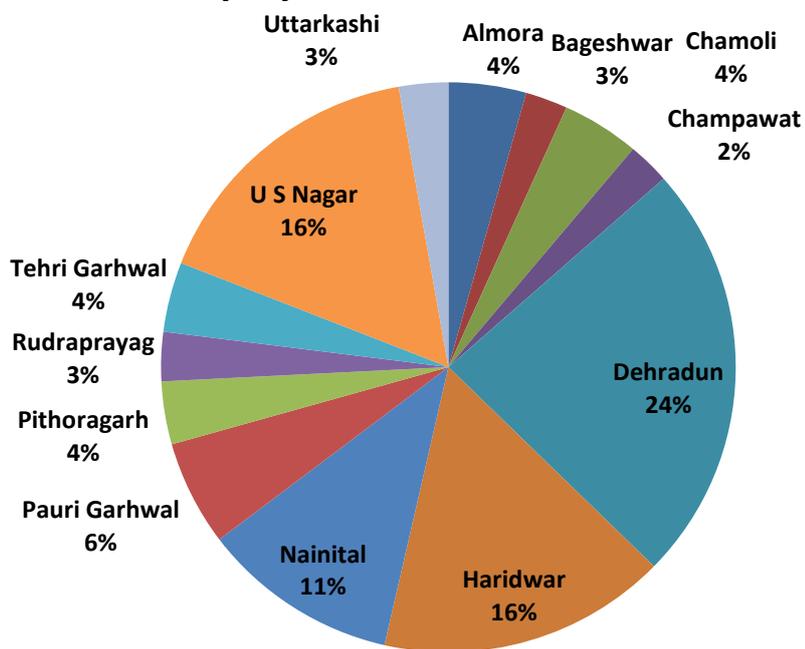
Hon'ble Mr. Justice Vipin Sanghi, Chief Justice	
Hon'ble Mr. Justice Manoj Kumar Tiwari	Hon'ble Mr. Justice Sharad Kumar Sharma
Hon'ble Mr. Justice Ravindra Maithani	Hon'ble Mr. Justice Alok Kumar Verma

\*As on April 1 st , 2023, against the sanction strength of 11.

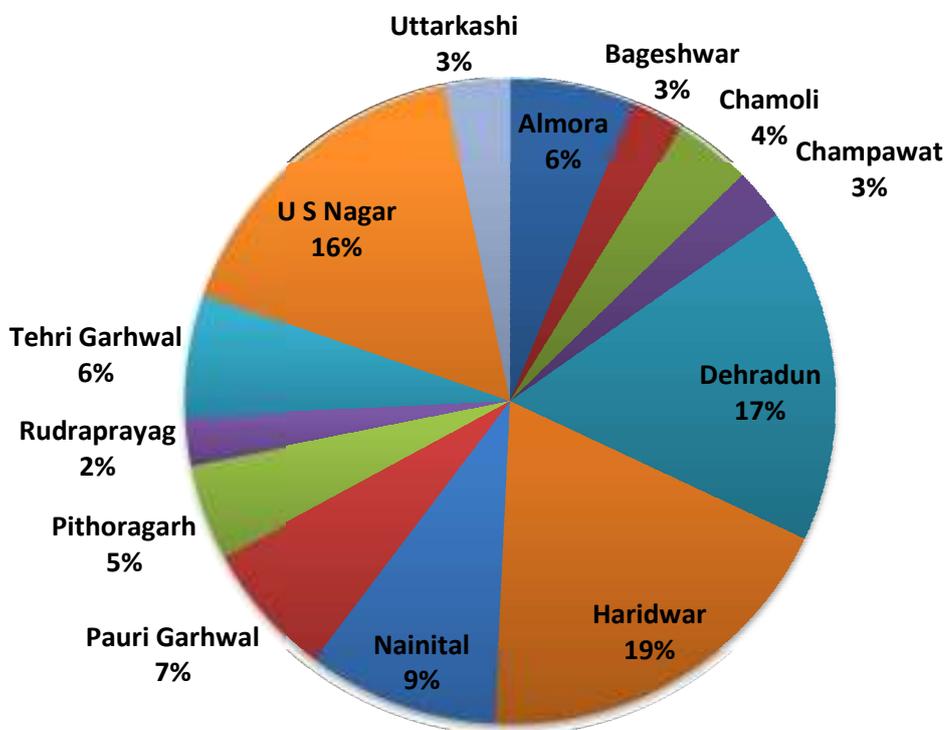
**Judicial Officers in District & Subordinate Court as on 01.01.2023**



### Deployment of Judicial Officers

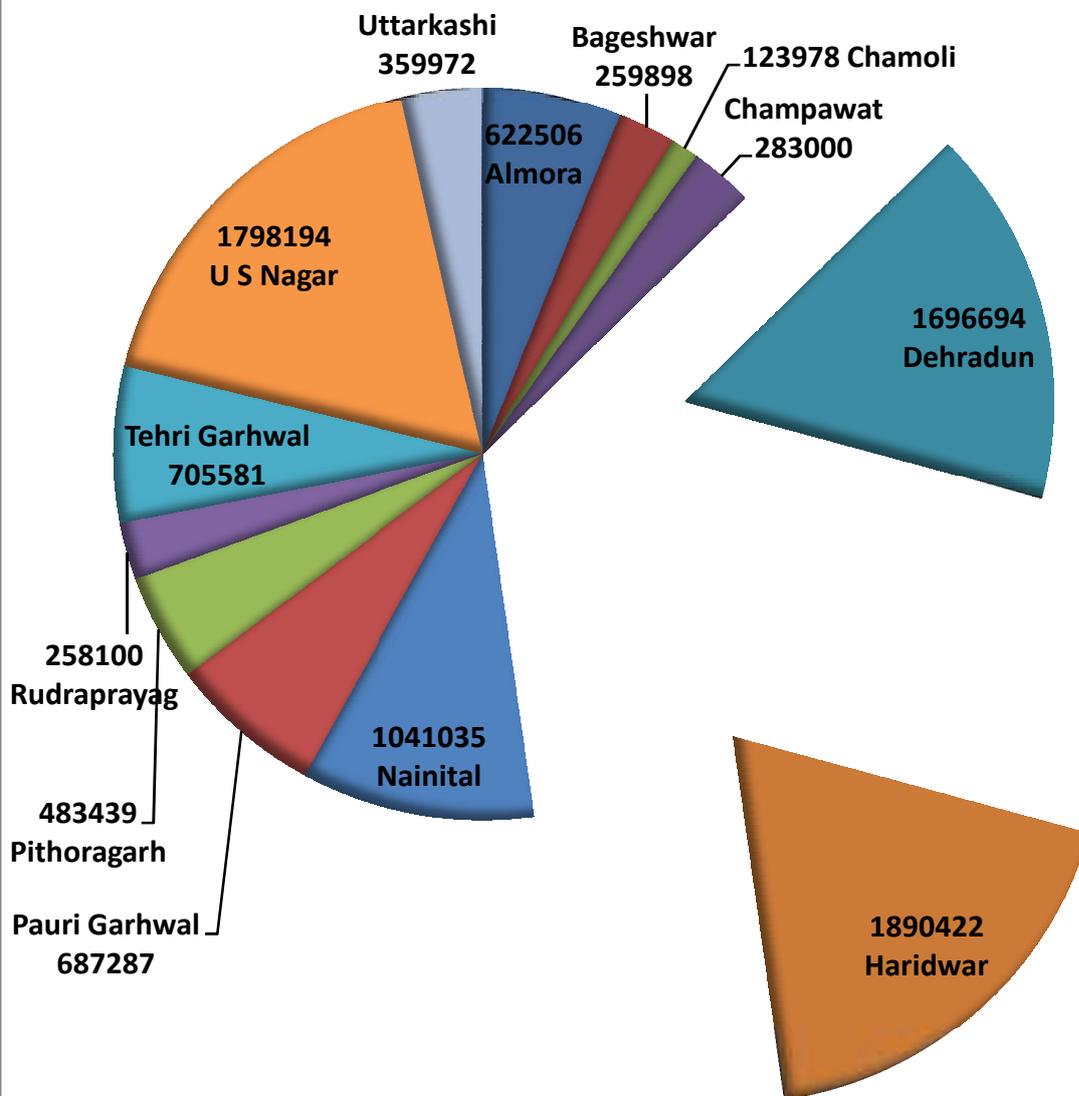


### Distribution of Population, Census 2011 (1,02,10,106)

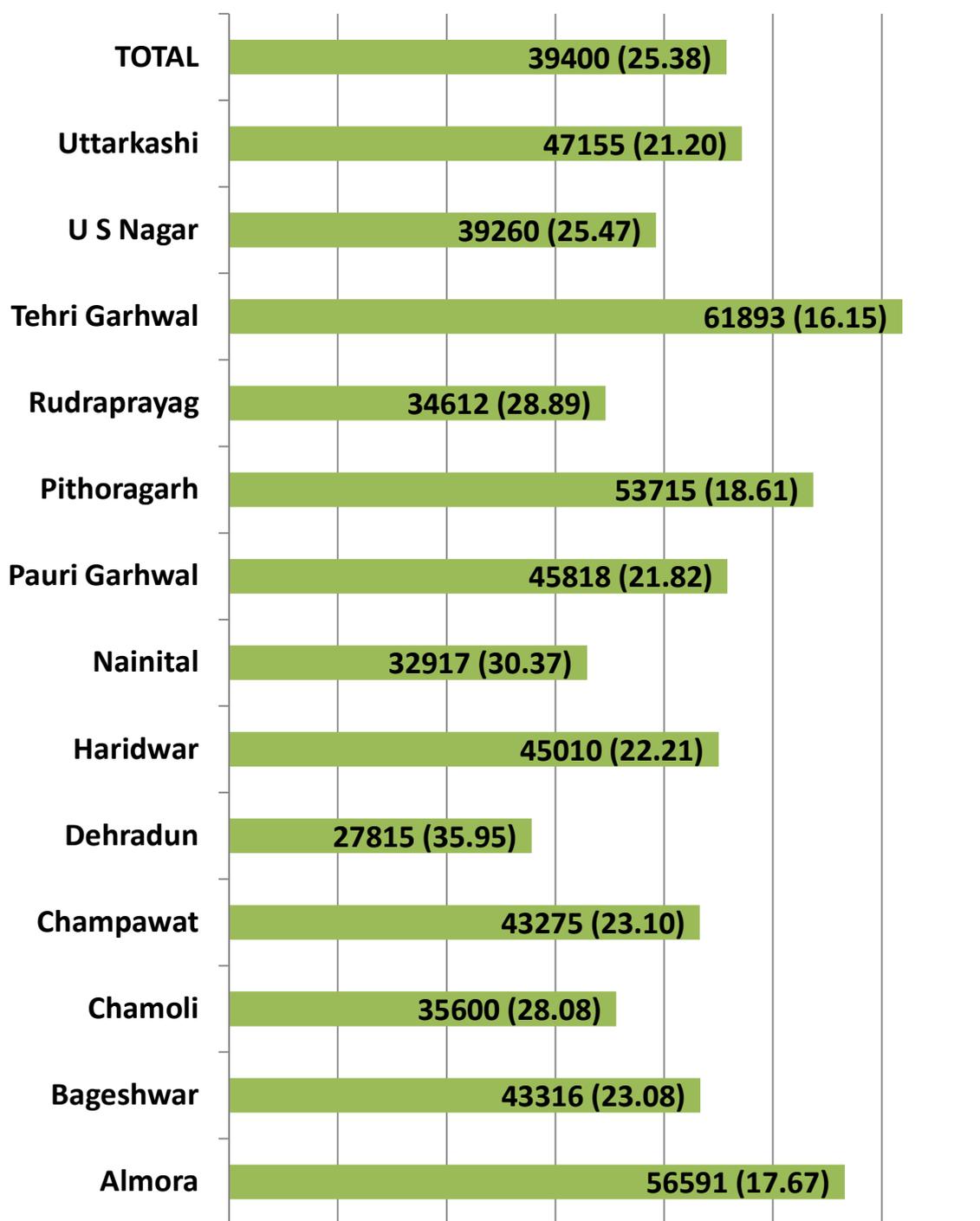


## District Wise Population, Census 2011

(Uttarakhand : 1,02,10,106)



**A Judge for Population/  
(Judges for a Million Population), 2021**

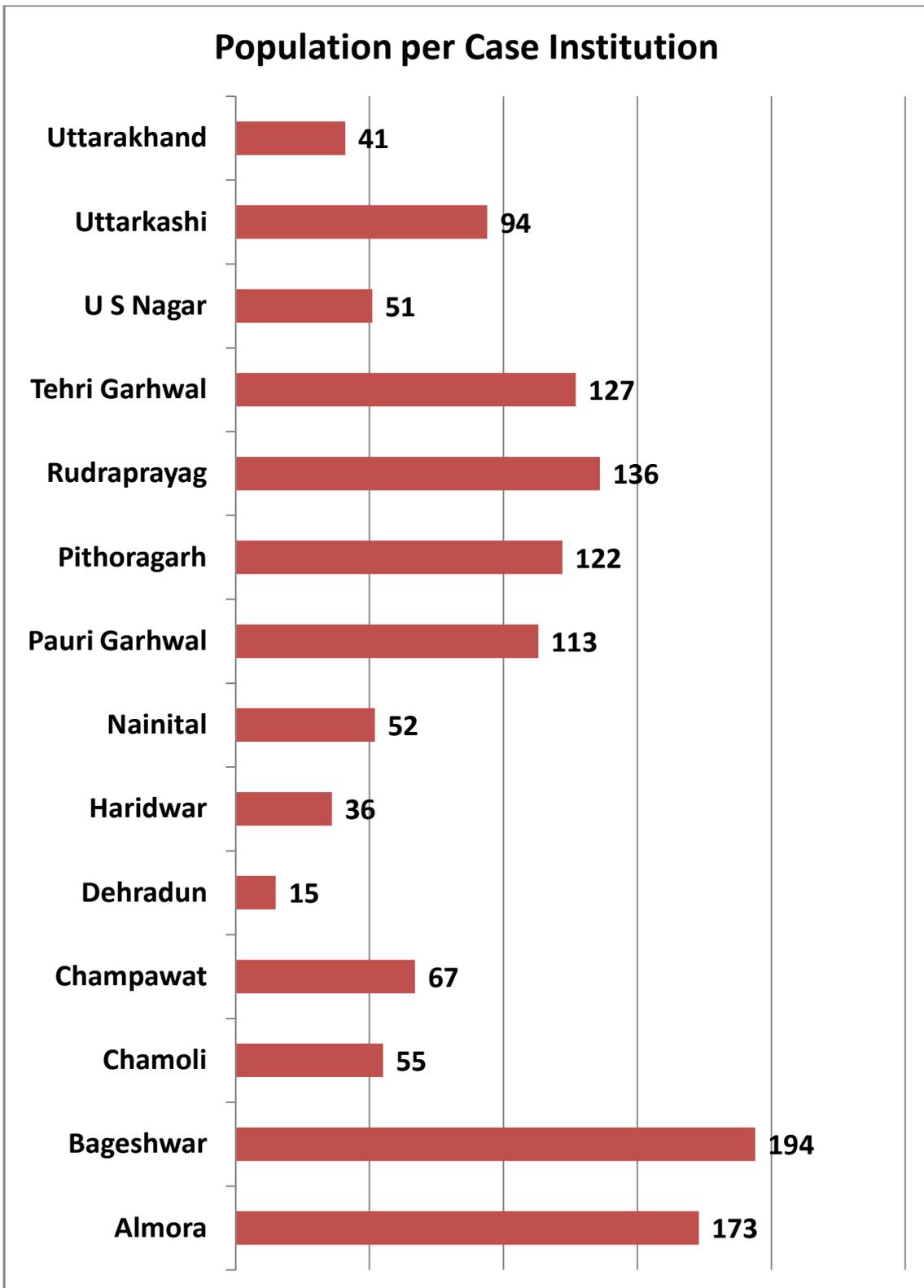


**INDIA- Judge Population ratio 16.16 per million population**

**UTTARAKHAND- Judge Population ratio 25.38 per million population**

**District of highest ratio- Dehradun 35.95, District of lowest ratio- Tehri Garhwal 16.15**

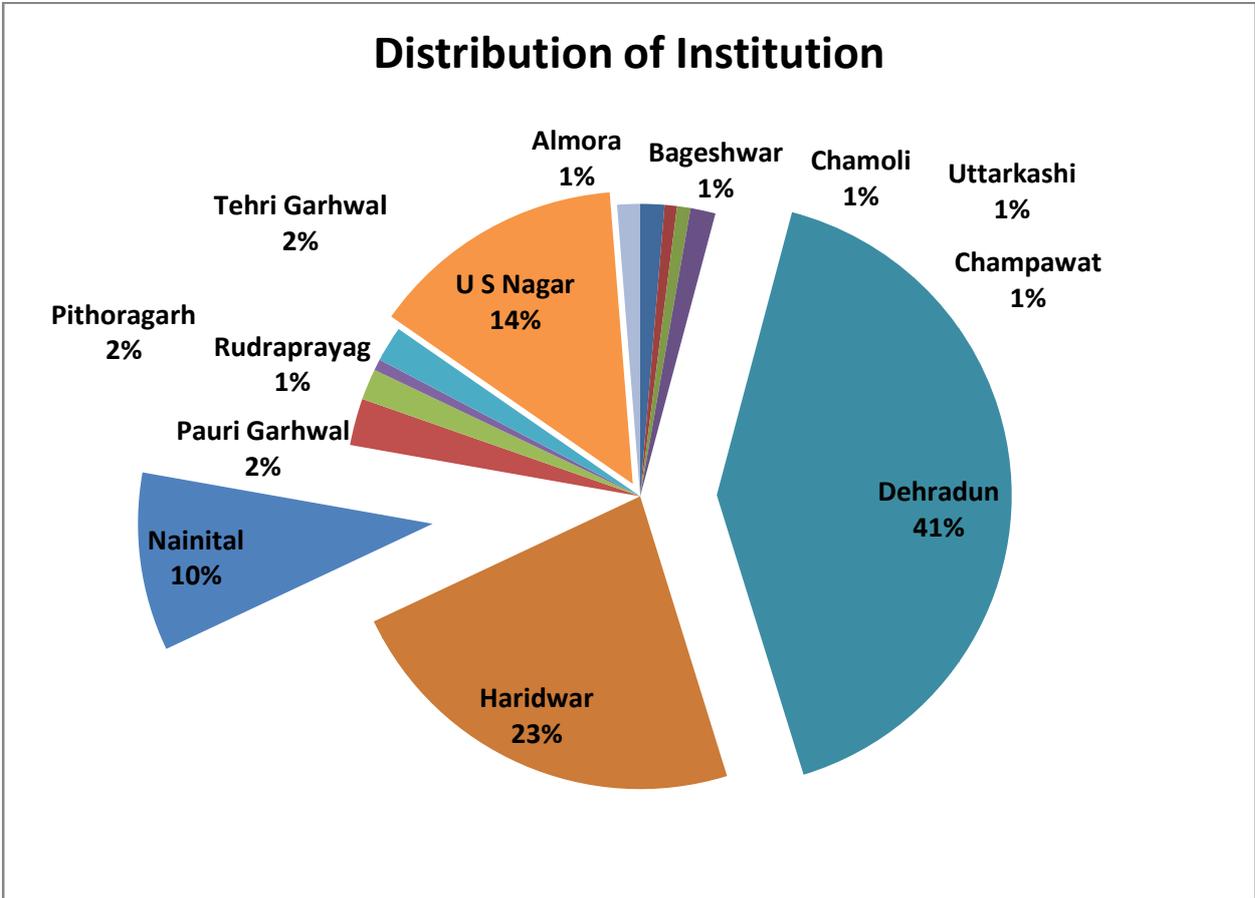
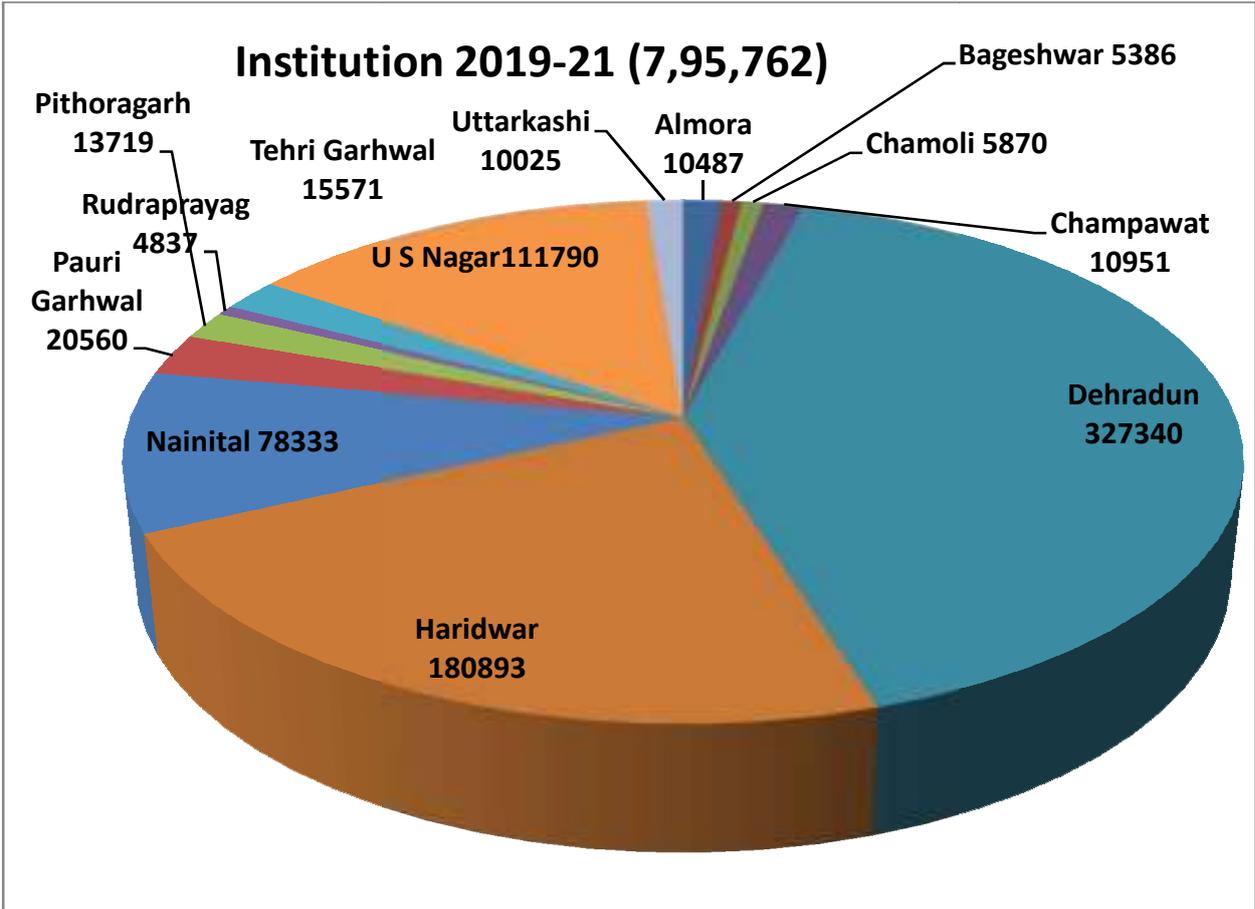
**\*Population as of Census 2011 & Judges as on 01.01.2023**



