

**THE HIGH COURT OF JAMMU AND KASHMIR AND LADAKH**

**THE OFFICE OF REGISTRAR VIGILANCE/MEMBER SECRETARY**

**STATE COURT MANAGEMENT COMMITTEE**

\*\*\*\*\*

**Subject: Action Plan for Arrears Reduction in the District Judiciary in the Union Territories of Jammu & Kashmir and Ladakh (APAAr-DJ) for the Period of January 01, 2025 to June 30, 2025.**

**CIRCULAR**

No. 01/2025/RV/N

Dated: 31/01/2025

1. The Hon'ble High Court of Jammu & Kashmir & Ladakh has the distinction of being one of the foremost High Courts in the Country which took the initiative to streamline disposal of the old/target cases having as its object the substantial decrease in the overall pendency of cases and backlogs in the Courts and the reduction of the Arrears. The Hon'ble High Court has in this regard, from time to time, formulated/devised Action Plans for guidance of the District Judiciary and set achievable targets for it. But more needs to be done in the face of ever-increasing overall pendency of cases, backlogs and arrears.
2. The Committee that the Hon'ble Supreme Court of India has constituted for "Model Case Flow Management Rules for Trial Courts, District Appellate Courts, High Courts and to suggest a Plan for Reduction of Arrears in the High Courts & District Courts" has prescribed Action Plan for managing and reducing the case arrears in the District Judiciary which is founded on certain principles. Those principles deal with (a) identification & resolution of excessively long pending cases, (b) accelerating the progression of cases towards finalisation & timely conclusion & preventing newly instituted cases from falling into the category of long pending cases, (c) ensuring equitable distribution of cases among Judges taking into consideration the complex-

*AM*

ity and nature of cases to prevent Courts from being overburdened and to promote efficient resolution, (d) implementing strategies for expediting and managing cases that are unready or have been stayed by Higher Courts, (e) encouraging effective & frequent utilisation of Alternate Dispute Resolution mechanisms like mediation & Lok Adalats, (f) ensuring effective use of technology like leveraging NJDG & related tools for better case management including case tracking systems to enhance efficiency, (g) managing undated cases and adopting measures to ensure that cases do not remain without the scheduled date & to facilitate their timely progression & resolution, (h) strengthening the district judiciary and providing sufficient ministerial staff to judicial officers like stenographers and other essential staff who can assist in case management & administrative duties, (i) implementing a system for continuous & regular monitoring and review to assess the effectiveness of Action Plan, (j) promoting stakeholder engagement & involving Bar Associations & agencies to address procedural delays, and (k) tailoring strategies for responsive adaptation of the Action Plan which may help it to meet the specific circumstances of each district and make it flexible and adaptative to local circumstances.

3. The Hon'ble High Court found that the Action Plan which it should formulate/prescribe for the Arrears reduction in the District Judiciary in the Union Territories of Jammu & Kashmir and Ladakh should not only be achievable & congruent with the principles laid down by the aforesaid Hon'ble Supreme Court Committee but which should also ensure that the Judicial Officers focus and emphasize on the need of writing qualitative judgments and orders. Hon'ble the Chief Justice, High Court of Jammu and Kashmir and Ladakh has been pleased to approve the following achievable Action Plan for District Judiciary in the UTs of Jammu and Kashmir and Ladakh which should be effective for the period of **01/01/2025 to 30/06/2025**:

- A. The reports received from the different Courts would show that some Courts have substantial number of cases which are more than 10 years

old. The Courts in which cases which are more than 10 years-old shall identify them at the earliest and expedite their resolution by the end of June, 2025. The District Case Management Committee shall regularly monitor the resolution of such cases and take their review each month and submit reports to the Member Secretary of the SCMS Committee. Such cases so identified shall be notified on the Court Notice Boards & to the Bar Association.

