

Jharkhand Judiciary



सत्यमेव जयते

Judicial Work & Statistics

Annual Report
(April-2011 to March-2012*)

**High Court of Jharkhand
Doranda, Ranchi-834033**

* With addenda upto 30th April, 2012

Mission & Vision

Heed the Warnings

Lighting the Path

Judicial Setup

Case Management

20 Old Cases

Physical Verification of Entire Records

Correction of Judicial Statistics

Comprehensive Cause List of Ready Cases

Specialized Benches In High Court

Communication of Subordinate Courts
With High Courts through email

Status Report of Stay Matter Cases

Decentralization of cognigence taking Power

Mission Mode Programme

March of Law

Two wings of Judiciary

- Judicial Academy
- State Legal Services Authority

13th Finance Commission and Infrastructure

E-Courts Project

The Way Forward

COLLECTIVE CONSCIOUSNESS

*Meet together, Speak Together,
Let our Mind be one accord
Let our Hearts of one accord
Let our aims be common and
All of us be of one mind, so
we may achieve our target well together
Rig veda*

MISSION AND VISION

"When an Institution No Longer Matters, we No Longer Matter."



*Hon'ble Mr. Justice S. H. Kapadia
Chief Justice of India, Supreme Court of India,
Chairman, National Judicial Academy India, Bhopal
&
Patron-in-Chief of National Legal Services Authority, New Delhi.*

"Timely delivery of Justice is one of the major components of "Access to Justice" for the marginalized and underprivileged sections of the society."



*Hon'ble Mr. Justice Altamas Kabir
Judge, Supreme Court of India
&
Executive Chairman, National Legal Services Authority, New Delhi.*

Based on the speech delivered by His Lordship on the occasion of the 10th Meet of NALSA on 3rd & 4th March, 2012 at Patna (Bihar)

**Former Chief Justice, High Court of Jharkhand
elevated as
Judge, Supreme Court of India**



*Hon'ble Mrs. Justice Gyan Sudha Misra
Judge, Supreme Court of India*

***“ Case Management deals with the active role with the proper utilisation of
time in the justice delivery system”***

**Former Judge of High Court of Jharkhand
elevated as
Judge, Supreme Court of India**



*Hon'ble Mr. Justice S. J. Mukhopadhaya
Judge, Supreme Court of India*

***"My personal experience says, sincere efforts and commitments of
High Court of Jharkhand will definitely bring the expected results in reducing
the arrears and preventing unnecessary litigation."***

"Judiciary needs to commit itself 24x7 to achieve quality, timeliness and responsiveness of justice."



*Justice Prakash Tatia
Chief Justice of Jharkhand High Court*

Quoted from the Speech delivered on 18th September, 2011 at Nyaya Sadan, Ranchi,
on the occasion of Interaction with the Principal District Judges & Chief Judicial Magistrates of Jharkhand Subordinate Judiciary.

**FORMER JUDGE OF SUPREME COURT OF INDIA
ELEVATED FROM HIGH COURT OF JHARKHAND**



Hon'ble Mr. Justice P.K. Balasubramanyan*

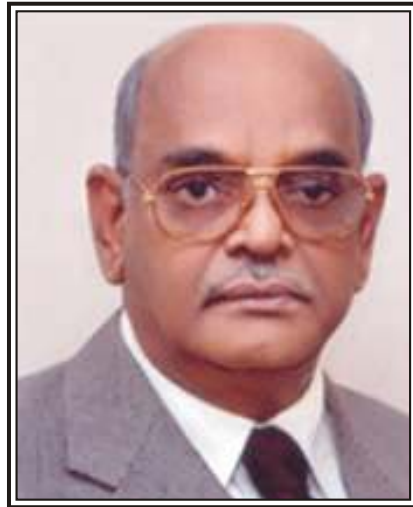
"Discipline at the workplace in an organisation is the sine qua non for the efficient working of an organisation ."

*elevated as Judge of Supreme Court of India on 27.8.2004 and retired on 28.8.2007

**FORMER CHIEF JUSTICES
OF HIGH COURT OF JHARKHAND**



Hon'ble Mr. Justice V.K. Gupta
(15th November, 2000 to 4th March, 2003)



Hon'ble Mr. Justice Nelavoy Dhinakar
(4th December, 2005 to 9th June, 2006)



Hon'ble Mr. Justice M. Karpaga Vinayagam
(17th September, 2006 to 15th May, 2008)



Hon'ble Mr. Justice Bhagwati Prasad
(22nd August, 2010 to 12th May, 2011)

**JUDGE OF HIGH COURT OF JHARKHAND
ELEVATED AS CHIEF JUSTICE OF OTHER HIGH COURT**



Hon'ble Mr. Justice M.Y. Eqbal
Chief Justice, Madras High Court

“Every institution should strive hard to improve its quality of work and try to redress the grievances of the needy people, as enshrined in our Constitution”

**JUDGE OF HIGH COURT OF JHARKHAND
TRANSFERRED TO OTHER HIGH COURT**



Hon'ble Mr. Justice Tapen Sen
Judge, Calcutta High Court

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*Second Edition of the report after its launch on 21.5.2012.

HEED THE WARNINGS

Law is a social engineering to help the people. Therefore, we, the Members of Judicial Fraternity owe great responsibility to ensure **timely delivery of justice** which is of central importance in the development of modern inclusive democracy under the Rule of Law. Governance of Civil Society could be reality only when, the **Justice Delivery System** is made more viable, more scientific and more humane.

Our judicial system is a time tested system but trust and confidence of the people cannot remain for a longer period unless we rejuvenate the system by improving our thinking process, sharpening knowledge, imbibing work culture and capacity building. In order to meet the various kinds of challenges, we have to ensure the attributes of constitutional mandate including human rights, social justice, equality and gender justice.

In the backdrop, judicial reform has become the top National Agenda and in order to improve the Justice Delivery System of the Indian Judiciary, the 13th Finance Commission of India has issued guidelines and allotted grant-in-aid to all the components of the Indian Judiciary including the regular Courts of Law, Judicial Academy, Legal Services Authorities across the country to ensure better outputs.

This **Annual Report** in hand is the blueprint of Case Management in Jharkhand Judiciary including the Jharkhand High Court and Subordinate Judiciary and the statistical data thereof revealing noteworthy facts to improve ourselves in tune with the endeavour of the Supreme Court of India to make each Indian Court “**five plus free**” pendency. This Annual Report comprises a number of best practices of the Case Management, initiated by us for each Court of Jharkhand Judiciary, which have been set out in detail in this report. I am unable to restrain myself to share my experiences, by which we have come to the conclusion that Case Management is a concerted plan and essentially guided by practical experiences, observations and monitoring, rather than theory.

I acknowledge the support and suggestion of companion judges without whom my aspirations would never have been turned into reality.

I am of the opinion that Subordinate Courts are the Courts, who are directly responsible to give justice to the masses of any State including poor or rich, irrespective of caste or class and members of the Schedule Caste, Schedule Tribe, other Backward Classes as well as enjoy a vast jurisdiction in the matter of imparting justice, but, working of Subordinate Courts was substantially adversely affected because of lack of communication between the Subordinate Judiciary and High Court. My this feeling finds support from the glaring instances, which have come to the notice of the High Court that merely because of non-communication, large number of cases in Subordinate Courts in which matters were already decided by the

High Court remained pending in the Trial Courts under wrong impression of stay for more than 40 years (18 cases) more than 30 years (97 cases), more than 20 years (165 cases), more than 10 years (98 cases) and less than 10 years (16 cases).

Total number of stayed matters in the Subordinate Courts shown up to the month of April 2012 was 833 cases, out of which 410 cases were, already, disposed of. To eliminate this intolerable lack of communication between Subordinate Courts and High Court, effective step has been taken by order of the High Court and mode adopted is e-mail and an Officer, Assistant Registrar (Judicial) has been designated to receive all queries of the Subordinate Courts through e-mail and reply within 15 days and in case of failure, Registrar General to look into the matter. All Subordinate Courts were directed to open e-mail account and sent the queries to the High Court directly with respect to any matter pending with Subordinate Courts wherein, proceedings have been stayed by order of the High Court in Judicial side. The Subordinate Courts were also directed to raise any other query, which is necessary, and send it to High Court for immediate response of the High Court. At this juncture, it would be relevant to mention herein that in the State of Jharkhand, all Judicial Officers are taking online examination every month and, therefore, they all are well acquainted with the latest information technology and efficiently using it.

*In my opinion for taking efforts to impart timely justice, steps are required to be taken according to fact of each High Court. In Jharkhand State, since pendency is less, whereas old cases are more, in addition to encourage for deciding more cases, serious efforts have been made to eliminate oldest year of pending case and, therefore, Jharkhand High Court has decided to adopt a time bound continuous **“20 Old Cases Programme”** for each Court, which are yielding meaningful results successively and progressively. Similarly, physical verification of the records, intermittently, as a part of case management, is also very fruitful as in the case of Jharkhand Judiciary a difference of about 10,000 including High Court and Subordinate Judiciary has been noticed.*

It is a sincere record and distillation of events performed by the High Court in the past one year.

*This Annual Report is dedicated to the **“Judicial Works and Statistics”** commencing from 1st April, 2011 to 31st March, 2012 with addenda upto 30th April, 2012 resulting from **Intensive Case Management** under our supervision.*

Justice Prakash Tatia,
Chief Justice

Date: 30.04.2012

LIGHTING THE PATH

~ Justice Prakash Tatia,
Chief Justice, Jharkhand High Court.*

Three Fold Action:

- **Reducing Pendency**
- **Old Cases Disposal Management**
- **Handling And Managing New Litigation**

Management

Step I: Collection of facts and figure and development of strong Data Base.

(1) Correction, Collection and Management of Data Base

Without complete and correct data base under affective and continuous supervision by managing it properly, no system can work. Therefore, before start of work, we must address to this issue

(2) Correct the Data Base

(A) Old Cases: *Collect old data and place them in proper way at proper place in your management system,*

After collecting correct data, place them in proper format so that Data can be processed properly to find out what are the challenges and bottlenecks in case management and hurdles in early disposal of cases.

(B) New Cases: *For this purpose:-*

- *Examine the institution.*
- *Classify the cases instituted at initial stage, i.e. at the time of institution and mark them not only as Civil, Criminal and Misc. but*
 - (a)** *Whether they are petty cases or long trial cases;*
 - (b)** *Bold Mark on the file*
 - i. *Petty or short matters*
 - ii. *Long cases*
 - (c)** *Judicial Officer should keep his own diary to keep personal supervision over old cases.*
 - (d)** *First bottleneck Defective filing.*

(3) Update Data in Time

Preserve past for perpetuity which will help in reviewing the entire working so as to make correction time to time to improve the management after taking knowledge from past working so as to make the system active, not making our system stagnant, not to make it rigid, so as to not accept new and good suggestions.

Court Management: *MANAGING OFFICER SHOULD MANAGE HIMSELF FIRST.*

(I) Administrative Strong Control/Supervision & Management over Staff

- (A) Control over staff*
- (B) Motivation*
- (C) Efficiency evaluation of staff*

(II) Judicial Work

- (A) Transparency and efficiency*
- (B) Service of opposite parties*

For both Civil and Criminal cases -

Supervision over serving persons and identifying the persons, who are regularly returning the process, un-served, and who are not serving process upon the party, himself.

Long time for filing replies for which court has to do nothing - yet long dates are given.

Admission denial

Examination of parties under Order 10 CPC

Framing of

- Issues*
- Charge*

Court itself must frame issues. Issues should be short, precise and clear

- No unnecessary issue*
- No multiple issues*
- No wrong mixing of issues.*

Once this stage is passed the trial will get its speed.

Applications:

- *No long adjournment to parties.*
- *Order must be dictated on the same date even if it is to be pronounced at a future date. This will help the judicial officers in passing good and brief order and dealing with all the points raised by the parties.*
- *Frivolous applications - Cost must be imposed but may not be excessive and exorbitant.*

Stay of Proceedings:

- *No unnecessary adjournments on the ground of time for obtaining stay from Appellate, Revision Court or Writ Court.*
- *Continuous watch over stayed cases.*
- *Appellate Court shall inform the trial court if stay has been vacated or matter has been decided.*
- *Task may be given to Court Manager.*
- *Officer authorized in High Court to answer queries of subordinate court about the continuation of stay and its vacation.*
- *Subordinate court may obtain the updated information regarding the status of the case from the appellate court through messenger or on telephone.*
- *If time is granted and stay order is not produced, affidavit of party or advocate may be demanded and if so is not given; the court should proceed with the matter.*
- *Before hearing final arguments, ensure file has been properly arranged. Collection of facts and figure and development of strong Data Base.*

* *Hon'ble the Chief Justice's instructions on the Case Management distributed to the Judicial Officers when His Lordship interacted with the members of Superior Judicial Services on 18 September 2011, one week after assuming the charge of Chief Justice, Jharkhand High Court (11 September 2011).*

JUDICIAL SETUP

THE CHIEF JUSTICE AND THE JUDGES



Hon'ble the Chief Justice Prakash Tatia



Hon'ble Mr. Justice R.K. Merathia



*Hon'ble Mrs. Justice Poonam Srivastav



Hon'ble Mr. Justice Dhirubhai Naranbhai Patel



Hon'ble Mr. Justice Narendra Nath Tiwari



Hon'ble Mr. Justice Rakesh Ranjan Prasad



Hon'ble Mrs. Justice Jaya Roy



Hon'ble Mr. Justice Prashant Kumar



Hon'ble Mr. Justice P. P. Bhatt



Hon'ble Mr. Justice Harish Chandra Mishra



Hon'ble Mr. Justice Dhrub Narayan Upadhyay



Hon'ble Mr. Justice Aparesh Singh

Sanctioned Strength : 20
Working Strength : 11 as on 30.04.2011

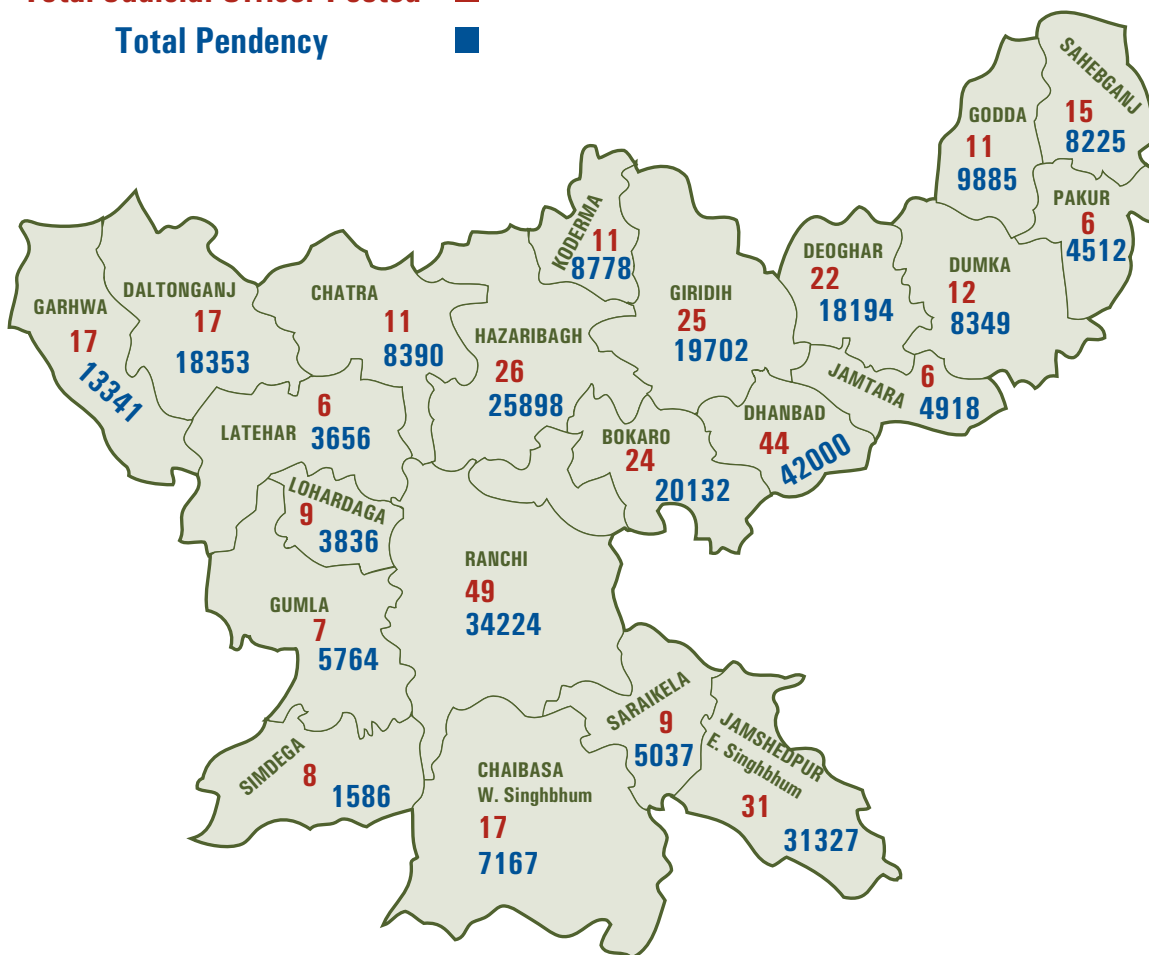
* Retired on 25th April, 2012

MEMBERS OF REGISTRY

- Shri Anant Vijay Singh, Registrar General
- Shri Anil Kumar Choudhary, Registrar (Establishment)
- Shri Ambuj Nath, Registrar (Administration)
- Shri Navneet Kumar, Principal Secretary to Hon'ble the Chief Justice
- Shri Manoranjan Kavi, Central Project Co-ordinator, e-Courts Project

SUBORDINATE JUDICIARY

Total Judicial Officer Posted ■
Total Pendency ■



CASE MANAGEMENT OF HIGH COURT



Jharkhand High Court

Doranda, Ranchi-834 033(India)

EPABX Nos. 0651-2480307, 2481308, 2482309, 2482312, 2482313

FAX Nos. 0651- 2481116

Website : www.jharkhandhighcourt.nic.in

E-mails :

asstrgjhc-jhr@nic.in (Asst. Registrar Judicial)

rgjhc-jhrc@nic.in (Registrar General)

TASK OF PHYSICAL VERIFICATION OF ENTIRE PENDING RECORDS OF THE CASES:

In order to ensure the correct statistical data of pending cases and to dispose them of in a scientific manner, the High Court took a major step to issue an order for conducting physical verification of the entire case records pending in the High court by which not only the entire records are updated, but, also some significant facts have come into the light such as a number of cases have been found to be shown in the "list of pendency" although such cases were in fact disposed of long back, actual number of nature-wise and year-wise pendency of cases identified in order to ascertain the priority etc.

The entire process of physical verification of case records pending in the High Court commenced with the order dated 31.01.2012 (31st Jan. 2012) of the High Court as given below:

High Court of Jharkhand, Ranchi **ORDER***

In the month of July, 2011 details of pending cases were called from all sections which were submitted and, thereafter, oral instructions were given to have the physical verification of all the records.

On 30th January, 2012, when computer generated list of pending cases was called and, thereafter, when test checking was done, it was found that the matter which have already been decided, are still shown as pending matters and in number of cases it has been reported that the records are not traceable.