Population having highest institution of cases-**Dehradun**

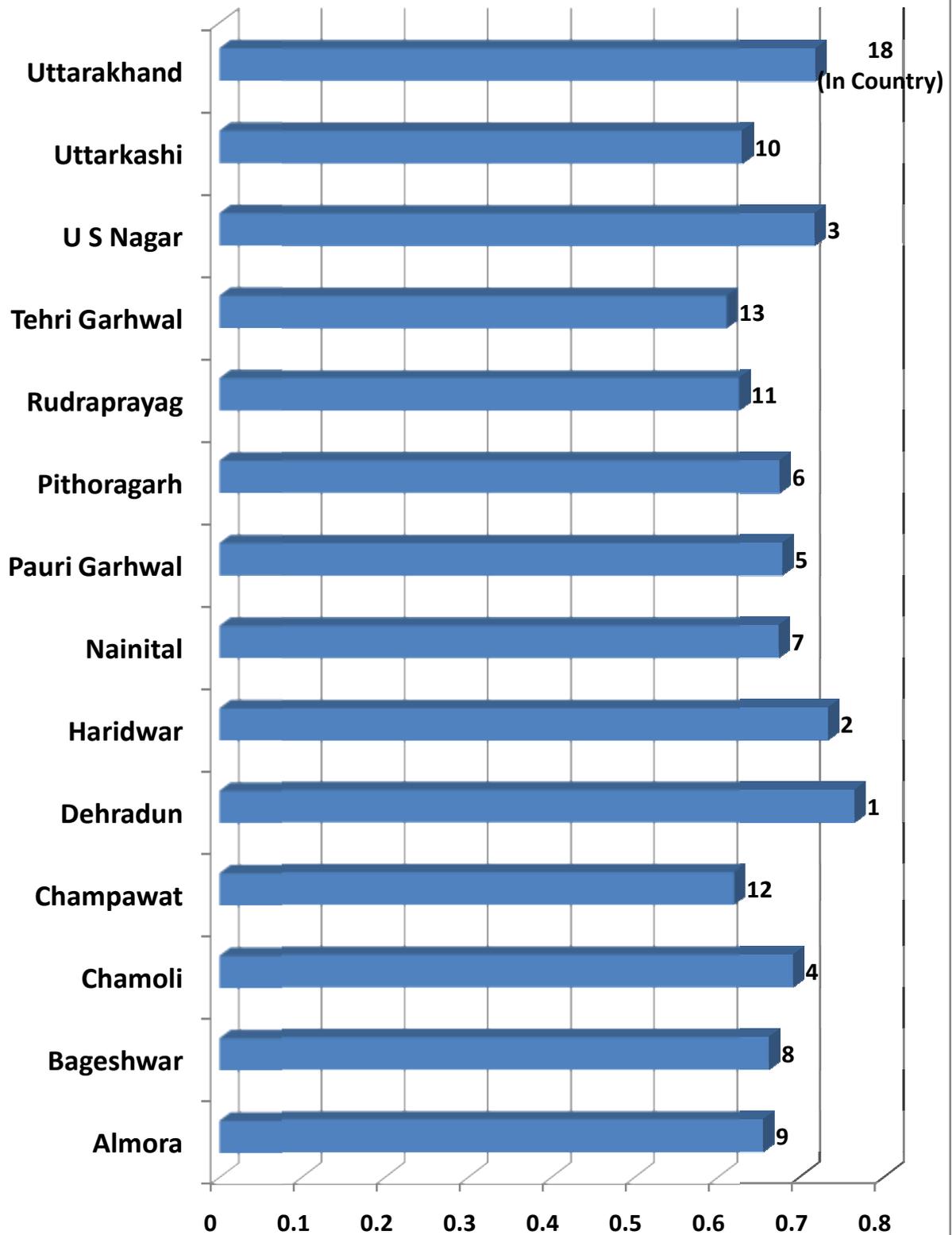
Population having lowest institution of cases-**Bageshwar**

\*Population as of Census 2011 & Case Institution as on 01.01.2022

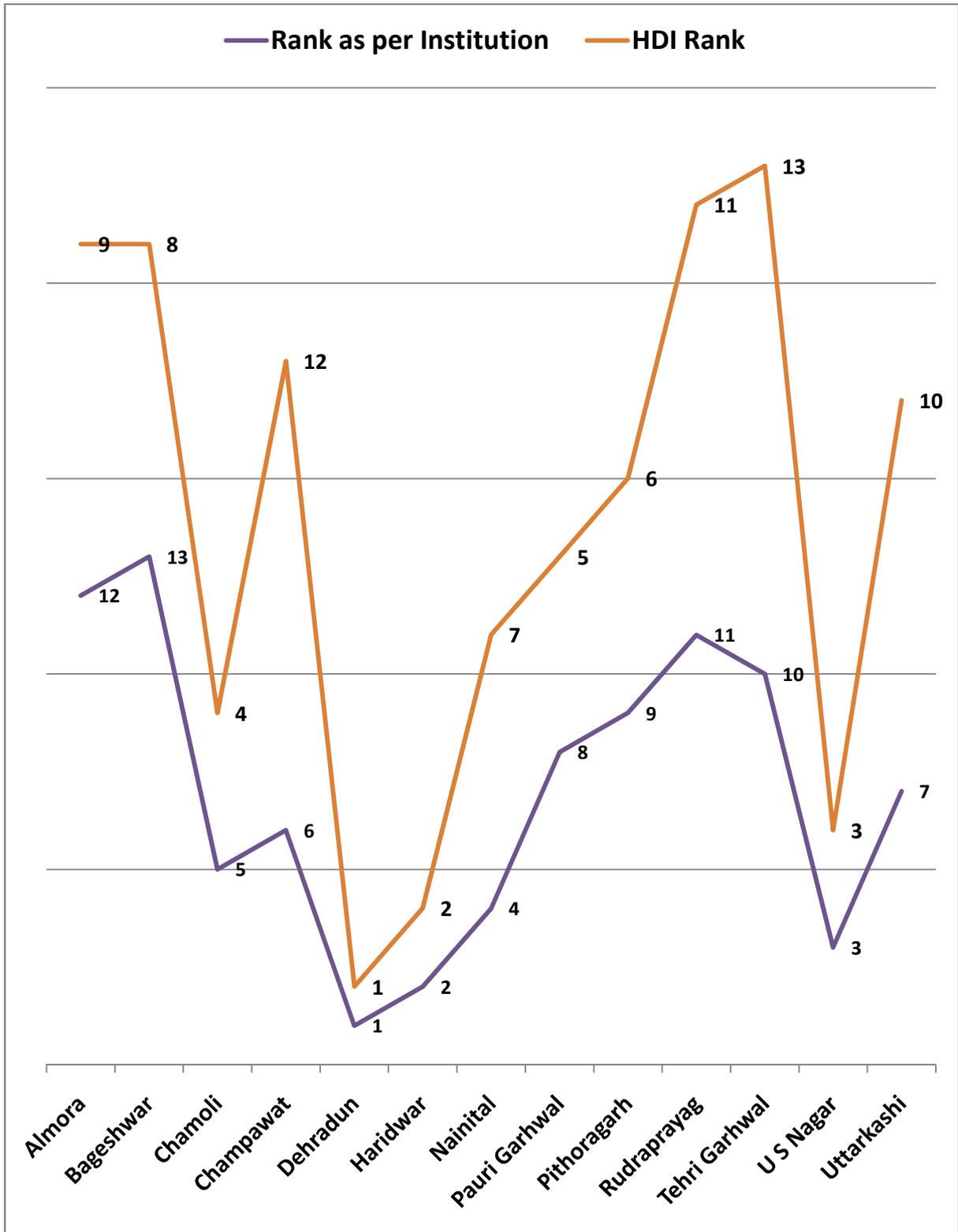


## Human Development Index (HDI)

As per Survey of Institute of Human Development India, 2017

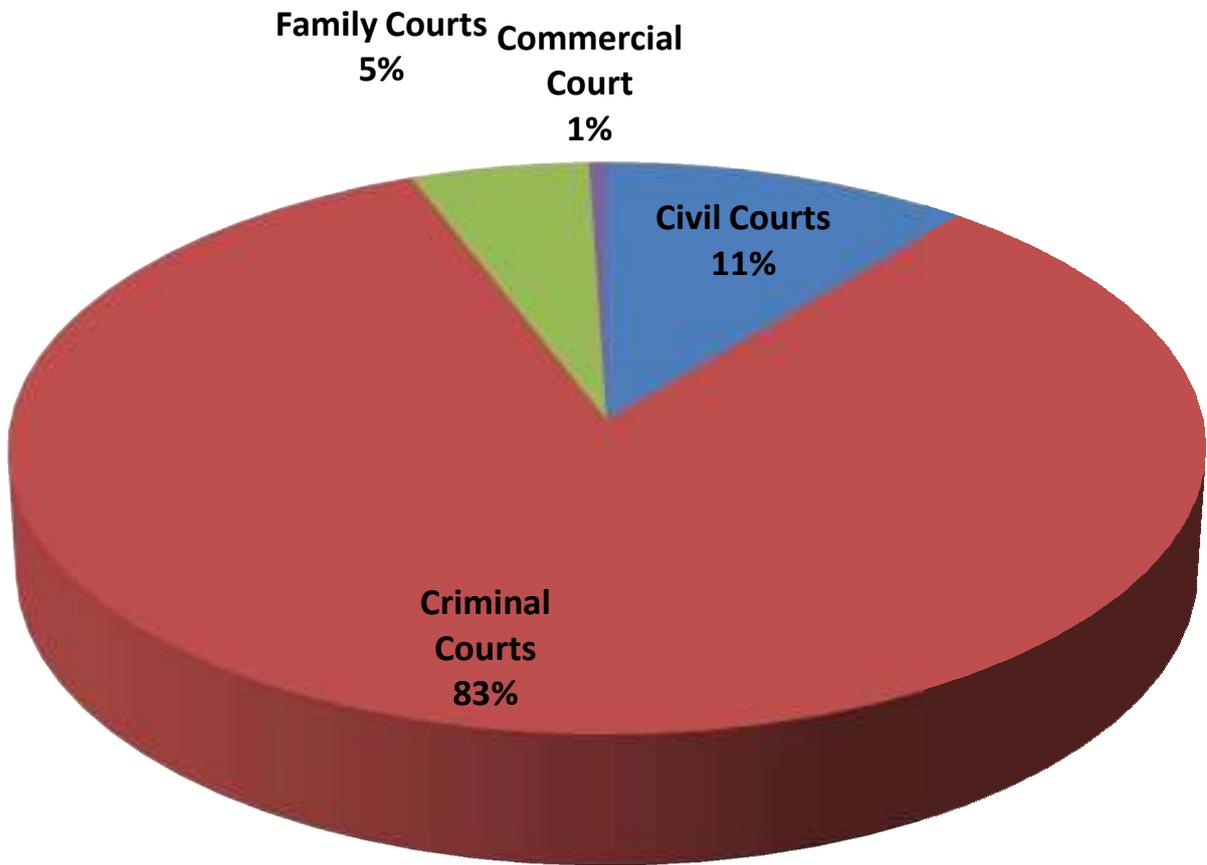


## Relation between HDI & Case Institution



\*HDI 2017 & Institution as on 01.01.2022

## Court Type-wise Pendency (3,04,732)



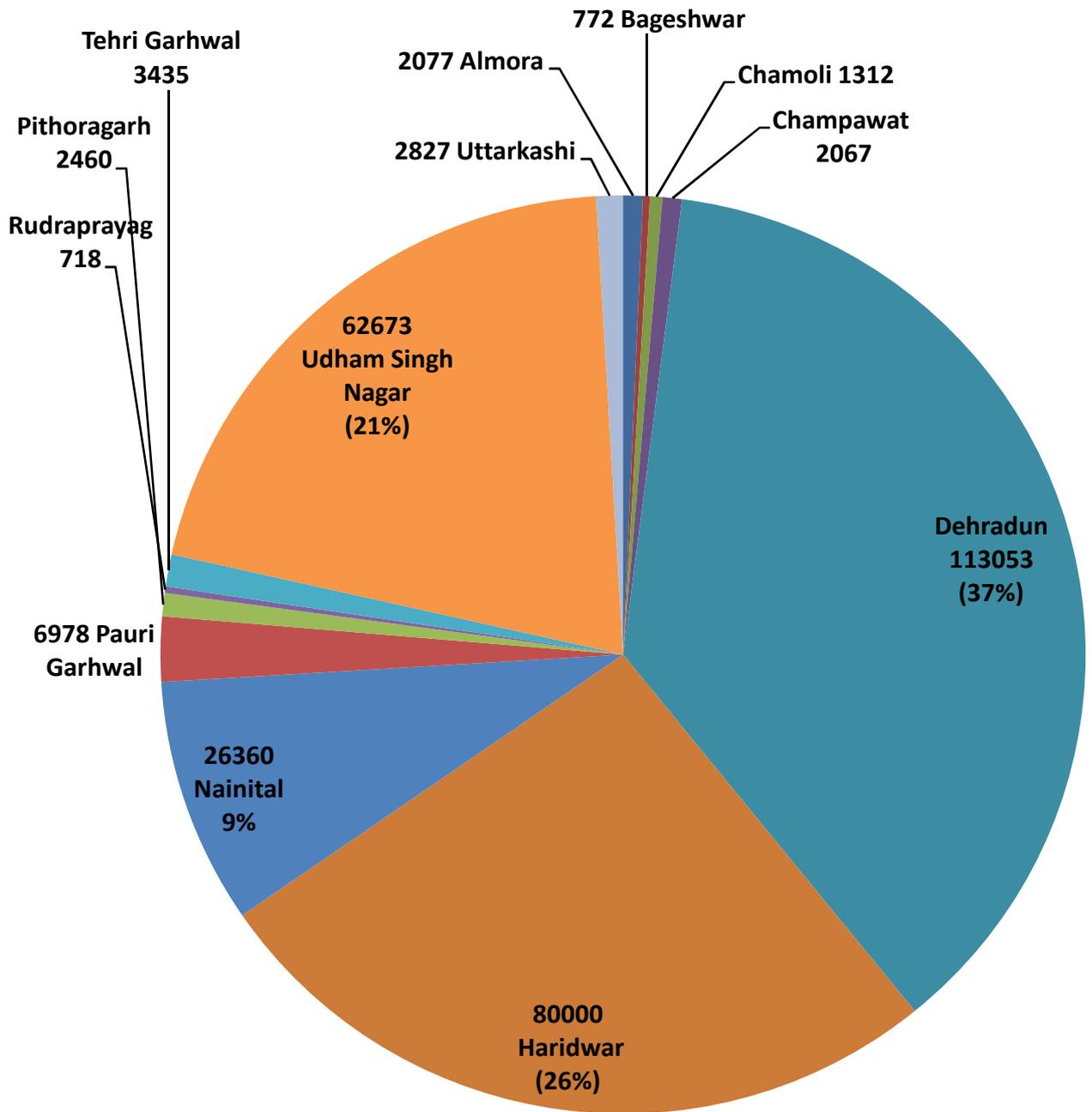
**Total Pendency of cases in District & subordinate Courts of Uttarakhand**

(as on 01.01.2022)- **3,04,732**

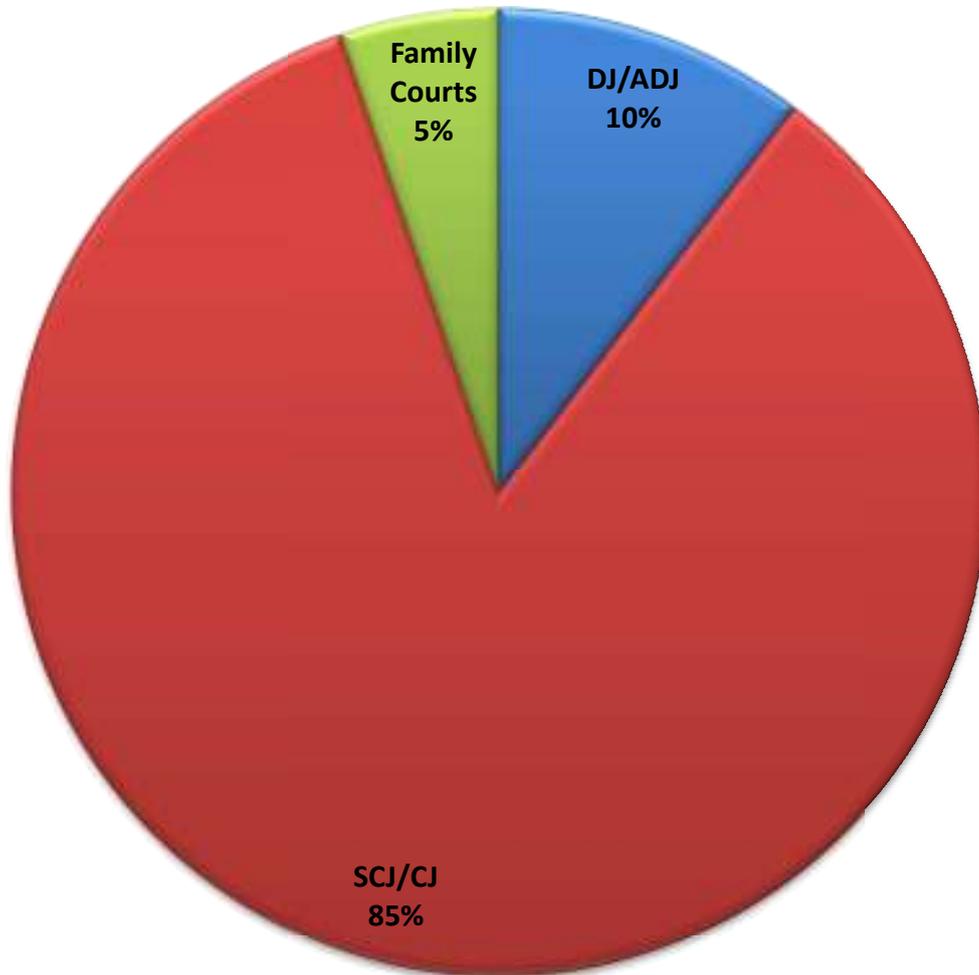
Out of which **83%** are criminal cases

**92%** of total criminal cases are pending before Magistrate Courts

**District Wise Pendency of Cases on 01.01.2022**  
**(Total Pendency: 3,04,732)**



## Distribution of Pendency



### CADRE-WISE CASE PENDENCY VERSUS CADRE STRENGTH

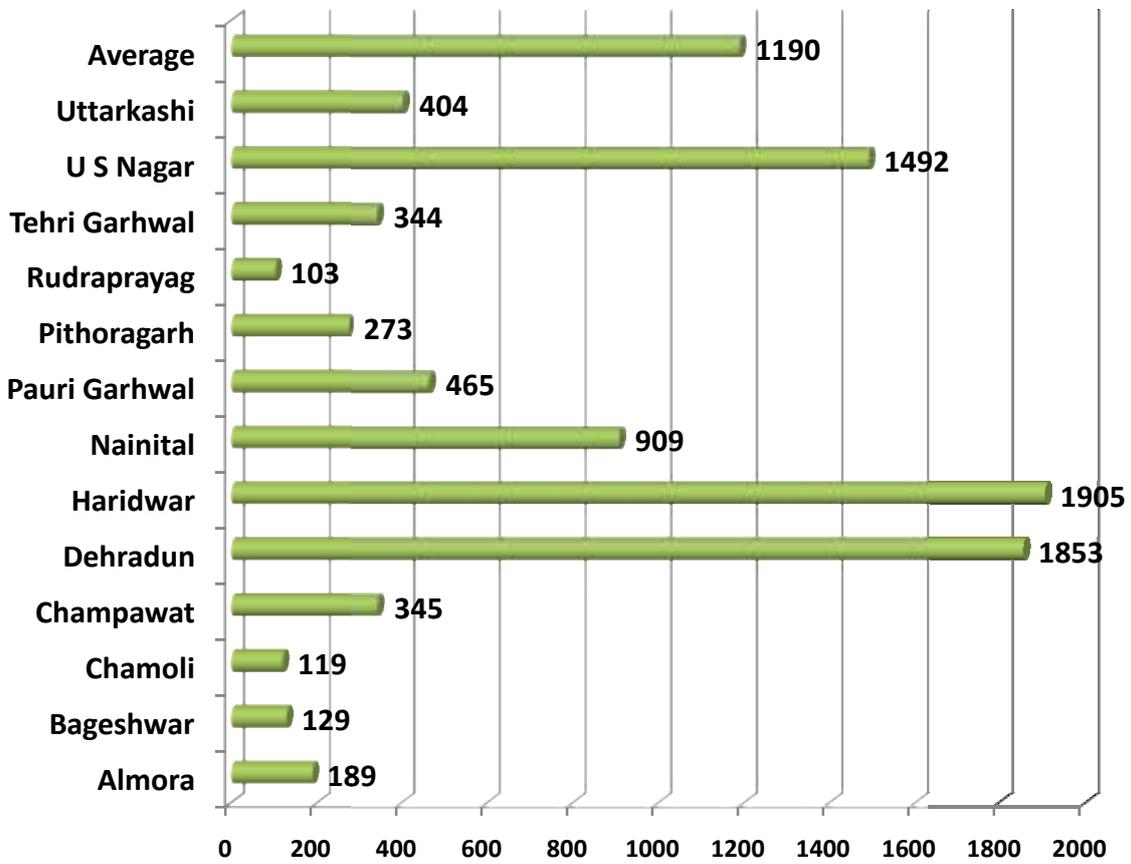
Higher Judicial Service Cadre-**34.11%**