- B.** The District Case Management Committee shall, in Courts with fewer than 50 cases which are more than 10 years old or with no such cases, identify fifty oldest pending cases [25 Civil Cases (other than Execution Petitions) & 25 Criminal Cases) and focus on their expeditious resolution. The aim should be to resolve such oldest cases by the end of June 2025 provided that the trial in the said cases has not been stayed by the Higher Courts. The DCM Committee shall regularly monitor the resolution of such cases and take their review each month & submit report to the SCMS Committee. Such cases so identified shall be notified on the Court Notice Boards and to the Bar Association.
- C.** The DCM Committee shall, in Courts where execution petitions which are more than three years old, are pending and essential for enforcing Court judgments; focus on the resolution of such execution petitions by the end of June 2025. In Courts where such three years plus old execution petitions are not pending, the focus shall shift towards addressing the oldest 20 execution petitions. This targeted approach would ensure that the oldest & potentially most delayed execution petitions are prioritized, facilitating timely enforcement of judgments and effective administration of justice.
- D.** The District Appellate/Revisional Courts shall identify all appeals/visions which are pending for more than two years & focus on their expeditious resolution by the end of June 2025. If those Courts do not have any appeal or revision which is more than two years old, the focus shall

then shift towards the resolution of fifty oldest appeals & revisions. The Appellate/Revisional Courts shall only summon digital records of such cases so that further proceedings in the trial Courts are not hampered.

- E. The exclusive Courts such as the Family Courts, Commercial Courts & Juvenile Justice Boards shall identify their 100 oldest cases & diligently work towards their resolution by the end of June 2025. Those District Courts exercising jurisdiction in matrimonial cases, they shall focus on the resolution of fifty oldest matrimonial cases.
- F. The Courts holding jurisdiction to deal with land acquisition cases shall identify and expedite the resolution of all the cases which are more than two years old including the execution cases which result from land acquisition cases resolved by the Court after adjudication, or which result from land acquisition cases resolved in Lok Adalats. In executions petitions related to land acquisition cases, Legal Services Authorities may be actively and appropriately involved.
- G. The Courts holding special jurisdiction like the Courts exclusively constituted for the trial of cases under the POCSO Act or trial of offences against women shall identify & focus on the resolution of the 50 oldest cases by the end of June 2025. Similarly, Courts which try cases under the Prevention of Corruption Act and Courts which try cases under the NIA Act or similarly designated courts shall identify 25 oldest cases and expedite their resolution by the end of June 2025.
- H. The Motor Accidents Claims Tribunals which stand exclusively constituted to deal with motor accidents claims shall identify 200 oldest claims and 50 oldest execution petitions & focus on their resolution by the end of June 2025. The other Courts which also exercise powers of the motor accidents claims tribunal shall identify 50 oldest claims and 20 oldest execution petitions & focus on their resolution by the end of June 2025.
- I. The Courts which deal with matters under the Negotiable Instruments Act shall identify all the cases which are more than two years old & focus

on their expeditious disposal by the end of June 2025. The Courts which do not have such cases which are pending disposal for more than two years shall shift the focus on 100 oldest cases and resolve them by the end of June 2025.

- J. The Courts shall dispose of, within three months, all those applications filed for interim relief in the civil & criminal matters which are more than three months old which is often crucial for the progression of the case & essential for avoiding the unnecessary delays. They shall dispose of the bail petitions within a week in compliance to the Hon'ble Supreme Court directions passed in Hussain & Anr vs Union of India.
- K. The Courts shall, in Civil Cases where framing of issues has been delayed for more than one month even after completion of pleadings, ensure that the issues are promptly framed which is crucial for advancing these cases towards resolution. Similarly, the Courts shall, in criminal cases where charges require be framed as per law but have been delayed for more than a month, take immediate steps to address this issue which is necessary for setting the stage for the commencement of trial.
- L. The High Court being cognizant of the fact that most of the delays that take place in criminal trials are at the stage of framing charges and recording prosecution evidence. To address this issue, the trial Courts are enjoined to adhere to the following principles:
- (I) After the accused appears & the chargesheet & the documents are handed over to the accused/counsel, a short date (not more than seven days) be fixed for examination of documents and accused/counsel be told that no further time shall be granted. If any accused has not engaged counsel, the Court shall refer his case to the office of the Chief Legal Aid Defence Counsel (CLADC) & copy of the charge sheet be provided to the office of the CLADC.
  - (II) On the next date, if there are applications disclosing that the documents in the index of the chargesheet have not been given to

the accused, the Prosecution be directed to supply the missing documents before the next date of hearing which shall be for arguments on charge. The accused/counsel be informed that no adjournment shall be granted on any grounds, other than the demise of the Counsel. After hearing arguments, if any, the Court shall reserve for orders whether to frame charge and both sides be given the liberty of filing written submissions within ten days. Thence, orders be passed on charge on the next date of hearing.