The initial liability of keeping the records shall be of the concerned dealing assistant handling the Court's file and, thereafter, supervisory responsibility will be of the concerned Section Officer followed by Assistant Registrars and Deputy Registrars of the said Section/Department.

The concerned Deputy Registrar will now ensure physical verification of the records of the cases which have been shown as pending, through the concerned dealing assistant and ensure that every case, which has already been decided, be properly entered in the disposal register as well as in the computer data base. The report about the missing of any file be submitted to the Registrar General for appropriate action.

The physical verification must be completed by the end of February, 2012 itself. Any lapse on the part of any of the officer/official will be dealt with departmentally as it will amount to disobedience of the order of the Court.

**Sd/-
Chief Justice**

Dated 31.01.2012

* Pursuant to this order Registrar General issued Standing Order No. 01 dated 31.01.2012 vide memo no 995-1055/Accts. Dated 31.01.2012

The outcome of Physical Verification of the entire case records are shown in the table and chart given below:

CHART:A

Showing Difference in number of cases pending

Pendency as on 30/01/2012	Pendency After Physical Verification	CASES DELISTED (Found Disposed of)	CASES ADDED	CASES UNDER VERIFICATION
63168	55721	7447	184	806

From the above chart it is manifest that a large number of cases totalling 7447 (11.78% of total pendency) were being shown in the pendency list while as a matter of fact all such cases numbering 7447 were disposed of and, thus, the pendency drastically reduced from 63168 to 55721. Further, there are 806 cases whose records are being investigated in order to find out their actual status.

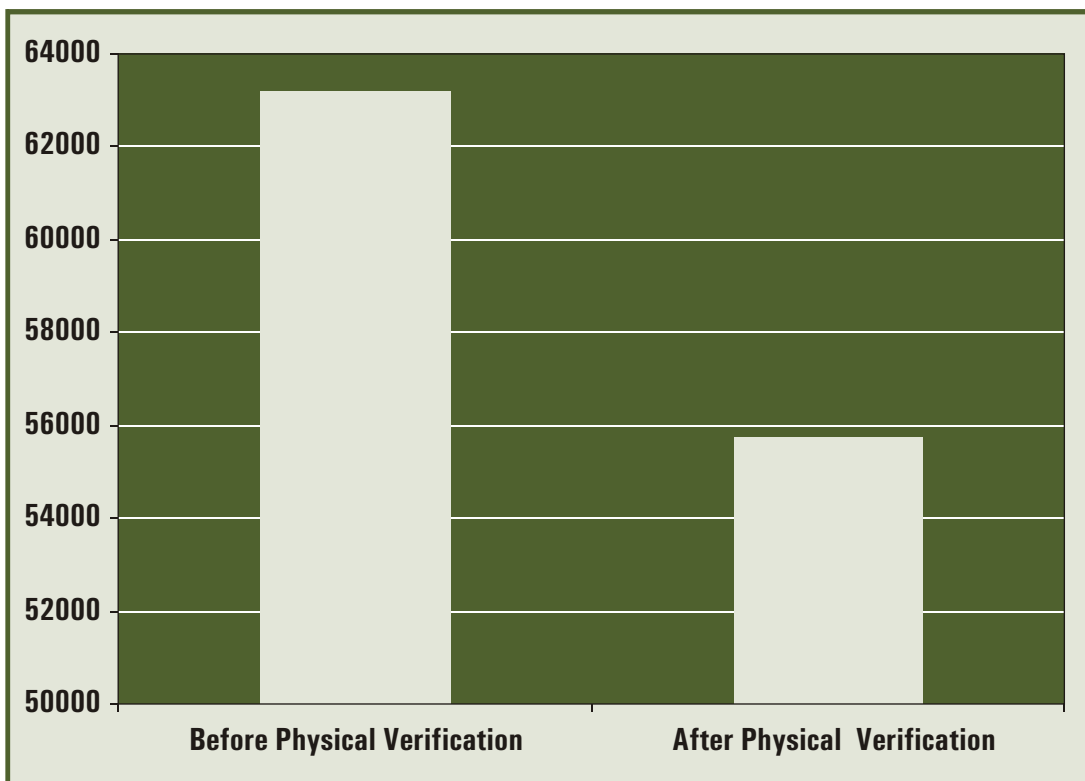


CHART:B

Showing Nature wise actual number of pendency of cases after physical verification

Final Report on Physical Verification of Pending Records of Jharkhand High Court

Nature of Cases	Pendency as on 30/01/2012	Pendency after Physical Verification	Cases Delisted	Cases Added	Cases under Verification
FIRST APPEAL	2132	1943	189	0	0
MISC APPEAL	1356	1033	323	0	9
LPA	635	663		28	0
TAX CASES	63	45	18	0	19
CR APPEAL DB	6213	6366		153	0
CR APPEAL SJ	7318	7298	20	0	64
CR MISC.	8073	7262	764	0	339
CR.REVISION	4939	4175	764	0	18
CIVIL REVISION	140	108	32	0	0
SECOND APPEAL	2288	2008	280	0	72
MJC	26	28		2	12
CIVIL REVIEW	340	277	63	0	1
CIVIL REFERENCE	2	3		1	0
ELECTION PETITION	11	9	2	0	0
CIVIL WRIT	927	388	539	0	4
CR WRIT	1128	732	396	0	0
COMPANY APPEAL	2	1	1	0	0
COMPANY PET/APP	25	21	4	0	0
TEST SUIT	4	2	2	0	0
ORI CR. MISC.	10	5	5	0	0
GOVT. APP DB	15	15	0	0	0
SLA	26	21	5	0	0
CR APP U/S 341	6	3	3	0	0
GOVT. APP SJ	4	1	3	0	0
ORI CR. MISC. DB	1	1	0	0	0
REQUEST CASE	1	1	0	0	0
SCA	9	4	5	0	0
COMPLAINT APP	3	3	0	0	0
TAX APPEAL	296	254	42	0	0
WRIT PETITION	21564	20258	1306	0	253
CROSS OBJECTION	50	50	0	0	0
CR CONTEMPT	17	10	7	0	0
CIVIL CONTEMPT	1568	1066	502	0	0
REG BAIL	1091	138	953	0	8
ANTI BAIL	1273	301	972	0	6
PROBATE CASE	3	3	0	0	0
CIV (RES)	1069	757	312	0	0
ARBI APPLICATION	64	53	-53	0	1
ARBI APPEAL	109	92	17	0	0
CIVIL TRANS.	51	36	15	0	0
CR TRANS.	23	5	18	0	0
APPL. CASE DB	7	6	1	0	0
APPL. CASE SJ	88	82	6	0	0
ACQUITTAL APP	183	180	3	0	0
DEATH REFERENCE	4	3	1	0	0
COMPENSATION APP	11	11	0	0	0
GRAND TOTAL	63168	55721	7447	184	806

GRAPH given below shows nature-wise number of cases pending

Pendency After Physical Verification

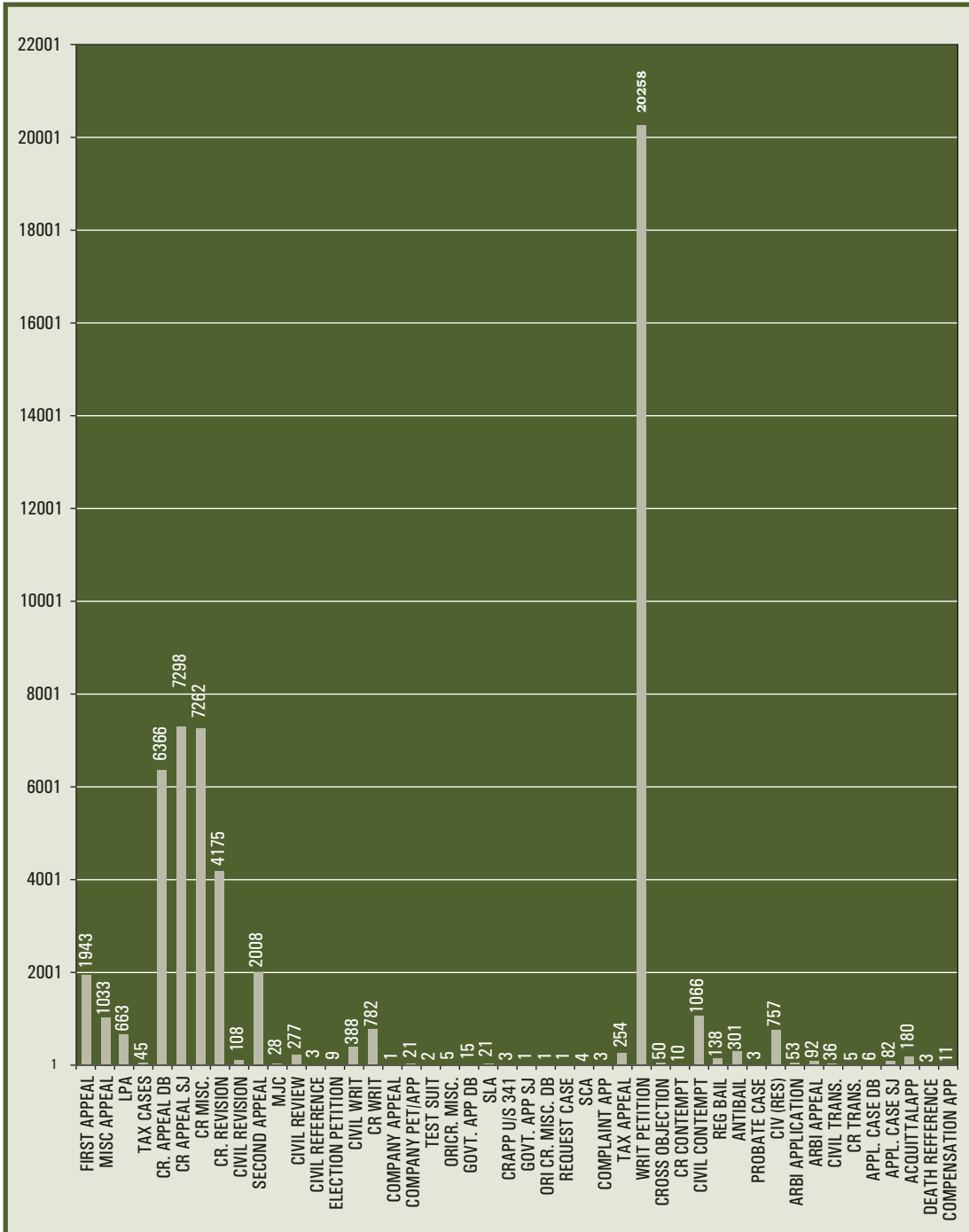
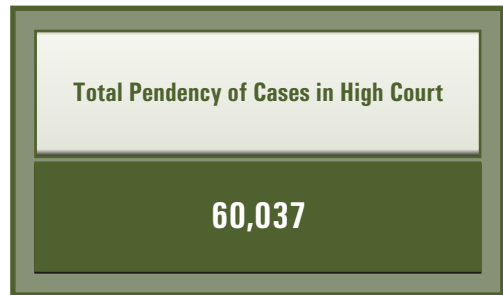


CHART:C

Pendency of cases Showing Year wise

YEAR	CIVIL	CRIMINAL	TOTAL
1958	1	0	1
1974	1	0	1
1979	2	0	2
1982	3	0	3
1983	1	0	1
1984	2	0	2
1985	2	0	2
1986	3	0	3
1987	6	0	6
1988	28	1	29
1989	26	0	26
1990	36	6	42
1991	69	15	84
1992	55	71	126
1993	49	83	132
1994	77	100	177
1995	67	88	155
1996	69	127	196
1997	65	113	178
1998	148	1015	1163
1999	118	318	436
2000	185	375	560
2001	312	543	855
2002	487	942	1429
2003	814	1944	2758
2004	1045	2228	3273
2005	1395	1933	3328
2006	2628	2168	4796
2007	2187	2068	4255
2008	3135	2809	5944
2009	4211	2671	6882
2010	4772	2859	7631
2011	6435	3284	9719
2012	2862	2980	5842
Total	31296	28741	60037

SUMMARY



Pendency of Cases	No. of Cases
More than 10 Years	4,180
More than 5 Years	15,584
More than 1 Year	24,712
Current Year	15,561

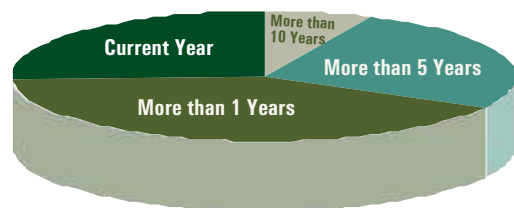
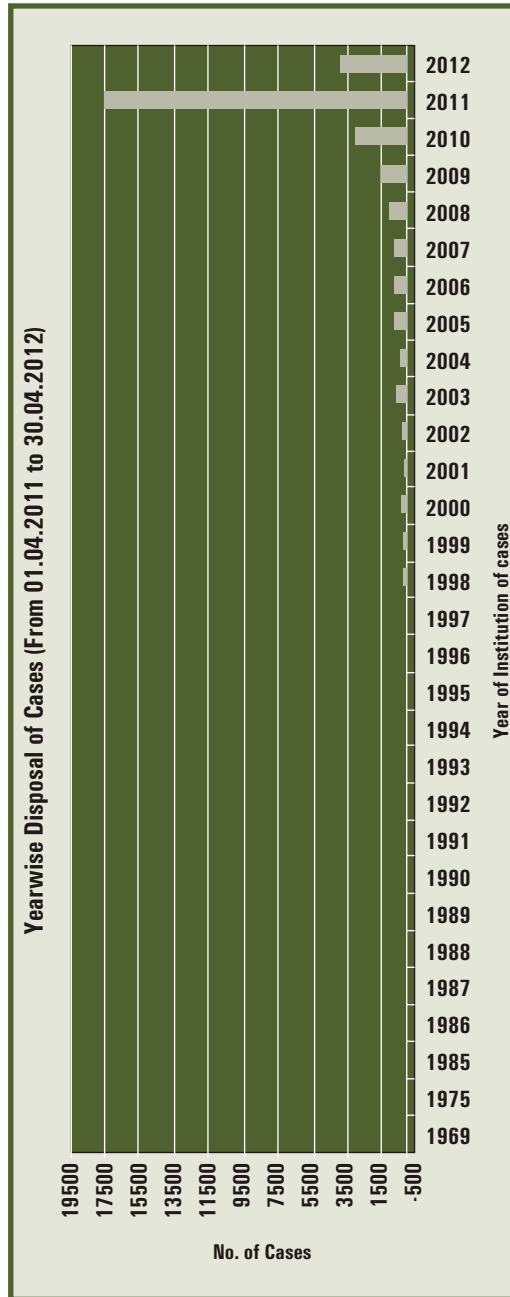


CHART:D

Yearwise/Stagewise Disposal of Cases (From 01.04.2011 to 30.04.2012)

The table and graph given below reveals the fact about the disposal of cases by the High Court with respect to the pendency of cases at various stages including Admission, Hearing and Orders.

YEARWISE/STAGewise DISPOSAL OF CASES (FROM 01.04.2011 TO 30.04.2012)				
CLASS				
Year	Admission	Hearing	Orders	Total
1969	0	1	0	1
1975	0	0	1	1
1985	0	0	1	1
1986	0	1	0	1
1987	0	2	1	3
1988	0	1	0	1
1989	0	10	1	11
1990	0	3	0	3
1991	0	11	2	13
1992	0	2	1	3
1993	0	2	1	3
1994	0	16	0	16
1995	1	12	1	14
1996	1	16	1	18
1997	2	11	2	15
1998	8	60	29	97
1999	14	92	10	116
2000	11	176	4	191
2001	12	147	12	171
2002	21	148	16	185
2003	257	144	38	439
2004	162	68	31	261
2005	411	37	41	489
2006	404	92	68	564
2007	480	44	87	611
2008	719	76	213	1008
2009	994	63	303	1360
2010	2174	38	633	2845
2011	15667	191	1671	17529
2012	3635	10	193	3838
Total	24973	1474	3361	29808



Working Strength of Judges during the period	11
Sanctioned Strength	20
Disposal per Judge during the period	2710

COMMUNICATION OF THE HIGH COURT WITH THE SUBORDINATE JUDICIARY

Hon'ble High Court has been pleased to facilitate hassle free communication of the members of Subordinate Judiciary with the High Court to ensure **“Result Oriented Case Management”** through 'e-mail' and amazing outcome of such communication has been found to ascertain the present status of **'Long Pending Stay Matter Cases'** of the Subordinate Courts.

The concerned authority in the Hon'ble High Court is Assistant Registrar (Judicial) for contacting on e-mail and his email address is asstrgjhc-jhr@nic.in.

It came to the knowledge of the High Court that a large number of cases (833) are pending in various Courts of the Subordinate Judiciary where the proceedings of the old cases of 1960, 1964, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975 etc. were held up because of stay by the Hon'ble High Court including Patna High Court. As a consequence, an effective measure was devised to find out the present status of the stay and in result, out of 833 cases, 410 have been found disposed of long back in which the stay was said to had been granted and the Subordinate Court Proceeding was detained under the wrong impression of stay granted by the High Court. If the matter would not have been taken up promptly, the concerned Subordinate Courts had continued with the cases in the wrong impression that there was a stay by the High Court.

For this purpose, Hon'ble the Chief Justice himself came into touch with the Patna High Court and requested to send the present status of cases pending in Patna High Court and further for the cases pending in Jharkhand High Court His Lordships passed a categorical order to ensure the exact status of the case by asking the Subordinate Court to send the details of stayed matter cases through **e-mail** and an officer in the Registry, namely, Assistant Registrar (Judicial) has been assigned to do the needful in this regard and following orders were passed to that effect:-

High Court of Jharkhand, Ranchi **ORDER***

Every communication from the Subordinate Courts in relation to the interim order and its continuation and its vacating by the High Court in any matter, the Assistant Registrar (Judicial) shall be the authorised person, who shall reply to any query coming from the Subordinate Courts by e-mail, in the e-mail account of the Court as well as by fax.

Such reply should be forthwith and must within a period of 15 (fifteen) days from the date of receipt of the query from the Subordinate Courts.

For entertaining queries of the Subordinate Courts, the Assistant Registrar (Judicial) shall have separate e-mail account which shall be informed to all the Subordinate Courts.

In case any communication is not answered by the Assistant

Registrar (Judicial) within 15 (fifteen) days, then the Subordinate Courts may immediately address the issue to the Registrar General, Jharkhand High Court by e-mail or fax, which shall be looked into by the Registrar General and matter will be brought to the knowledge of the Assistant Registrar (Judicial) and the issue will be resolved within 7 (seven) days thereafter.

**Sd/-
Chief Justice**

Dated, the 20th of September, 2011

* The said order of His Lordship was communicated to all the District Courts vide order no 14/Apptt. Dated 20, September 2011 vied memo no 16146-229/ Apptt. Dated 20, September 2011 of Registrar General.

High Court of Jharkhand, Ranchi

O R D E R*

Dates in all cases wherein record is awaited or further proceedings of the matter has been stayed by any Court, the dates be given of last Saturday of the month for personal supervision of the Court over such matters.

Particulars of pending cases wherein stay order has been passed by the Patna High Court staying further proceedings wherein record has been called by the Patna High Court, the particular of the cases pending in the Court as well as particulars of the cases before the Patna High Court wherein stay order has been passed or extended be sent to this Court forthwith.