Cases before the Cadre of HJS- **15% of Total Pendency**

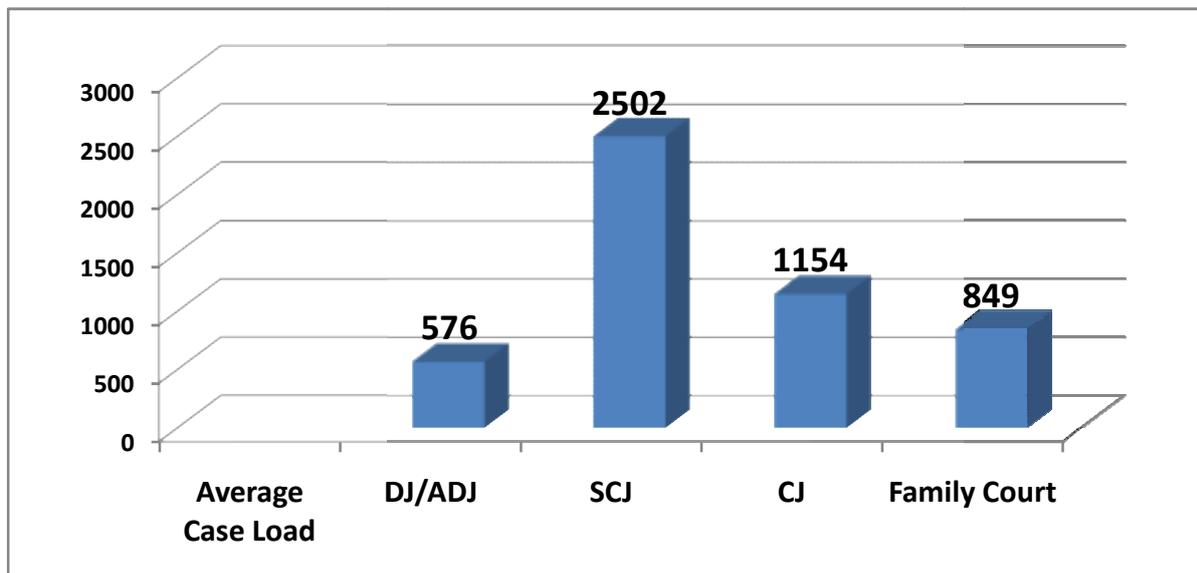
Senior Civil Judge Cadre-29.76% & Civil Judge Cadre-36.12% (**Both 65.89%**)

Cases before the Cadre of SCJ/CJ- **85% of Total Pendency**

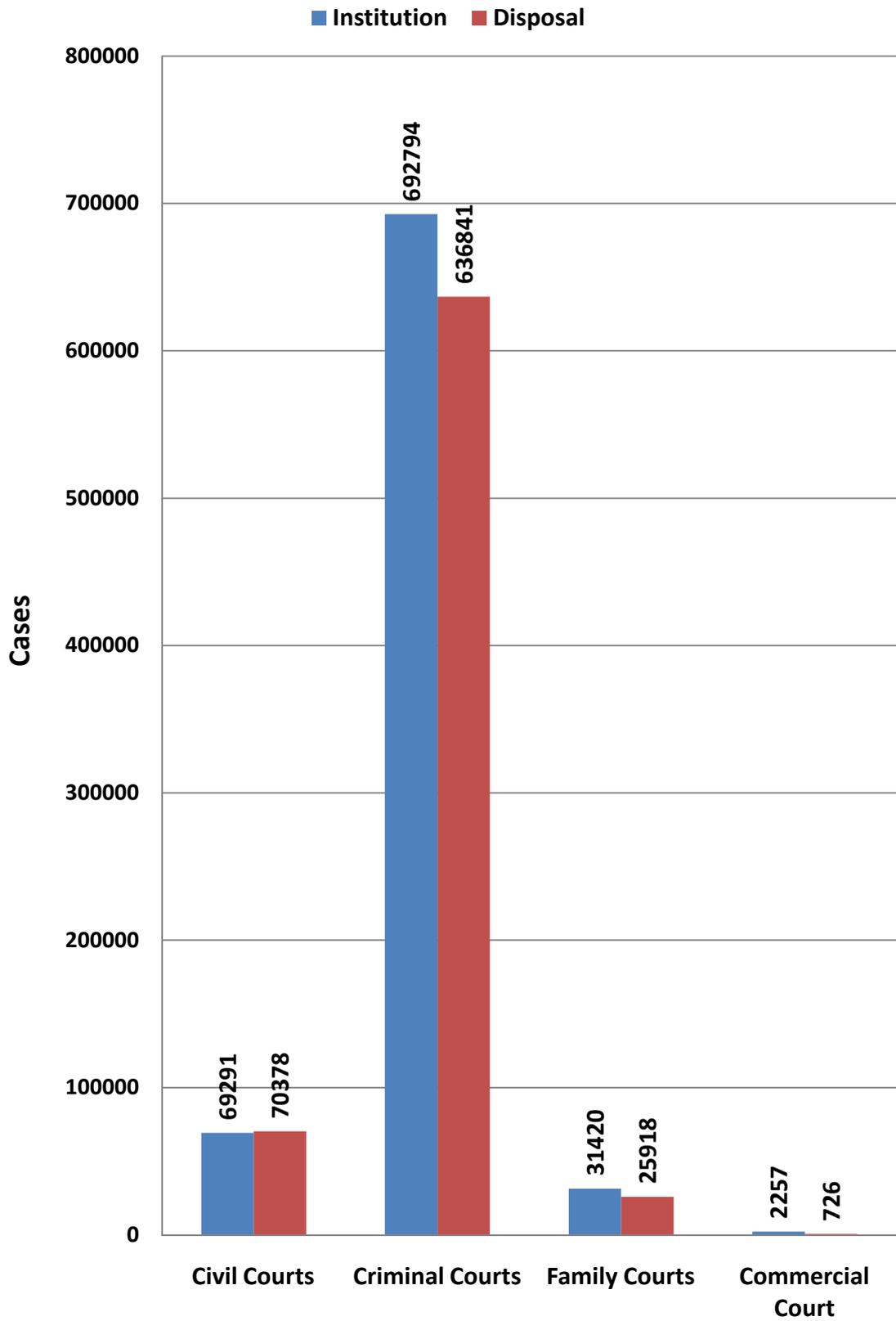
### Case Load per Judge District & Subordinate Courts (as on 01.01.2022)



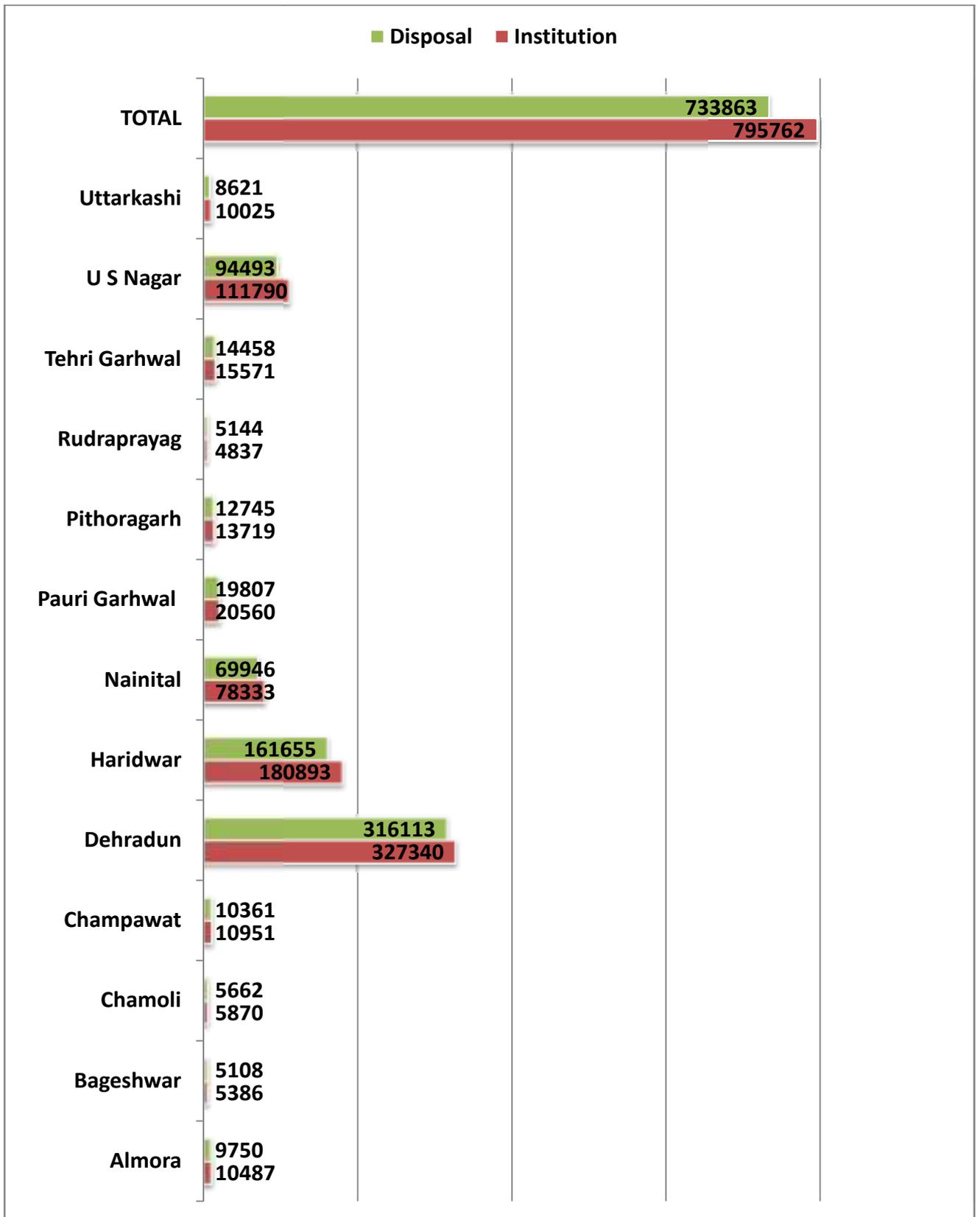
### CADRE-WISE JUDGE CASE LOAD



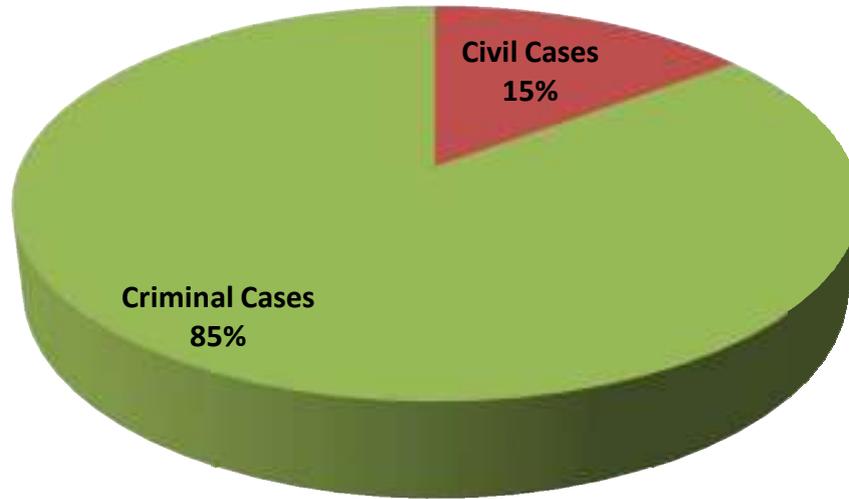
## Institution & Disposal of Cases for 2019-21



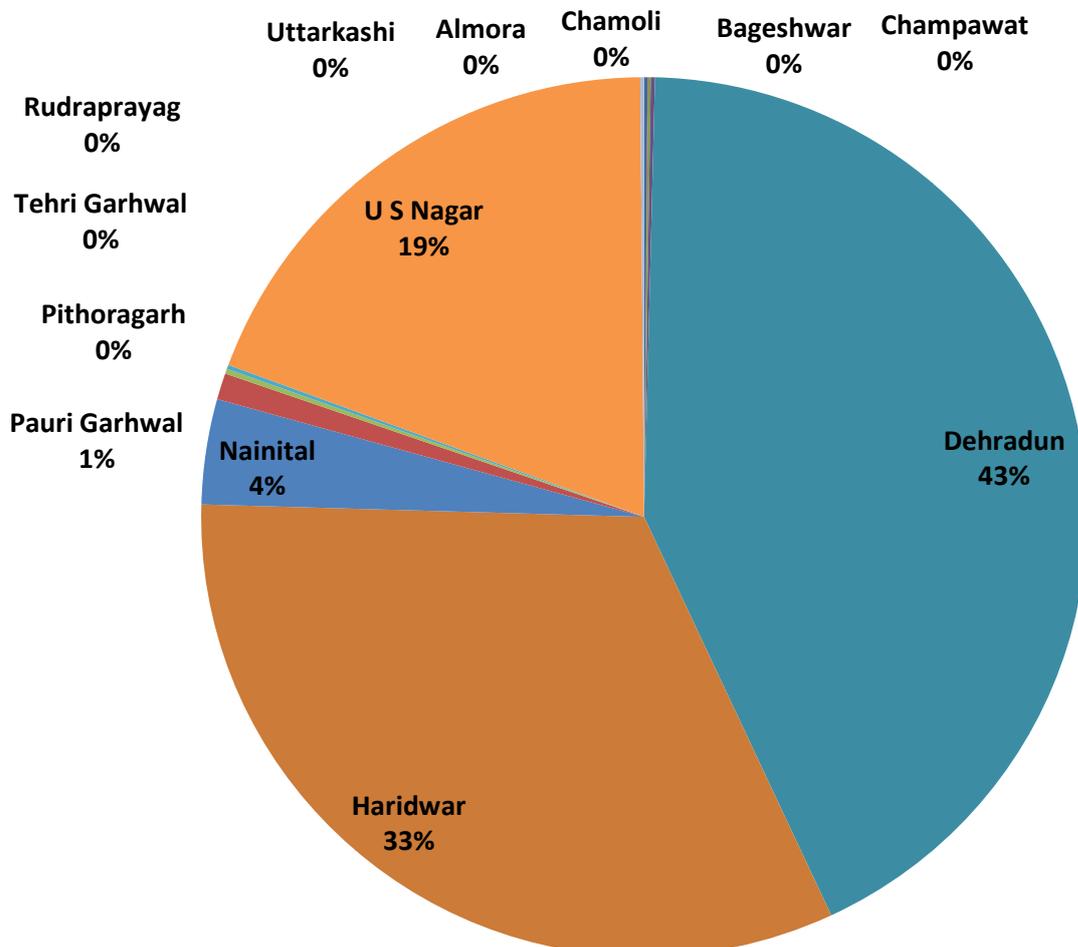
## District Wise Institution & Disposal of Cases During 2019-21



