

HIGH COURT OF TRIPURA
AGARTALA

NO.F.4(53)-HC/2024/10756

Dated, Agartala, the 9th May, 2024

NOTIFICATION

**Action Plan for Arrear Reduction in District Judiciary
(APAAr-DJ)**

The High Court of Tripura has been pleased to evolve the following *Action Plan for Arrear Reduction in District Judiciary (APAAr-DJ)*. The committee constituted at every district namely the Case Management Committee is to implement the said Action Plan for reduction of the pendency in the District Judiciary:

Functions of the District Case Management Committee:

- (i) **Preparatory Stage Tasks:** The Committee during its Preparatory Stage shall complete all necessary tasks for effective implementation of the Action Plan which includes identification of the Action Plan Cases considering the pendency as on 31.12.2023 as well as cases that will reach an age of over **10 (ten) years** by January 1, 2025.
- (ii) **Preparation of Targeted Case Lists:** The Committee will be responsible for creating comprehensive lists of targeted Cases. These lists may categorize Cases of various criteria such as age, type (Civil, criminal, LAC, MACT, POCSO, family disputes) etc. The categorization process will also involve identifying cases having interim applications pending for over three months, unready matters, and undated matters.
- (iii) **Regular Review and Updating:** The progress of the cases covered under action plan shall be regularly reviewed, and lists be updated regularly to reflect the status and progress of each case.

(iv) **Coordination with Judicial Officers:** The Committee will coordinate with judicial officers of respective courts to ensure that the lists are utilized effectively for case management and that the prioritized cases are given the necessary attention.

(v) **Engage with duty holders:** The Committee shall formulate a plan to engage regularly with the bar association, and related stakeholders. This engagement is essential for understanding broader challenges in case management and for soliciting collaborative support.

(vi) **Feedback and Adjustments:** The Committee will also seek feedback on the effectiveness of the lists and other steps in managing the caseload and will make adjustments as necessary based on this feedback and regular evaluations.

Operational Framework of the Committee:

The operational framework of the Committee is structured into three distinct phases:

1. **Phase-I (Preparatory) (May- June 2024):** During this phase focus shall be on the strategic planning and organization required for successful implementation of the subsequent phases. The main activities during this phase include compiling lists of cases for the action plan, completing essential steps like services, and evenly distributing cases among judicial officers. The measures which are expected to be taken during the preparatory phase are:

a. Preparation of Lists of targeted cases and other preparatory steps:

The District Case Management Committee shall undertake the task of preparing a list of targeted cases for each court. This comprehensive list shall include cases prioritized for expedited resolution, such as the other long-standing matters and oldest execution petitions etc. Upon completion,

these lists shall be submitted to the Registrar (Judicial) of the High Court. The details of these targeted cases shall be displayed on the notice boards in the respective courts. This step is crucial for maintaining transparency and keeping all stakeholders, including litigants and lawyers, informed. Furthermore, meetings shall be organized at the district level with members of the bar for ensuring that the legal community is fully engaged in and supportive of the efforts to reduce arrears. Timelines and other necessary steps shall be discussed and framed in consultation with the judicial officers at the district level by case management committee.

b. Physical verification of cases: A comprehensive physical verification of case files be carried out for correctly identifying the old cases, which will be the primary focus during the subsequent two phases of targeted case management. After the physical verification of case files, the findings to be reconciled with the data shown on the National Judicial Data Grid/CIS. The necessary corrections would ensure that the data on the National Judicial Data Grid/CIS accurately reflects the actual number of cases.

c. Undated cases: Identifying undated cases and making concerted efforts to assign hearing dates to each case. Once identified, appropriate dates should be assigned as promptly as possible.

d. Reconstruction of record of lost files: In the event that the record of an old or targeted case included in the action plan is lost, efforts be made to reconstruct the record as early as possible. It may involve soliciting copies from the parties, retrieving relevant court orders etc. The District Case Management Committee shall ensure that such case files are reconstructed at the earliest after following proper procedure.

e. Equitable distribution of oldest/targeted cases: This should be carefully managed by the District and Sessions Judge and deliberated upon in the District Case Management Committee meetings. It may involve a comprehensive assessment of the current caseload, taking into account the complexity and nature of each case.