- (III) If charge is framed, the Court must on the same day, in consultation with the prosecutor & the defence counsel, prepare the trial programme. Summons to PWs must be sent on the same day when the trial programme is fixed. (a) If on the date so fixed, PW does not appear, fresh summons must be served on the witness through the SHO of the jurisdiction under supervision of the District Superintendent of Police. If this summons is not served, District SP's report must disclose the reasons for non-service of summon. (b) If witness is untraceable, the Court must skip that witness & examine the next PW in sequence. (c) If the witness is present, the Court must examine the witness. If exigencies demand adjourning the case without examining the witness (for the reasons to be recorded), the witness be bound over for the next day on which there should be no further adjournment. (d) At the end of the examination of the prosecution witnesses, the Court should give an opportunity to the prosecutor to produce such witnesses who have been left over on account of their non-availability earlier and time be granted to the prosecution which should be reasonable, but should not more than sixty days, to produce such witnesses failing which the Court may proceed to close the stage of PW examination.

- (IV) Where the trial is held up on account of absence of the accused (who is on bail) and NBWs are issued, the same may not be cancelled upon his appearance but his bail bond may be cancelled and upon apprehension, the accused be sent to judicial custody. If he files an application for fresh bail after some time in judicial custody, the same may be considered with more stringent conditions as per the Trial Court's discretion.
- (V) The use of IT must be enhanced to examine formal witnesses and overseas witnesses through Video Conferencing.

**1. Guidelines:**

- (a) The DCM Committee shall calculate the pendency of the oldest/target cases as from 01/01/2025. The target/oldest cases disposed of since that date shall be included in the disposal list. The cases of which the Higher Courts have stayed the proceedings be also included in the list of pending target cases. The DCM Committee shall prepare a comprehensive list of such cases, consistently monitor the same and regularly update it to reflect any changes such as the lifting of stays or issuance of new stay orders. The DCM Committee shall forward the updated list on a monthly basis to the Registrar Judicial who shall, upon its receipt, seek appropriate directions from Hon'ble the Chief Justice to facilitate progression of these cases. The concerned Courts may even check the status of these cases online and grant short adjournments in them so that they are not overlooked but continue to receive the necessary and due attention.
- (b) The Courts should give priority to cases which involve senior citizens and individuals suffering from terminal illnesses during implementation of the Action Plan. This approach may ensure that all such individuals receive timely justice and are accorded due consideration in the light of their unique circumstances



- (c) The Courts shall not grant frequent and unnecessary adjournments to the litigating parties in the target cases. If adjournments become necessary, they may grant adjournments subject to costs & set shorter dates for hearing of those cases to ensure more efficient and expedited resolution of those cases. The Courts should, however, ensure that other cases are not neglected while they make extra efforts towards the disposal of the target/oldest cases.
- (d) The DCM Committee may also make effective use of Lok Adalats and Mediations to help address the pendency of old cases. Special Pre-Lok Adalat sittings may be convened for identified old cases which provide opportunity to the parties involved to discuss their issues for fostering more conducive environment for amicable settlements before the matters are formally presented at the Lok-Adalat. The services of trained mediators may also be availed during those pre-Lok Adalat sittings.
- (e) The Courts shall, as part of Action Plan, address the issue of unready cases and identify specific reasons for their unprepared status. Judicial intervention may be required to resolve procedural issues that are causing delays. An endeavour should be made to systematically reduce the number of unready cases. During the Action Plan, the number of such cases must be significantly reduced.
- (f) The DCM Committee shall, in the event of long leave of Judicial Officer or his resignation or transfer during the target year & if he is not replaced or in the event of amalgamation of two or more Courts or withdrawal of a Court, identify all cases classified as critical arrears or 50 oldest cases from the affected Court & the Principal District Judge shall re-distribute them among the other Courts. This re-distribution should be conducted with careful consideration of the specific nature & complexities of each case to ensure appropriate and efficient handling.
- (g) The Courts must dispose of the oldest/target cases on merits and provide reasonable opportunity to the parties to produce evidence and pre-



sent their cases. The disposal of such cases by easy recourse to dismissal of the matters for non-prosecution or deciding the cases *ex parte* should be avoided unless it is absolutely warranted by the fact-situation of the case.