**Cases Pending Since More than 5 Years  
(As on 31.01.2023)- 44,213**

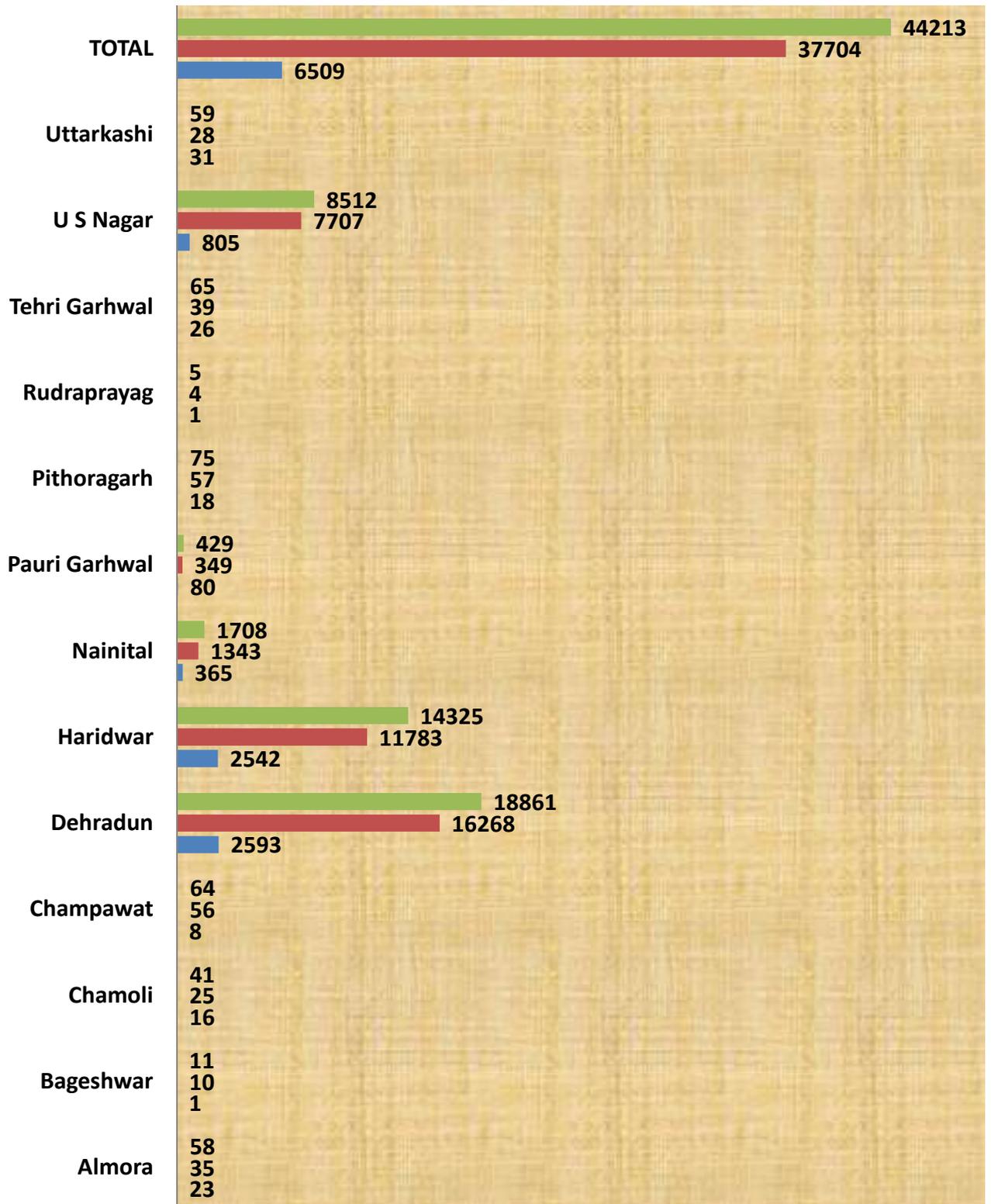


**Cases Pending Since More than 5 Years**

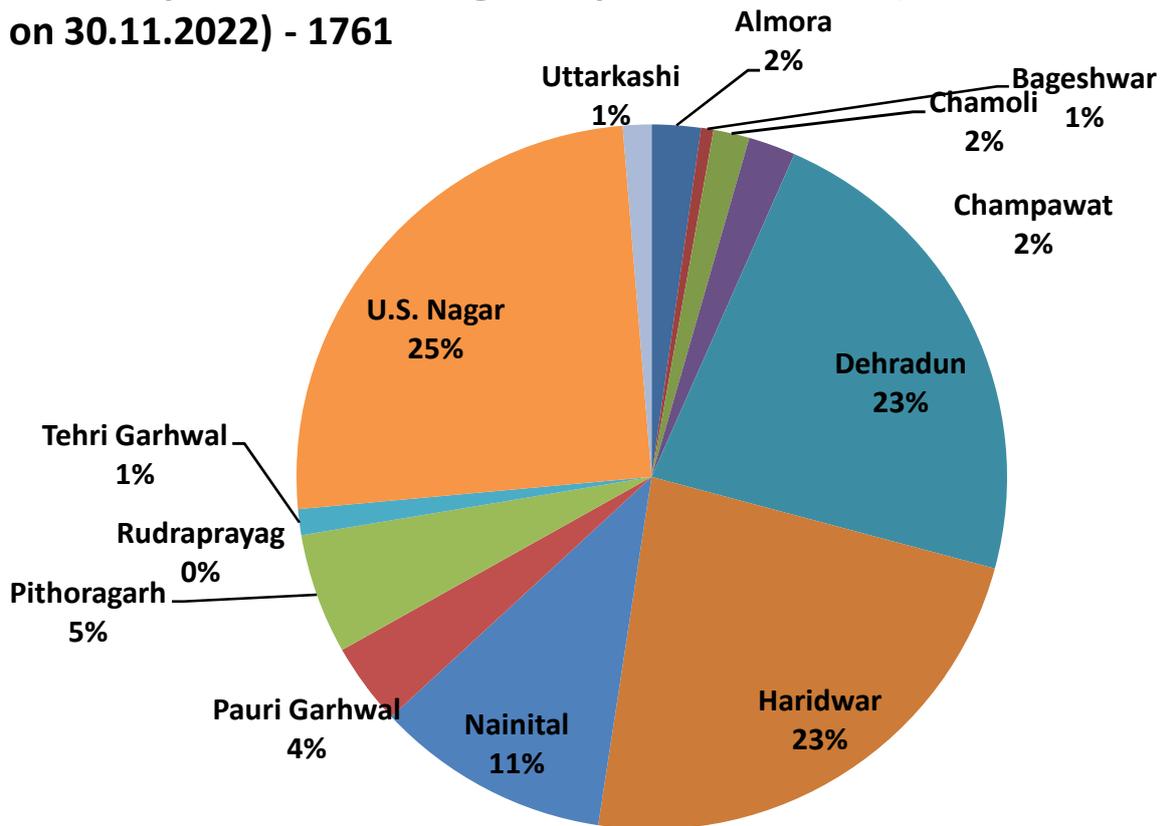


## Cases Pending Since More Than 5 years (As on 31.01.2023)

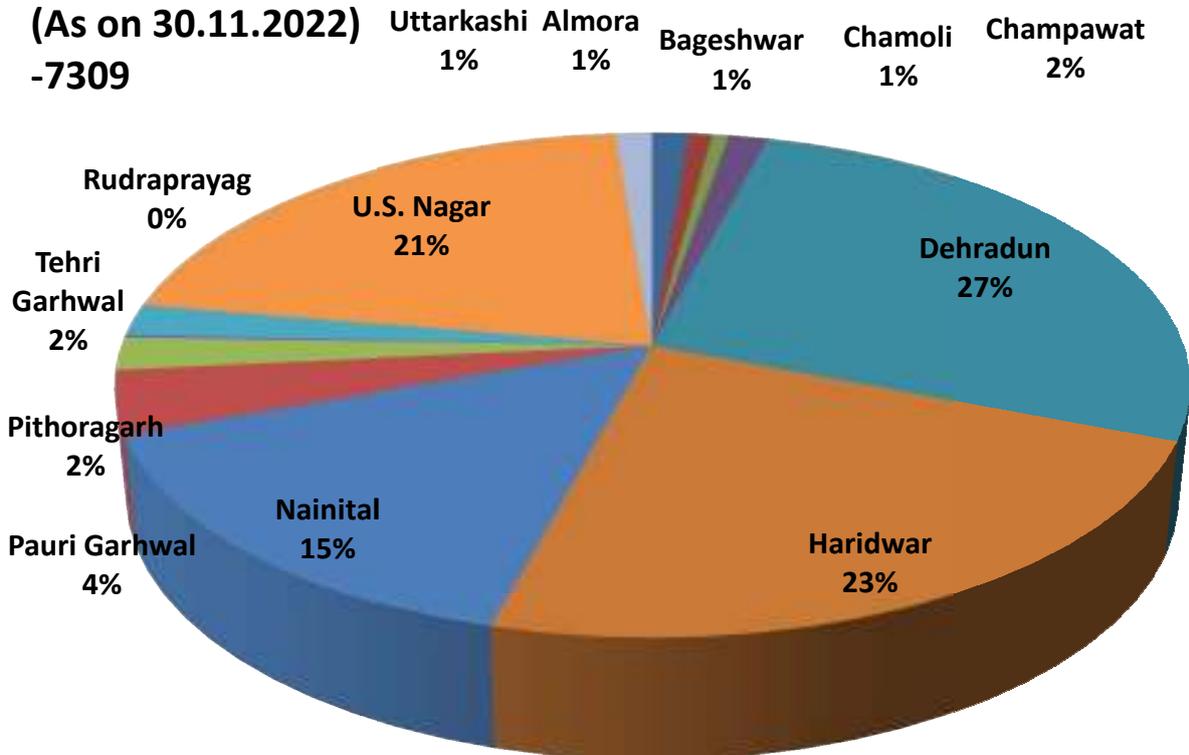
■ Total Pendency   
 ■ Criminal Cases   
 ■ Civil Cases



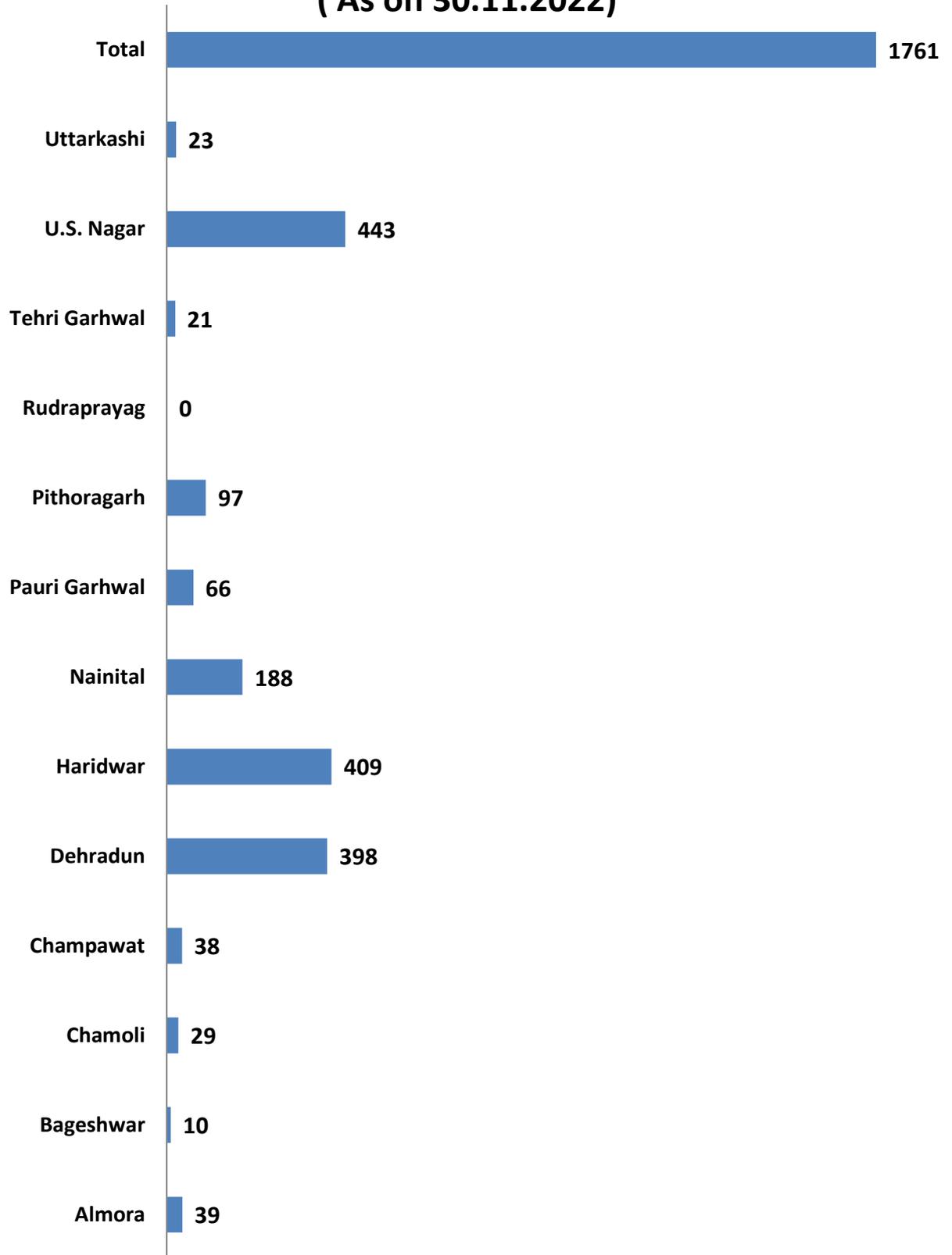
**Pendency of Cases Relating to Rape & POCSO Act (As on 30.11.2022) - 1761**



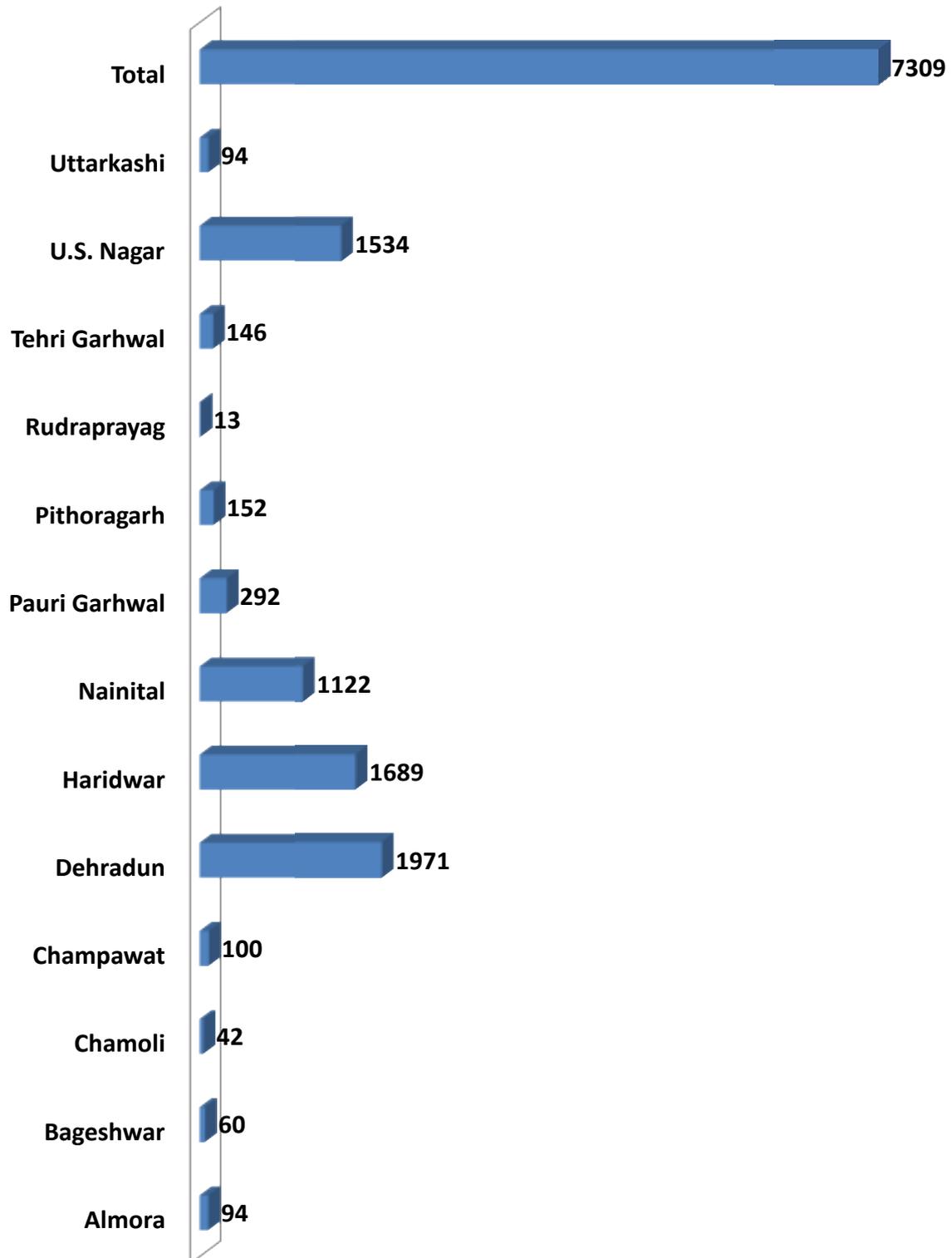
**Pendency of Cases Relating to Crime Against Women (As on 30.11.2022) - 7309**



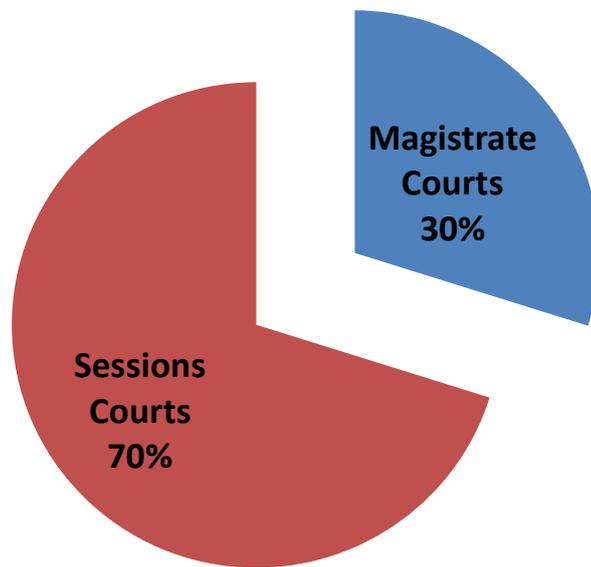
### Cases Relating to Rape & POCSO Act ( As on 30.11.2022)



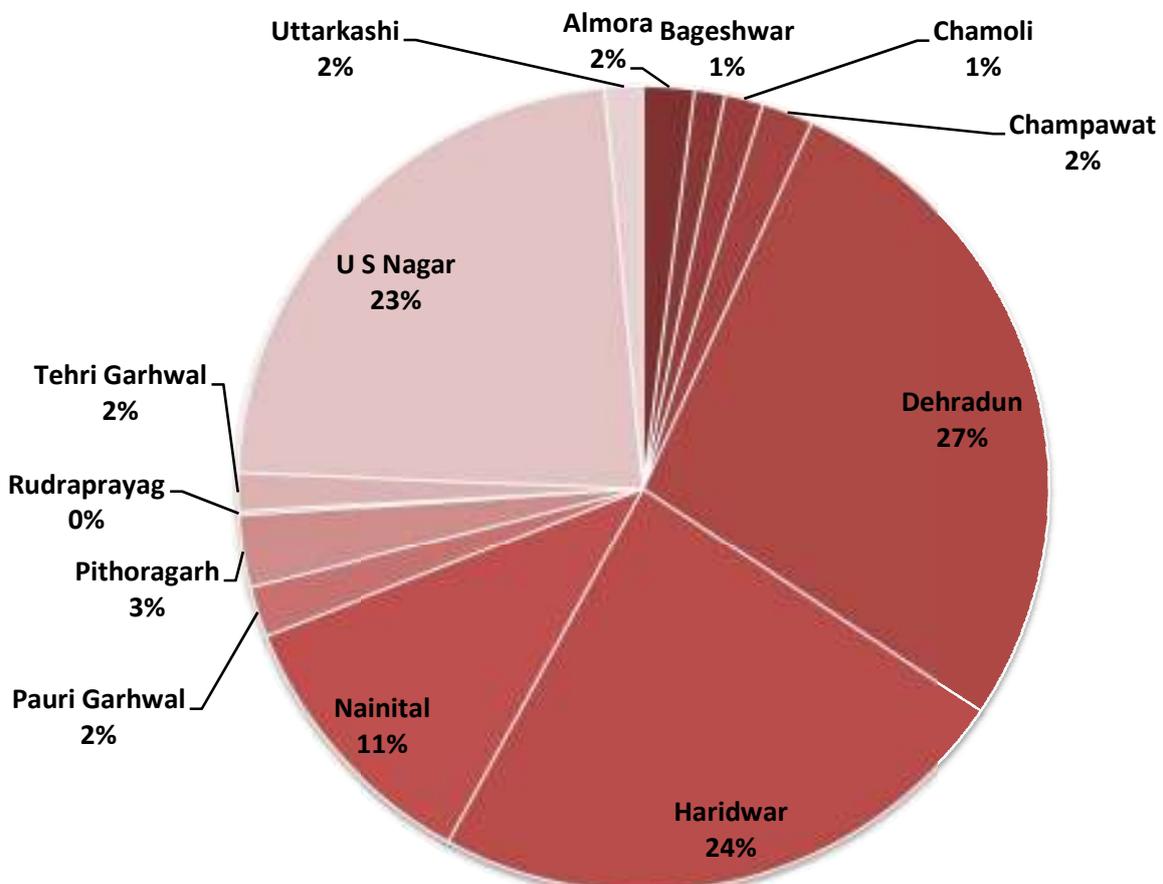
## Cases Relating to Crime against Women (As on 30.11.2022)