**Sd/-
Chief Justice**

Dated, the 7th of January, 2012

* The said order of His Lordship was communicated to all the District Courts by the Registrar General vide Letter No.177-221/R&S dated 9th January, 2012.

Apart from the above facilitations for the hassle free proceeding of the case in stay matters, further pursuant to the guidelines issued by the Hon'ble Apex Court in the case of Criminal Appeal Nos. 254-262 of 2012 (@ S.L.P.(Crl.) Nos. 1581-1598/2009) [Imtiyaz Ahmad versus State of Uttar Pradesh & Ors.], Hon'ble the Acting Chief Justice (as His Lordship then was) has been pleased to pass the following Order for hearing stay matters on priority basis by constituting Special Benches:-

High Court of Jharkhand, Ranchi

O R D E R

For deciding the cases relating to murder, kidnapping, rape and dacoity, in which proceedings have been stayed by any Single Bench, the said matters will be listed before any of the following Hon'ble Judges: -

- (1) Hon'ble Mrs. Justice Poonam Srivastav
- (2) Hon'ble Mr. Justice R.R. Prasad
- (3) Hon'ble Mr. Justice Prashant Kumar
- (4) Hon'ble Mr. Justice H.C. Mishra

**Sd/-
Acting Chief Justice**

Dated, the 7th of September, 2011

The aforesaid order was modified by the following orders: -

**High Court of Jharkhand,
Ranchi
O R D E R***

No. 1/CJS

Dated, the 30th April, 2012

In supersession of the order dated 7th September, 2011 for deciding the cases relating to murder, kidnapping, rape, dacoity cases, now in addition to above matters, NDPS, CBI matters also, in which proceedings have been stayed by any Single Bench, the said matters will be listed on the top of the Cause List before the Benches as mentioned under: -

(i) Hon'ble Mr. Justice R.R. Prasad:-AHD, CBI, NDPS and State Vigilance

(ii) Hon'ble Mr. Justice H.C. Mishra:-Murder, Rap, Kidnapping and Dacoity

**Sd/-
Chief Justice**

* Pursuant to the aforesaid order, the Registrar General has issued Order No. 01/CJS/10/R&S dated Ranchi the 1st May, 2012 communicated vide Memo No.1048-60/R&S dated, Ranchi the 1st May, 2012.

**High Court of Jharkhand,
Ranchi
O R D E R***

No. 2/CJS

Dated, the 30th April, 2012

In continuation of order No. 1 dated 30.04.2012 in relation to listing of stay matters in murder, kidnapping, rape, dacoity, NDPS, CBI matters, it is ordered that Section Officers and Dealing Assistant shall be responsible for giving intimation of stay matters in such cases, to the Joint Registrar (List & Computer) forthwith upon grant of any stay in above matters by any Bench for proper listing.

**Sd/-
Chief Justice**

* Pursuant to the aforesaid order, the Registrar General has issued Order No. 02/CJS/10/R&S dated Ranchi the 1st May, 2012 communicated vide Memo No.1112-24/R&S dated, Ranchi the 1st May, 2012.

The significant features of such drive may be appreciated graphically and in the tabular form by which it is evident that altogether 833 stayed matter cases were reported by the Subordinate Courts where 410 cases pending under the wrong impression of stay by the High Court (including Jharkhand & Patna) and 196 cases have been identified as pending and the rest 227 matters, some of them related to Patna High Court, are being examined to ascertain their present status.

- a. Details of 410 cases found to be disposed of and the proceeding of such cases was wrongly held up under misconception that still these cases are stayed matters.

Year of case	Number of case(s)	Year of case	Number of case(s)	Year of case	Number of case(s)
1960	1	1981	12	1997	6
1964	2	1982	28	1998	19
1967	2	1983	29	1999	16
1968	1	1984	18	2000	4
1969	3	1985	23	2001	4
1970	4	1986	13	2002	2
1971	5	1987	14	2003	2
1972	7	1988	11	2004	2
1973	7	1989	16	2005	3
1974	6	1990	9	2006	2
1975	9	1991	4	2007	1
1976	7	1992	14	2008	1
1977	9	1993	11	2009	2
1978	6	1994	7	2010	1
1979	10	1995	11	2011	0
1980	24	1996	6	2012	0
				N/A	16

STRIKING FEATURE

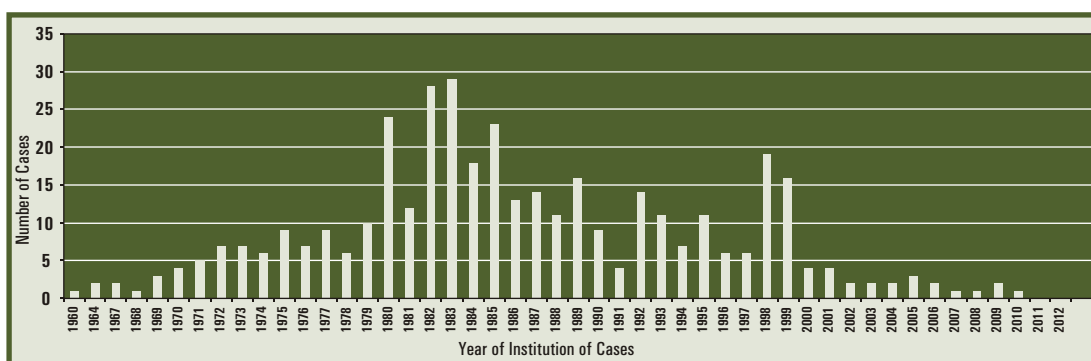
Duration of Pendency of Cases in absence of Communication

Age of the case	Number of Cases
More than 40 years	18
More than 30 years	97
More than 20 years	165
More than 10 years	98
Less than 10 years	16

It is another revealing fact about the time consumed from High Court in communicating status of the cases pending in the Subordinate Courts under wrong notion of stay while as a matter of fact the cases in the High Court were disposed of long back and the flow of the cases in the Subordinate Courts must have been restored. But, due to lack of communication in time, such cases about 410 in numbers were pending because of untimely communication to the concerned from the High Court. The time consumed in communicating the status from the High Court to the Subordinate Courts at a glance may be appreciated with the following table: -

Time consumed from High Court in communicating status of the case to the Subordinate Courts

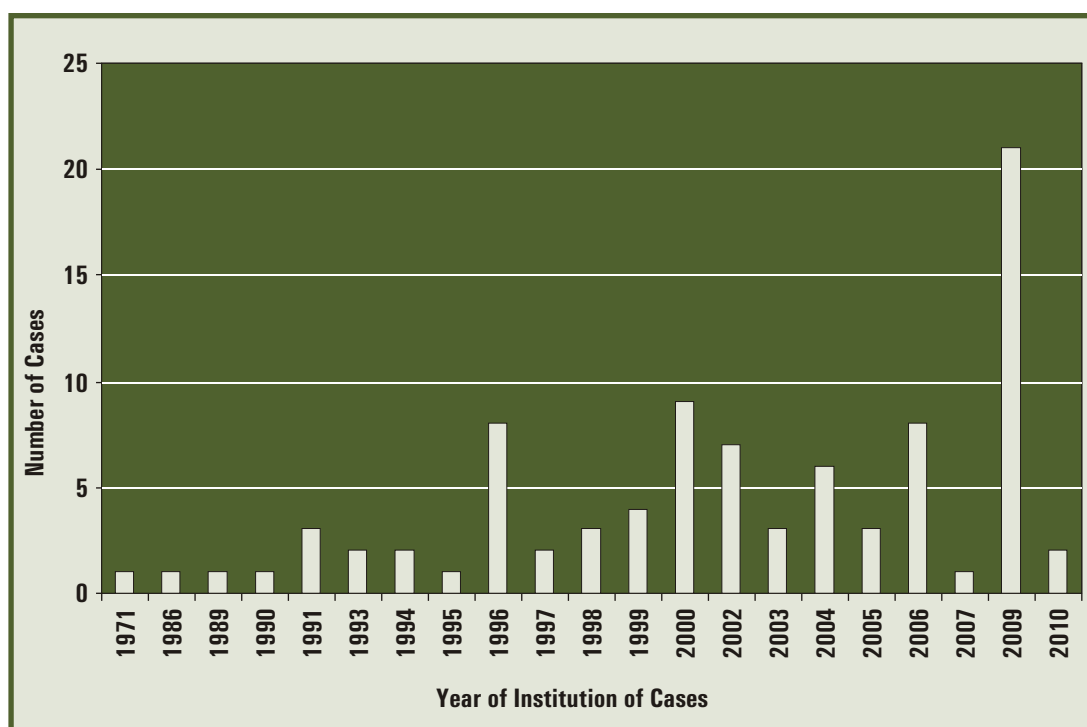
Time Consumed	Number of Cases
Above 40 Years	01
31 - 40 years	44
21 - 30 years	174
11 - 20 years	107
0 - 10 years	75



Form the perusal of the aforesaid graph and table it is manifest that a long pending cases of 1960 has been brought into motion by simply finding out and communicating the real status of the case and this of course required endurance efforts by High Court.

b. Details of 196 Cases of Subordinate Courts stayed by High Court wherein stay is still in operation.

Year of case	Number of case(s)	Year of case	Number of case(s)
1971	1	1999	4
1986	1	2000	9
1989	1	2002	7
1990	1	2003	3
1991	3	2004	6
1993	2	2005	3
1994	2	2006	8
1995	1	2007	1
1996	8	2009	21
1997	2	2010	2
1998	3	N/A	107



The aforesaid 196 cases are being listed on priority basis in the specially constituted bench to hear the Lower Court Stay matter cases. In this regard High Court issued following orders :-

High Court of Jharkhand, Ranchi
O R D E R

Since number of cases under different headings, in which the Lower Court proceeding has been stayed are pending, so, in order to dispose of those cases expeditiously, it is desirable to list those cases on the top of the list. Accordingly, it is therefore ordered that the list section shall list 10 cases regularly as per the roster in which the Lower Court proceeding has been stayed on the top of the list.

Dated the 17th November, 2011 **Sd/-**
Chief Justice

In supersession of the aforesaid order, the High Court has issued the following order: -

High Court of Jharkhand,
Ranchi
O R D E R*

No.3/CJS Dated, the 30th of April, 2012

In supersession of order dated 17th November, 2011, it is ordered that the List Section shall list 10 cases regularly as per the roster in which the Lower Court Proceedings in any matter or investigation in criminal case or arrest of accused (other than the cases of murder, rape, kidnapping, dacoity, NDPS and CBI matters, for which separate order dated 30.04.2012 has been issued) have been stayed, such matters shall be listed on the top of the Cause List.

Assistant Registrar (Judicial) and the concerned Section Officers and Dealing Assistants shall be responsible for giving intimation of such stay orders to the Joint Registrar (List & Computer) for listing of the cases.

Sd/-
Chief Justice

Dated, the 30th of April, 2012

* Pursuant to the aforesaid order, the Registrar General issued Order No.03/CJS/11/R&S dated Ranchi, the 1st May, 2012 communicated vide Memo No.1176-88/R&S dated, Ranchi the 1st May, 2012.

- c. There are 227 cases of Subordinate Courts reported to have been stayed by High Court, which are under scrutiny to ascertain the present status of the cases. In fact out of the said 227 Cases, there are 83 cases where the status report from Patna High Court is awaited and the matter is being pursued with them.

Lower Court Records

The proceeding of the cases also get detained because of the Lower Court Records in the Subordinate Court itself and sometimes also in High Court and for this the Hon'ble Court issued the following order: -

ORDER*

All the Subordinate Courts are directed to see that all records which have been summoned by them should reach to their Court and be tagged in the relevant file before 21st October, 2011.

All the Subordinate Courts, who are required to send the record to any Subordinate Court, they shall ensure that record be transmitted to the Subordinate Court before 21st October, 2011.

***Sd/-
Chief Justice***

*High Court of Jharkhand, Ranchi
Dated, the 23rd of September, 2011*

- * Pursuant to the aforesaid order, the Registrar General issued desired letter vide Order No.20/Appt. dated Ranchi, the 24th September, 2011 to all the Principal District & Sessions Judges of the State communicated vide Memo No.17718-804/Appt. Dated, Ranchi the 24th September, 2011.

COMPREHENSIVE CAUSE LIST OF READY CASES PREPARED :

The High Court has prepared a comprehensive list of ready cases, which has been published on 9th April, 2012 comprising 39,145 cases and this comprehensive list has been circulated among all the advocates to remain fully prepared in the Court for the quick disposal of the cases.

The Hon'ble Court has been pleased to pass an order to make the Daily Cause List of the Court more rationale and effective. The said order dated 22nd September, 2011 is as under: -

High Court of Jharkhand, Ranchi **O R D E R***

All matters, which are not urgent, shall be listed in Court in 48 hours, if there is no defect.

All urgent matters shall be listed in next following day from the date of presentation of the same before the Court, if there is no defect.

All matters, in which permission is granted by Court and the date is given, shall be listed according to the permission and date given by the Court.

The Regular Daily Cause List, Supplementary Cause List shall be published and Daily Cause List must be delivered to the Advocates a day in advance.

The cases in which no fixed date is given by the Court, then Office shall give the date specifically in the file itself.

In the cases which are not taken up by the Court due to paucity of time, in those matters a seal may be put by the Court Master "Not Reached" and he may sign, upon which the date will be given by the Office.

There shall be no procedure of keeping the file in the Registry and Office without any date.

The Cause List shall be prepared according to the date given in the File as well as, as per the direction referred above.

Sd/-
Chief Justice

High Court of Jharkhand, Ranchi
Dated, the 22nd of September, 2011

* Pursuant to the said order, the Registrar General passed Standing Order No.1/Accts. Dated 23.09.2011 vide memo No. 13261-13331 dated 23.09.2011.

NEW CASE MANAGEMENT SOFTWARE

There is a national level uniform software developed by NIC running under open source platform i.e. Linux OS with PHP & Postgres

This is user roll based web application software with proper codification. The code used for master entries are as follows:

- i. State Code
- ii. District Code
- iii. High Court & its Bench Code (if any)
- iv. Police Station Code
- v. Lower Court case type
- vi. Judge Master
- vii. Designation Code
- viii. Village Code (available from census data)
- ix. Advocate Code
- x. Objection Code for defective cases (if any)
- xi. Subject Code
- xii. Act code

The other salient features of the software are as under :

1. Generated 15 digit unique diary number having state code, district code, High Court/High Court bench code, token number to maintain the proper flow of cases from Sub-ordinate Court to District Court, High Court, Supreme court etc.
2. Allocation of case number is possible after removing the defects within seven days of time period. After seven days system will generate the case number with defective code.
3. Multiple entries of parties details i.e. age, sex, nationality, religion, address etc are maintained to furnish the report as required by the Hon'ble Court.
4. Proper caveat Check to help the Court.
5. Restrict to file the IA(Interlocutory Application) cases after disposal of Cases.
6. IA entries either from Petitioner or Respondent with details purpose of IA filing
7. Update the changes of Advocate name in case master file while instituting AO (Vakalatnama) case.

8. Restrict to file the Criminal Cases after the case rejection from Hon'ble court.
9. Date of listing is mandatory for individual case.
10. Details entries while Court proceeding of the case i.e. Reason for adjournment, notice issued to party no., time period of stay for the case, common action/orders to update batch cases etc.
11. Incorporated the entries for restoration of case.
12. Provision of revoking the case after case disposal.
13. Prepared the Cause List in PDF format to restrict to change in the Cause List.
14. Provision for preparation of Advocate wise Cause list.
15. All activities processed by the users i.e. addition, modification of records are kept having fields ip address, mac address, login id, date and time for proper security checks.

SPECIAL BENCHES CONSTITUTED UNDER N.I. ACT AND FOR OTHER SUCH URGENT MATTERS.

In order to ensure responsive justice and being sensitive to the cause of the people who even after getting the order in their favour could not get the fruits of the order in the various nature of the cases under the pretext cases pending in High Court, the High Court has been issuing orders and constituting Special Benches from time to time. A few such orders are as under:

(A)

High Court of Jharkhand, Ranchi O R D E R

In order to dispose of cases related to Negotiable Instrument Act on priority basis, the following special Bench is constituted to hear the cases related with Negotiable Instruments Act on 19.11.2011 (Saturday) :-

- (i) *Hon'ble Mrs. Justice Poonam Srivastav*
- (ii) *Hon'ble Mr. Justice D.N. Patel*
- (iii) *Hon'ble Mr. Justice H.C. Mishra*

**Sd/-
Chief Justice**

Dated, the 17th November, 2011

(B)

High Court of Jharkhand, Ranchi O R D E R

Since large number of contempt matters are pending before different Benches and if these matters are taken up before Deepawali Vacation by constituting a Special Bench, then relief may be granted to the persons, whose cases have already been disposed of, even before 15 days' Deepawali Break. Therefore, Special Bench of Hon'ble Mr. Justice D.N. Upadhyay is being constituted and all matters listed in Daily Cause List and Supplementary Cause List dated 21st October, 2011 in different Special Bench are assigned to Hon'ble Mr. Justice D.N. Upadhyay for 21st October, 2011.

The Roster assigned to Hon'ble Mr. Justice D.N. Upadhyay is the same as assigned to Hon'ble Mrs. Justice Jaya Roy, therefore, all ABAs listed in the Daily Cause List and Supplementary Cause List dated 21st October, 2011 and the Left Over Matter of Supplementary Cause List dated 17th October, 2011 are assigned to Hon'ble Mrs. Justice Jaya Roy for 21st October, 2011.

**Sd/-
Chief Justice**

Dated, the 20th October, 2011

**TRANSFER OF STILL PENDING FIRST APPEALS WHOSE
JURISDICTION WAS VESTED IN DISTRICT JUDGE
OF SUIT VALUE LESS THAN RS. 2,50,000/-.**

It came into the knowledge of High Court that some of the First Appeals, whose jurisdiction was vested in the Court of District Judges of suit value less than Rs.2,50,000/- was still pending in the High Court and, therefore, an order was issued to that effect, which is as under: -

ORDER

In exercise of power conferred by proviso to Sub-Section 1 of Section 21 of the Bengal, Agra & Assam Civil Courts Act, 1887, it is hereby ordered that all the regular First Appeals preferred in High Court against a decree for order of Civil Judge (Senior Division) where original suit value was less than Rs. 2,50,000/- shall stand transferred for deciding in accordance with law, to the court of Principal District Judge under whose judgeship the Court of original jurisdiction was.

This order will be effective forthwith.