f. Meetings with Senior police officers/Public prosecutors: For old/targeted criminal cases where trials have been delayed due to challenges in serving witness summons or securing the accused's presence, the case management Committee shall compile a list of these cases. The District and Sessions Judge shall then convene meetings with the District Superintendent of Police and/or Public Prosecutors, as applicable. In this meeting, they shall inform the police officers about the specifics of these cases, including details like the Police Station and Crime Number, and request the District Superintendent of Police to assign a senior police officer as a Nodal Officer to oversee the timely service of summons and warrants in these criminal cases.

g. Appointment of Senior Nodal Officer from Revenue Department for Expedited Final Decree Proceedings: To address delays in the preparation of final decrees, often due to the lack of cooperation from revenue department, the appointment of a senior Nodal Officer from the revenue department may be requested. This officer should ensure that matters requiring steps like surveys and other related procedures are prioritized and completed efficiently.

2. Phase-II (July to December 2024)

(a) More than 30 and 20-30 years and 10-20 years old cases

All courts to endeavor to dispose all cases older than 20 years by the end of December 2024.

(b) Identification and Disposal of 50 Oldest Cases in Courts: In courts with fewer than 25 cases over 10/20 years old, or with no such cases, the Case Management Committee will focus on the 50 oldest pending cases including both civil and criminal records as the case may be. **These cases should be identified within a period of one month from receiving the guidelines.** The identification shall be notified on the court

notice boards and to the Bar Association. The aim shall be to resolve these oldest cases by the end of December 2024, provided they are not under any stay by higher courts.

(c) Disposal in Exclusive Family Courts etc.: A separate targeted initiative for exclusive Courts, specifically Family Courts, Commercial Courts, and Juvenile Justice Boards to diligently work towards the resolution of their oldest cases by December 2024 to be included in the action plan.

(d) Disposal in Special Exclusive POCSO Courts etc: In courts designated for POCSO (Protection of Children from Sexual Offences) and those exclusively handling crimes against women, the oldest cases should be identified and aimed to be resolved by the end of December 2024. Similarly, for Prevention of Corruption Act, where by the oldest cases should be identified for prioritizing disposal.

(e) Negotiable Instruments Act Matters: In courts dedicated to Negotiable Instruments Act matters, the 50 oldest cases shall be identified for resolution during this phase. A significant barrier to the advancement of these cases is the frequent failure to serve notices to the accused. Therefore, the District Case Management Committee should develop and implement strategies to effectively address this issue, thereby facilitating smoother case progression.

(f) LAC Matters: A significant number of Land Acquisition Cases (LAC) and associated Execution Cases have been pending in the Trial Courts across the States for an extended period. These cases require swift handling. Consequently, there shall be a focused initiative to expedite the resolution of the oldest LAC in this phase of this special drive. In executions related to LAC cases, Legal Services Authorities may be actively and appropriately involved.

(g) MACT matters: There is also a notable accumulation of pending Motor Accident Claims Tribunal (MACT) matters, which have remained unresolved for a considerable length of time. Recognizing the urgency and importance

of these cases, a dedicated drive shall be initiated focusing on the disposal of the oldest MACT cases in this phase.

(h) Execution petitions: There is a substantial pendency of Execution Petitions in the Trial Courts for a prolonged period. Recognizing the critical need to address these Execution Petitions, which are essential for enforcing court judgments, a specific initiative shall be implemented in this phase. This initiative shall focus on the resolution of the five-year old Execution Petitions during this phase. In courts where there are no execution petitions pending for five years or more, the focus shall shift to addressing the oldest 20 execution petitions. This targeted approach is to ensure that even in courts with a relatively lesser backlog, the oldest and potentially most delayed execution petitions are prioritized, facilitating timely enforcement of judgments and effective administration of justice.

3. Phase- III (January to June 2025)

(a) More than 20-30 and 10-20 years old cases: Efforts to be continued for disposal of all the remaining cases that are 20-30 years old. Additional targets, as per the pendency, for disposal of 10 years old cases to be set. Identifying and resolving cases older than 10 years by the end of June 2025.

(b) Identification and Disposal of 25 Oldest Cases in Courts

In courts with fewer than 25 cases over 10 years old, or with no such cases, the Case Management Committee will focus on the 25 oldest pending cases both civil and criminal cases. The identification shall be notified on the court notice boards and to the Bar Association. The aim shall be to resolve these oldest cases by the end of June 2025, provided they are not under any stay by higher courts.