### Cases Relating to Undertrial Prisoners, As on January 31, 2023 (3,797)

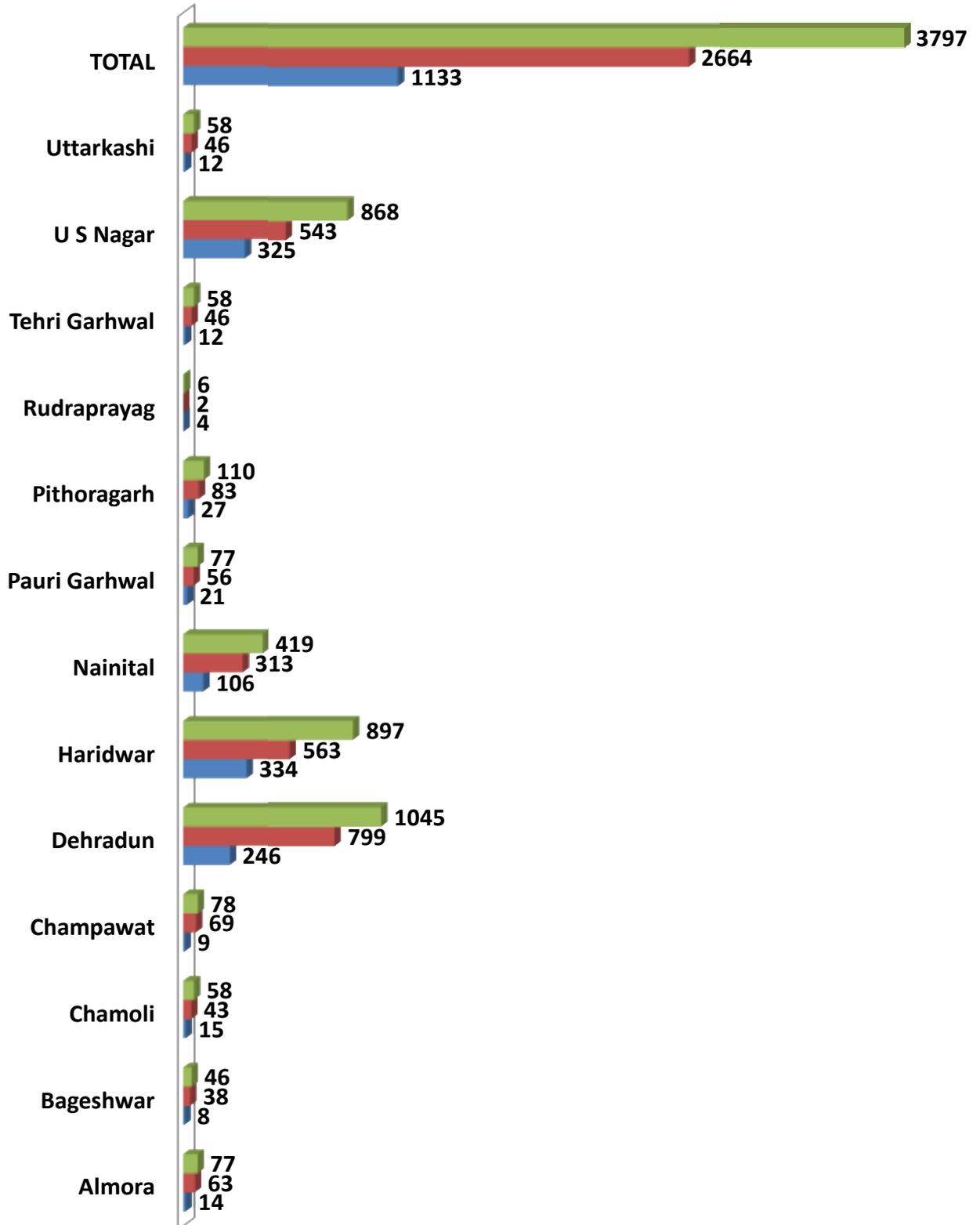


### Under Trial Cases: As on January 31, 2023

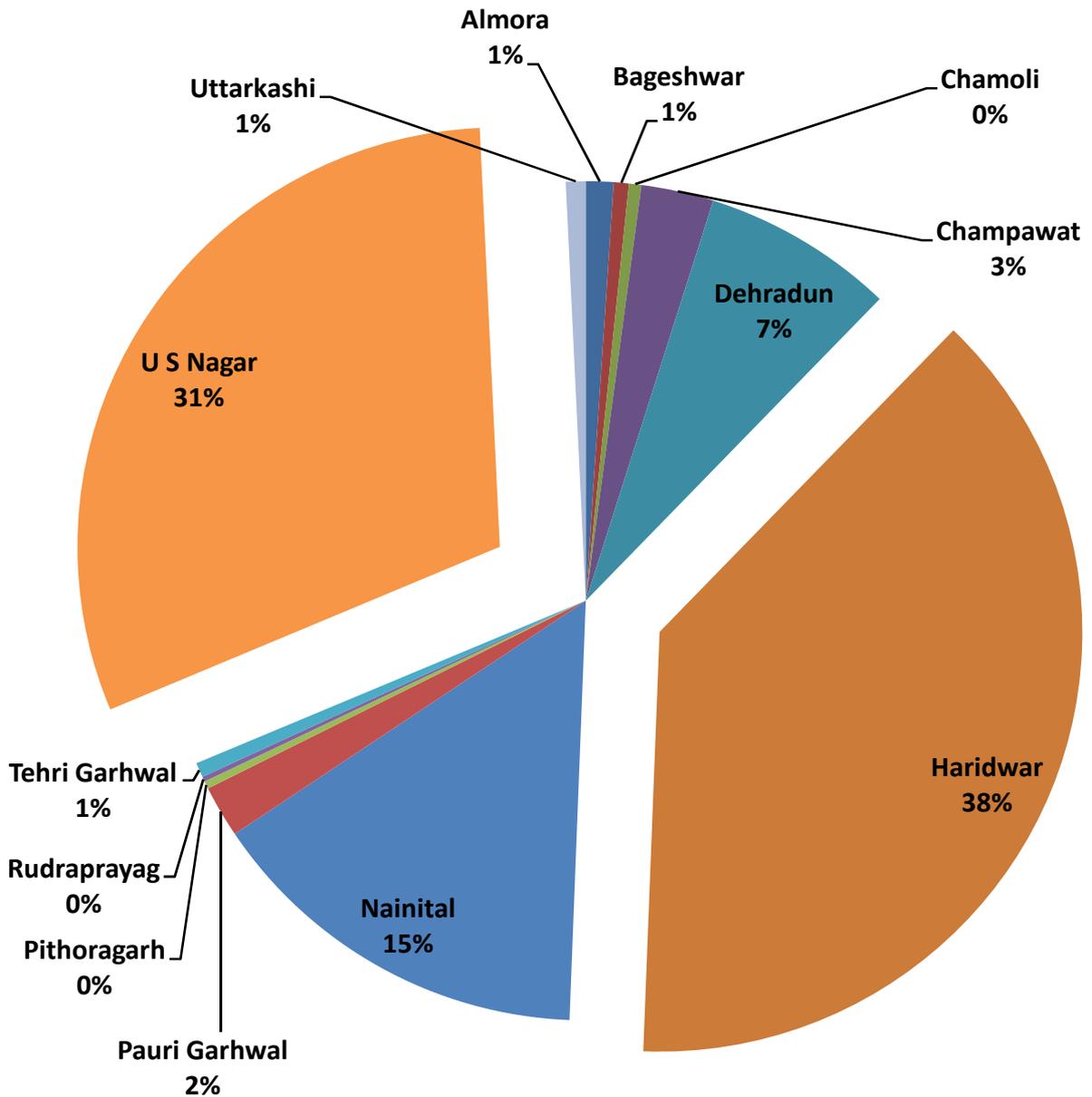


## Undertrial Cases (as on January 31, 2023)

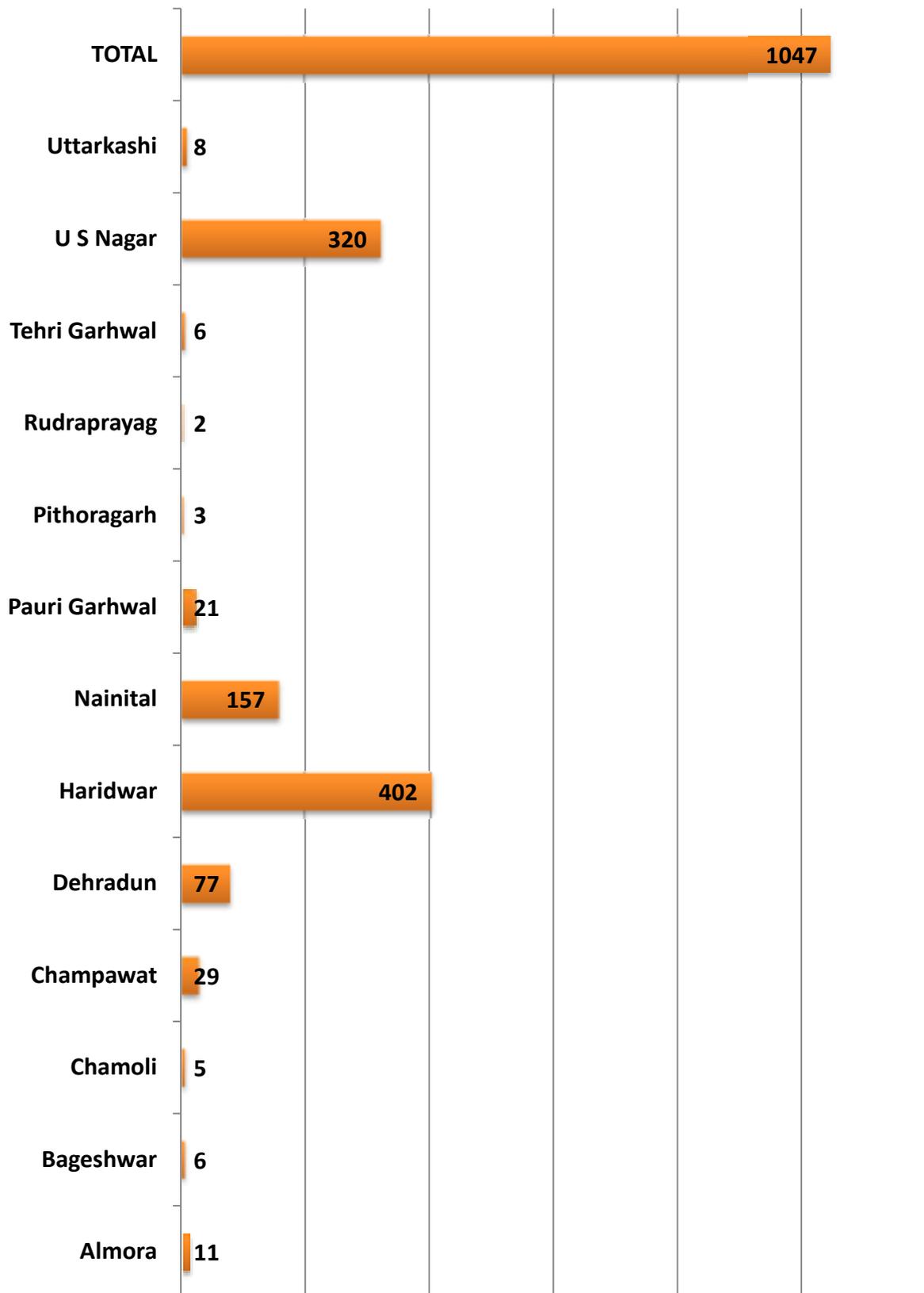
■ Total Pendency    
 ■ Sessions Court    
 ■ Magistrate Courts



## Cases before Juvenile Justice Board As on January 31, 2023 (1,047)



## Pendency Before Juvenile Justice Boards (JJBs) As on January 31, 2023



## **OBSERVATIONS:**

- District Dehradun, Haridwar and Udham Singh Nagar are highly populated districts of Uttarakhand comprising 52% of total population of the state.
- The deployment of Judicial Officers in aforesaid districts of Dehradun, Haridwar and Udham Singh Nagar is also high comprising 56 % of the state.
- The pendency of criminal cases has increased at the rate of 26.44% and that of civil cases has increased at the rate of 7.16% over the past 3 years. During 2019-2021, the pendency of cases in family courts has increased by 52.42%
- The disposal to institution ratio for 2019-21 is best for civil cases (0.96). For criminal cases and family court cases, it is 0.92 and 0.82 respectively. The ratio is least for commercial court cases (0.32).
- Dehradun, Haridwar and U.S. Nagar are the top 3 districts respectively in terms of maximum institution of cases. They are also the top 3 districts respectively with regard to disposal of cases and pendency as well.
- Rudraprayag is the best-performing district where disposal is more than institution (Ratio: 1.06) and pendency is minimum (718). Dehradun (Ratio: 0.97) is the second best-performing district while Chamoli and Pauri Garhwal (Ratio: 0.96) share the third spot.
- The ratio of disposal to institution indicates that U.S. Nagar (0.85), Uttarkashi (0.86), Haridwar (0.89) and Nainital (0.89) are the least-performing districts.
- The total pendency of cases in subordinate courts of the state as on 01.01.2019 was 2,42,833 comprising 1,98,300 criminal (81.66%), 34,038 civil (14.02%) and 10,495 family court (4.32%) cases.
- Total institution during the years 2019-21 was 7,95,762 out of which 6,92,794 criminal (87.06%), 69,291 civil (8.71%), 31,420 family court (3.95%) and 2,257 commercial court (0.28%) cases.
- Further, the total disposal of cases during 2019-21 was 7,33,863 including 6,40,364 criminal (87.26%), 66,855 civil (9.11%), 25,918 family court (3.53%) and 726 commercial court (0.10%) cases.

- The inflow-outflow difference of cases during 2019-21 was 61,899, thereby increasing the arrears of cases by 25.49% during 2019-21. Finally, the total pendency of cases as on 31.12.21 was 3,04,732 comprising 2,50,730 criminal (82.28%), 36,474 civil (11.97%), 15,997 family court (5.25%) and 1,531 commercial court (0.50%) cases.
- The Case Load per Judge Ratio in the districts of Dehradun, Haridwar and Udham Singh Nagar is higher at 1853, 1905 and 1492 respectively and very low in the districts of Rudraprayag, Chamoli and Bageshwar at 103, 119 and 129 respectively.
- The Case Load per Judge Ratio is higher at 2502 in the cadre of Senior Civil Judge comparing to the cadres of DJ/ADJ, Judge Family Courts and Civil Judge at 576, 849 and 1154 respectively.
- As on January 31, 2023, there were 44213 cases pending since more than five years (Old Cases) out of which 85% cases are in criminal side.
- 95% of aforesaid pendency of old cases is lying in the districts of Dehradun, Haridwar and Udham Singh Nagar.
- 1761 cases relating to rape & POCSO Act and 7309 cases relating to crime against women were pending on November 30, 2022. Out of which 71% of cases in each are pending in the districts of Dehradun, Haridwar and Udham Singh Nagar.
- As on January 31, 2023; total 3797 cases of under trial prisoners were pending before the Courts of Sessions and Magistrates in the state of Uttarakhand. Out of which 70% cases were pending before the Courts of Sessions.
- 74% of cases relating to under trial prisoners are pending in the districts of Dehradun, Haridwar and Udham Singh Nagar.
- The pendency of cases before Juvenile Justice Boards (JJBs) was 1047 as on January 31, 2023. Out of which 76% of cases are pending before the JJBs of district Dehradun, Haridwar and Udham Singh Nagar.
- The JJB Nainital also has 15% cases of aforesaid total pendency.

#### **FOCUS AREAS:**

- As per data collected by PRS, pendency of cases in subordinate courts across India grew by approximately 13% between 2019 and 2020. Over the past 3 years, pendency in the subordinate courts of Uttarakhand

grew at an average rate of 25.49% which is roughly double the national average for 2019-20.

- Hence, the focus is on timely and efficient disposal of cases and ensuring that disposal outnumbers institution of new cases, so as to reduce pendency.
- The pendency of criminal cases has increased at a much higher rate as compared to civil cases. Also, the rate of growth in pendency is alarming in family court cases. Therefore, criminal cases and family court cases are the target areas for the next five years in order to reduce pendency.
- The ratio of disposal to institution is least for commercial court cases. Hence, establishment of more commercial courts and adequate training for judicial officers, in order to ensure efficiency, is the need of the hour. U.S. Nagar, Uttarkashi, Haridwar and Nainital are the focus districts where percentage of disposal requires improvement. Dehradun district also requires attention since it has the maximum institution and pendency of cases.
- 85% cases are pending before the cadre of Senior Civil Judge & Civil Judge and 83% pending cases are in criminal side. Hence, establishment of more Magistrate Courts; especially in the cadre of SCJ is required.
- The Case Load per Judge Ratio in the districts of Dehradun, Haridwar and Udham Singh Nagar is much higher, hence, establishment of additional Courts; enhancing especially the cadre of Senior Civil Judges according to their work load and hierarchical pyramid is the need of hour.
- Keeping in mind the low workload of other districts, we should focus on hybrid mode of Court hearing and to find the way of rendering jurisdictional authority to them to dispose the cases of districts having larger pendency of cases.
- 71% of cases relating to rape & POCSO Act and crime against women are pending in the districts of Dehradun, Haridwar and Udham Singh Nagar.
- Expeditious disposal of cases relating to under trial prisoners pending in the districts of Dehradun, Haridwar and Udham Singh Nagar is required.
- Strategy to dispose cases relating to NDPS Act & NI Act.
- As per the pendency of cases before JJB Nainital, a full time post of Principal Magistrate is required to be sanctioned there like the JJBs of district Dehradun, Haridwar and Udham Singh Nagar.

## MEN, MATERIAL & MACHINES

### POSITION OF JUDICIAL OFFICERS (As on 01.01.2023)

Cadre	Sanctioned Strength	Working Strength	Vacancy
Higher Judicial Service	102	98	4*
Senior Civil Judge	89	87	2**
Civil Judge	108	84	24***
<b>Total</b>	<b>299</b>	<b>269</b>	<b>30</b>

\*including 2 future vacancies

\*\*including 2 future vacancies

\*\*\*11 candidates have been selected in 2021 Examination, notification of rest 13 plus 3 future vacancies is also issued to PSC for 2022 Examination

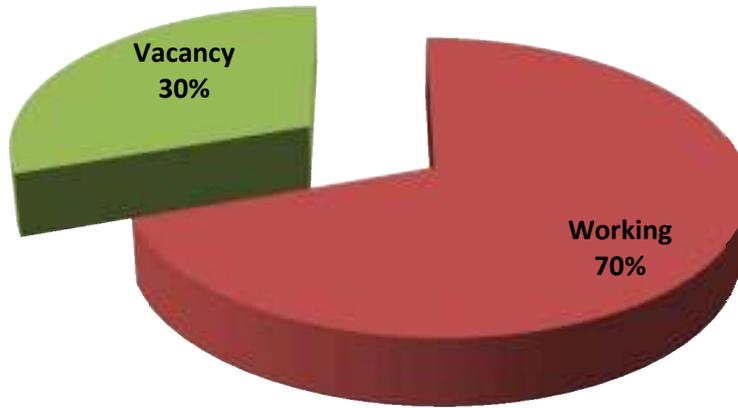
### AVERAGE CASE DISPOSAL PER JUDGE

YEAR	Sanctioned Post of Judges	Working Judges	Disposal of Cases	Per Judge Case Disposal
2018	292	227	288999	1273
2019	293	233	341452	1465
2020	294	228	143974	631
2021	297	255	214860	843
2022	299	271	291845	1077
<b>Average</b>	<b>295</b>	<b>243</b>	<b>256226</b>	<b>1055</b>

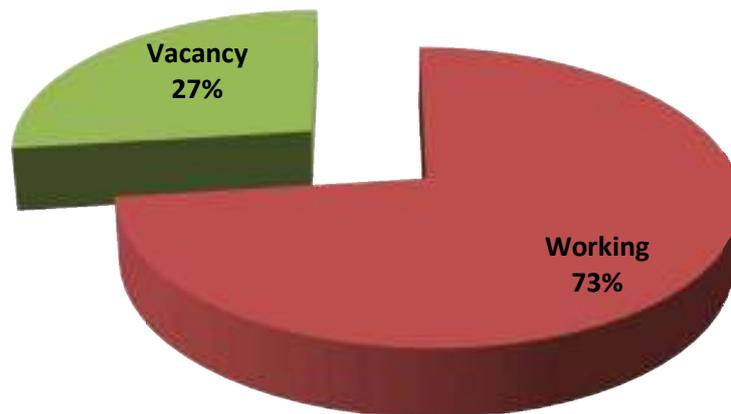
### PROJECTION OF PENDENCY IN THE NEXT 5 YEARS

YEAR	Opening Balance of Cases	Institution on trend of *117.51% of OB	Disposal (On the trend of 0.92 IDR)	Projected Pendency
2023	308694	362746	333726	337714
2024	337714	396848	365100	369462
2025	369462	434155	399422	404194
2026	404194	474968	436971	442191
2027	442191	519619	478049	483760

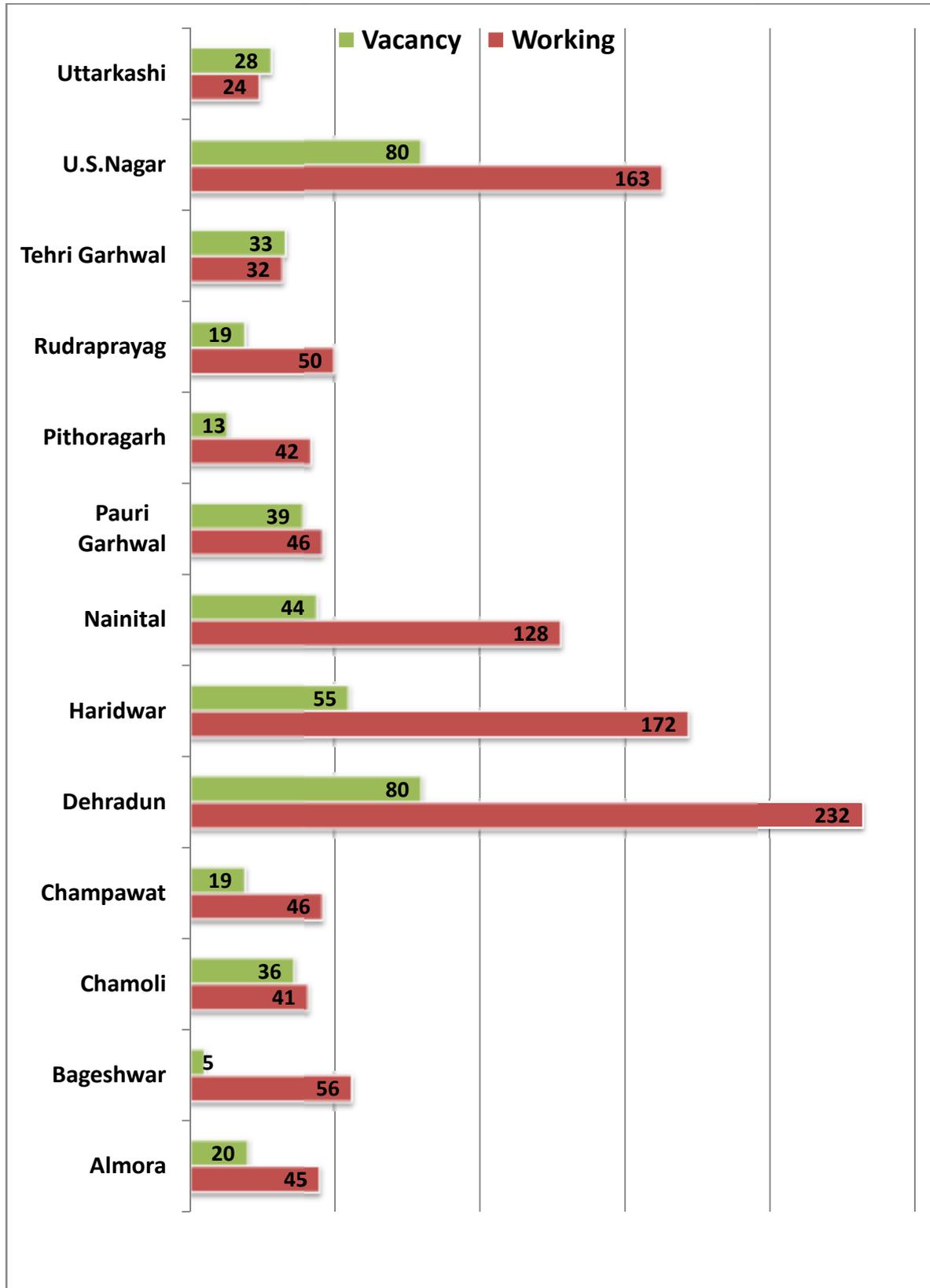
**Staff of Group C & Above in District & Subordinate Courts (July, 2022)**