Dated 02.02.2012

***Sd/-
Chief Justice***

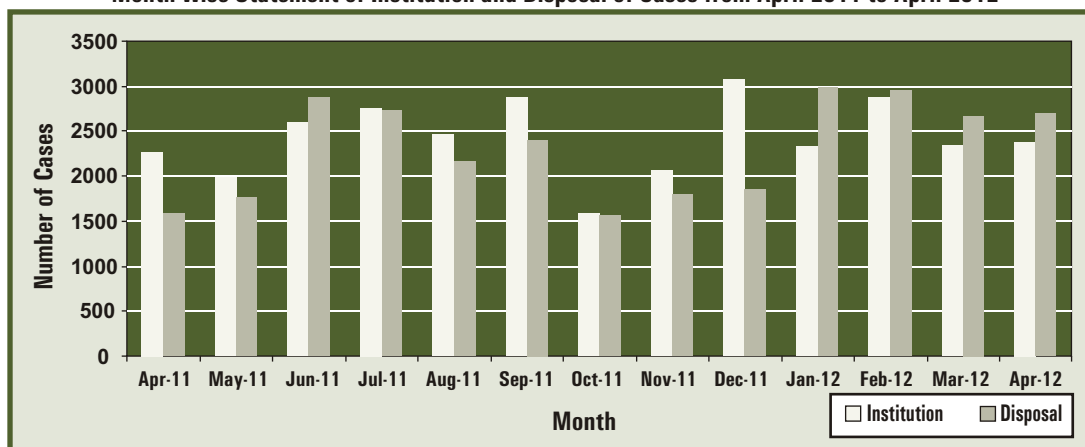
Pursuant to His Lordship's aforesaid order, all such first appeals have been transferred to the Court of concerned Principal District Judges under whose territorial jurisdiction, the first appeals are to be heard and now there is no such first appeal pending in the High Court of suit value less than Rs. 2,50,000/-.

INSTITUTION AND DISPOSAL OF CASES DURING LAST FINANCIAL YEAR (2011-12)

Month-wise Statement of Institution & Disposal of Cases of High Court from April 2011 to April 2012

MONTH	Institution of Civil Cases	Disposal of Civil Cases	Institution of Criminal Cases	Disposal of Criminal Cases	Total Institution	Total Disposal
Apr-11	835	571	1439	1009	2274	1580
May-11	736	436	1253	1322	1989	1758
Jun-11	894	661	1698	2212	2592	2873
Jul-11	989	1161	1771	1572	2760	2733
Aug-11	954	683	1510	1477	2464	2160
Sep-11	1131	574	1748	1829	2879	2403
Oct-11	607	566	980	995	1587	1561
Nov-11	738	738	1330	1053	2068	1791
Dec-11	1334	512	1731	1346	3065	1858
Jan-12	800	1152	1534	1829	2334	2981
Feb-12	1040	857	1839	2099	2879	2956
Mar-12	787	989	1560	1677	2347	2666
Apr-12	889	1207	1470	1475	2369	2682
Total	11744	10107	19863	19895	31607	30002

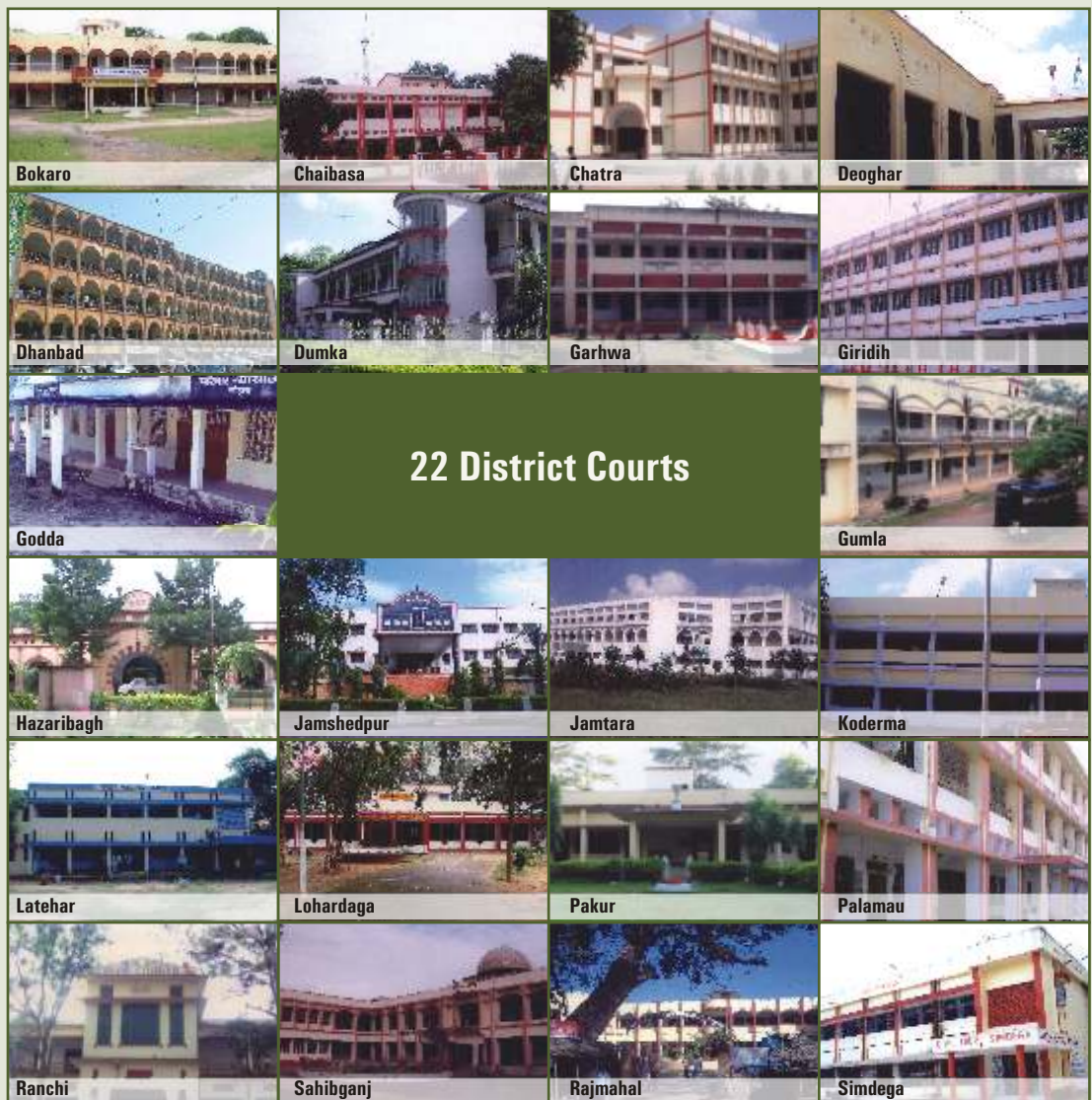
Month-wise Statement of Institution and Disposal of Cases from April 2011 to April 2012



Sanctioned Strength of Judges	20
Working Strength of Judges	11
Average Number of Cases disposed by each Judge	2727*

* after physical verification of record of cases.

CASE MANAGEMENT OF SUBORDINATE JUDICIARY



DISPOSAL OF '20 OLD CASES'

With the growing concern of huge pendency of cases, especially **5 years or more than five years old cases**, spread all over the country including Jharkhand, Jharkhand High Court initiated a number of measures for quick disposal of cases and enhancing the quality of justice in 22 Subordinate District Courts of Jharkhand Judiciary and thereby reducing the arrears of old cases significantly.

Amongst several fruitful measures, one of the effective devices taken by the High Court is to dispose of the oldest cases of **each 364 Courts** (running presently) spread over 22 Judgeships across Jharkhand Subordinate Judiciary. For this, instruction was of two fold:

- **To identify “20 old cases” of each court of each judgeship.**
- **To identify 20 oldest cases of each judgeship.**

Following the instructions, each court of each judgeship identified 20 old cases of each category, namely, Civil, Criminal, and Miscellaneous and then target was fixed to dispose of **Old Cases** in lots and to begin with, **first lot of 20 old cases** were dealt with by each Court to dispose them of expeditiously and at District level the responsibility to monitor the aforesaid mission has been assigned to the Principal District & Sessions Judges and overall command of progress has been taken by the High Court.

In this regard, pursuant to the instructions of the High Court, the following letters were issued from time to time to streamline the identification and disposal of 20 Old Cases of each Court and 20 Oldest Cases of each District on priority basis. The relevant letters are as under: -

(i) Letter No. 508-529/R&S dated 13.05.2011

Prabodh Ranjan Dash
Registrar General
High Court of Jharkhand
Ranchi- 834033

Letter No. 508-529/ R&S
Dated: - 13.05.2011

To

The District & Sessions Judges
Including the Judicial Commissioner, Ranchi

Sir,

I am to request you to send comprehensive details with date of institution, nature and present status of 20 oldest cases pending in each court of Judgeship within two days.

This may be treated as most urgent.

*Yours faithfully,
Sd/-
Registrar General*

(ii) Letter No.535-556/R&S dated 25th May 2011

(J. H. C. Sch. (1-7)

*Phone:
Office: 0651-2481449
Res : 0651-2481189
Fax No.: 0651-2481116*

***Prabodh Ranjan Dash
Registrar General
High Court of Jharkhand
Ranchi 834033***

*Letter No. 535-556 / R&S
Dated: 25th May,2011*

To

*The District and Sessions Judges,
Including the Judicial Commissioner,
Ranchi.*

Sub: Statement of 20 oldest cases pending in each court of the judgship.

Sir,

In continuation of earlier letter no. 508-529/R&S dated 13.5.2011, I am directed to request you to send the above mentioned statement at the Email address rgjhc-jhr@nic.in prepared in Microsoft word immediately by return mail.

*Yours faithfully,
Sd/-
Registrar General*

(iii) Letter No.45 RG dated 20.06.2011

(J.H.C. Sch. 1-7)

*Phone number:
Office: 0651- 2481449
Fax No. 0651-2481116
Mob: - 9431115615*

FROM:

***G. K. Choudhary
REGISTRAR GENERAL I/C
JHARKHAND HIGH COURT,
RANCHI***

Letter No.45 R.G Dated 20.06.2011

To,

All the District & Sessions Judges
of the State of Jharkhand including
the Judicial Commissioner, Ranchi.

Sir,

I am directed to request you that during the visit of the Chatra & Hazaribagh Judgeships, Hon'ble the Acting Chief Justice has been pleased to give the following directions:-

1. All the Courts are directed to identify 20 (twenty) oldest cases of each category, namely civil, Criminal and Misc., which are required to be supervised by the Presiding Officers of the each Courts.
2. Thereafter, the District & Sessions Judge of each District/Judgeship is directed to identify 20 (twenty) oldest cases of the District pending in different Courts which shall be supervised by the District & Sessions Judge personally in addition to 20 (twenty) oldest cases of his own Court.
3. All the Judicial Officers are directed to discharge their judicial duties to decide the cases as per law and not to dispose of the cases in casual manner.
4. Dispose of all the cases pertaining to Senior Citizens/ Old Persons, Women, Handicapped, Children and SC/ST on priority basis after identifying the same.

Hence, you are requested to circulate the above directions of His Lordship amongst all the Judicial Officers posted in your Judgeships including yourself and you are further directed to submit the monthly progress report with regard to the steps taken by the different Courts including yourself, for disposal of the such cases.

Kindly treat it as most urgent.

Yours faithfully,

Registrar General I/c

(iv) Letter No.782-803/R&S dated 23rd August, 2011

(J. H. C. Sch. (1-7)

Phone: Office: 0651-2481449

Res : 0651-2481189

Fax No.: 0651-2481116

Prabodh Ranjan Dash
Registrar General
High Court of Jharkhand
Ranchi 834033

Letter No. 782 - 803 / R&S

Dated: 23rd August, 2011

To

All the District and Sessions Judges,
Including the Judicial Commissioner,
Ranchi.

Sub: Statement of 20 oldest cases pending in each Court of the Judgeship.

Sir,

In continuation of earlier letter no. 535-556/R&S dated 25.5.2011, I am directed to request you to send a fresh list of 20 oldest cases pending in each Court of the Judgeship as on 31st July, 2011 excluding those cases which were sent in compliance of the above said letter but meanwhile have been disposed of; prepared in Microsoft word, immediately by return Fax and also at the E-mail address rgjhc-jhr@nic.in, in the format given below.

Name of the Court: _____

Sl. No.	Nature of Case	No. of Case	Year of Institution	Present status

Yours faithfully,

Registrar General

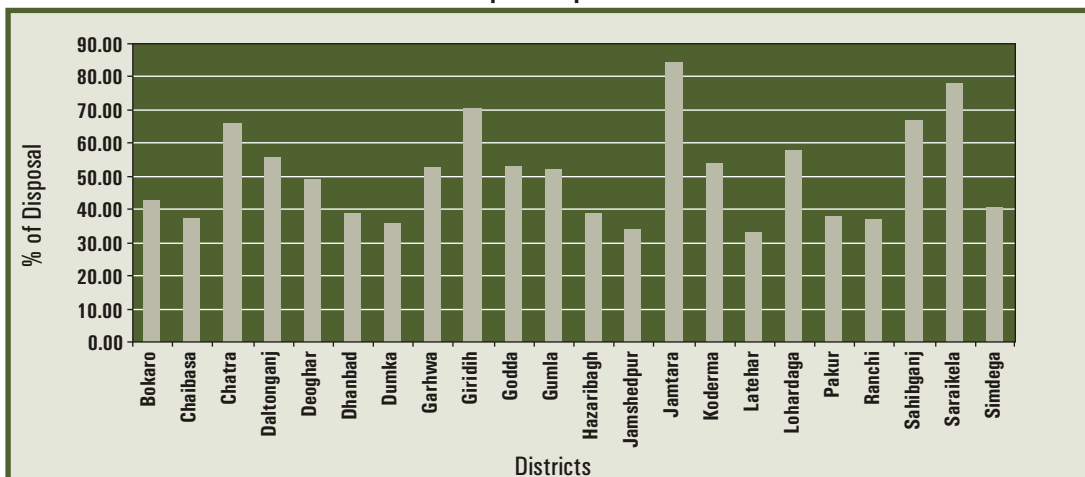
The data received in this regard have been meticulously examined in various ways of which salient features are as under:-

1. Disposal of each Court
2. Disposals of more than 10 year old cases
3. Age wise disposal of cases
4. Performance of the each court
5. Stay (proceedings held up) in 20 old cases

Disposal of Each Court in 20 Old Cases

Sl. No.	District	No. of Courts oldest cases identified in each District (No. of Courts x 20)	Total No. of	Total Disposal	% of Disposal
1	Bokaro	26	520	223	42.88
2	Chaibasa	15	300	112	37.33
3	Chatra	10	200	132	66.00
4	Daltonganj	17	340	190	55.88
5	Deoghar	16	320	157	49.06
6	Dhanbad	35	700	272	38.86
7	Dumka	16	320	114	35.63
8	Garhwa	14	280	147	52.50
9	Giridih	18	360	253	70.28
10	Godda	12	240	127	52.92
11	Gumla	9	180	94	52.22
12	Hazaribagh	27	540	209	38.70
13	Jamshedpur	34	680	229	33.68
14	Jamtara	7	140	118	84.29
15	Koderma	11	220	119	54.09
16	Latehar	8	160	53	33.13
17	Lohardaga	9	180	104	57.78
18	Pakur	9	180	68	37.78
19	Ranchi	33	660	243	36.82
20	Sahibganj	21	420	281	66.90
21	Saraikela	8	160	125	78.13
22	Simdega	9	180	73	40.56
	Total	364	7280	3443	47.29

Districtwise Disposal Report of 20 Old Cases

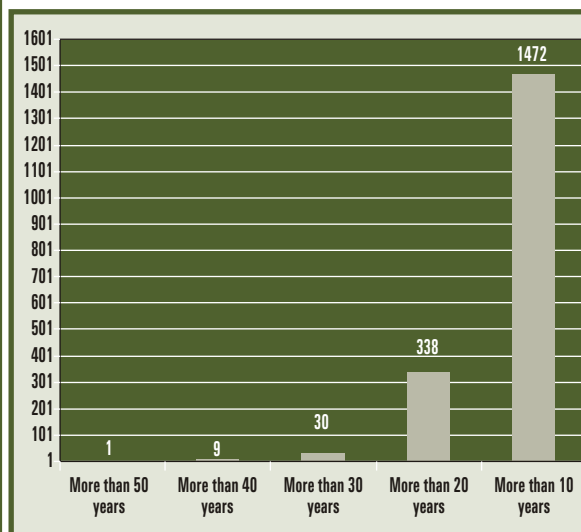


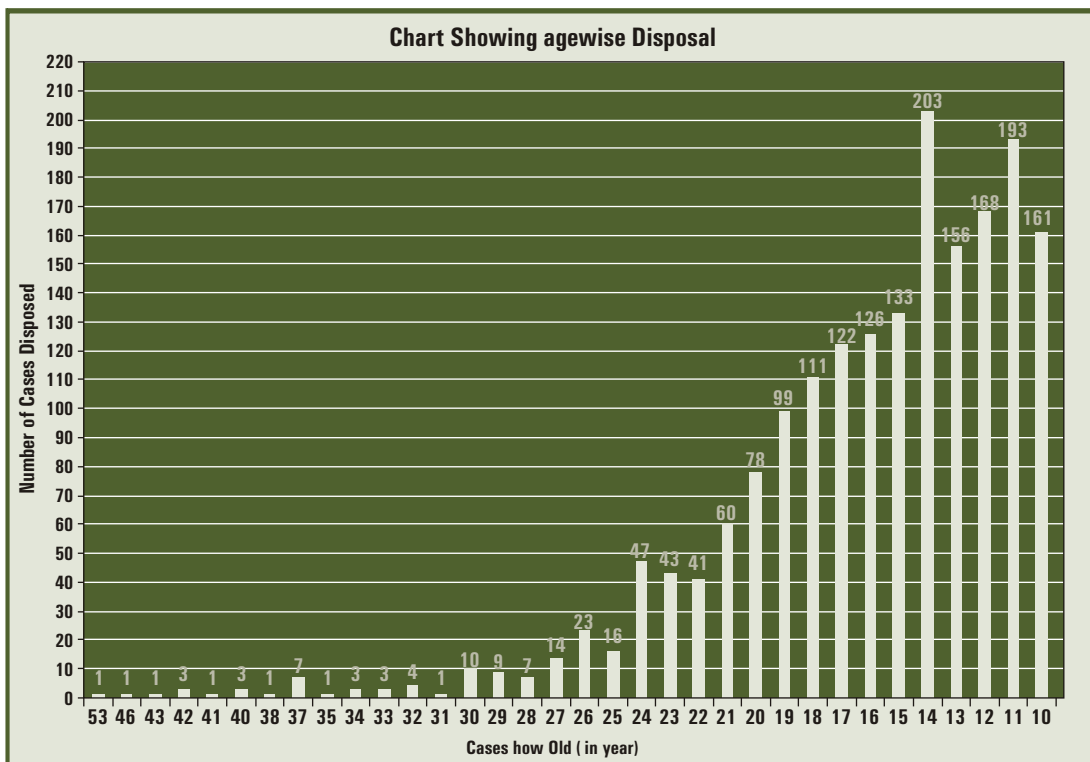
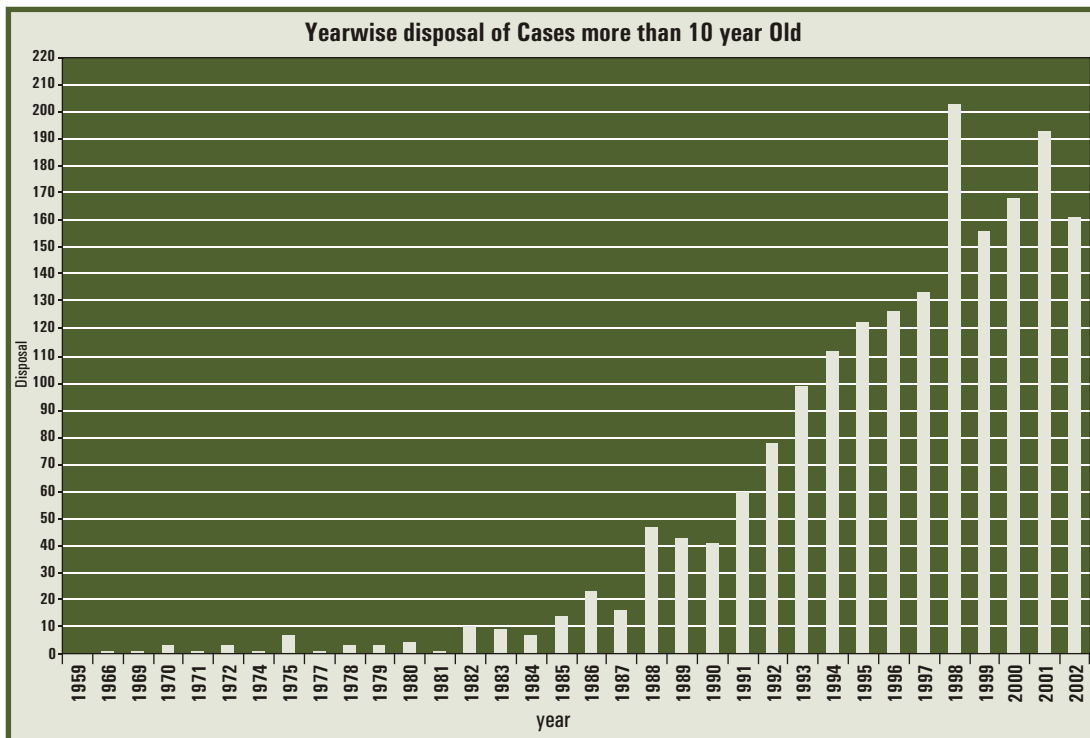
Disposal of cases more than 10 year old in "20 Old Cases"

