

Thourgh only E-Mail

From ;

Atul Srivastava, H.J.S.,
Joint Registrar (J) (Services),
High Court of Judicature at
Allahabad.

To

All the District & Sessions Judges,
Subordinate to the High Court of Judicature at
Allahabad.

No. 8789 /Main-B/CRC/Admin.(A-3); Allahabad; Dated: 07.06.2018.

**Subject:- Assessment of Judge Strength in district courts based on Unit
System methodology.**

Sir,

With reference to the Court's letter No. 8704/Main-B/CRC/Admin. (A-3) dated 05.06.2018, on the above noted subject, I am enclosing herewith a pattern for calculation of Judges strength (subordinate judiciary) mentioned as an example by State of Bihar alongwith prescribed proforma for your ready reference.

Yours faithfully,

Sd/-

Dated: 07.06.2018

Joint Registrar (J) (Services)

Encl.: As above.

Through Only E-mail / Time Bound

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Atul Srivastava, H.J.S.,
Joint Registrar (J) (Services),
High Court of Judicature at
Allahabad.

To

All the District & Sessions Judges,
Subordinate to the High Court of Judicature at
Allahabad.

No. 8704 /Main-B/CRC/Admin.(A-3); Allahabad; Dated: 05.06.2018.

Subject:- Assessment of Judge Strength in district courts based on Unit System methodology.

Sir,

On the above noted subject, I have been directed to enclose herewith a copy received from Member Secretary, N.C.M.S. Committee, Supreme Court of India, New Delhi for your assistance and to request you to kindly provide the information of all courts (working as well as vacant) of your district on the proforma attached with, by taking into consideration the approved unit system as circulated vide Court's General Letter No. 16/IV-h-14/2018, dated 31.05.2018, only in ODT format/MS Word/MS Excel, to the Court, within 07 days, through return email.

Keeping in view the urgency and importance of the matter, you are requested to get the above-mentioned court-wise data collected by taking personal initiative in the matter, so that the desired information, may be sent to Hon'ble Supreme Court of India, New Delhi.

Yours faithfully,

Sd/-

05.06.2018

Joint Registrar (J) (Services)

Encl.: As above

UNIT SYSTEM METHOD

Column NO.s			1	2	3	4	5	6	7	8	9
Name of the District:	Number of Cases Pending as on 31/12/2015	Annual Filling in terms of Cases in the calender year 2016	Annual Filling in terms of Units in the calender year 2016	Total Backlog (Pendency of Cases in Units as on 31.12.2015)	Desired time period in which backlog units to be cleared (no of years)	Units required to be disposed of each year to clear backlog (Column 2/3)	Total units to be disposed of each year (to achieve (i) "break even" of annual filling; and (ii) required annual disposal of backlog) (col 1+col 4)	Units required to be disposed by one Judge for "Very Good" grade in one year	Proposed Trigger for creation of a new court (1.5times X disposal norm for "Very Good" grade in one year)	Units, if any, in excess of Trigger (col 5-col 7)	Additional Number of Judges, if any, required to bring case load of court below trigger (col8/Col 7)
Court A					5						
Court B					5						
Court C					5						
and so on....					5						

III. Proposed NCMS Approach for Assessing Judge Strength Subordinate Courts

17. In the long term, the judge strength of subordinate courts will have to

be assessed by a scientific method to determine the total number of “judicial hours” required for disposing of the cases load of each court(as is being done in the proposed new approach for evaluating the required strength of High Courts). This will require gathering required data and calculating required judicial hours.

18. In the interim, a proposed approach for assessing the judge strength of Subordinate Courts is proposed below, in broad outline. If approved in principle , further operational details can be worked out.

19. This interim approach augments the disposal rate method of the Law Commission with the prevailing “unit system” of High Courts to attribute “weightage” to cases based on their nature and complexity.

20. What is proposed is a “weighted” disposal approach – disposal weighted by the nature and complexity of cases in local conditions.

A. The Unit System

21. High Courts have established and are implementing disposal “norms” for subordinate court judges. These norms are based on “units” allocated for disposal of various types of cases. The units vary depending on the nature and complexity of types of cases.

22. Units vary from State to State for similar cases, reflecting local conditions that affect the time taken for disposal of cases. Session cases for murder for example, will not have a similar “unit weightage” In all states – because in some states these cases may take significantly longer than in other states due to local cultural, institutional and geographical conditions.

23. Units may also be allocated to non-judicial work required of judicial officers, such as administrative work, as appropriate for different levels of the judiciary hierarchy.

24. Judges are required to dispose of cases as needed to meet prescribed “units”. Their performance is rated from “excellent” (or equivalent) and “very good” to “unsatisfactory” (or equivalent) depending on the number of units they achieve in disposal. Assumptions of complexity of cases, efficiency and quality are also therefore implicit in the unit system.