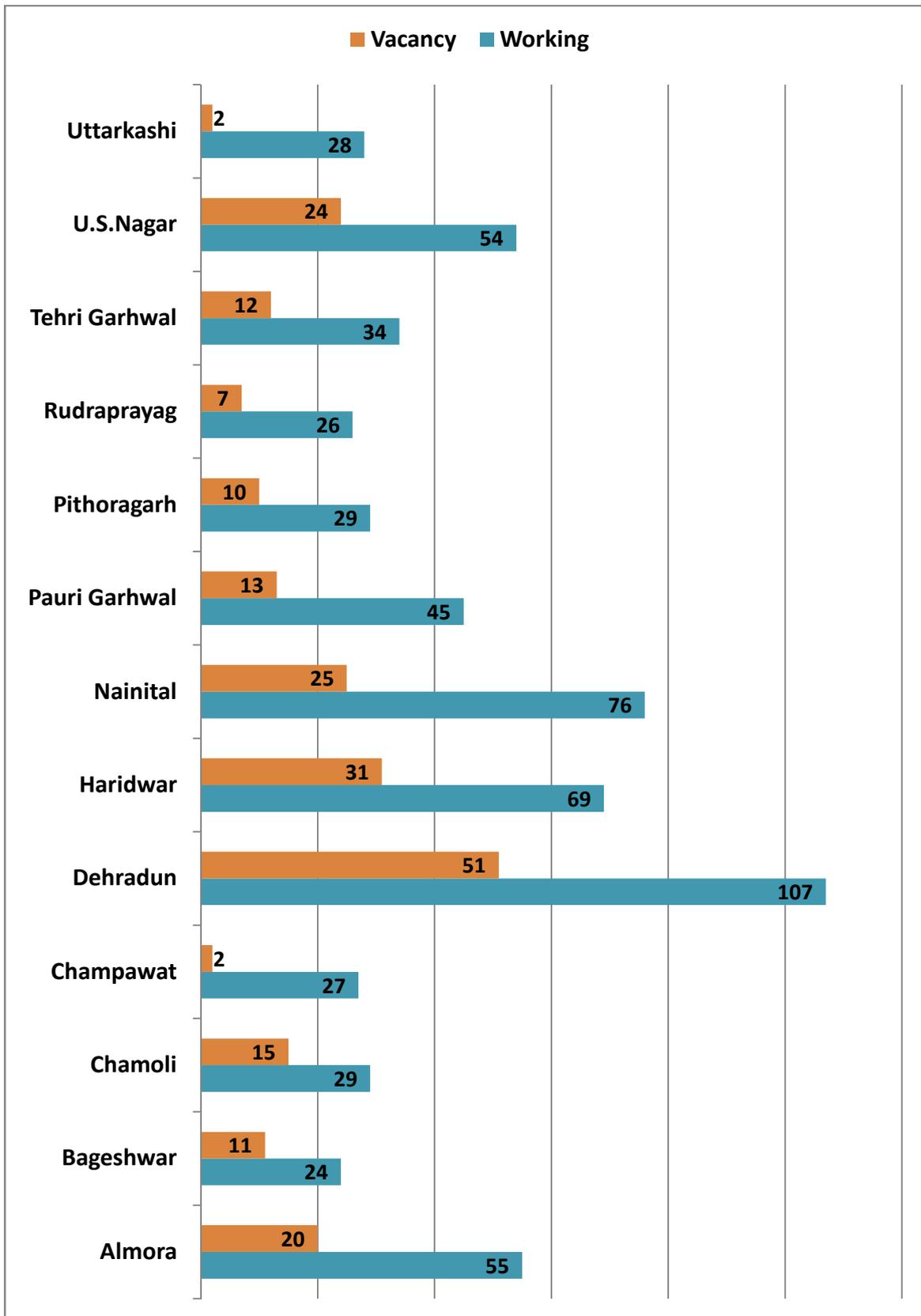
**Staff of Group D in District & Subordinate Courts (July, 2022)**



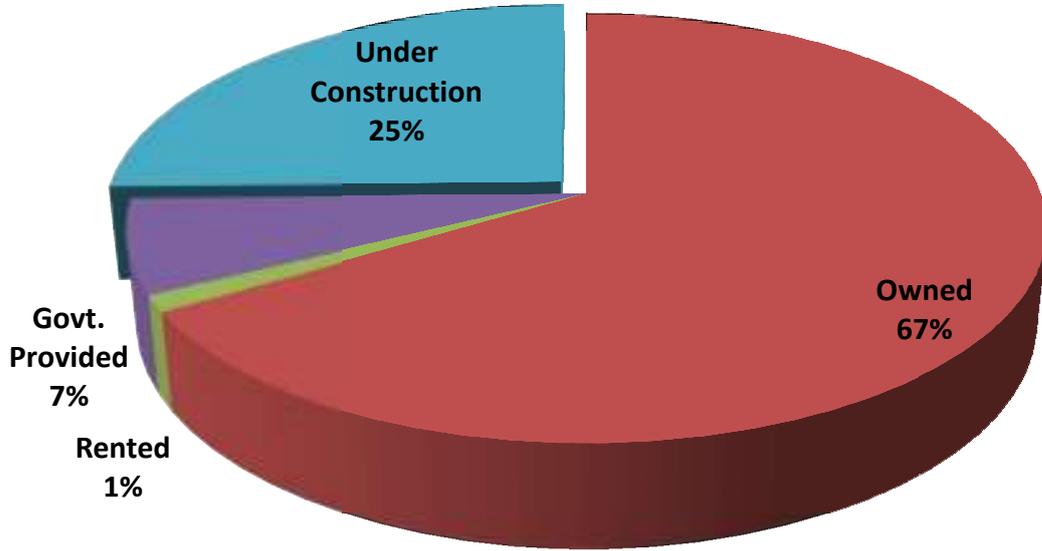
**Position of Staff in District Courts (Group C & Above- 1,548)**  
**as on July, 2022**



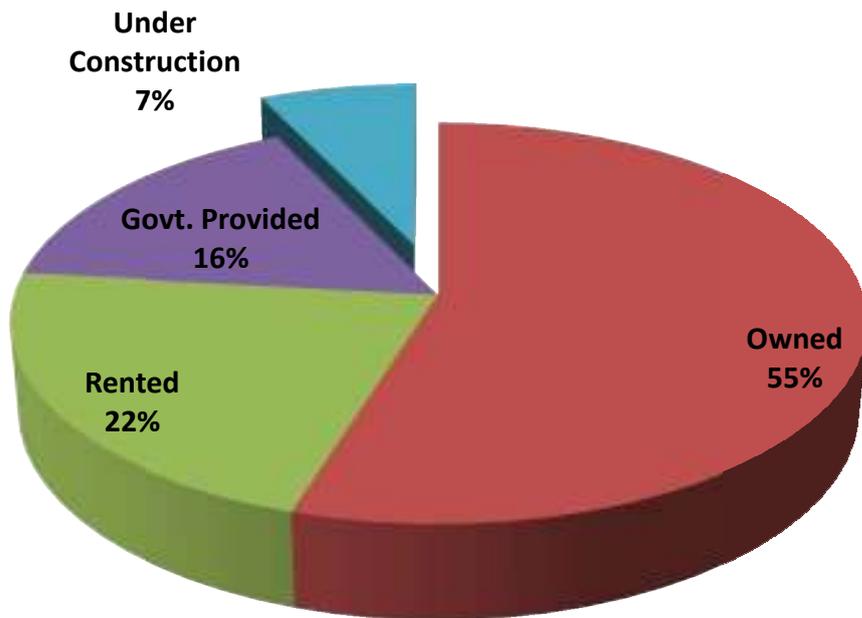
## Position of Staff in District Courts (Group D- 826) as on July, 2022



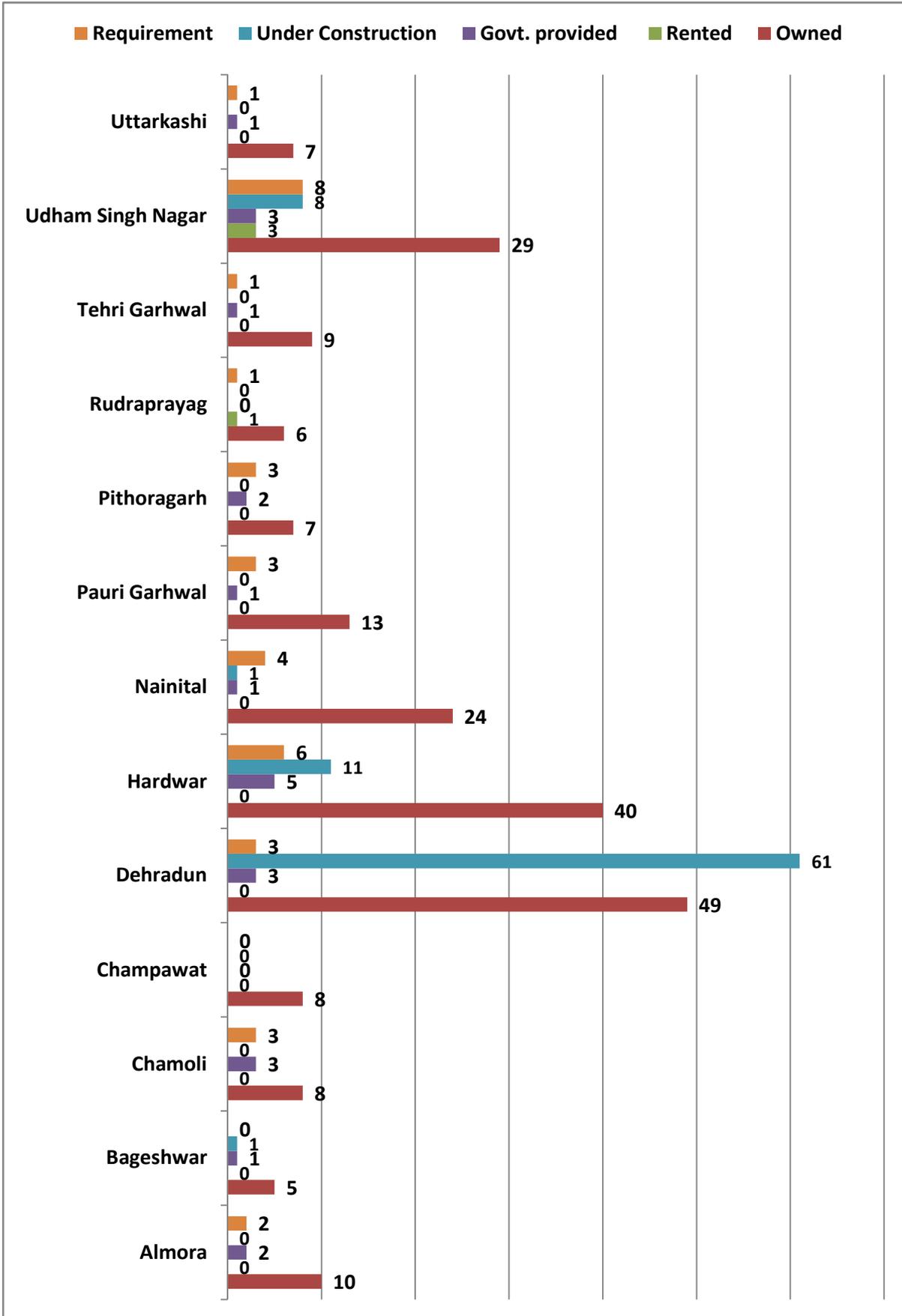
### Court Rooms, 2022



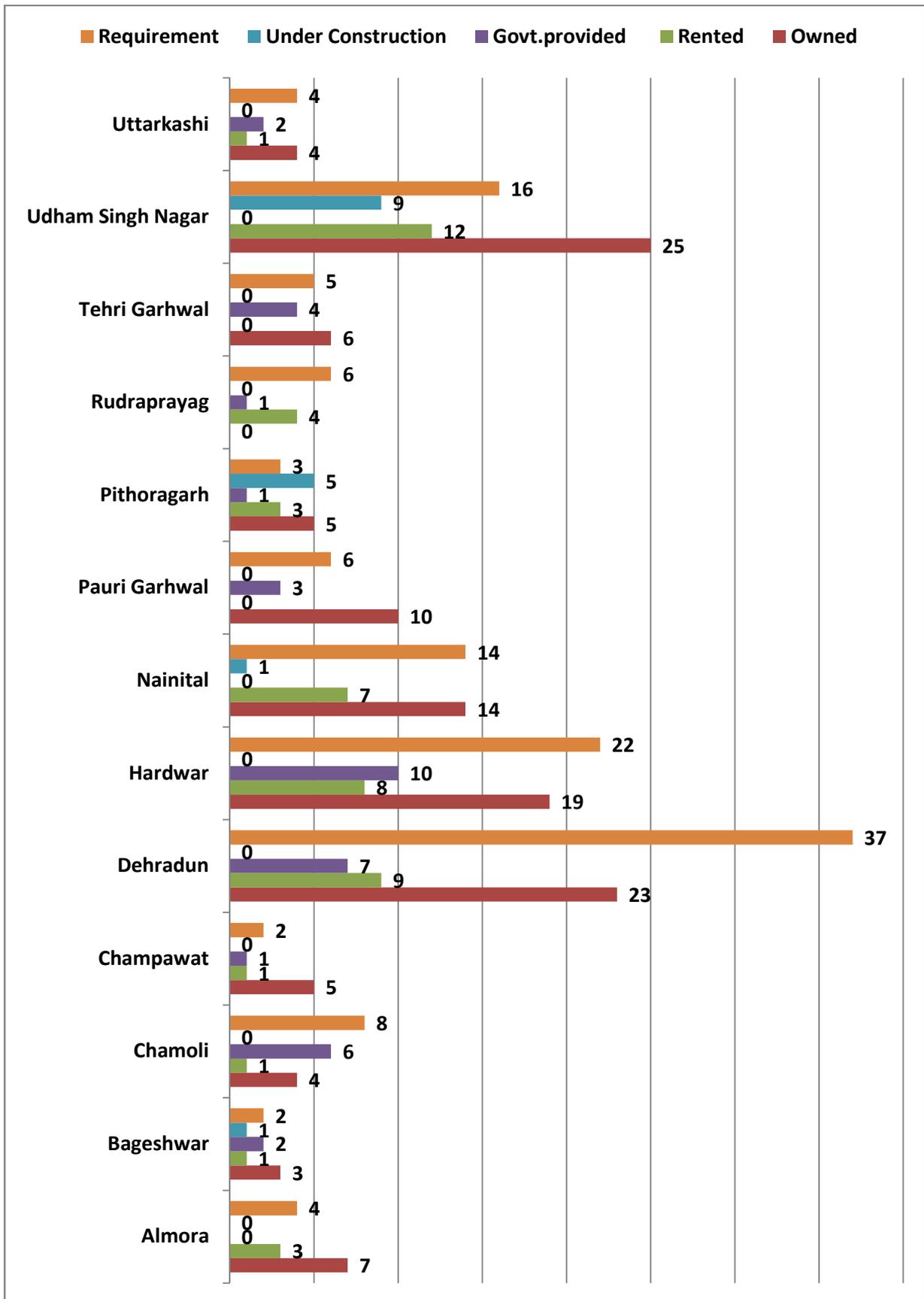
### Residences of Judicial Officers, 2022



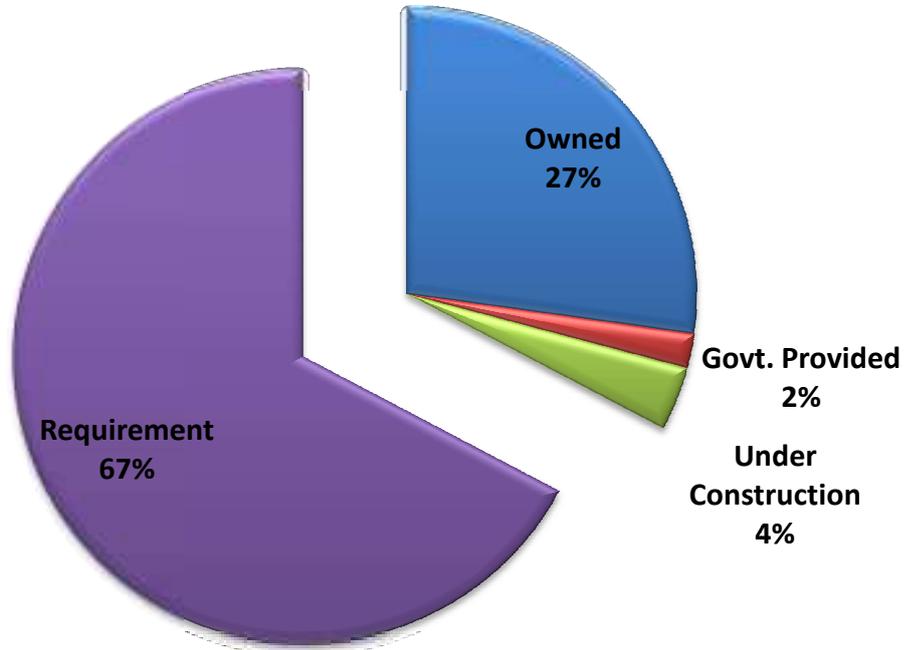
## District Wise Position of Court Rooms



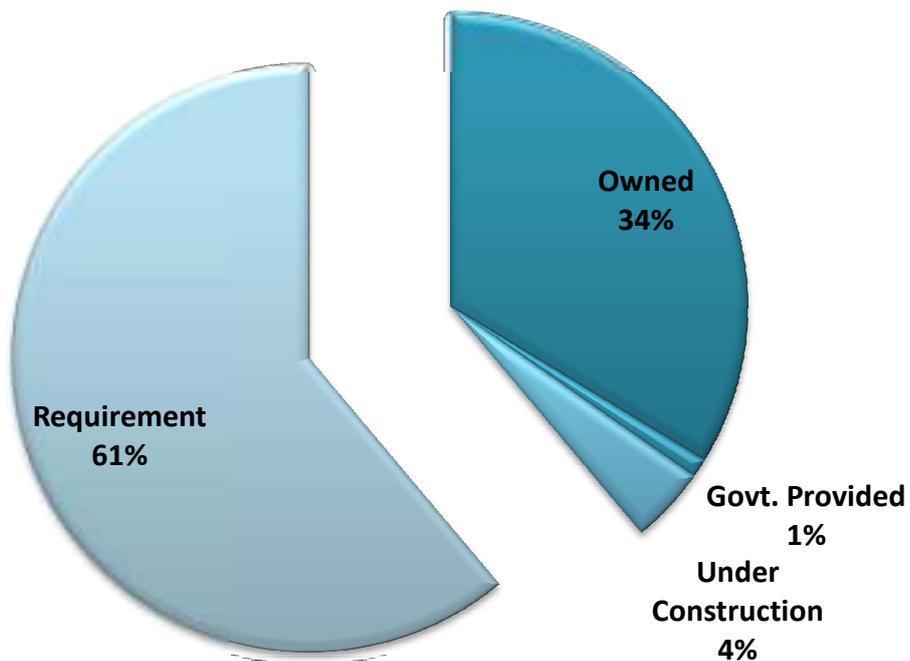
## District Wise Residences of Judicial Officers, 2022



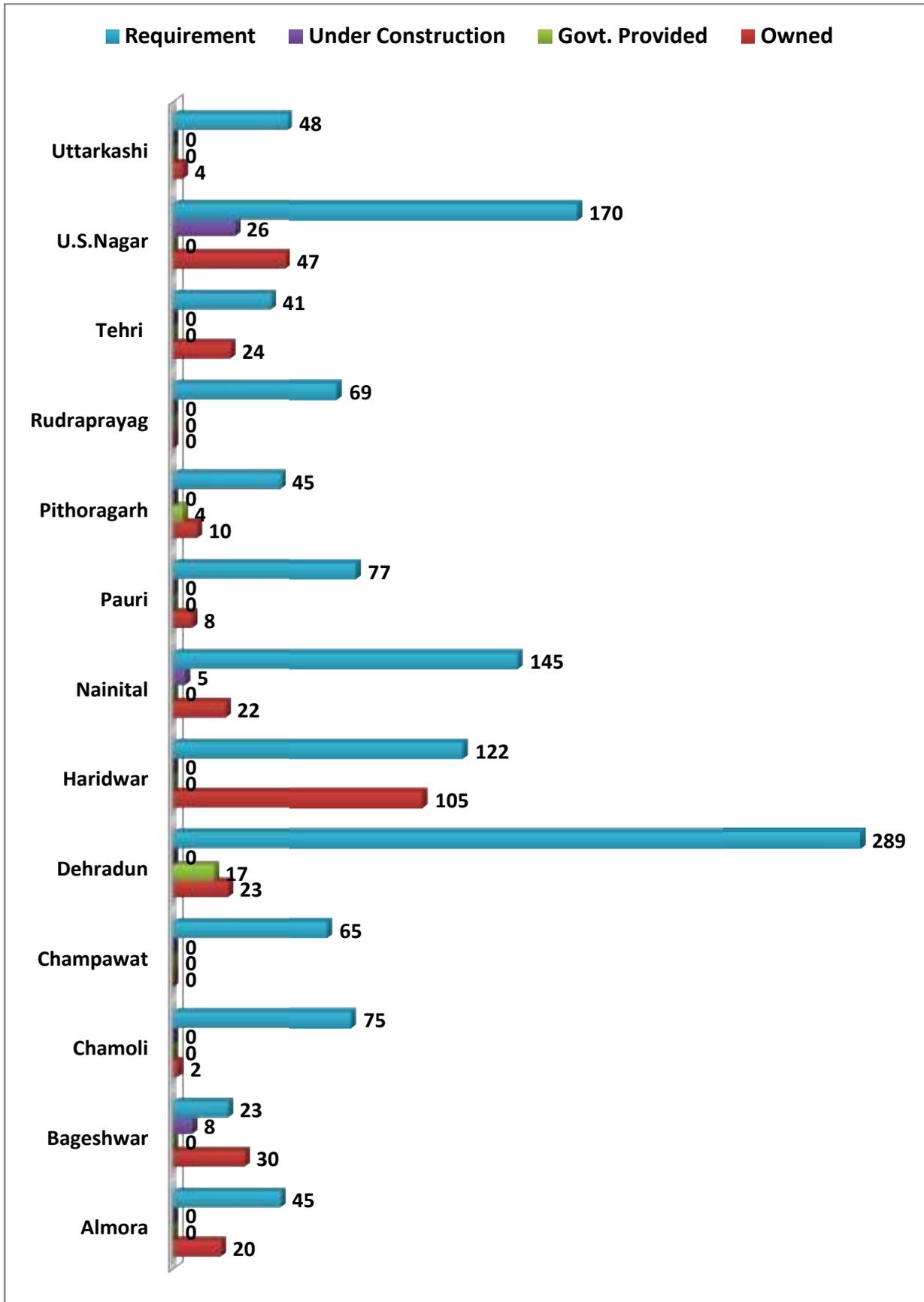
### Residences of Staff (Group C & Above)