Sl. No.	Year of Insitution	Age in Years	Disposal
1	1959	53	1
2	1966	46	1
3	1969	43	1
4	1970	42	3
5	1971	41	1
6	1972	40	3
7	1974	38	1
8	1975	37	7
9	1977	35	1
10	1978	34	3
11	1979	33	3
12	1980	32	4
13	1981	31	1
14	1982	30	10
15	1983	29	9
16	1984	28	7
17	1985	27	14
18	1986	26	23
19	1987	25	16
20	1988	24	47
21	1989	23	43
22	1990	22	41
23	1991	21	60
24	1992	20	78
25	1993	19	99
26	1994	18	111
27	1995	17	122
28	1996	16	126
29	1997	15	133
30	1998	14	203
31	1999	13	156
32	2000	12	168
33	2001	11	193
34	2002	10	161
TOTAL			1850

SUMMARY

More Than 50 Years	01
More than 40 Years	09
More than 30 Years	30
More than 20 Year	338
More than 10 Year	1472

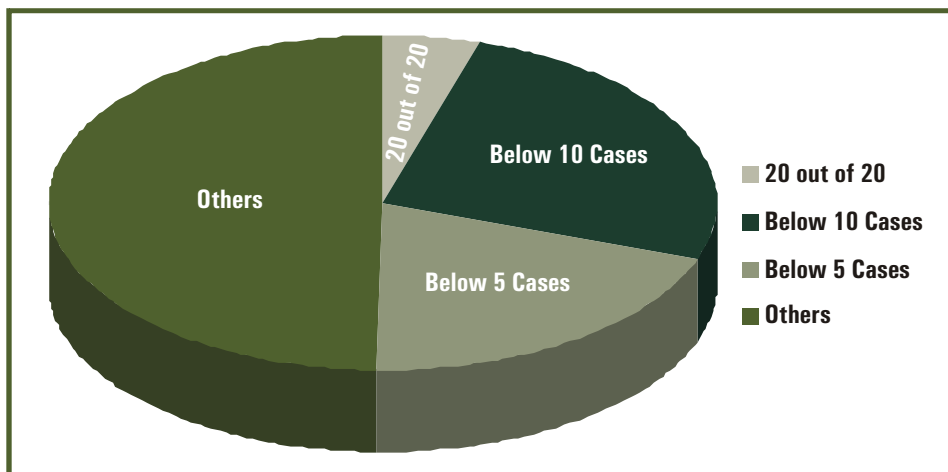




Performance of the Courts in disposal of 20 old cases

Category	Number of Court
20 out of 20 Cases	17
Below 10 Cases	94
Below 5 Cases	72
Others	181

Performance of Courts



Having gone through the outcome of the result of identifying and disposing 20 Old Cases by each Court of the Subordinate Judiciary, High Court issued the concluding remark in the form of order “on 24 April, 2012”:-

HIGH COURT OF JHARKHAND, RANCHI
O R D E R

The process of identifying 20 Old Cases of each Court in lot-wise and then to dispose them of expeditiously on priority basis should continue till each Court becomes "five plus free" pendency. It means there should not be pendency of any case which is more than five years old.

In the backdrop, each Subordinate Court is hereby directed to keep the process of disposing the "20 Old Cases" quickly in lot wise, say first lot of 20 cases, second lot of 20 cases, so on and so forth. Each lot of 20 cases must be endeavoured to be disposed of within three months.

In case of stay of proceeding of any case out of 20 old cases next in sequence be included in the selected oldest 20 cases and list be increased from 20 to proportion of stayed cases or otherwise delayed cases and report must indicate status of such stayed cases or otherwise delayed cases also in the statistics of old cases.

The first lot of "20 Old Cases" of each Court of Jharkhand Subordinate Judiciary has been analysed and it has come into light that the period taken in the disposal is longer. As per the data received from the various Courts in the first week of April, 2012, more than 50% cases of first lot of "20 Old Cases" as a whole spread over in 22 Judgeships of Subordinate Judiciary are still pending. It has also been found that there are only 17 Courts, who have been able to dispose of the total 20 cases of first lot of "20 Old Cases". Therefore, a time bound disposal of "20 Old Cases" by each Court is required to be Setout and that is three months. Each Court shall be informing to the High Court about their respective progress of each lot of "20 Old Cases" on monthly basis.

It is also observed that the cases more than 40 years old, i.e., upto the year 1970 are still pending in the various Courts of Subordinate Judiciary and the figure of such pendency as per data available in High Court is 25 in number, but, it might be in higher side. So each district is directed to sort out all such cases which are more than 40 years old, i.e., cases upto the year 1970 and include in "20 Old Cases" and send a list of such cases to the High Court separately. The pendency of such old cases in various Courts is alarming and must be concluded logically at the earliest preferably by 30th June, 2012.

Further, the cases left in the first lot of "20 Old Cases" of each Court be concluded by 30th June, 2012 and the subsequent lot of cases thereafter shall continue on continuous basis as a continuous process till "five plus free" Court. Those Courts, who have concluded and disposed of the one lot of Old Cases, it is presumed that they must have taken the next lot of "20 Old Cases" and so on and so forth with the submission of progress report by 5th of each month to the High Court.

Sd/-
Chief Justice

Dated : 24th of April, 2012

* Pursuant to the aforesaid order, an order was issued by the Registrar General, Jharkhand High Court vide Order No.07/R&S dated, Ranchi the 25th of April, 2012 communicated through Memo No.976-997 dated Ranchi, the 25th of April, 2012.

Having come to know the fact that the cases instituted upto 1970 are still pending in the various Courts of Jharkhand Subordinate Judiciary, a meaningful drive has been taken in order to make the initiative of "20 Old Cases of each Court" and "20 Oldest Cases of each District" more fruitful, the cases instituted upto 1970 were identified in order to fix the target to dispose them of on priority basis. The said list of cases instituted till 1970 is as under :-

Status of Pendency of Cases instituted upto 1970 (Revised)

Sl. No.	Year of Institution	Age in Years	Pendency
1.	1957	55	1
2.	1960	52	3
3.	1961	51	3
4.	1962	50	2
5.	1963	49	2
6.	1964	48	5
7.	1965	47	7
8.	1966	46	4
9.	1967	45	7
10.	1968	44	10
11.	1969	43	14
12.	1970	42	15
Total Pendency upto the year 1970			73

STAY MATTER CASES AND DIRECT ACCESSIBILITY OF EACH COURT WITH HIGH COURT

Hon'ble High Court has been pleased to facilitate hassle free communication of the members of Subordinate Judiciary with the High Court to ensure **“Result Oriented Case Management”** through 'e-mail' and amazing outcome of such communication has been found to ascertain the present status of **'Long Pending Stay Matter Cases'** of the Subordinate Courts.

The concerned authority in the Hon'ble High Court is Assistant Registrar (Judicial) for contacting on e-mail and his email address is asstrgjhc-jhr@nic.in.

It came to the knowledge of the High Court that a large number of cases (833) are pending in various Courts of the Subordinate Judiciary where the proceedings of the old cases of 1960, 1964, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975 etc. were held up because of stay by the Hon'ble High Court including Patna High Court. As a consequence, an effective measure was devised to find out the present status of the stay and in result, out of 833 cases, 410 have been found disposed of long back in which the stay was said to had been granted and the Subordinate Court Proceeding was detained under the wrong impression of stay granted by the High Court. If the matter would not have been taken up promptly, the concerned Subordinate Courts had continued with the cases in the wrong impression that there was a stay by the High Court.

For this purpose, Hon'ble the Chief Justice himself came into touch with the Patna High Court and requested to send the present status of cases pending in Patna High Court and further for the cases pending in Jharkhand High Court His Lordships passed a categorical order to ensure the exact status of the case by asking the Subordinate Court to send the details of stayed matter cases through **e-mail** and an officer in the Registry, namely, Assistant Registrar (Judicial) has been assigned to do the needful in this regard and following orders were passed to that effect:-

High Court of Jharkhand, Ranchi O R D E R*

Every communication from the Subordinate Courts in relation to the interim order and its continuation and its vacating by the High Court in any matter, the Assistant Registrar (Judicial) shall be the authorised person, who shall reply to any query coming from the Subordinate Courts by e-mail, in the e-mail account of the Court as well as by fax.

Such reply should be forthwith and must within a period of 15 (fifteen) days from the date of receipt of the query from the Subordinate Courts.

For entertaining queries of the Subordinate Courts, the Assistant Registrar (Judicial) shall have separate e-mail account which shall be informed to all the Subordinate Courts.

In case any communication is not answered by the Assistant

Registrar (Judicial) within 15 (fifteen) days, then the Subordinate Courts may immediately address the issue to the Registrar General, Jharkhand High Court by e-mail or fax, which shall be looked into by the Registrar General and matter will be brought to the knowledge of the Assistant Registrar (Judicial) and the issue will be resolved within 7 (seven) days thereafter.

**Sd/-
Chief Justice**

Dated, the 20th of September, 2011

- * The said order of His Lordship was communicated to all the District Courts vide order no 14/Apptt. Dated 20, September 2011 vied memo no 16146-229/ Apptt. Dated 20, September 2011 of Registrar General.

High Court of Jharkhand, Ranchi

O R D E R*

Dates in all cases wherein record is awaited or further proceedings of the matter has been stayed by any Court, the dates be given of last Saturday of the month for personal supervision of the Court over such matters.

Particulars of pending cases wherein stay order has been passed by the Patna High Court staying further proceedings wherein record has been called by the Patna High Court, the particular of the cases pending in the Court as well as particulars of the cases before the Patna High Court wherein stay order has been passed or extended be sent to this Court forthwith.

**Sd/-
Chief Justice**

Dated, the 7th of January, 2012

- * The said order of His Lordship was communicated to all the District Courts by the Registrar General vide Letter No.177-221/R&S dated 9th January, 2012.

Apart from the above facilitations for the hassle free proceeding of the case in stay matters, further pursuant to the guidelines issued by the Hon'ble Apex Court in the case of Criminal Appeal Nos. 254-262 of 2012 (@ S.L.P.(Crl.) Nos. 1581-1598/2009) [Imtiyaz Ahmad versus State of Uttar Pradesh & Ors.], Hon'ble the Acting Chief Justice (as His Lordship then was) has been pleased to pass the following Order for hearing stay matters on priority basis by constituting Special Benches:-

High Court of Jharkhand, Ranchi

O R D E R

For deciding the cases relating to murder, kidnapping, rape and dacoity, in which proceedings have been stayed by any Single Bench, the said matters will be listed before any of the following Hon'ble Judges: -

- (1) Hon'ble Mrs. Justice Poonam Srivastav
- (2) Hon'ble Mr. Justice R.R. Prasad
- (3) Hon'ble Mr. Justice Prashant Kumar
- (4) Hon'ble Mr. Justice H.C. Mishra

**Sd/-
Acting Chief Justice**

Dated, the 7th of September, 2011

The aforesaid order was modified by the following orders: -

**High Court of Jharkhand,
Ranchi
O R D E R***

No. 1/CJS

Dated, the 30th April, 2012

In supersession of the order dated 7th September, 2011 for deciding the cases relating to murder, kidnapping, rape, dacoity cases, now in addition to above matters, NDPS, CBI matters also, in which proceedings have been stayed by any Single Bench, the said matters will be listed on the top of the Cause List before the Benches as mentioned under: -

(i) Hon'ble Mr. Justice R.R. Prasad:-AHD, CBI, NDPS and State Vigilance

(ii) Hon'ble Mr. Justice H.C. Mishra:-Murder, Rap, Kidnapping and Dacoity

**Sd/-
Chief Justice**

* Pursuant to the aforesaid order, the Registrar General has issued Order No. 01/CJS/10/R&S dated Ranchi the 1st May, 2012 communicated vide Memo No.1048-60/R&S dated, Ranchi the 1st May, 2012.

**High Court of Jharkhand,
Ranchi
O R D E R***

No. 2/CJS

Dated, the 30th April, 2012

In continuation of order No. 1 dated 30.04.2012 in relation to listing of stay matters in murder, kidnapping, rape, dacoity, NDPS, CBI matters, it is ordered that Section Officers and Dealing Assistant shall be responsible for giving intimation of stay matters in such cases, to the Joint Registrar (List & Computer) forthwith upon grant of any stay in above matters by any Bench for proper listing.

**Sd/-
Chief Justice**

* Pursuant to the aforesaid order, the Registrar General has issued Order No. 02/CJS/10/R&S dated Ranchi the 1st May, 2012 communicated vide Memo No.1112-24/R&S dated, Ranchi the 1st May, 2012.

The significant features of such drive may be appreciated graphically and in the tabular form by which it is evident that altogether 833 stayed matter cases were reported by the Subordinate Courts where 410 cases pending under the wrong impression of stay by the Higher Court (including Jharkhand & Patna) and 196 cases have been identified as pending and the rest 227 matters, some of them related to Patna High Court are being examined to ascertain their present status.

- a. Details of 410 cases found to be disposed off and the proceeding of such cases was wrongly held up under misconception that still these cases are stayed matters.

Year of case	Number of case(s)	Year of case	Number of case(s)	Year of case	Number of case(s)
1960	1	1981	12	1997	6
1964	2	1982	28	1998	19
1967	2	1983	29	1999	16
1968	1	1984	18	2000	4
1969	3	1985	23	2001	4
1970	4	1986	13	2002	2
1971	5	1987	14	2003	2
1972	7	1988	11	2004	2
1973	7	1989	16	2005	3
1974	6	1990	9	2006	2
1975	9	1991	4	2007	1
1976	7	1992	14	2008	1
1977	9	1993	11	2009	2
1978	6	1994	7	2010	1
1979	10	1995	11	2011	0
1980	24	1996	6	2012	0
				N/A	16

STRIKING FEATURE

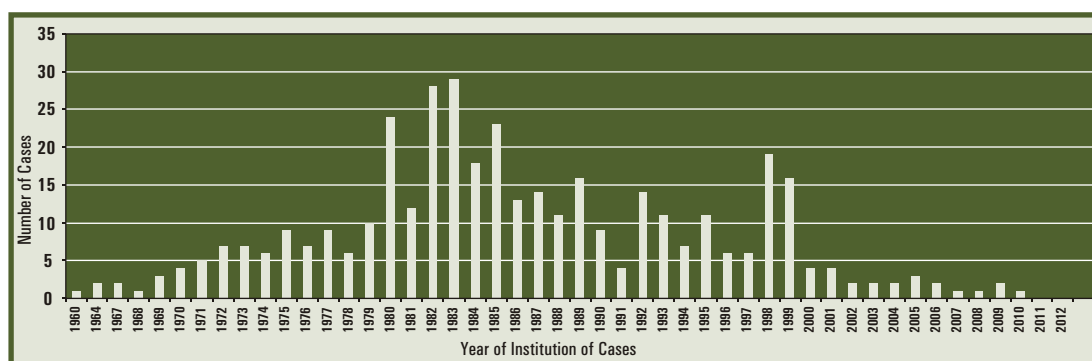
Duration of Pendency of Cases in absence of Communication

Age of the case	Number of Cases
More than 40 years	18
More than 30 years	97
More than 20 years	165
More than 10 years	98
Less than 10 years	16

It is another revealing fact about the time consumed from High Court in communicating status of the cases pending in the Subordinate Courts under wrong notion of stay while as a matter of fact the cases in the High Court were disposed of long back and the flow of the cases in the Subordinate Courts must have been restored. But, due to lack of communication in time, such cases about 410 in numbers were pending because of untimely communication to the concerned from the High Court. The time consumed in communicating the status from the High Court to the Subordinate Courts at a glance may be appreciated with the following table: -

Time consumed from High Court in communicating status of the case to the Subordinate Courts

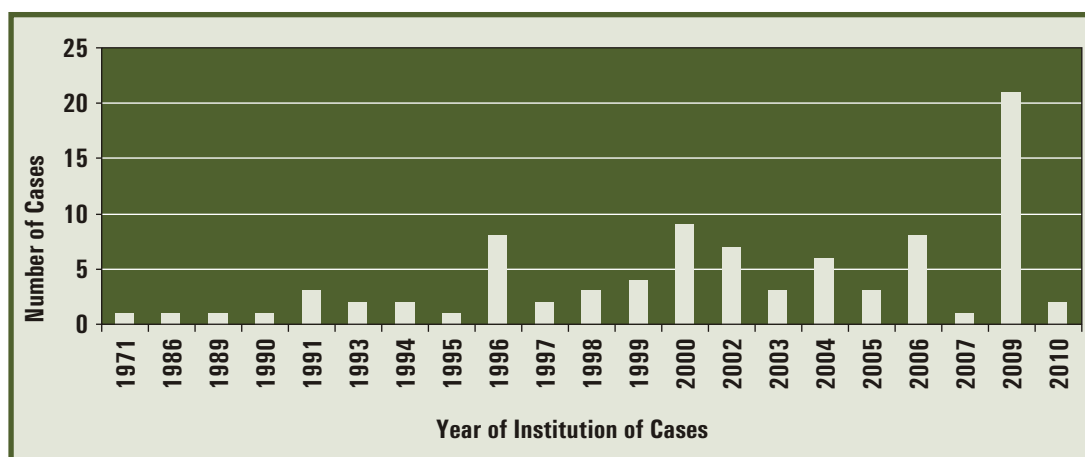
Time Consumed	Number of Cases
Above 40 Years	01
31 - 40 years	44
21 - 30 years	174
11 - 20 years	107
0 - 10 years	75



Form the perusal of the aforesaid graph and table it is manifest that very long pending cases of 1960 has been brought into motion by simply finding out and communicating the real status of the case and this of course required endurance efforts by High Court.

b. Details of 196 Cases of Subordinate Courts stayed by High Court wherein stay is still in operation.

