

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
(Office of the Registrar General at Jammu)

Subject: Action Plan for the year 2023-24 for District and Subordinate Courts in the UTs of Jammu & Kashmir and Ladakh

CIRCULAR

No: 0806/2023/RG/GS. **Dated:** 05/12/2023.

In order to streamline the disposal of the old cases with the objective to reduce the pendency of cases which are more than five years old and to achieve the target of zero five year plus cases, Hon'ble the Chief Justice has been pleased to approve the following Action Plan for the District Judiciary in UTs of Jammu & Kashmir & Ladakh for the year 2023-2024 w.e.f **01.10.2023 to 30.09.2024**

A. Targets proposed for the Courts of District & Sessions Judges/ Additional District and Sessions Judges:

1. The Pr. District & Sessions Judges/Additional District and Sessions Judges shall decide & dispose of during the target year 2023-2024:

- a) All the Cases of under-trial prisoners (UTPs) where the UTP is in custody for a period of more than five years from the date of arrest &
- b) All Criminal cases (irrespective of involvement of UTPs) where the charge sheet has been filed on or before 01/03/2018

2. They shall decide & dispose of during the target year 2023-2024:

- a) All Criminal appeals (except appeals filed under the PWDV Act) which are pending disposal for more than three years,
- b) All appeals filed under the PWDV Act which are pending disposal for more than nine months;
- c) All criminal revision petitions (except criminal revision petitions challenging order passed under 125 CrPC) which are pending disposal for more than one year.
- d) All revision petitions filed against orders passed under section 125 CrPC which are pending disposal for more than nine months

3. They shall decide & dispose of during the target year 2023-2024:

- a) All the civil original suits which are pending disposal for more than five years,
- b) All the other civil matters including guardianship petitions which have been instituted on or before 01/03/2020 and
- c) All the executions petitions which are pending disposal for more than three years;

4. They shall decide & dispose of during the target year 2023-2024:

- a) All civil first appeals which are pending disposal for more than five years &
- b) All civil miscellaneous appeals which are pending disposal for more than one year;

B. Targets proposed for the Special Courts:

1. The Special Courts constituted under the Prevention of Corruption Act shall decide and dispose of, during the target year 2023-2024, 15 oldest cases in addition to normal standards;
2. The Special Courts constituted under the Prevention of Corruption Act for CBI cases shall decide and dispose of, during the target year 2023-2024, 10 oldest cases in addition to normal standards.
3. The Special Courts constituted under the POCSO Act shall fast track the cases registered under the POCSO Act and shall decide and dispose of all the cases instituted before March 2023 & shall ensure to complete the trial in all other cases instituted thereafter as far as possible within six months from the date of filing of the charge-sheet;
4. The Special Court constituted for trial of offences against women shall decide & dispose of, during the target year 2023-2024:
 - a. All the cases of under-trial prisoners (UTPs) where the UTP is in custody for more than two years from the date of arrest and
 - b. All the cases which are pending disposal for more than five years;
5. The Special Court constituted under the NIA shall decide and dispose of, during the target year 2023-2024, twenty oldest cases in addition to the normal standards;
6. The Motor Accidents Claims Tribunal shall decide & dispose of during the target year 2023-2024:
 - a. All the claim petitions under MV Act involving death which are more than three years old &
 - b. All the claim petitions under MV Act involving injury which are more than two years old;
7. The Commercial Court (exclusive) shall decide and dispose of, during the target year 2023-2024, all the cases of commercial nature which are pending disposal for more than two years in addition to normal standards;
8. The Court set up for adjudication of matrimonial disputes shall decide and dispose of, during the target year 2023-2024, all the cases which are pending disposal for more than one year in addition to normal standards;
9. The Family Court shall decide and dispose of, during the target year 2023-2024, 150 oldest cases and 50 oldest execution petitions in addition to normal standards.

C. Targets proposed for Civil Judges (Junior/Senior Division)/Chief Judicial Magistrates/Judicial Magistrates:

1. The Chief Judicial Magistrates/Judicial Magistrates shall decide & dispose of within next six months:
 - a) All the criminal cases of UTPs where the UTPs are in custody for a period of more than one year; & shall decide & dispose of, during the target year 2023-2024:

- b) All criminal cases in which the charge-sheets were filed on or before 01/03/2018,
- c) All the criminal complaints which were instituted on or before 01/03/2018 &
- d) All the petty criminal cases which are more than six months old and, if permitted under law, by recourse to section 258 of the CrPC;
2. The Chief Judicial Magistrates/Judicial Magistrates shall decide and dispose of within next six months all the criminal complaints filed under **section 138 N. I. A** Act which are more than two years old, if any, and shall always dispose of such cases within six months from the date of their institution;
 3. The Chief Judicial Magistrates/Judicial Magistrates shall decide & dispose of within next six months all the petitions filed under sections 125/126 of the CrPC & all the petitions filed under the PWDV Act which are more than two years old, if any, and shall always dispose of such cases within six months from the date of their institution;
 4. The Chief Judicial Magistrates/Judicial Magistrates shall ensure that cases which are triable by a Sessions Court are immediately committed to that Court along with the seized property, if any & they shall also ensure that the orders of remand of the accused in judicial custody are not mechanically passed and that the accused are not remanded in judicial custody for a period longer than the probable punishment which may be awarded on conviction in the particular factual situation of the case;
 5. The Civil Judges (Junior/Senior Division) shall decide and dispose of by the end of the target year 2023-2024 (a) all the civil original suits and all other civil matters which are more than five years old, if any, and shall always dispose of such cases expeditiously with reasonable dispatch; and (b) they shall decide and dispose of by the end of the target year 50 oldest execution petitions;
 6. The Juvenile Justice Boards shall decide and dispose of the inquiries pending before them within four months from the date of first production of the child before it and in case the period of inquiry is extended, it shall not be extended beyond a maximum period of two months having regard to the circumstances of the case & after recording reasons for such extension. In case of those Juvenile Justice Boards (where the Principal Magistrates deal with other civil and criminal cases) it shall decide and dispose of all the inquiries which are more than six months old, if any, in addition to normal standards;
 7. Further the Judicial Officers shall ensure that they decide and dispose of the applications for grant of interim relief in civil and criminal cases within one month from the date of their filing; and they shall also ensure that they decide and dispose of the bail petitions within a week in compliance to the honorable Supreme Court directions in Hussain & another vs Union of India.