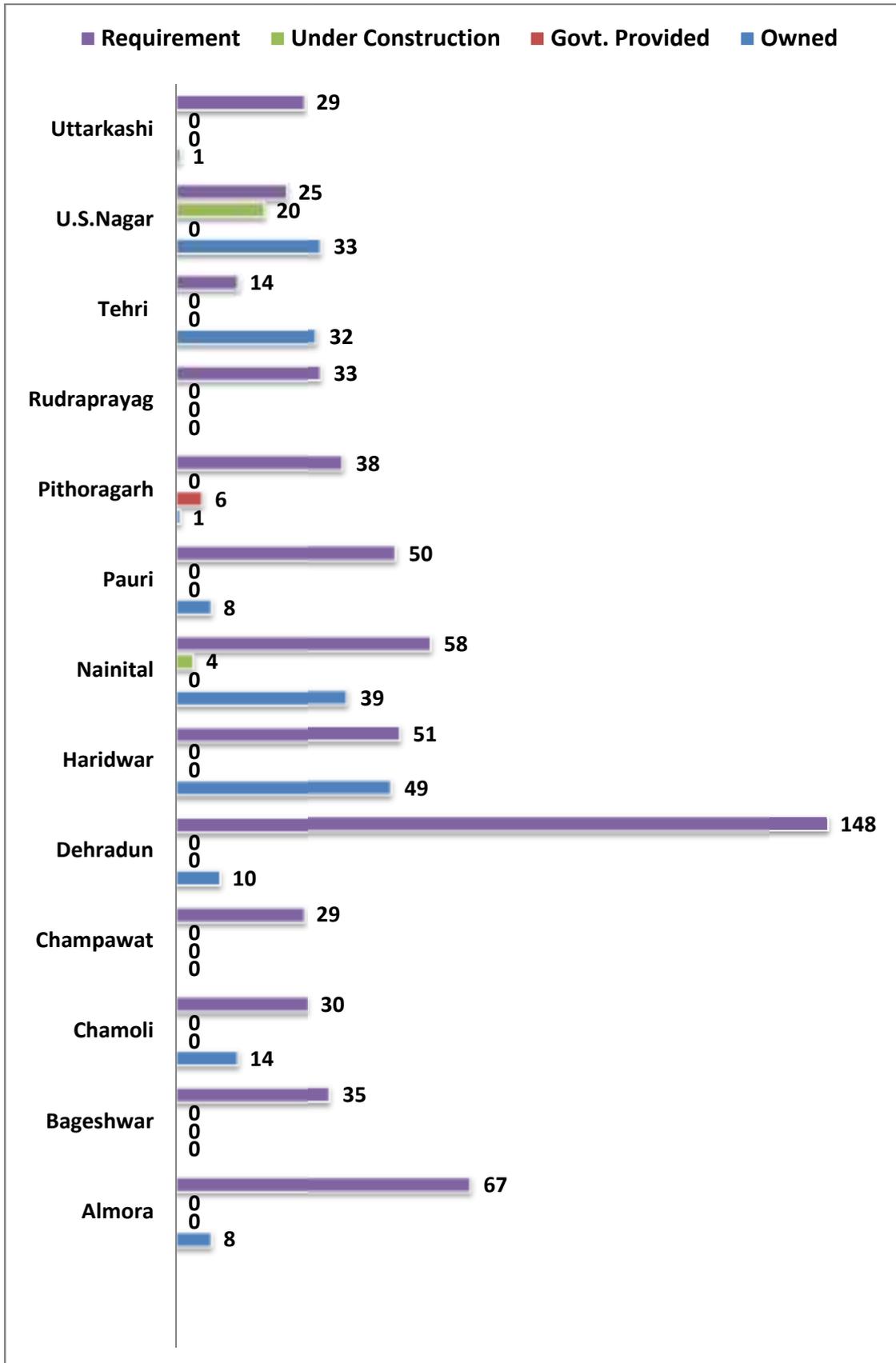
### Residences of Staff (Group D)



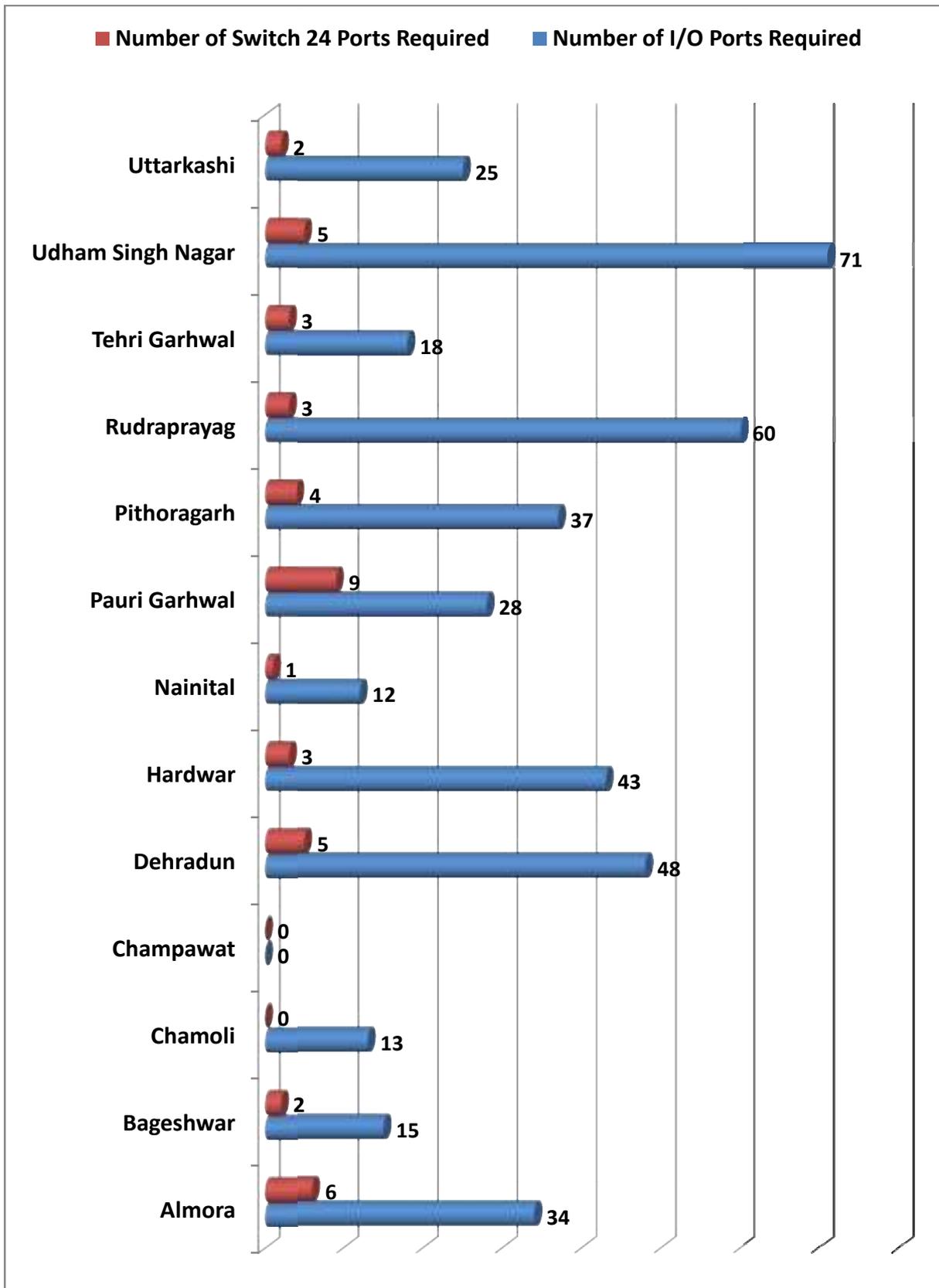
## Type II & III Residences of Staff (Group C & Above)



## Type I Residences of Staff (Group D)



## District Wise LAN Requirement, 2022



## OBSERVATIONS:

- Presently there are 83% criminal cases of total pendency (3,04,732) in the district and subordinate courts as compare to 11% civil cases, 5% family matters and 1% commercial cases. Further, 14.52 % (44,213) cases of aforesaid total pendency are pending since more than five years. Out of old cases 85% are in criminal side.
- The cadres of group C & above and D in the districts and subordinate Courts is 1548 and 826 respectively; including the computer staff.
- 30% posts of group C & above and 27% posts of group D was lying vacant as on July, 2022.
- Presently 8% Court rooms are required to be constructed.
- Presently 38% residential units are required to be constructed for Judicial Officers.
- Even on the basis of 70% of staff strength; as per Government policy, it require 69% residential units of type II & III (750 nos. approx.) and 62% residential units of type I (359 nos. approx.) residences.
- As many as 404 nos. of I/O ports and 43 nos. of switch 24 ports are needed for LAN connectivity in district and subordinate Courts.

## FOCUS AREAS:

- Timely filling up the vacancies of Judicial Officers.
- Move the Government for establishment of additional Courts on the basis of case load and as directed by Hon'ble Supreme Court in ***Imtiyaz Ahmad vs. State of Uttar Pradesh (2017) 3 SCC 658*** case and as resolved in the Chief Justices' Conference, 2022.
- Filling up the vacancy of group C.
- Filling up of vacancy of group D through outsourcing method.
- Construction of Court Rooms and residences of Judicial Officers in accordance with the guidelines of Centrally Sponsored Scheme (CSS), keeping in mind the future aspects.
- Construction of residences of staff of High Court and district & subordinate Courts.
- LAN connectivity, Digitization of records and paperless Courts.

## **ACCOMPLISHMENTS: 2020-2022**

### **Administrative Achievements:**

Uttarakhand is marching ahead to achieve its target 'Access to Justice for all'; in view of the force majeure, various directions were issued to conduct judicial work in the High Court and Subordinate Courts as well, while ensuring overall safety of all the stakeholders and duty holders. Directions were issued to hear the matters through video-conferencing. Various steps were taken to concentrate on the disposal of old cases like previous years. Some old cases were allocated Bench wise, which gave fruitful result. Like-wise, directions were issued for the Subordinate Courts also. Monitoring process was strengthened and Arrears Committees were mobilized to mitigate the retarding effects of the pandemic on the judicial works and targets.

During the second wave of COVID-19 pandemic, directions were issued to the Subordinate Courts to ensure complete sanitization and cleaning of entire Court campus every day and to take up urgent matters, the category of which was defined. It was directed that only bare essential Judicial Officers on rotational basis be deputed and rest of them remained available at home during office hours. Similarly, rotation system for the staff was also implemented. Various other directions were also issued in consonance with the directions/ guidelines issued by the Government of India and the State Government to prevent the spread of COVID-19. During the judicial year 2020-21, High Court took concrete steps to fill-up the vacant posts of support staff in the High Court and the Subordinate Courts as well. According to the directions of National Legal Services Authority (NALSA) and under the guidance of Uttarakhand State Legal Services Authority (UKSLSA), 1st e-Lok Adalat was organized on 12 September 2020 from Tehsil Level to the High Court Level in all Courts and Quasi-Judicial Authorities. In this, out of 5,465 cases, 2004 cases were settled amicably and the amount of settlement remained Rs. 25,29,42,228.50. Two Board Meetings of UKSLSA were organized on 25 September 2020 and 15 December 2020. A scheme, namely "Uttarakhand State Legal Services Authority (Legal Services for Victims of Female Foeticide, Female Infanticide, Child Trafficking, Forced Marriages and Eradication of Forest Fire and Saving the Girl Child) Scheme 2020" was being implemented in District Bageshwar, as a Pilot Project. As per the scheme, sensitization

programmes were conducted on 28 and 29 November, 2020 at Block Office, District Bageshwar. A web based application (open source) namely, Legal Aid Information System (LAIS) was launched to access services of legal aid, for providing free legal aid to the weaker sections and other concerned stakeholders. The said application was handled & monitored by the High Court.

A YouTube Channel was also created by UKSLSA for sharing the best practices of UKSLSA and the Legal Services Institutions of the State. Documentaries as developed by UKSLSA & NALSA including other legal aid activities / programme videos are uploaded from time to time. Live streaming of the programmes is also telecasted on the channel. In compliance of order dated 23 March 2020 passed by the Hon'ble Supreme Court of India in *Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID-19 Virus in Prisons*, a High Powered Committee was constituted to determine the class of prisoners who can be released on parole or on interim bail for such period as may be thought appropriate. An online meeting of the Committee was held on 9 July 2020 and on the basis of the Committee's recommendations, 105 prisoners (94 under-trials and 11 convicts) were released from different jails of the State on interim bail or parole.

Similarly, in compliance of order dated 7 May 2021 in the aforesaid Writ Petition and order dated 6 May 2021 in Writ Petition (PIL) No. 58 of 2021 (*Omveer Singh Vs. State of Uttarakhand and others*) passed by the Hon'ble Supreme Court and as per directions of Hon'ble Executive Chairman, UKSLSA, High Powered Committee meeting was convened on 17 May 2021. On the recommendation of the Committee, 106 convicted prisoners and 685 under-trial prisoners were released on parole/interim bail for 90 days. Another meeting of the Committee was convened on 23 June 2021 whereby on its recommendation, 24 convicted prisoners and 79 under-trial prisoners were released on parole/ interim bail for 60 days. During the ongoing pandemic, a video conference session was held on 5 July 2020 wherein all the District Legal Service Authorities (DLSAs) were directed to take necessary steps so as to provide help in the form of food, shelter, health check-up, sanitization etc. to the needy persons. The DLSAs provided necessary help to the needy persons. Secretaries, DLSA, Nainital, Udham Singh Nagar, Haridwar and Dehradun inspected the quarantine centers in compliance of the order dated 28 May 2020 passed by the High Court of Uttarakhand in W.P. No. 58/2020

(Sachidanand Dabral Vs. UOI & Ors.). A Multi-Purpose Legal Awareness camp was organized by UKSLSA and DLSA, Nainital in March 2021 wherein various certificates and services viz. widow pension, BPL certificates, Job Cards, Ration Cards, medicines etc. were provided by which 696 persons benefited. Similar Multi-purpose Legal Awareness Camps were also organized at various places in Bageshwar and Udham Singh Nagar districts. Legal Literacy campaign drives were also conducted in the remotest 24 villages and urban areas of Pithoragarh District through Mobile Van / Vidhik Seva Rath. Various national days and programmes were celebrated and organized with full fervor by UKSLSA and all the DLSAs like, National Youth Day- the birthday of Swami Vivekanand on 12 January, World Day of Social Justice on 20 February, International Women's Day on 8 March and the Central Government sponsored programmes such as "Bharat Ka Amrut Mahotsav".

Further, under the Citizens Duties Awareness Programme (CDAP) of Government of India, various programmes / webinars were organized, thereby imparting awareness in the masses by connecting through social media platforms and video conferencing facilities such as Facebook Live, Google Meet etc. A helpline number was created for the legal assistance of the victims of the unfortunate natural disaster that occurred in village Raini, District Chamoli on 7 February 2021. Retainer and Panel Lawyers were also appointed for the said purpose. Apart from all this, the stakeholders were also sensitized about the easy and amicable settlement of cases related to banking and financial matters. Various training programmes were also conducted from time to time for Para Legal Volunteers (PLVs), members of Permanent Lok Adalats etc. Total 15,422 cases were disposed of out of 46,114 cases that were taken up in various Lok Adalats / Legal Programmes organized in the State during July 2020 to June 2021. The compensation / settlement amount remained at Rs. 68,27,68,642 while the fine realized was Rs. 28,83,172. Total 86,729 persons were benefited in 1,759 camps that were organized during the said period. 2,771 persons were benefited through Legal Aid and Advice.

The Uttarakhand Judicial and Legal Academy (UJALA) conducted 26 training programmes from 1 July 2020 onwards following the DoPT guidelines regarding training. Out of this, eight training programmes were conducted in physical mode, in which the trainee participants arrived in the

Academy from various districts. To ensure the prevention of any spread of COVID infection, they were quarantined and went through COVID test before sitting in the class sessions physically. Further, every trainee participant was provided separate hostel room to maintain social distancing and the remaining 18 training programmes were conducted through virtual mode. Technological Accomplishments: In view of the force majeure, all the Courts were hearing cases through Video Conferencing since 15 April 2020. A total of 53,770 cases have been heard/taken up through Video Conferencing in the High Court and 27,024 in the Subordinate Courts from 1 July 2020 to 30 June 2021.

Google meet application was notified as designated software for Video Conferencing. Along with this, JITSI Meet and Vidyo Desktop Software are also being used for case hearing through Video Conferencing. High Court of Uttarakhand Video Conferencing Rules, 2020 were notified on 10 December 2020 for the High Court and Subordinate Courts. Online facilities for submission of Court fee were also launched for High Court and Subordinate Courts. Laptops with Printers were also provided to Judicial Officers of the State for smooth hearing of cases through Video Conferencing. Virtual Justice Clock, a large video wall was installed in the High Court Premises for displaying the current status of institution, pendency and disposal of cases in the State. E-Sewa Kendra, a centralized facility for all ICT enabled services including e-Filing is being constructed in the High Court and District Court Almora, a pilot District for advocates and litigants. Digital Signatures were provided to all the Judicial Officers of the State. Facilities such as Online Daily and Weekly Cause Lists in PDF format, Judgments and orders in PDF format, Online Display Board, Online Case Status using website / National Judicial Data Grid (NJDG) / Android Application, Enquiry of cases by kiosk were also provided to stakeholders. LFD based Physical Screens (22) was installed in the premises of Hon'ble Court for Live Case Running Status. Case Categorization, Full Bench Judgments, Jurisdiction of Judicial Courts in Uttarakhand, Circular Letters, Notifications, Results/Recruitments, RTI Manual, Tenders etc. are available for all stakeholders on the official website of High Court.

The facilities available under the e-Tender Portal and Government e-Marketplace (GeM) Portal of India are being utilized. e-Granthalaya, KOHA, and online legal libraries are being used by the Judges of the High Court. Studio

/ desktop video conferencing facility is available at High Court. Dual Internet Connectivity i.e. 34 MBPS NICNET & 50 MBPS MPLS, are available throughout the High Court on leased line including the residences of the Judges. All the Districts have been directed to ensure / procure two dedicated Internet connections (either new or increase the already available internet connectivity bandwidth) for the Courts. Under digitization of old court records, approximately 1.32 Crore documents have already been scanned and digitized. DSPACE software was used to manage and retrieve the said digitized documents. Inventory Management System for Stationery and Management Section, Leave Management Software for two Districts as a pilot project, District Court Pendency Monitoring Tool (DCPMT), Online Updation of Pendency/ Arrear, Pendency System, Budget Monitoring, Recruitment Monitoring etc., were developed and are being used by the Sections of the Court. Legal Aid Information system (LAIS) to provide online free legal aid to weaker sections of society was developed and launched. Case Information System (CIS 3.2) has been installed and data of cases are being entered in CIS 3.2 for further uploading on NJDG. SMS and e-mail service is functioning at 51 Court complexes, eight Family Courts and one Commercial Court through CIS 3.2. Video Conferencing facility has been installed at 23 Court complexes and 10 Jails. The remand work and recording of evidence is being done through Video Conferencing. The websites of all the District Courts are available in DRUPAL 7.0 and are up to date. Various activities of the State Judiciary are being monitored with the help of Video Conferencing. E-true copy- The Uttarakhand High Court Electronic True Copy Rules, 2022 have now been enforced for obtaining online certified copy of judgments and orders of the High Court of Uttarakhand as well as for the subordinate courts. Through this facility an e-true copy of the orders & judgments would now be readily available to the stakeholders; thus, eliminating malpractices in the process.