Year of case	Number of case(s)	Year of case	Number of case(s)
1971	1	1999	4
1986	1	2000	9
1989	1	2002	7
1990	1	2003	3
1991	3	2004	6
1993	2	2005	3
1994	2	2006	8
1995	1	2007	1
1996	8	2009	21
1997	2	2010	2
1998	3	N/A	107



The aforesaid 196 cases are being listed on priority basis in the specially constituted bench to hear the Lower Court Stay matter cases. In this regard High Court issued following orders :-

**High Court of Jharkhand, Ranchi
O R D E R**

Since number of cases under different headings, in which the Lower Court proceeding has been stayed are pending, so, in order to dispose of those cases expeditiously, it is desirable to list those cases on the top of the list. Accordingly, it is therefore ordered that the list section shall list 10 cases regularly as per the roster in which the Lower Court proceeding has been stayed on the top of the list.

Dated the 17th November, 2011

**Sd/-
Chief Justice**

In supersession of the aforesaid order, the High Court has issued the following order: -

**High Court of Jharkhand,
Ranchi
O R D E R***

No. 3/CJS

Dated, the 30th of April, 2012

In supersession of order dated 17th November, 2011, it is ordered that the List Section shall list 10 cases regularly as per the roaster in which the Lower Court Proceedings in any matter or investigation in criminal case or arrest of accused (other than the cases of murder, rape, kidnapping, dacoity, NDPS and CBI matters, for which separate order dated 30.04.2012 has been issued) have been stayed, such matters shall be listed on the top of the Cause List.

Assistant Registrar (Judicial) and the concerned Section Officers and Dealing Assistants shall be responsible for giving intimation of such stay orders to the Joint Registrar (List & Computer) for listing of the cases.

Dated, the 30th of April, 2012

**Sd/-
Chief Justice**

* Pursuant to the aforesaid order, the Registrar General issued Order No.03/CJS/11/R&S dated Ranchi, the 1st May, 2012 communicated vide Memo No.1176-88/R&S dated, Ranchi the 1st May, 2012.

- c. There are 227 cases of Subordinate Courts reported to have been stayed by High Court, which are under scrutiny to ascertain the present status of the cases. In fact out of the said 227 Cases, there are 83 cases where the status report from Patna High Court is awaited and the matter is being pursued with them.

Lower Court Records

The proceeding of the cases also get detained because of the Lower Court Records in the Subordinate Court itself and sometimes also in High Court and for this the Hon'ble Court issued the following order: -

O R D E R*

All the Subordinate Courts are directed to see that all records which have been summoned by them should reach to their Court and be tagged in the relevant file before 21st October, 2011.

All the Subordinate Courts, who are required to send the record to any Subordinate Court, they shall ensure that record be transmitted to the Subordinate Court before 21st October, 2011.

**High Court of Jharkhand, Ranchi
Dated, the 23rd of September, 2011**

**Sd/-
Chief Justice**

* Pursuant to the aforesaid order, the Registrar General issued desired letter vide Order No.20/Appt. dated Ranchi, the 24th September, 2011 to all the Principal District & Sessions Judges of the State communicated vide Memo No.17718-804/Appt. Dated, Ranchi the 24th September, 2011.

TASK OF PHYSICAL VERIFICATION OF ENTIRE PENDING CASES IN EACH COURT OF SUBORDINATE JUDICIARY

Pursuant to the direction of the High Court, physical verification of entire pending records in each court of Subordinate Judiciary across the 22 Judicial Districts was conducted and as such the entire records of the subordinate judiciary pending in lakhs have been set right and a difference of about 4000 cases was found. The relevant instruction passed in this regard by Hon'ble the High Court is as under :

High Court of Jharkhand, Ranchi ***ORDER****

All the Courts of Principal District Judge, Principal Judge, Family Courts and Subordinate Courts are directed to undertake the exercise of physical verification of all pending cases and give the complete number of the pending cases and also indicate that how much number of cases have been excluded from the number of pending cases after physical verification. This information be given Court-wise as well as nature-wise under the civil and criminal headings. This exercise is to correct the statistics so that cases, wrongly shown as pending, be deleted, and cases, which have not been shown as pending, be added.

While doing so, specific care be taken not to include the G.R. Case, pending investigation, unless and until any challan has been filed or protest petition has been filed in that G.R. Case and FIR itself shall not be treated as pending case, which is entered in the G.R. Register nor any complaint on which order under Section 156(3) has been passed and sent for investigation to the police station be treated as pending case.

This exercise may be completed by or before 15th March, 2012 and complete report be submitted to the Registrar General on or before 22nd March, 2012.

Sd/-
Chief Justice

Dated, the 6th of February, 2012

* Pursuant to the aforesaid order, a letter was issued by the Registrar General, Jharkhand High Court vide Order No.03/2012-R&S dated, Ranchi the 7th February, 2012 communicated through Memo No.528-566/R&S dated 7th February, 2012.

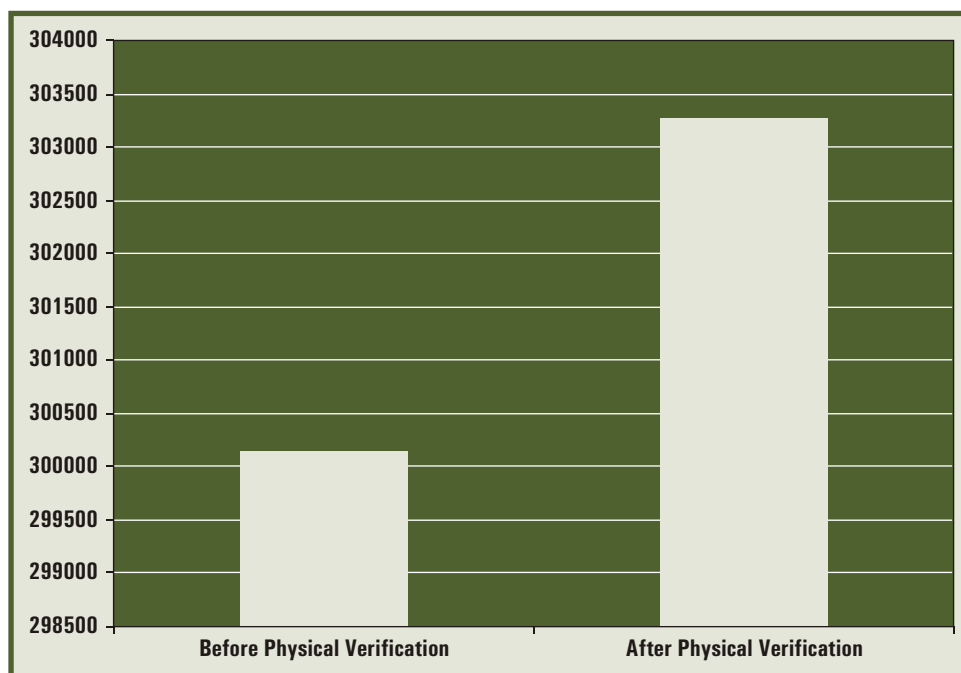
For this purpose, a common format was sent to all the 22 Judgeships of the Jharkhand Subordinate Judiciary to send the report of the physical verification of entire pending cases in each Court of Subordinate Judiciary and for better appreciation a format given below was designed and the required information from each Judgeship was received in this format :-

DISTRICT COURT		PERIOD	
PENDENCY OF CIVIL & CRIMINAL CASES AFTER PHYSICAL VERIFICATION			
DISTRICT & SESSIONS JUDGES COURTS		CIVIL JUDGES - SENIOR & JUNIOR COURTS INCLUDING MAGISTERIAL COURTS	
S.No	Criminal Cases	Pendency Prior To 29.02.2012	Pendency After Physical Verification
1	Sessions Trial		
2	Cr. Appeal		
3	Cr. Rev.		
4	N.D.F.S./SpL Cases		
5	S.C./S.T.		
6	Any Other Cr. Cases		
	TOTAL	0	0
DISTRICT & SESSIONS JUDGES COURTS		FAMILY COURT CASES	
S.No	Civil Cases	Pendency Prior To 29.02.2012	Pendency After Physical Verification
1	Compensation		
2	T.S. + P.S. Cases		
3	Probate case		
4	Succession		
5	Title Appeal		
6	Misc. Appeal		
7	Money Appeal		
8	Execution		
9	Any Other Civil Cases		
	TOTAL	0	0
GRAND TOTAL : DISTRICT & SESSIONS JUDGES COURTS CASES		0	0
PENDENCY AS PER MONTHLY STATEMENT PRIOR TO PHYSICAL VERIFICATION AS ON 29.02.2012			
PENDENCY AFTER PHYSICAL VERIFICATION		0	0
DIFFERENCE IN MONTHLY REPORT AND ACTUAL STATUS OF PENDENCY OF CASES			
PENDENCY AFTER PHYSICAL VERIFICATION		0	0
JHARKHAND JUDICIARY			
DISTRICT & SESSIONS JUDGES COURTS		CIVIL JUDGES - SENIOR & JUNIOR COURTS INCLUDING MAGISTERIAL COURTS	
S.No	Criminal Cases	Pendency Prior To 29.02.2012	Pendency After Physical Verification
1	GR Cases		
2	Complaint Cases		
3	C II, C III & any other Cat. Of Complaint Cases		
4	Excise Cases		
5	MV Cases		
6	Pending for acceptance of F.F.		
7	Forest Cases		
8	Complaint u/s 138 of N.I. Act. Cases		
9	Misc. & Other Cases		
	TOTAL	0	0
DISTRICT & SESSIONS JUDGES COURTS		CIVIL JUDGES - SENIOR & JUNIOR COURTS INCLUDING MAGISTERIAL COURTS	
S.No	Civil Cases	Pendency Prior To 29.02.2012	Pendency After Physical Verification
1	Title Suit		
2	Partition Suit		
3	Money Suit		
4	Eviction Suit		
5	L.A. Cases		
6	Others (If any)		
	TOTAL	0	0
GRAND TOTAL : CIVIL COURT CASES		0	0
PENDENCY AS PER MONTHLY STATEMENT PRIOR TO PHYSICAL VERIFICATION AS ON 29.02.2012			
PENDENCY AFTER PHYSICAL VERIFICATION		0	0
DIFFERENCE IN MONTHLY REPORT AND ACTUAL STATUS OF PENDENCY OF CASES			
PENDENCY AFTER PHYSICAL VERIFICATION		0	0

Note: This exercise of physical verification is being done to correct the statistics, so that case wrongly shown as pending may be deleted, and cases which have not been shown as pending be added. In this regard a specific care is to be taken not to include GR cases pending investigation unless and until any challan has been filed or protest petition has been filed in that GR case. Further FIR itself shall not be treated as pending case which is entered in the GR Register nor any complaint shall be treated as pending in which an order u/s 156 (3) of Cr.P.C. has been passed and sent for investigation to the Police Station.

**Result of Physical Verification of Cases Pending in Various Courts of Jharkhand
Subordinate Judiciary at a Glance**

Before Physical Verification (In February 2012)	After Physical Verification (In March 2012)	Differences (increased by)
300144	303274	+ 3130



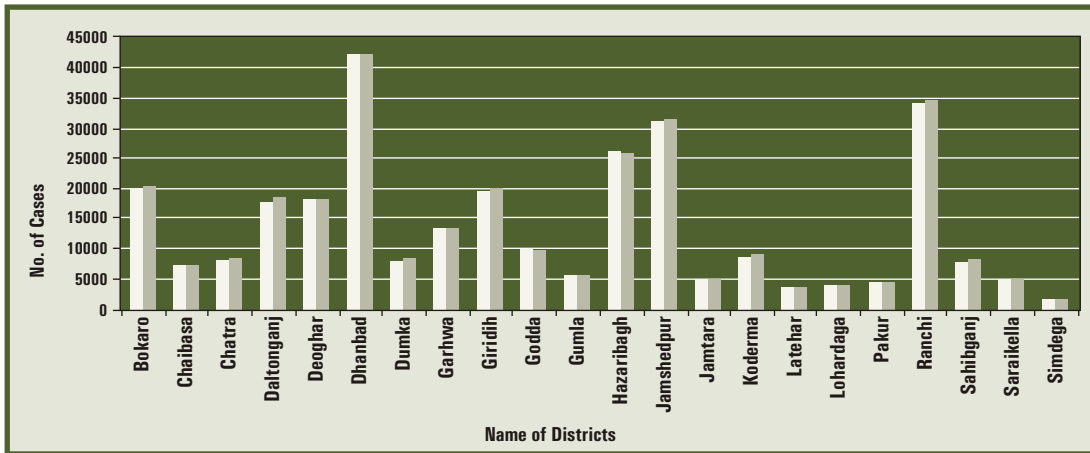
Statement regarding Pendency of Cases before and after physical verification of Cases in different Judgeships of Jharkhand

Sl. No.	Name of the Judgeship	Pendency before Physical Verification of Cases			Pendency after Physical Verification of Cases			Difference		
		Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
1	Bokaro	3444	16569	20013	3453	16679	20132	9	110	119
2	Chaibasa	742	6431	7173	747	6420	7167	5	-11	-6
3	Chatra	1567	6591	8158	1569	6821	8390	2	230	232
4	Daltonganj	2746	14948	17694	2886	15467	18353	140	519	659
5	Deoghar	3349	14929	18278	3412	14782	18194	63	-147	-84
6	Dhanbad	10849	31095	41944	10713	31287	42000	-136	192	56
7	Dumka	1771	6223	7994	1788	6561	8349	17	338	355
8	Garhwa	1622	11699	13321	1695	11646	13341	73	-53	20
9	Giridih	3909	15537	19446	3942	15760	19702	33	223	256
10	Godda	1055	8866	9921	1062	8823	9885	7	-43	-36
11	Gumla	1350	4361	5711	1372	4392	5764	22	31	53
12	Hazaribagh	6105	19931	26036	6193	19705	25898	88	-226	-138
13	Jamshedpur	5355	25505	30860	5449	25878	31327	94	373	467
14	Jamtara	729	4238	4967	732	4186	4918	3	-52	-49
15	Koderma	1738	6820	8558	1775	7003	8778	37	183	220
16	Latehar	532	3002	3534	537	3119	3656	5	117	122
17	Lohardaga	817	2942	3759	872	2964	3836	55	22	77
18	Pakur	863	3653	4516	889	3623	4512	26	-30	-4
19	Ranchi	8866	25230	34096	9126	25098	34224	260	-132	128
20	Sahibganj	803	6816	7619	847	7378	8225	44	562	606
21	Saraikella	919	4041	4960	976	4061	5037	57	20	77
22	Simdega	236	1350	1586	236	1350	1586	0	0	0
	Total	59367	240777	300144	60271	243003	303274	904	2226	3130

SUMMARY OF PHYSICAL VERIFICATION

Number of Cases Added	3447
Number of Cases Deleted	317
Total Increase	3130

Pending Cases Before & After Physical Verification

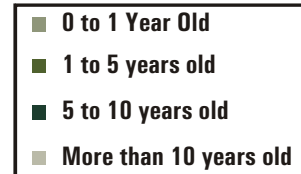
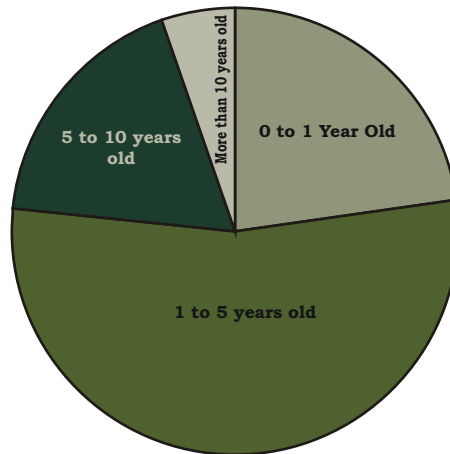


Details of age wise pendency

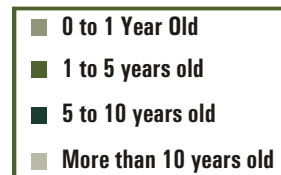
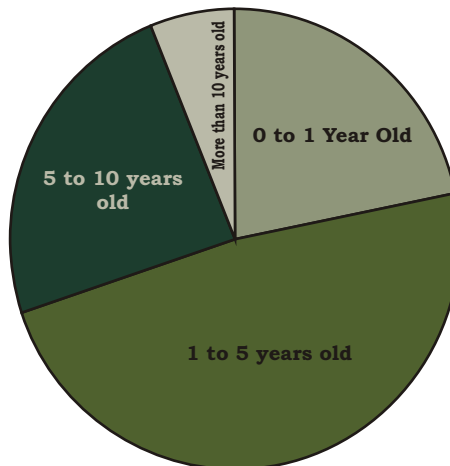
Types of Cases	0 to 1 Years Old	1 to 5 Years Old	5 to 10 years old	More than 10 years old	Total Pendency
Civil	12062	26207	13221	3404	54894
Criminal	54311	127220	43066	12560	237157
Total	66373	153427	56287	15964	292051*

* this data (as on 31.12.2011) is of before physical verification (March, 2012).

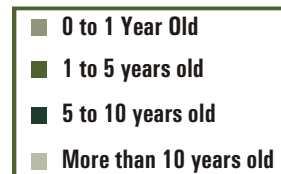
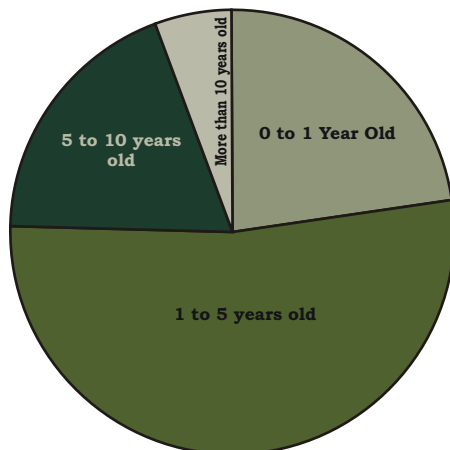
Criminal



Civil



Total Civil + Criminal



CORRECTION OF JUDICIAL STATISTICS IN PENDING CASES

It was noticed by the High Court that the data of pendency of the District Courts are not in a rational manner because of the fact that the cases ought to have been shown in overall pendency, were, in fact, not shown in pendency and the cases, need not be considered in overall pendency, have been shown under the heading pendency. For example:

- (a) G.R. Cases, pending investigation, where Chargesheet/Final Form yet to be submitted (instructed not to show in the pendency of cases);
- (b) Complaint cases, referred under Section 156(3) Cr.P.C., had been showing in the pendency (instructed not to show in the pendency of cases);
- (c) Cases pending for acceptance of Final Forms/Protest Petition, instructed to be shown as pendency and their disposal to be counted in the disposal

The relevant orders and letters issued by the High Court in this regard are as under: -

(i) Order dated 21.10.2011

High Court of Jharkhand, Ranchi

ORDER*

In Subordinate Courts, on receipt of FIR from the concerned Police Station, they are being entered in GR Register. However, entry in GR Register is not a case registered in a Court and, therefore, shall not be treated to be a case pending in the Court.