Guidelines:

1. The pendency of the target cases so mentioned above shall be taken as on 30/09/2023 and the cases disposed of since that date be included in the disposal list. But the cases in which the proceedings have been stayed are not to be included in the list of pending target cases. However, if the stay in any such case is vacated during the currency of the Action Plan, it shall be included in the list of target cases.
2. The Judicial Officers shall make every endeavour to dispose of the old cases during the target year 2023-2024. They shall prepare list of all the cases pending over 10 years, pending between 05-10 years, cases falling under the

Prevention of Corruption Act, cases falling under the other Acts, under-trial cases, bail matters, cases in which interim orders have been passed & cases pertaining to **crime** against women, children, differently abled persons, senior citizens & marginalized sections of society; they shall review that list every month and make assessment with regard to the progress of disposal of the said cases & devise further strategies to eliminate the hurdles, if any.

3. The Pr. District & Session Judges shall undertake effective supervision to get the oldest pending cases in their Sessions division disposed of during the target year, they shall in consultation with the Hon'ble Administrative Judge of the District, ensure rationalized and equitable distribution/allocation of the target cases among the Judicial Officers within their respective jurisdictions; they shall take into consideration the nature of the cases & stage of the proceedings in them while ensuring, in consultation with the Hon'ble Administrative Judge, the rationalized distribution/allocation of target cases. Whenever practicable, he shall assign the complicated cases to senior and more experienced Judicial Officers.
4. If a Judicial Officer proceeds on long leave or resigns or is transferred during the target year, and he is not replaced by another Judicial Officer, or in the event of amalgamation or withdrawal of a court, the Pr. District and Session Judge shall transfer the pending target cases of such Court to other competent Courts & equally distribute those cases among them as aforesaid.
5. If an additional Judicial Officer joins during the currency of the Action Plan, the Pr. District & Session Judge shall allocate to him target cases and fix the proportionate target under Action Plan for him in consultation with the Hon'ble Administrative Judge.
6. The Pr. District & Sessions Judges shall ensure uploading of Court-wise list of the target cases along with the stage of proceedings in each case on the website of the District Court within one week of date of receipt of the Action Plan and shall ensure that the list of the target cases is regularly uploaded on the said website on monthly basis.
7. The Judicial Officers shall not routinely proceed in the cases in which the High Court or the Appellate Court has stayed the proceedings & shall not give long dates in those cases but they shall check the status of those cases online on every date. They shall themselves record the proceedings in the target cases.
8. The Judicial Officers shall not grant frequent, unnecessary and unreasonable adjournments to the litigating parties or any of them; if adjournment is granted, he may impose costs on the party seeking adjournment. However, the Court shall ensure that the parties are accorded a reasonable opportunity to produce evidence and present their cases.
9. The Judicial Officers shall take care that other cases are not neglected while making extra effort towards the disposal of target cases.
10. The Pr. District & Session Judges shall submit the Court-wise figures of disposal of the target cases identified under the Action Plan for 2023-2024 in the following format to the Hon'ble High Court on monthly basis on or before the 10th day of every month for placing the same before the Hon'ble Administrative Judge of the concerned District.

Statement showing disposal of target cases under the action plan 2023-2024 in 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	Cases included	Cases excluded	Disposal up to the end of the month	Balance at the end of the month	Percentages of disposal up to the end of the month

11. The disposal of target cases be taken into consideration at the time of recording the Annual Confidential Reports of the Judicial Officers. The District & Session Judges may consider the disposal of the target cases while writing his remarks on self-appraisal reports of the Judicial Officers.
12. The targets identified under the Action Plan 2023-2024 may, under extreme circumstances, be modified/excluded by the District & Session Judge in consultation with the Hon'ble Administrative Judge of the concerned District.

By Order:

Yours faithfully

**(Shahzad Azeem)
Registrar General**

No: 53043-65/RG/G.S.

Dated: 05/12/2023.

Copy of the above forwarded to :-

1. Pr. Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh.
2. Secretary to Hon'ble Mr./Mrs _____
.....for kind information of their Lordships.
3. Registrar Vigilance, High Court of J&K and Ladakh, Jammu.
4. Pr. District and Sessions Judges, for information and necessary action and with the request to circulate the same to all the Judicial officers of their respective Districts.
5. CPC-e Court, High Court of J&K and Ladakh, High Court of J&K and Ladakh, for information and with the Request to upload the same on the High Court Website.

Registrar General