(c) Reiteration of Phase-II Targets in Exclusive Courts for the Second Phase

In the third phase of action plan, approach to include upholding the priorities set for Family Courts, Commercial Courts, Juvenile Justice Boards, POCSO Courts, courts exclusively handling offenses against women, and courts dedicated to the Prevention of Corruption Act cases and Negotiable Instruments Act cases.

Additionally, the targets set for Land Acquisition Cases (LAC) and Motor Accident Claims Tribunal (MACT) matters, as set in the second phase, may be repeated in the third phase.

(d) Execution petitions: Focus on the resolution of the three-year oldest Execution Petitions during this phase. In courts where there are no execution petitions pending for three- years or more, the focus shall shift to addressing the oldest 10 execution petitions. This targeted approach is to ensure that even in courts with a relatively lesser backlog, the oldest and potentially most delayed execution petitions are prioritized, facilitating timely enforcement of judgments and effective administration of justice.

(e) Framing of issues: In civil cases where the framing of issues has been pending for over one month even after completion of pleadings, action shall be taken to ensure that these issues are promptly framed.

(f) Framing of charges: Similarly, in criminal cases where the charges are required to be framed as per law but has been delayed for more than one-month, immediate steps will be taken to address this issue in the third phase. This action will ensure that these criminal cases progress to the trial stage in a timely manner, thereby contributing to the efficiency and effectiveness of the criminal justice system.

(g) Disposal of interim applications: In civil suits, any interim application pending for more than three months shall be given priority for disposal.

OTHER STEPS TO BE TAKEN IN PHASES I, II & III

a) Redistribution of Cases Due to non-availability of Judicial Officer:

In case where a judicial officer is on long leave due to reasons such as medical issues etc., in that scenario, cases classified as critical arrears or the 50 or fewer oldest cases as the case may be from the affected court, should be redistributed among other courts. This redistribution should be conducted with careful consideration of the specific nature and complexities of each case to ensure appropriate and efficient handling.

b) Lok Adalat and Mediation: The effective use of Lok Adalat and Mediation if can be resorted to may help in addressing the pendency of old cases. The introduction of special pre-Lok Adalat sittings for identified old cases can significantly enhance the resolution process. These pre-Lok Adalat sessions provide an opportunity for the parties involved to discuss their issues before formally presenting them at the Lok Adalat, fostering a more conducive environment for amicable settlements. In these pre-Lok Adalat sittings, the involvement of trained mediators may be considered

c) Unready cases: As part of an action plan unready cases if any requires to be addressed by a thorough review of all such unready cases to identify specific reasons for their unprepared status.

d) Record with the Appellate/Revisional Courts: If the Case Management Committee finds that oldest/targeted cases, cannot be heard, because the record of the cases is with the High Court, though no stay is granted, a list of such matters shall be compiled by the Committee of each district and forwarded to Registrar (Judicial) of High Court. The Appellate/Revisional Courts shall only call for the digital record of such cases so that further proceedings in the trial courts are not hampered.

e) Stayed cases: Old/targeted cases that are part of the action plan but have been stayed by the High Court or the Supreme Court, the District Case Management Committee shall prepare and regularly update a comprehensive list of such cases. It is crucial that this list is consistently monitored and updated to reflect any changes, such as the lifting of stays or issuance of new stay orders. The updated list should then be regularly

submitted to the Registrar (Judicial), ideally on a monthly basis, to ensure the information remains current and actionable.

f) Merit-Based Resolution of Oldest/targeted Cases: An endeavour shall be made to dispose of the oldest cases on merits and easy recourse to dismissal of the matters for non-prosecution or deciding the cases ex-parte shall not be taken, unless it is absolutely warranted by the facts of the case.

g) Use of Justis Mobile App/NJDG: The Justis mobile app is specifically designed to empower judicial officers with advanced tools for effective court management, thereby facilitating the speedy administration of justice at the district level. The Justis app offers comprehensive and detailed data insights for a particular court, including case type, year-wise, and stage-wise details of disposals and pending cases, all from the judicial officer's perspective. This granular insight into court data enables judicial officers to make more informed decisions and manage their workload more effectively. To ensure the successful implementation of action plan, it is imperative that District and Sessions Judge and other judges utilize the Justis app and National Judicial Data Grid (NJDG).