Therefore, the Trial Courts are directed to give separate statement of GR Cases while submitting monthly statistics and they may not be included in the category of pending cases. However, the Trial Courts shall separately give the number of GR Cases pending at the end of the month and number of GR Cases wherein final form/chargesheets have been submitted.

*Sd/-
Chief Justice*

Dated, the 21st October, 2011

* Pursuant to the aforesaid order issued by Hon'ble the Chief Justice, the Registrar General of the High Court communicated the same to all the District Judges vide Order No.09/2011 R&S, dated Ranchi, the 26th September, 2011 communicated vide Memo No.889-917/R&S dated Ranchi, the 26th September, 2011;

- (ii) Further the Registrar General of Jharkhand High Court issued following categorical letters to all the District Courts in this regard vide (a) letter No.506-27/R&S dated 6th February, 2012 (b) Order No. 09/2011/R&S dated Ranchi, the 26th September, 2011 communicated vide Memo No.889-917/R&S dated Ranchi, the 26th September, 2011; (c) letter No.968-89/R&S dated Ranchi, the 21st October, 2011; (d) letter No.153-174/R&S dated Ranchi the 5th January, 2012.

(a) Letter No.506-27/R&S dated 6th February, 2012

J.H.C. Sch. (1-7)

Phone: Office: 0651-2481449

Res : 0651-2481189

Fax No.: 0651-2481116

Prabodh Ranjan Dash
Registrar General
High Court of Jharkhand
Ranchi 834033

Letter No. : 506-27 / R&S

Dated : 6th February, 2012

To

*The Principal District & Sessions Judges of the State of Jharkhand
and the Principal Judicial Commissioner, Ranchi.*

Sir,

In continuation of this Court's earlier letter no. 889-917 /R&S dated Ranchi the 26th September, 2011, Letter No. 968-89/R&S dated Ranchi the 21st October, 2011 and Letter 153/174/R&S dated Ranchi the 5th January, 2012, I am directed to request you that henceforth all monthly / quarterly / half yearly / annual statements of pendency of cases in the Magisterial Courts shall include only those cases which are :

1. *Pending for trial and*
2. *Pending for acceptance of Final Form.*

You are further requested that cases awaiting for Final Form shall not be included in the pendency of cases.

*Encl.: Letter no. 889-917 /R&S dated
Ranchi the 26th September, 2011.*

Yours faithfully,

*Letter No. 968-89/R&S dated
Ranchi the 21st October, 2011*

*Sd/-
Registrar General*

*Letter 153/174/R&S dated
Ranchi the 5th January, 2012*

(b) Letter No.09/2011/R&S dated Ranchi, the 26th September, 2011

**JHARKHAND HIGH COURT, RANCHI
ORDER**

No. 09/2011/R&S

Dated Ranchi, the 26th September, 2011

It has come to the notice of the Court that the Statistical figures regarding pendency of cases forwarded by the Subordinate Courts includes Complaint Petitions which have been forwarded to the concerned Police Station for investigation under Section 156(3) of the Code of Criminal Procedure. The Court is of the view that such Complaint Petitions are not to be included in the list of pending cases of the Court concerned.

The Court have been pleased to direct that Complaint Petitions which have been forwarded for investigation under Section 156(3) Cr.P.C. be not included in the pendency figures of the concerned Courts and the statements regarding pendency be sent accordingly.

*By Order,
Sd/- P.R. Dash
Registrar General*

Memo No.889-917/R&S

Dated Ranchi, the 26th September, 2011

Copy forwarded to all the Principal District & Sessions Judges of the State including Judicial Commissioner, Ranchi with a request to communicate the aforesaid order to all concerned for strict compliance/the Registrar (Vigilance) I/c./the Registrar (Establishment)/ the Registrar (Administration)/the Joint Registrar-cum-P.P.S. to Hon'ble the Chief Justice and all Joint Registrars Jharkhand High Court, Ranchi for information and necessary action.

*Sd/- P.R. Dash
Registrar General*

(c) Letter No.968-89/R&S dated Ranchi, the 21st October, 2011

J.H.C. Sch. (1-7)

Phone: Office: 0651-2481449

Res : 0651-2481189

Fax No.: 0651-2481116

**Prabodh Ranjan Dash
Registrar General
High Court of Jharkhand
Ranchi 834033**

Letter No. 968- 89/ R&S

Dated: 21st October, 2011

To,

*The Principal District & Sessions Judges of the Judgeships
and the Principal Judicial Commissioner, Ranchi*

Sir,

As you are aware that in Subordinate Courts, on receipt of FIR from the concerned Police Station, they are entered in GR Register. However, entry in GR Register is not a case registered in a Court and, therefore, shall not be treated to be a case pending in the Court.

Therefore, Hon'ble the Chief Justice is pleased to direct the Trial Courts to give separate statement of GR cases while submitting monthly statistics and they may not be included in the category of pending cases. However, the Trial Courts shall separately give the number of GR cases pending at the end of the month and number of GR cases wherein final form/charge sheets have been submitted.

Yours faithfully
Sd/-
Registrar General

(d) Letter No.153-174/R&S dated Ranchi, the 5th January, 2012

J.H.C. Sch. (1-7)

Phone : Office: 0651-2481449

Res. : 0651-2481189

Fax No. : 0651-2481116

Prabodh Ranjan Dash
Registrar General
High Court of Jharkhand
Ranchi 834033

Letter No. : 153 - 174/ R&S

Dated : 5th January, 2012

To

All the Principal District & Sessions Judges of the State of Jharkhand and the Principal Judicial Commissioner, Ranchi.

Sub. : Statement showing total pendency of G.R. Cases and Complaint Cases prior to deleting awaiting Final Form and prior to deleting the cases in which Complaint Cases were sent for institution under Section 156(3) Cr.P.C. and pendency of G.R. Cases after deleting awaiting Final Form and after deleting the cases in which Complaint Cases were sent for institution under Section 156(3) Cr.P.C.

Sir,

I am directed to state that vide letter No. 1018 39/R&S dated 22.11.2011, all the Principal District & Sessions Judges were requested to send the statement of pendency of G.R. Cases prior to deleting awaiting final form and after deleting the G.R. Cases awaiting final form and similarly, pendency of complaint cases prior to deleting the cases in which complaint cases were sent under Section 156(3) Cr.P.C. and after deleting the cases in which complaint cases were sent under Section 156(3) Cr.P.C. The statements received from all the Districts were placed before Hon'ble the Chief Justice and Hon'ble the Chief Justice has been

pleased to direct all of you to send the statement of pending cases for the quarter ending 31st December, 2011 and for the whole year 2011 and the statement must indicate the total pendency of G.R. cases prior to deleting the cases which were pending awaiting final form and total pendency of G.R. cases after deleting the cases pending for awaiting final form. These two statements must be shown in separate columns. Similarly, the statement must show the total pendency of complaint cases prior to deleting the cases in which the complaint cases were sent for institution under Section 156(3) Cr.P.C. and total pendency of complaint cases after deleting the cases in which complaint cases were sent for institution under Section 156(3) Cr.P.C. These two statements must be shown in separate columns.

Since filing of F.I.R. and its entry in G.R. as well as in the criminal complaint case, after passing order under Section 156(3) Cr.P.C., the complaint is not a pending matter before the Court, therefore, I am further directed to say that in future all monthly and quarterly statements also must specifically indicate the total pendency of Cases after deleting the G.R. Cases awaiting final form as also total pendency of complaint cases after deleting the cases in which complaint cases are sent under Section 156(3) Cr.P.C.

The aforesaid directions must be followed strictly.

*Yours faithfully,
Sd/-
Registrar General*

There was no uniformity in showing pendency criminal cases under investigation of Police (G.R. cases awaiting Final Form) as to whether to include such type of cases in pendency or not and also with respect to the complaint cases where the matter was sent to concerned police station for investigation by the police u/s 156 (3) of Cr. P.C. Thus it is made clear that these two categories of case are not to be included in overall pendency of criminal cases while sending statements and further Final Forms pending for acceptance must be included in pendency of criminal cases and their disposal also. In this regard a table given below showing pendency of such cases is as under :-

Statement showing actual pendency of G.R. Cases and Complaint Cases after deletion of wrongly included cases as on 31st March, 2012 (1st Quarter 2012)

Sl. No.	Name of Judgeship	Pendency of the G.R. Cases prior to deleting awaiting Final Form	Pendency of the G.R. Cases after deleting awaiting Final Form	Pendency of Complaint Cases prior to deleting the cases in which the complaint cases were sent for institution U/s. 156(3) Cr.P.C.	Pendency of Complaint Cases after deleting the cases in which the complaint cases were sent for institution U/s. 156(3) Cr.P.C.
1	Bokaro	10208	9232	3684	3462
2	Chatra	5069	3888	1214	1143
3	Chaibasa	3249	2501	381	354
4	Daltonganj	8178	7145	3300	3166
5	Deoghar	7505	7505	4705	4705
6	Dhanbad	13983	13983	10549	10549
7	Dumka	1360	1256	9	0
8	Garhwa	7596	6390	3912	2902
9	Giridih	17671	8226	3916	3642
10	Godda	6931	5369	1969	1700
11	Gumla	3028	2162	507	463
12	Hazaribagh	9591	9386	3325	2722
13	Jamshedpur	12529	10340	3586	3465
14	Jamtara	2579	2267	1305	1019
15	Koderma*	3822	2905	1947	1725
16	Latehar	1642	1402	457	450
17	Lohardaga	1778	1586	355	344
18	Pakur	2354	1993	972	866
19	Ranchi	11514	10177	5891	5132
20	Sahibganj	4817	3914	3182	2526
21	Saraikeella	2882	2224	294	276
22	Simdega	258	222	18	16
TOTAL		137627	114073	55256	50627

DECENTRALISATION OF COGNIZANCE TAKING POWER OF CHIEF JUDICIAL MAGISTRATE AMONGST ALL THE JUDICIAL MAGISTRATES OF THE JUDGESHIP IN EQUITABLE MANNER

Having interacted with the Chief Judicial Magistrates with respect to the case management of their cases, the High Court was surprised to know the fact that most of the Chief Judicial Magistrates, without conducting full fledged trials and delivering judgments thereof, their most of time was being consumed in taking cognizance and hearing bail matters, remands, release etc., which are routine work. In result, none of the Judicial Magistrates in the entire Judicial Districts except the Chief Judicial Magistrates was getting experience of the aforesaid matter and, therefore, the High Court took a policy decision to decentralise cognizance taking power of the Chief Judicial Magistrates amongst all the Judicial Magistrates of the Judgeship according to police station wise. The following letter to that effect was issued to ensure the equitable distribution of cases police station wise by the respective Principal District & Sessions Judges: -

J.H.C. Sch. (1-7)

Phone: Office: 0651-2481449

Res : 0651-2481189

Fax No.: 0651-2481116

Prabodh Ranjan Dash
Registrar General
High Court of Jharkhand
Ranchi 834033

File No.XXII (50)/01/Apptt.

No. 15851-72/Apptt.

Dated: 14th September, 2011

To,

All the Principal District & Sessions Judges
including Judicial Commissioner, Ranchi.

Sir,

I am directed to inform you that the court has been pleased to decide to distribute the cases Police station wise amongst all the Judicial Magistrate 1st class including the Chief Judicial Magistrate and Additional Chief Judicial Magistrate, in order of seniority, for taking cognizance, in consultation with Chief Judicial Magistrate/Additional Chief Judicial Magistrate of the respective Judgeships for early and speedy initiation of proceedings of the Criminal Cases.

You are, therefore, requested to distribute the cases, police station wise, amongst all the Judicial Magistrates including Chief Judicial Magistrate/Addl. Chief Judicial Magistrate your judgeship, in order of seniority, for taking cognizance in consultation with CJM/ACJM and issue the necessary order to this effect, under intimation to this court so that early and speedy initiation of proceeding may be ensured.

During the distribution of the case, Police station wise, equitable distribution of the same amongst the officers be ensured by the respective Principal District and Sessions Judge.

Yours faithfully,

Sd/-

Registrar General

With the decentralisation of cognizance taking power, police station wise, amongst the Judicial Magistrates of a Judgeship, sufficient time has been spared for the Judicial Officers to conduct the trial and Chief Judicial Magistrates have got an opportunity to try the civil suits apart from the criminal trial.

DISPOSAL OF CHRONIC ARREARS OF ACCEPTANCE OF FINAL FORM & PROTEST PETITION

It has come into the knowledge of Hon'ble the High Court that there is a huge pendency of case related to either acceptance of final form or on protest petition and a special drive was initiated by His Lordship with the following direction :

High Court of Jharkhand, Ranchi O R D E R

Registrar General is directed to seek explanation from the Presiding Officers of the Courts where the final form matters are pending as no serious efforts have been made by the Judicial Officers in deciding the final form matters, Each Principal District Judge be informed about the opening balance of the cases in the district with figures of the final reports received and the number of cases in which final forms have been accepted so that the concerned Principal District Judge may also know that in spite of High Court's directions, no serious efforts have been made for deciding the final form matters accumulating unnecessary burdens upon the Courts which amounts to supervisory negligence of the officers.

Dated 31.01.2012

**Sd/-
Chief Justice**

FROM:

*G. K. Choudhary
Registrar General I/c
Jharkhand High Court,
Ranchi*

*Letter No. 657-78/R&S
Dated 15.07.2011*

To,

*All the District & Sessions Judges
of the State of Jharkhand including
the Judicial Commissioner, Ranchi.*

Sir,

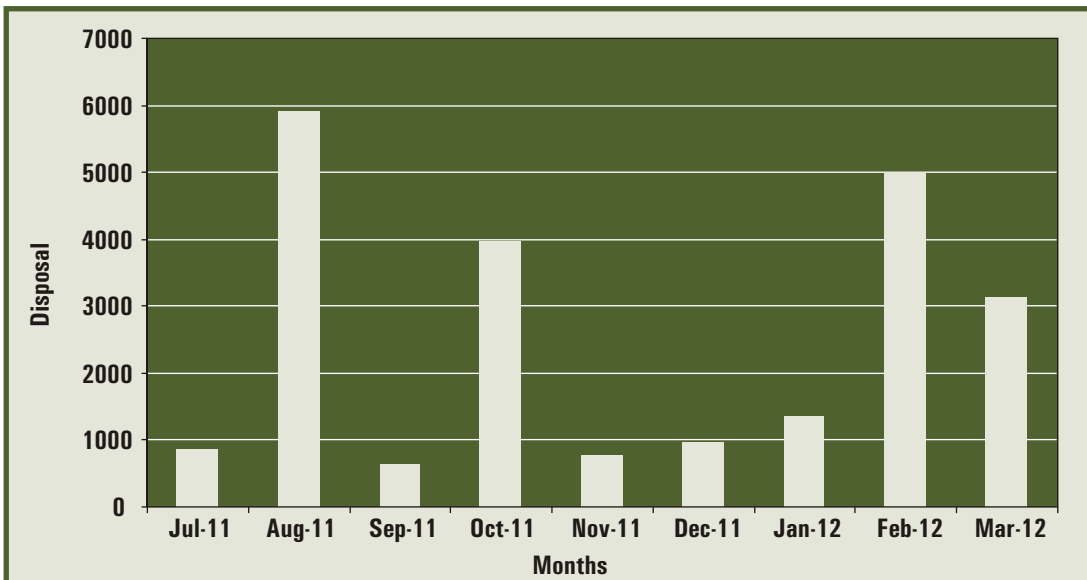
This is to inform you that the matter regarding the pendency and disposal of cases at the stage of final report and protest petition was brought to the knowledge of Hon'ble the Acting Chief Justice and His Lordship has been pleased to direct you to furnish the list of cases which are pending either for acceptance of final report or on protest petition pending as on 01 July, 2011.

You are further requested to direct the Officer concerned to dispose of those cases on priority basis and send a monthly statement regarding pendency and disposal of such cases by 5th of every month so that the same could be placed before His lordship.

*Yours faithfully
Sd/-
Registrar General I/c*

At the instance of Hon'ble the Acting Chief Justice (as His Lordship then was) a special drive commenced for the pending final forms for acceptance/protest petitions. Having assumed the responsibility of Chief Justice on 11th September, 2011, an interactive session was convened on 18th September, 2011 where instructions given to dispose of the pending Final Forms for acceptance/Protest Petitions was appraised and a large number of pending Final Forms for acceptance were found to be disposed of. The graph and the table given below are indicating the number of disposal.

Chart Showing Disposal of Final Form Pending For Acceptance/Protest Petition



Disposal and Pending Final Form Matters

Sl. No.	Judgeship	Jul-11		Aug-11		Sep-11		Oct-11		Nov-11		Dec-11		Jan-12		Feb-12		Mar-12	
		Accepted	Pending	Accepted	Pending	Accepted	Pending	Accepted	Pending	Accepted	Pending	Accepted	Pending	Accepted	Pending	Accepted	Pending	Accepted	Pending
1	Bokaro	74	1414	1249	297	32	370	89	328	48	708	25	781	64	803	624	247	32	198
2	Chaibasa	6	359	65	312	25	322	71	288	23	309	14	332	10	348	39	330	19	331
3	Chatra	6	564	47	550	0	692	470	372	76	897	132	797	262	543	208	436	392	88
4	Daktonganj	56	1108	133	1032	70	1112	260	606	15	1009	97	1000	79	1066	447	1215	172	707
5	Deoghar	63	992	307	717	6	721	228	853	25	940	32	952	114	882	226	705	78	657
6	Dhanbad	22	1175	514	661	12	649	654	82	3	147	8	300	8	1166	561	710	444	376
7	Dumka	50	112	55	75	14	73	34	47	8	78	8	125	27	366	84	347	88	268
8	Garhwa	14	298	163	196	5	223	15	242	5	819	7	1381	24	1645	302	1185	80	1206
9	Giridih	91	592	192	441	191	439	19	422	10	412	56	633	150	676	374	428	77	423
10	Godda	11	524	73	500	17	508	4	940	8	562	11	575	32	610	36	613	115	548
11	Gumla	27	147	139	57	28	29	14	41	0	53	5	112	23	95	61	81	80	96
12	Hazaribagh	151	704	1549	222	75	233	154	117	0	147	0	198	21	2992	348	3121	237	3491
13	Jamshedpur	55	1270	363	1047	36	1128	608	1132	258	1044	158	1062	156	1242	655	895	318	716
14	Jamtara	39	173	58	164	5	204	60	163	2	190	124	198	7	224	41	201	15	202
15	Koderma	40	730	269	484	1	503	47	460	19	502	6	544	5	601	186	450	93	391
16	Latehar	35	253	64	215	7	235	137	116	21	313	31	306	22	280	43	281	60	264
17	Lohardaga	2	261	33	236	1	269	104	197	8	209	2	215	0	235	156	98	38	83
18	Pakur	32	236	96	168	8	170	96	86	8	100	0	116	11	149	60	96	14	109
19	Ranchi	46	5080	132	5171	69	5388	189	6354	188	6703	188	6930	282	6803	3457	3409	741	2315
20	Sahibganj	22	567	182	418	19	431	493	322	29	321	34	309	13	317	145	234	41	228
21	Seraikella	6	663	185	498	5	515	216	306	9	344	15	359	57	330	288	68	3	106
22	Simdega	5	156	36	120	13	118	4	127	9	125	7	122	4	135	113	35	11	37
	Total	853	17378	5904	13581	639	14332	3966	13601	772	15932	960	17347	1371	21508	8454	15185	3148	12840

REJUVENATING CRIMINAL JUSTICE SYSTEM

A number of initiatives have been taken pursuant to the direction of the Hon'ble the High Court to make the Criminal Justice System of all the District Courts more effective by passing necessary guidelines both in the **administrative** side and **judicial** side as under :

High Court of Jharkhand, Ranchi O R D E R

In view of the decision taken on 13th February, 2006 in relation to the Task Force Committee in each District and Sub Division, all Courts may be directed to undertake the process of establishing the Task Force Committee forthwith and before 22nd October, 2011.