## VISION: 2023-2028

“Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all.” -Edmund Burke

### PSYCHOMETRIC TEST FOR RECRUITMENT OF JUDGES

In the case of R.C. Chandel v. High Court of Madhya Pradesh and another, (2012) 8 SCC 58, the Hon’ble Supreme Court culled up the qualities of judicial service as:

“29. Judicial service is not an ordinary government service and the Judges are not employees as such. Judges hold the public office; their function is one of the essential functions of the State. In discharge of their functions and duties, the Judges represent the State. The office that a Judge holds is an office of public trust. A Judge must be a person of impeccable integrity and unimpeachable independence. He must be honest to the core with high moral values. When a litigant enters the courtroom, he must feel secured that the Judge before whom his matter has come, would deliver justice impartially and uninfluenced by any consideration. The standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the society cannot be expected to have high standards and ethical firmness required of a Judge. A Judge, like Caesar's wife, must be above suspicion. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and the rule of law to survive, justice system and the judicial process have to be strong and every Judge must discharge his judicial functions with integrity, impartiality and intellectual honesty.”

A bare perusal of the above, makes it clear that the following are the attributes of a Judge:-

- Impeccable integrity and unimpeachable independence
- Honest to the Core with high moral values
- Impartiality

- The standards of conduct should be much higher than an ordinary man
- Ethical firmness
- A Judge like Ceaser's wife must be above suspicion

The Bangalore Principles of Judicial Conduct, also lays down the principles that are intended to establish standards for ethical conduct of Judges. They are:-

- ✓ Independence;
- ✓ Impartiality;
- ✓ Integrity;
- ✓ Propriety;
- ✓ Equality; and
- ✓ Competence and diligence

The syllabi for examination entailing to judicial services does not touch upon most of the attributes of a Judge. The written examination only proposes test of competence of a candidate and not even the diligence. Competence and Diligence are value (vi) noted in the Bangalore Principles. There are five more values above it, as quoted.

It is true that successful candidates have to appear for interview/personality test, which is conducted by the Judges. Judges may not be expected to examine all the attributes of a Judge during interview/personality test. Today, in the world, there are different psychological tests to asses a candidate's personality; For instance:

- Coati Test (to identity whether the candidate is more introverted or extroverted and takes decision based on reason or emotion);
- Concentrated attention test ("CA") (it measures the professional's focus);
- Time management test (ADT) (to find out if the person is proactive and knows how to perform good time management at work); and
- Lipp test (to discover how professionals deal with stressful situations, especially in positions with a high level of demand)

In fact, in some of the countries, psychometric test is done for recruiting Judges, particularly in Ukraine. A person with vast knowledge of law alone may not turn out to be a good Judge if he lacks other attributes of a Judge. Therefore, we propose that all the candidates, who apply for a position of Judge, should first be asked to undergo a psychometric test to find out the

attributes of a candidate. Only such candidates may be asked to write examination; who qualify the psychometric test. Thereafter, finally the personality test may be done.

### **REDUCING DISTANCE BETWEEN THE COURTS & LITIGANTS**

- Establishment of a Help desk in all courts to provide information and assistance to litigants
- A centralized customer service centre or litigant service centre in every District Court with an escalation matrix can be established where, all case related information can be provided to litigants through a centralized portal to those who are not net savvy
- A toll free number to be publicized through mass media options
- Information Kiosks, LED TVs., Air conditioners, canteens, clean and tidy ambience to be provided
- Desks manned by 'Nyaya Mitra', lawyers and Para Legal Volunteers may be established in the District and outlying courts to draft application and provide other necessary legal assistance to the litigants
- Efficient utilization of the Judicial System and existing infrastructure through effective manning, effective planning and timely management by increasing the use of technology and management methods.
- Creation of management professionals like – Data Analysts, Statistician & technically qualified professional for case management, estimation, supervision and maintenance of infrastructure, budget and account related work.
- Establishment of Permanent and Continuous Lok Adalats
- Organizing National Lok Adalats, monthly Lok Adalats, Lok Adalats for Public Utility Services, Jail Lok Adalats, Mobile Lok Adalats
- Wide publicity for disposal of cases through pre-litigation mechanism
- Sensitization of the Bar for motivating lawyers to be involved in ADR activities.
- To organize legal literacy and awareness camp in each districts.
- Mediation training programmes for Judges, Advocates and Social Workers
- Training programmes for PLVs.

## **UPGRADATION OF COURT'S INFRASTRUCTURE**

### **Dynamic Technological Advancement**

- Creation 24 x 7 virtual courts where access to the administrative side of all courts in the state would be available round the clock without a break on all days of the year
- Virtual hearing of cases across the board
- With e-integration, under trial prisoners in jail can be tracked and prompt measures can be taken
- Create a complete IT solution integration District Courts with High Courts and various stakeholders such as police and jails, after required process reengineering
- Extend video conferencing facilities to all prisons
- Each and every case whether filed in the District Court or in the Lower Court to be on the radar for effective tracking through the e-integration approach
- A centralized portal for e-filing capturing the meta data of the case and soft copy of the case files, to be worked out for each District Court
- There shall be a separate sub-portals linked to the centralized portal for e-filing, manual filing, fee depositing, e-stamping/stamp reporting
- All the data from these sub-portals to be transported/migrated to the centralized portal at a specified frequency All these sub-portals and centralized portal to be intranet portals with authorized access with an external interface given for e-filing
- On the registration of each and every case, a unique user ID and password be generated and communicated to litigants via SMS or any other media litigants can check the status of their cases online

### **Physical Infrastructure**

- Enhancing medical facilities; sitting areas, disabled friendly ramps/website/display boards; drinking water, adequate number of washrooms within the court premises across state
- Building adequate number of courtrooms, residences for judicial officers, staff of the judicial officers within timelines

### **DIZGITIZATION AND PAPERLESS COURTS**

- Eliminating the compulsion of filing hardcopies while electronic filing of cases is done
- Until the infrastructure for a paperless court gets ready; we propose to reduce carbon emission caused due to the usage of high quality of paper during filing of cases across courts in the state
- Digitization of records in the High Court and Subordinate Courts in the State.

### **EASY & COST-EFFECTIVE JUDICIAL PROCESS**

District Courts and Special Courts for dealing with cases: On the same lines as has been experimented by the Supreme Court recently, we propose to create Special Benches to deal with matters having impact on social justice. Civil and Criminal Cases concerning the rights of the socially and economically deprived, can be fast tracked in these courts, so that the perception that the system of delivery of justice, is beyond the reach of the poor and the marginalized, is removed.

### **FAIR DIVISION OF MATTERS ACROSS JUDICIAL SETUP**

- Appointing adequate number of Judges, after a careful analysis of the statistics provided regarding the workload per Judge
- Putting in place modules for training Judges and supporting staff on a continuous basis.
- Developing interactive software to provide assistance to Judges, so that the level of efficiency is improved
- Creation of new posts/revision of cadre strength at all levels along with supporting staff & requisite infrastructure.
- Educate, train and groom members of District Judiciary in such a manner as to equip them with requisite up to date knowledge of laws and skills and also to inculcate and develop in them the qualities of a good Judge
- Division of matters equally in all cadres

### **CULMINATING THE PENDENCY OF OLD CASES**

- Defining the life cycle of a case, identifying the blockades and providing for automatic bye-pass at those stages

- Ensuring that the distribution of work among various courts, is fairly uniform so that disparities in the distribution of work load does not cause traffic jam in few courts and lack of work in a few others
- Developing a mechanism to weed out frivolous and vexatious litigation
- Prioritizing cases pending for more than five years and those relating to matrimonial disputes, personal liberty and crimes against women, children and disadvantaged sections of the society
- Making the management of courts and cases, more professionalized, with Management Professionals dealing with some of the administrative matters
- Judges having specialization in a particular field should be assigned specified jurisdiction to enable them to function efficiently, commensurate with knowledge, aptitude and training
- In the District judiciary, deployment of judges be considered with due regard to need for specialization, consistent with the exigencies of work
- Proper implementation of Case Flow Management System

### **STRATEGY OF FAST DISPOSAL OF CASES**

As per the directions of Hon'ble the Supreme Court in the case of *Imtiyaz Ahmad v. State of Uttar Pradesh, (2017) 3 SCC 658* and as the resolutions adopted in the Chief Justices' Conference, 2022, as many as 28 additional strength of Judicial officers/ additional Court in the state of Uttarakhand is computed/ required as on the pendency of 31.12.2021, but it would burden the fiscal liability of the Government and, therefore, it shall take a lot of time in approval. Waiting of such sanctions of Government would multiply the pile of cases before us.

Hence, among available resources, we propose two plans simultaneously:

#### **PLAN- A**

Re-allocation of cases among all Judicial Officers. Jurisdiction of various courts would be extended to the entire state of Uttarakhand by virtual hearing mode and paperless transactions. For that Cause List should be displayed accordingly.

In first phase, we can experiment this plan in any two districts ( a donor district having large pendency and another recipient district having low

pendency) as a pilot project. On the basis of experiences this plan may be extended in the entire state.

Re-allocation of cases may be as under: **At HJS Cadre, 2021**

District	Judges	Pendency	Re-allocation of cases
Almora	3	332	+1384
Bageshwar	1	151	+421
Chamoli	2	448	+696
Champawat	1	454	+118
Dehradun	16	9972	-820
Haridwar	13	12085	-4649
Nainital	9	3771	+1377
Pauri Garhwal	2	793	+351
Pithoragarh	2	401	+743
Rudraprayag	2	26	+1118
Tehri Garhwal	2	383	+761
U S Nagar	10	7033	-1313
Uttarkashi	1	730	-158
<b>TOTAL</b>	<b>64</b>	<b>36579</b>	<b>Average per Judge 572</b>

**At Senior Civil Judge Cadre, 2021**

District	Judges	Pendency	Re-allocation of cases
Almora	2	647	+4219
Bageshwar	2	322	+4544
Chamoli	2	473	+4393
Champawat	2	1727	+3139
Dehradun	20	75206	-26546
Haridwar	10	37672	-13342
Nainital	7	12642	+4389
Pauri Garhwal	3	3344	+3955
Pithoragarh	2	1450	+3416
Rudraprayag	2	339	+4527
Tehri Garhwal	3	1471	+5828
U S Nagar	10	26663	-2333
Uttarkashi	2	1022	+3844
<b>TOTAL</b>	<b>67</b>	<b>162978</b>	<b>Average per Judge 2433</b>

## At Civil Judge Cadre, 2021

District	Judges	Pendency	Re-allocation of cases
Almora	5	1246	+4364
Bageshwar	3	308	+3058
Chamoli	7	597	+7257
Champawat	3	1163	+2203
Dehradun	20	33003	-10563
Haridwar	16	32523	-14571
Nainital	11	9236	+3106
Pauri Garhwal	8	2962	+6014
Pithoragarh	5	1372	+4238
Rudraprayag	3	457	+2909
Tehri Garhwal	4	1340	+3148
U S Nagar	18	34859	-14663
Uttarkashi	4	987	+3501
<b>TOTAL</b>	<b>107</b>	<b>120053</b>	<b>Average per Judge 1122</b>

### **PLAN B**

The Judicial Officers working in the districts of low pendency may be transferred on temporary arrangement to the districts of high pendency. This plan will create a problem where additional Court infrastructure is not available. For that morning or evening hours may be dedicated with consent of concerned Bar. This plan may be fruitful for disposing of old cases in a targeted period. The scarcity of staff may be met by outsourcing deployment.

### **DISPOSAL OF CRIMINAL CASES**

- Motor Vehicle Act challans/ cases contribute a big portion of pendency. M V Act challans and criminal petty cases are increasing the pendency of Courts in count but actually these cases are ordinarily not included in cause list for hearing. It may be appropriate to transfer such cases to the magistrate(s) especially dedicated.
- Cases relating to Negotiable Instrument Act are also bottlenecking the system mostly in the districts of Dehradun, Haridwar and Udham Singh Nagar. Magistrates who are dealing N I Act cases, have many types of other cases on board. Therefore, it may be appropriate to transfer same type of cases to a dedicated magistrate(s) at district level.
- This practice may be exercise in other type of cases also.

## **EFFICIENT ADMINISTRATIVE MACHINERY**

- Developing continuous mechanisms to identify practices that increase efficiency and those which cause bottlenecks across various tiers of the judiciary.
- Developing mechanisms that enable past and new initiatives and processes to be easily integrated.
- Identifying the avenues where artificial intelligence may be utilized.
- Introducing a comprehensive system of feedback loops to ensure that solutions are iterative and continuously adapt to change.
- Consulting with administrative staff during the various stages of decision making.

## **UTILISING JUDICIAL CAPACITY**

- Evolving a mechanism for judicial recruitment process for the district judiciary which attracts quality candidates and retains them through attractive career prospects.
- Creating the system that can help to improve case-load and roster management.
- Creating structured channels of research support through quality clerks and tailored research tools.
- Developing the self-assessment tools that can encourage judges to do better
- Adopting a scientifically designed system to evaluate judicial performance leading to a more accountable judiciary

## HOW WE ACHIEVE THE TARGET

- To mobilize resources
- To develop the action plan to achieve the target
- Year wise execution of the plans to achieve the target
- To increase the sanctioned strength of Judicial Officers

### REDUCTION OF PENDENCY

#### **PLAN OF ACTION 2023-2028:**

- Case management is required. Hence, a cadre of management staff i. e. Data Analyst and Statistician would be established as the resolution passed in the **Chief Justices' Conference, 2022**.
- Criminal cases should be disposed of within 3 to 4 months and other cases should be disposed of by using techniques such as case flow management techniques.
- Evolving strategy to dispose the matters where major party to litigation is the Government.
- Maximum application of ADR mechanism in appropriate cases.
- Establishment of Permanent and Continuous Lok Adalats.
- Organizing Lok Adalats according to the direction of NALSA/SALSA.
- Organizing Jail Lok Adalats, Monthly Lok Adalats and Special Lok Adalats.
- Wide publicity for disposal of cases through pre-litigation mechanism.
- Bunching of cases - Listing of cases in which similar issues are involved on priority basis. The process of hearing for the disposal of such Motion/pre-admission and final hearing matters optimizes valuable judicial time of the Courts and avoids possibility of conflicting views, on the same issues.
- Revision of High Court Judges strength and steps for filling up vacancies.
- Filling up the vacant posts of Judicial Officers following the timelines set by the Hon'ble Supreme Court in the case of *Malik Mazhar Sultan & Anr. Vs. U. P. Public Service Commission & Others*.
- Move the Government for creation of additional post of Judicial Officers as directed by Hon'ble the Supreme Court in the matter of *Imtiyaz*

*Ahmad vs. State of Uttar Pradesh (2017) 3 SCC 658* and as the resolution adopted in the Chief Justices' Conference, 2022.

- Re-allocation of cases among all Judicial Officers.
- Transfer of Judicial Officers to the districts where pendency is high on temporary arrangement basis.
- Filling of the vacant posts of staff at High Court and district & subordinate Courts.
- Application of IT tools and optimum utilization of the available resources.
- Re location of camp courts on the basis of case data and accessibility.
- Re allocation of staff in district and subordinate Courts.
- Regular monitoring of pendency, especially the cases relating to more than five year cases, civil execution cases, rape cases, cases relating to juveniles, cases relating to senior citizens and cases relating to under trial prisoners.
- Development of Video Conferencing connectivity between Courts and Jails.
- Development of Hybrid mode of hearing in all the Courts.
- Special drive to reduce pendency of cases pending for more than 5 years, civil execution cases, rape cases, cases relating to juveniles and cases relating to under trial prisoners.
- Special initiative to liquidate the arrears of old cases.
- Need based training of Judicial Officers and staff.

### **HUMAN RESOURCES AND CAPACITY BUILDING**

#### **PLAN OF ACTION 2023-2028:**

- Steps for timely filling up the vacancies in each cadre of Judicial Officers along with filling the vacancies of the staff.
- Steps for sanctioning of New Courts (along with requisite staff and infrastructure) to achieve access to justice
- Steps are to be taken for sanctioning of Additional Courts on the basis of Judge-Case Load as directed by Hon'ble Supreme Court in the matter of *Imtiyaz Ahmad vs. State of Uttar Pradesh (2017) 3 SCC 658* and as the resolution adopted in the Chief Justices' Conference, 2022.

- Induction of **Psychometric Test** in recruitment process of Judicial Officers as qualifying condition for sitting in the main examination, which attracts quality candidates and retains them through attractive career prospects.
- Providing research aid/ law assistants to the judicial officers.
- Training of Judges and staff strictly on the basis of need assessment and aimed to workload management.
- Training of Judicial Officers and staff on ICT.
- Training on Alternative Disputes Resolution methods and pre-trial settlement of cases to prospective mediators and conciliators including Judicial Officers and members of the Bar.
- Research support through quality clerks/ law assistants.
- Individual assessment of Judicial Officers and staff on every 6<sup>th</sup>, 12<sup>th</sup> & 18<sup>th</sup> month based upon scientific methodologies.
- Developing self-assessment tools that can encourage judges to do better and adopt a scientifically designed system to evaluate judicial performance to lead to a more accountable judiciary in the long term.
- Elimination of group D employees once automated and software oriented courts are fully created.
- Updation of libraries in all Courts and providing Legal Software database to all judicial Officers.
- Strengthening and reviewing of the structure of High Court registry.
- Promoting research and analysis in UJALA.

### **INFRASTRUCTURE**

#### **PLAN OF ACTION 2023-2028:**

- Mechanism for day to day basis monitoring of construction of ongoing projects is required to be developed subject to penalty for not complying the deadlines.
- Coordination with various department of administration for infrastructure development.
- Making of a panel of experts such as inclusive design, spatial design, information architecture, sound engineering, interior design, etc. to assist in the development and implementation of court infrastructure

ensuring all physical and digital spaces of courts are embedded with tools and services that make them inclusive and accessible across all genders, age groups, physical conditions and disabilities. For that incentivisation mechanisms would be adopted for rewarding District Courts that take initiative and improve the state of infrastructure.

- Converting all courts in hybrid mode (physical & virtual both).
- Construction of Court Rooms in the District Courts/Subordinate Courts.
- Provision of all ambiances suitable to general public including children, women, transgender and differently able persons in the Courts.
- Provision of Community Hall and Gymnasium in all residential complexes.
- Provision of renewable energy, rain water harvesting, plantation and gardening in the Court and Residential Complexes.
- Provision of Dispensary, Bank, ATM, Post Office, Police Chowki, Canteen, Vehicles Parking and Photo Copier shop.
- Provision for Crèche in each Court Complex and for Family Courts.
- Construction of residential quarters for the Judicial Officers & employees.
- Establishment of a Help desk in all courts to provide information and assistance to litigants.
- A centralized customer service centre or litigant service centre in every District Court with an escalation matrix can be established where, all case related information can be provided to litigants through a centralized portal to those who are not net savvy.
- A toll free number to be publicized through mass media options
- Information Kiosks, LED TVs., Air conditioners, canteens, clean and tidy ambience to be provided.
- Construction of residences of High Court staff.

### **INFORMATION TECHNOLOGY**

#### **PLAN OF ACTION 2023-2028:**

- Virtual hearing of the cases across the board.
- E-integration of jails and police stations.
- Extend video conferencing facilities to all prisons.

- E-filing and paperless courts.
- Digitization of records till paperless move.
- LAN connectivity for all Courts.
- Use of AI in monitoring, research and analysis of case data and performance mapping.
- Training of Judicial Officers and staff on ICT.
- Increasing the use of technology and management methods.
- A toll free number to be publicized through mass media options
- Installation of KIOSK Machines, LED TVs., Air conditioners, canteens, clean and tidy ambience to be provided
- Establishment of desks manned by 'Nyaya Mitra', lawyers and Para Legal Volunteers in the District and outlying courts to draft application and provide other necessary legal assistance to the litigants
- Development of Document Management System Software for file tracking and compliance of Orders.
- Implementation of Personal Information System for Judicial Offices.
- Implementation of Employees Information System at High Court.
- LCD based digital system for Court Room Information.
- Implementation of Online Right to Information Act (RTI Act).
- Bio-metric Identification attendance system to be evolved.
- Implementation of Digital Signature for signing the documents.
- Centralized Filing and functioning of Litigant Service Centers.

### **EFFICIENT ADMINISTRATIVE MACHINERY**

#### **PLAN OF ACTION 2023-2028:**

- Identifying practices that increase efficiency and those which cause bottlenecks across various tiers of the judiciary and identifying the mechanisms that enable past and new initiatives and processes to be easily integrated, so that artificial intelligence (AI) may be utilized where avenues are identified.
- Evolving a comprehensive system of feedback loops to ensure that solutions are iterative and continuously adapt to change.
- Identifying practices and ways to omit duplication of administrative efforts.

- Inclusive approach of consulting with administrative staff during the various stages of decision making.
- Introducing a specialized administrative cadre through a rigorous selection process followed by comprehensive and continuous training.
- Coordination with various department of administration.
- Sensitization of the Bar for motivating lawyers to be involved in ADR activities.
- Sensitization of the Bar for motivating lawyers to avoid adjournment without cogent reasons and strikes.
- Move Government to establish more forensic science laboratories (FSLs) in the state.
- Move Government for filling the vacancy of prosecution officers.
- Training programmes for investigators, public prosecutors/ prosecution officers.

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