Additionally, if required organizing necessary training sessions for judges will be crucial in maximizing the app's use and NJDG.

i) Use of Virtual Court Hearings in Targeted Cases: If necessary, virtual court hearings for the targeted cases can be considered following the relevant rules. This initiative may minimize unnecessary adjournments.

j) Addressing the Shortage of Public Prosecutors in Courts: During the action plan, it is essential to address the pressing concern of public prosecutor shortages in courts if any. If required the District and Sessions Judge, in jurisdictions experiencing a dearth of public prosecutors, proactively report this Situation to the High Court.

k) Utilization of 'Urgent Case' Feature in CIS for Action Plan Cases:

The feature in the Case Information System (CIS) that allows for marking cases as 'urgent' could be effectively used for cases encompassed by the action plan.

l) Priority for Cases involving individuals with Terminal Illness or Senior Citizens: During the implementation of the action plan, priority should be given to cases involving individuals with terminal illnesses or senior citizens. This approach may ensure that they receive timely justice and consideration in light of their unique circumstances.

m) Minimizing Adjournments and Shorter Dates in Targeted Cases: In the cases targeted by the action plan, it is important to avoid granting unnecessary adjournments. Instead, shorter dates should be set for hearings to ensure a more efficient and expedited resolution of these cases.

n) Tailored Case Resolution Targets for Diverse Districts: Different districts could have varying levels of case backlogs, and the caseload per judge might also differ. The primary goal should be to resolve all cases of 30 years old as well as all 20 years old cases by June 2025, as well as significantly reduce the number of cases that are 10 years old by the end of the same period. In Courts where there are fewer 20 years old cases to dispose of all 10 years old cases. Additionally, the plan aims to expedite the progression of cases towards their conclusion. Therefore, tailored targets might be set for various districts within the state, keeping in view the specific categories of cases and other relevant aspects.

Residuary Power for additional instructions: The High Court may in addition, issue Standing Instructions periodically in view of this Action Plan to meet changing needs, if any.

By order,

(M. Banerjee)
Registrar (Judicial)

Copy to :

1. The Principal Secretary to Hon'ble the Chief Justice, High Court of Tripura, Agartala;
2. The Secretary to Hon'ble Mr. Justice T. Amarnath Goud, High Court of Tripura, Agartala;
3. The Secretary to Hon'ble Mr. Justice Arindam Lodh, High Court of Tripura, Agartala;
4. The Secretary to Hon'ble Mr. Justice S. Datta Purkayastha, High Court of Tripura, Agartala;
5. The Secretary to Hon'ble Mr. Justice B. Palit, High Court of Tripura, Agartala;
6. The P.A. to Ld. Registrar General, High Court of Tripura, Agartala;
7. The Advocate General, High Court of Tripura, Agartala;
8. The Chairman, Bar Council of Tripura, High Court of Tripura, Agartala;
9. The President/Secretary, High Court Bar Association, Agartala;
10. The President/Secretary, Tripura Bar Association, Agartala;
11. The LR & Secretary, Law Department, Government of Tripura, Agartala;
12. Registrar (Vigilance), High Court of Tripura, Agartala;
13. The District & Sessions Judge, Dhalai District, Ambassa / West Tripura District, Agartala / North Tripura District, Dharmanagar / Gomati District, Udaipur / Khowai District, Khowai / Unokoti District, Kailashahar / South Tripura District, Belonia / Shipahijala District, Sonamura, with a request to circulate among all Judicial Officers in your respective Jurisdiction;
14. The Judge, Family Court, Dhalai District, Ambassa / North Tripura District, Dharmanagar / Unokoti District Kailashahar / Khowai District, Khowai / West Tripura District, Agartala / Shipahijala District, Sonamura / Gomati District, Udaipur / South Tripura District, Belonia, with a request to circulate among all Judicial Officers in your respective Jurisdiction;
15. The Director, Tripura Judicial Academy, Agartala;
16. The Member-Secretary, Tripura State Legal Services Authority, Agartala, with a request to circulate also to all the District Secretary Legal Service Authority;
17. The Registrar (Admn., P&M), High Court of Tripura, Agartala;
18. All Deputy Registrars, High Court of Tripura, Agartala;
19. All Assistant Registrars, High Court of Tripura, Agartala;
20. The System Analyst, Computer Section, High Court of Tripura, Agartala for uploading the same in the official website of the High Court of Tripura;
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Registrar (Judicial)