- (h) The DCM Committee shall ensure that Court-wise lists of target cases are regularly uploaded and updated on the website of the District Court, together with the details of the stage of proceedings in those cases. The Courts should use the Urgent Case feature appearing in the Case Information System to mark cases encompassed by the action plan. This would enable such cases to be highlighted at the top of the cause list ensuring that they are given priority based attention.
- (i) The DCM Committees shall comply with the directions of the Hon'ble High Court provided in Circular No. 07 of 2024/RG dated 19/10/2024 & remove any deficiencies/hindrances if still occurring in complying with those directions. The DCM Committee shall submit monthly Court-wise figures of target cases disposed of during the month under the Action Plan in the following format on or before the 05<sup>th</sup> day of every month which shall be placed before the Chairman of the SCMS Committee and the Administrative Judge of the District.

Statement showing Disposal of Target Cases under the Action Plan 2025 for the Court of ..... for the month of .....

Name of the Officer with Designation:

Nature of the target cases Category Wise	Number of Cases identified as on 01/01/2025	Cases included	Cases excluded	Disposal during the month	Balance at the end of the month	Percentage of disposal

- (j) The High Court may consider the disposal report of the target cases at the time of recording of the Annual Confidential Reports of the Judicial Officers. The Principal District Judge shall consider the disposal report

of the target cases at the time of writing his remarks on the self-appraisal reports of the Judicial Officers. The Action Plan for Reduction of Arrears devised by the aforesaid Hon'ble Supreme Court Committee provides that the High Court, on its administrative side, may consider offering incentives for the resolution of cases under the Action Plan which could include allocating additional units or similar rewards for their successful disposal.

- (k) The SCMS Committee may, under exceptional circumstances, modify the Action Plan for disposal of the target/old cases with the approval of Hon'ble the Chief Justice.

**ROLE OF THE HIGH COURT:**

(a) The Hon'ble Chairperson of the SCMS committee shall take monthly meetings with the District Case Management Committees. These meetings are crucial for reviewing the progress of the action plan & ensuring that the strategies are being effectively implemented at the district level.

(b) The Hon'ble Administrative Judge/Portfolio Judges of the Districts may preside over the meetings of the District Case Management Committee at least once every two months. Their presence and guidance in these meetings would be crucial for reviewing the progress of the action plan, addressing challenges and ensuring that the strategies are being effectively implemented at the district level. The District Case Management Committee concerned shall, in this regard, notify dates of meetings to the Hon'ble Administrative Judge of the District to make convenient for his Lordship to preside over the meetings.

(c) Hon'ble the Chief Justice may be pleased to hold review meetings to supervise and monitor the successful implementation of the Action Plan. The overall monitoring by Hon'ble the Chief Justice may play a pivotal role in the successful implementation of the action plan. Regular reviews and interventions by Hon'ble the Chief Justice can signifi-

cantly contribute to the progress and effectiveness of the action plan, ensuring that the objectives of reducing case backlogs and arrears and expediting the disposal of old cases are successfully achieved.

**By Order:**

**Yours Faithfully,**



**Tasleem Arief**

**Registrar Vigilance/Member Secretary  
SCMS Committee High Court of J&K and Ladakh**

No. 13-18/R/W

Dated: 31/01/2025

**Copy of the above forwarded to:**

1. Registrar General High Court of J&K and Ladakh
2. Pr. Secretary to Hon'ble the Chief Justice High Court of J&K & Ladakh
3. Secretary to Hon'ble Mr./Ms Justice \_\_\_\_\_

..... for information of their Lordships

4. Pr. District & Sessions Judges for information & necessary action and with the request to circulate the same to all the Judicial Officers of their respective Districts for information and implementation.
5. CPC e-Court, High Court of J&K and Ladakh for information and with request to upload the same on the High Court Website.
6. I/C Library High Court of J&K and Ladakh for information and keeping record of the same.



**Registrar Vigilance**