B. Applying The Unit System To Assess Required Judge Strength

(i) NUMBER OF JUDGES REQUIRED TO DISPOSE OF THE ANNUAL “FLOW” OF NEW CASES (“BREAK EVEN”)

25. Every court should calculate in *units* its average *annual* filing over the previous five years for all types of cases.

26. Divide the *annual* filing units above by the number of annual units required to be disposed of by a judge for VERY GOOD performance.

27. This will give for each court, the number of judges required to

ensure “break even”, i.e., disposal equals the number of *new cases filed* every year in that court.

(ii) NUMBER OF JUDGES REQUIRED FOR DISPOSAL OF BACKLOG OF CASES

28. First, every court should calculate *in units* its “backlog”, i.e., the number of cases of all categories pending for more than the maximum time standard set by it for disposal (e.g., three years).

29. Second, a suitable time period may be established within which this “backlog” should be cleared (e.g., 5 years).

30. Third, divide the total backlog in units by the number of years within which it has to be cleared (e.g., 5 years). This will give the required *annual* disposal of “backlog”.

31. Fourth, divide the required annual disposal of backlog by the number of annual units required to be disposed of by each judge (units required for VERY GOOD performance).

32. This gives the number of judges required to dispose of “the backlog” within the prescribed time frame.

33. The judge strength so assessed should be monitored annually.

34. Needless to say, it will be desirable that unit systems are rationalized and strengthened with as much uniformity of approach across the country as feasible, addressing variations and limitations of systems currently in place.

(iii) TOTAL NUMBER OF JUDGES REQUIRED FOR ACHIEVING “BREAK EVEN” PLUS “DISPOSAL OF BACKLOG”

35. Add the number of Judges required for “break even” to the number of Judges required for disposal of backlog, as determined above.

(iv) TRIGGER FOR CREATION OF NEW COURTS

36. When for any court, the total number of units required to be disposed annually (“breakeven” plus backlog, if any) is greater than 1.5 times of the disposal norm for a “very good performance” judge, a new court would need to be created.

UNIT SYSTEM METHOD

Column NO.s			1	2	3	4	5	6	7	8	9
Name of the District:	Number of Cases Pending as on 31/12/2015	Annual Filling in terms of Cases in the calender year 2016	Annual Filling in terms of Units in the calender year 2016	Total Backlog (Pendency of Cases in Units as on 31.12.2015)	Desired time period in which backlog units to be cleared (no of years)	Units required to be disposed of each year to clear backlog (Column 2/3)	Total units to be disposed of each year (to achieve (i) "break even" of annual filling; and (ii) required annual disposal of backlog) (col 1+col 4)	Units required to be disposed by one Judge for "Very Good" grade in one year (i.e. 1200 units per year)	Proposed Trigger for creation of a new court (1.5times X disposal norm for "Very Good" grade in one year)	Units, if any, in excess of Trigger (col 5-col 7)	Additional Number of Judges, if any, required to bring case load of court below trigger (col8/Col 7)
Court A					5						
Court B					5						
Court C					5						
and so on....					5						

* For Column No. 6 units required to be disposed of by one judge for "Very Good" grade in one year are 1200 units per year.

CALCULATION OF JUDGE STRENGTH (SUBORDINATE JUDICIARY)
(NCMS METHODOLOGY)
BIHAR

UNIT SYSTEM METHOD

Column	1	2	3	4	5	6	7	8	9
Court	Annual Filling in terms of Units in the calender year 2014	Total Backlog (Pendency of Cases in Units as on 31.12.2013)	Desired time period in which backlog units to be cleared (no. of years)	Units required to be disposed of each year to clear backlog (Column 2/3)	Total units to be disposed of each year (to achieve (i) "break even" of annual filling; and (ii) required annual disposal of backlog) (col 1+col 4)	Units required to be disposed by one Judge for "Very Good" grade in one year	Proposed Trigger for creation of a new court (1.5times X disposal norm for "Very Good" grade in one year)	Units, if any, in excess of Trigger (col 5- col 7)	Additional Number of Judges, if any, required to bring case load of court below trigger (col8/Col 7)
ADJ Patna (Sadar) (Urban)	998	8201	5	1640.2	2638.2	678.5	1017.75	1620.45	1.59
ADJ Barh (Rural)	293.5	7686.78	5	1537.356	1830.856	678.5	1017.75	813.11	0.80
Civil Judge (Sr. Div.) (Patna Sadar) (Urban)	6194	9123.5	5	1824.7	8018.7	687.35	1031.03	6987.68	6.78
Civil Judge (Sr. Div.) Barh (Rural)	2406	7016	5	1403.2	3809.2	687.35	1031.03	2778.18	2.69