**Sd/-
Chief Justice**

Dated, the 20th of September, 2011

Pursuant to the aforesaid order a letter was issued by the Registrar General directing all the Principal District Judges to take immediate steps to reconstitute and revamp task force for ensuring service of summons, execution of warrant of arrest and other processes issued against witnesses/accused and stakeholders in dispensation of criminal justice. The relevant letters are given below.

Letter No 827-48/Ad. Misc. dated 21.09.2011

(J.H.C.Sch.1-7)

From:

P.R.DASH

: Office-2481449

Registrar General Extn. - 116

High Court of Jharkhand, Ranchi Fax No.0651-2481116

No.827-48/Ad.Misc (Sl-36/06)

Dated: 21.09.2011

To

*All the Principal District & Sessions Judges
Of the State of Jharkhand including the
Judicial Commissioner, Ranchi.*

Sub: - Establishing of Task Force Committee in District & Sub-Divisions for service of summons, execution of warrant of arrest etc. issued against witnesses/accused forthwith and before 22nd October 2011.

Sir,

With reference to the subject matter noted above, I am directed to request you that the Court have been pleased to direct you to take the process of establishing the Task Force Committee in your Districts & Sub- Divisions for service of summons, execution of warrant of arrest etc. issued against witnesses/accused. The task Force Committee was to be set up in the following ways:

A Task Force Committee in each District and at Sub-Divisions be formed by the SP consisting of the Officer of the rank of DSP or Inspector as the SP may deem fit and proper, who will be heading the Committee, 2 or more Sub-Inspectors, 5 or more Constables depending upon the number of cases in the District and the Committee be assigned with the job of collecting summons / warrant of arrest / process u/c 82/83 Cr.P.C. etc. from either the office of Public Prosecutor or Assistant Public Prosecutor and the DSP / Inspector shall see the each summon is served or warrant of arrest be executed against the witnesses / accused and execution report be submitted to the Courts concerned.

The SP may hold the Inspector responsible for non-service of the summon or execution of warrant of arrest against the witnesses or the accused. In case of failure on the part of the Task Force Committee, the Court concerned either himself or through the Sessions Judges may bring to the notice of the SP so that the SP may take appropriate steps against the person responsible for non-serving the summon or non-executing the warrant of arrest against the witnesses or the accused.

I am therefore, request you to submit the compliance report to this Court before 22nd October 2011.

Encls:-A copy of letter No.54-75/
Admn. Misc. dated 13.02.2006

Yours Faithfully
sd/-
Registrar General

Letter No.54-75/Ad. Misc. dated 13/14.02.2006

(J.H.C.Sch.1-7)

From:

Rakesh Ranjan Prasad*
Registrar General
High Court of Jharkhand, Ranchi

: Office-2481449 (O)
2413659 (R)
Fax : 0651-2481116

No.54-75/Ad.Misc.

Dated: 13th February 2006
14th

To

All the District & Sessions Judges of the
State of Jharkhand including the
Judicial Commissioner, Ranchi.

Sub: Constitution of Task Force Committee in District and Sub-Divisions for service of summon, execution of warrant of arrest etc. issued against witnesses/accused

Sir,

It is a matter of general experience that due to lackadaisical approach of the prosecuting agency towards administration of justice, criminal trials suffer setback on account of non-examination of the witnesses particularly I.O. and Doctor which ultimately proves to be fatal for the prosecution. It is also the matter of common experience that inspite of all endeavours being taken by the

trial court, summons or warrant of arrest issued against the accused/witness for securing their appearance are being not executed as a result of which even old cases remain pending for long.

Considering it to be high time to evolve some mechanism so that the problem relating to non-service or non-execution of the summon or warrant of arrest issued against accused/witness, as the case may be, be overcome, the Court have decided that a Task Force Committee in each District and at Sub Divisions be formed by the Superintendent of Police consisting of the Officer of the rank of DSP or Inspector as the S.P. may deem fit and proper, who will be heading the Committee, two or more Sub-Inspectors and five or more Constables depending upon the number of cases in the district. The Committee would be assigned with the job of collecting summons/ warrant of arrest/ processes u/s. 82/83 Cr.P.C. etc. issued by the Court of Sessions from the Office of Public Prosecutor and in case of warrant triable from the office of Assistant Public Prosecutor and the DSP/Inspector shall see that the summon is served or warrant of arrest be executed against the witnesses/accused through the personnel of the Committee and execution report be submitted to the Courts concerned. The S.P. may hold the Inspector responsible for non-service of the summon or execution of warrant of arrest against the witnesses or the accused.

In the case of failure on the part of the Task Force Committee, the Court concerned either himself or through the Sessions Judges may bring to the notice of the S.P. so that the S.P. may take appropriate action against the person responsible for non-service of the summon or non-execution of the warrant of arrest issued against the witnesses or the accused.

I am, therefore, directed to request you to take up the matter with the S.P. for constituting Task Force Committee for the purpose, as aforesaid. After the Task Force Committee is constituted, you are requested to communicate its composition.

Yours faithfully,
Sd/-
Registrar General

Apart from this the Hon'ble Chief Justice issued directions to all Judicial Magistrate in the state of Jharkhand to see compliance of the provisions for supply of the copy of the documents or allow inspection as the case may be to the accused persons without any delay in WP (Cr.) No. 01 of 2012 vide order dated 13.01,2012 and the copy of the order is as under :

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.)No. 01 of 2012

1. Kripanandan Prasad
 2. Ashok Kumar Sinha
 3. Gulshan Kumar
- ... Petitioners

Versus

The State of Jharkhand and others

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Petitioners : M/s Hemant Kumar Shikarwar

For the State : J.C. to A.A.G.

Order No.03

Dated 13th January, 2012.

Office defects are ignored.

Heard learned counsel for the petitioners and the learned counsel for the State.

It is very shocking that in a criminal case of the year 1998, even after arguing at length, for getting the order of discharge and obtaining the order dated 14.12.2005, according to learned counsel for the petitioners, on 21.12.2011, they moved for the first time an application complaining that they have not been provided with the police papers and thereafter he went on submitting applications before the Trial Court, their applications have not been decided by the Trial Court and police papers have not been supplied to them.

The grievance of the petitioners is that police papers have not been supplied to them. If it is so, then the Trial Court shall ensure the supply of the police papers to the petitioners accused without any further delay and in case, the prosecution fails to supply the police papers, the matter be reported to the Director General of Police, Jharkhand who may take departmental action against the persons who failed to supply the requisite documents to the accused.

Learned counsel for the petitioners prayed that the case may be transferred from the Court of learned Additional Sessions Judge-II, Dhanbad to any other Court.

Learned counsel for the State submitted that initially this case was pending in the Court of Sessions at Bokaro which was transferred by the order of this Court to the Court of Additional Sessions Judge, Dhanbad where now the case is pending.

It appears that neither the trial Court has taken care to proceed in the criminal case registered in the year 1998 nor the prosecution have shown any interest.

Sections 207 and 208 Cr.P.C. clearly provides for supply of a copy of the documents mentioned in those sections, to the accused. However, it is provided in the said Section that if the Magistrate is satisfied that any such document referred to in clause(v) of Section 208 Cr.P.C., is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.

Be that as it may, it is the duty of the Magistrate under Sections 207 and 208, Cr.P.C. to comply with the provisions of Sections 207 and 208, Cr.P.C.

Since it is the case of the writ petitioners that they have not been supplied the police papers and other such documents as required under Sections 207 or 208, Cr.P.C. even on demand, it is prima-facie, unbelievable in view of the fact that the petitioners themselves are by profession Advocates and even argued for their discharge before the Court of Additional Sessions Judge and that stage comes

much after the compliance of Section 208 Cr.P.C. by the Magistrate. But it is appropriate to issue direction to all the Court of the Magistrate, in the entire State of Jharkhand to see compliance of the provisions for supply of copy of the documents or allow inspection, as the case may be, to the accused persons without any delay. In case, the documents are not supplied then the concerned Magistrate may inform the concerned Superintendent of Police.

In this case, the trial Court is directed to proceed with the trial expeditiously without any further delay and shall decide the criminal case by or before 30th June, 2012.

A copy of this order be sent to the trial Court forthwith and the petitioners' prayer for transfer of the case to other Court, is hereby rejected in view of the delay already caused in the trial and the allegations having no subsistence as levelled against Presiding Officer.

Sd/-
(Prakash Tatia, C.J.)

In addition to the above, the relevant extract of order dated 18.01.2012 from para 15 to 23 in W.P. (PIL) 858 of 2009 is as under:

IN THE HIGH COURT OF JHARKHAND, RANCHI.
W.P.(PIL) No. 858 of 2009

Citizens' Cause Petitioner.

Versus

The State of Jharkhand and Ors. Respondents

CORAM :- HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P.P.BHATT

For the Petitioner : Mr. M.S.Anwar, Sr. Advocate

For the State : Mr.R.R. Mishra G.P.II

Order No. 34

Dated 18th January, 2012

15. The learned counsel for the State has submitted that substantially in large number of vigilance cases, challans have been submitted but it has come to the notice of this court that there is general practice in the State of Jharkhand of not following the provisions of Sections 207 and 208 of the Code of Criminal Procedure, 1973 nor the police submits the police report and complete documents on completion of investigation as required under Section 173 of Cr.P.C. which requires not only submitting the report in the prescribed format as provided under sub-section (2) of Section 173 Cr.P.C. but it requires forwarding of all the documents or relevant extract thereof on which the prosecution proposed to rely including the statements recorded under Sections 161/164 of Cr.P.C. of all the persons to whom the prosecution proposed to produce as its witness, subject to exception as given under sub-section (6) of Section 173 of Cr.P.C. It has come to the notice, that sub-section (5) of section 173 of Cr.P.C. is normally not complied

with and complete set of the documents and the statements recorded under Section 161 of Cr.P.C. are not submitted in trial courts and are being kept by the police which is in violation of sub-section (6) of Section 173 of Cr.P.C. Because of this reason only, the court is required to call for the case diary for the purpose of taking any further step including even for hearing the arguments on framing of charges and only the report, as provided in sub-section (2) of Section 173 of Cr.P.C. alone is forwarded to the Sessions court for sessions trial without there being any of the documents, referred in sub-section(5) of Section 173 of Cr.P.C. and even the statement of the witnesses resulting into waiting of the police papers by the Sessions Court.

16. Section 207 of Cr.P.C. provides for supply of copy of the police report and other documents to accused when proceeding has been instituted on a police report and section 207 Cr.P.C. clearly mandates that such report and documents shall be furnished to the accused without any delay, free of cost. Section 208 of Cr.P.C. also provides supply of copies of the statements and documents to the accused in case instituted otherwise than on police report and triable by court of Sessions. It is essential to quote the sections 207 and 208 of the Cr.P.C. :-

"207. Supply to the accused of copy of police report and other documents.- In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:-

- (i) the police report;*
- (ii) the first information report recorded under section 154;*
- (iii) the statements recorded under sub-section (3) of section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under sub-section (6) of section 173;*
- (iv) the confessions and statements, if any, recorded under section 164;*
- (v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (5) of section 173:*

Provided that the Magistrate may, after perusing any such part of a statement as is referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused:

Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.

208. Supply of copies of statements and documents to accused in other cases triable by Court of Session.- Where, in a case instituted otherwise than on a police report, it appears to the Magistrate issuing process under section 204 that the offence is triable exclusively by the Court of Session, the Magistrate shall without delay furnish to the accused, free of cost, a copy each of the following:-

- (i) the statements recorded under section 200 or section 202, or all persons examined by the Magistrate;
- (ii) the statements and confessions, if any, recorded under section 161 or section 164;
- (iii) any documents produced before the Magistrate on which the prosecution proposes to rely;

Provided that if the Magistrate is satisfied that any such document is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court."

17. It is strange that in spite of having statutory provision and right of the accused to get all police papers, including police report, copy of FIR, statements recorded under section 161(3) Cr.P.C. subject to exception under sub-section(6) of Section 173 and all relevant documents, the same are not provided to the accused resulting into filing of the writ petitions before this court wherein only prayer made by the petitioner-accused is that he may be provided the copies of the above referred documents. The courts should not confuse by sub-section(7) of Section 173 Cr.P.C. which provides the words "where the police officer investigating the case finds it convenient" is not arbitrary discretion of police officer in the matter of supply of copies of the documents referred in Sections 207 and 208 of Cr.P.C. Further it is right of an accused to know what evidence prosecution is relying upon. At the same time the report sent by a police station and the documents referred in sub-sections under section 173 are submitted to the court, they became court record which itself cannot be given to anybody including the public prosecutor for his use. Therefore, one complete such set is required to be given to public prosecutor also.

18. In view of the above, we direct the Director General of Police of the State of Jharkhand to see that Sections 172, 173, 207 and 208 of Cr.P.C. be complied with strictly and whenever the challan is filed in the court of Magistrate that must be filed with the documents as referred under section 173 of Cr.P.C. which have already been referred to above, at the time of filing of the challan. The copy of the police report and other documents as referred under sections 207/208, be provided to the accused, free of cost. In case of non-compliance of Sections 173, 207 and 208 of Cr.P.C., the trial court will be free to refuse to accept the challan with note on the police report or in order sheet that the documents are not complete and in that situation, the Investigating Officer and the State Government shall be responsible for serious consequences which may occur. Every police officer making an investigation shall maintain case diary separately as is required under section 172 of Cr.P.C..

19. Section 172 Cr.P.C. is also very important to note the difference between the "case diary" and challan (police report) and the documents mentioned in section 173 Cr.P.C. Section 172 Cr.P.C. is as under :-

“172 Cr.P.C. Diary of proceeding in investigation -(1)Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(1A) The statements of witnesses recorded during the course of investigation under section 161 Cr.P.C. shall be inserted in the case diary.

(1B) The diary referred to in sub-section (1) shall be a volume and duly paginated

(2) Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.

(3) Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the court ; but, if they are used by the police officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of section 161 or section 145, as the case may be, of the Indian Evidence Act 1872 (1) of 1872), shall apply.”

In view of section 172 Cr.P.C. every police officer making an investigation is required to maintain “case diary” in addition to recording every event of the case , he is required to “insert” statement of witnesses recorded under section 161. Sections 172 and 173 made it clear that original statements under sections 161 will be submitted to the court and it's copies will be in the case diary.

20. We are further making it clear that “case diary” of proceedings in investigation is required to be maintained under Section 172 of Cr.P.C. and it is a duty of the police officer, making any investigation, that he, day to day enters his proceedings of the investigation in a diary, setting forth the time at which the information reached him, the place or places visited by him, and the statement of circumstances ascertained through his investigation and it further requires the statement of witnesses recorded during the course of investigation under section 161 of Cr.P.C. shall be inserted in the case diary. It is clearly mentioned in sub-section (1A) of Section 172 of Cr.P.C. that the statements of witnesses recorded during course of investigation under section 161 of Cr.P.C. shall be inserted in the case diary which clearly indicates that second set of statements under section 161 Cr.P.C. are recorded on separate sheet and its copy remained in the case diary. Sub-section (2) of Section 172 of Cr.P.C. is very relevant which clearly declares that such diaries shall not be evidenced in the case but to aid it in such inquiry.

21. We are making further more clear, that this order is required to be complied with all seriousness by the prosecution agency and the lapses on the part of the

prosecution which may be treated to be deliberate disobedience of this court's order.

22. All the courts, competent to receive the police report and challans, are directed to comply Sections 173,207 and 208 of Cr.P.C.

23. The copy of this order(Para 15 to 23) be circulated to all the courts in the entire State of Jharkhand and the copy of this order be sent to the Director General of Police, State of Jharkhand for issuing instructions to all police stations to follow the directions referred above and comply with sections 172,173,207 and 208 Cr.P.C.

Sd/-
(Prakash Tatia, CJ)
(P.P.Bhatt, J)

In tune with the aforesaid categorical order, Hon'ble Mr. Justice D.N. Patel, Judge Jharkhand High Court passed a forceful judicial order dated 16.12.2011 in B.A. No. 6931 of 2011 to ensure timely and Logical Conclusion of the Criminal Trial and the said order is as under.

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 6931 of 2011

Mahendra Sao @ Mahendra Saw Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE D.N. PATEL

For the Petitioner : Mr. Prashant Kumar Singh, Advocate

For the State : A.P.P.

03/Dated: 16th December, 2011

1. Learned counsel for the petitioner submitted that the petitioner is praying for grant of bail under Section 439 of the Code of Criminal Procedure, 1973 and submitted that the last witness was examined before the concerned trial court in the month of August 2010. Only two witnesses are left out, one is the Investigating Officer and another is family member of the deceased.

2. This Court has called the earlier Investigating Officer of the present case, namely, Shri Satya Narayan Jha, S/o Late Dinanath Jha, Sub-Inspector, Ormanjhi Police Station, Dist.- Ranchi and he is present in the Court.

3. It is misfortune of the State of Jharkhand that the Investigating Officers are not summoning, in time. All care should have been taken by the Secretary, Home Department, State of Jharkhand, Ranchi that the Investigating Officers must be issued summons much in advance so that they can be examined in the concerned criminal trial cases. In several cases, the Investigating Officers are not being examined in the State of Jharkhand and because of their non-examination, contradiction and omission in the depositions of the prosecution witnesses could

not be proved. It should be kept in mind by the Secretary, Home Department, State of Jharkhand, Ranchi, in the facts of the present case, that why this Investigating Officer was not issued summon, in time. Necessary notices will be issued by the Secretary, Home Department to the erring police officer(s). It is conveyed by learned A.P.P. of this Court that 12th January, 2012 is the date fixed for examination of the Investigating Officer/prosecution witnesses. From one year, the Investigating Officer has not been examined. This is thoroughly a lethargic approach of the State of Jharkhand. It is a duty vested in the Secretary, Home Department to see that all care should have been taken for issuance of necessary summons upon the Investigating Officers and the Investigating Officers remain present for their examination. They cannot avoid their examination as a prosecution witness. This type of attitude of the Investigating Officer to remain away from the Court, cannot be tolerated. They are getting salary or pension from the State of Jharkhand. The Secretary, Home Department should stop salary or pension of the erring officer(s), those who are the Investigating Officers, if need arises. The Secretary, Home Department, shall file his affidavit in this matter, on or before the next date of hearing on the point that since last one year, why the Investigating Officer is not examined and who is at fault and whether the police officer-in-charge of this case has ever brought to the notice of the concerned trial court or not.

4. The matter is adjourned to be listed on 13th January, 2012.

**Sd/-
(D.N. Patel, J.)**

In pursuance of the aforesaid order the Department of Home, State of Jharkhand issued direction to all the Deputy Commissioners and Superintendents of Police to take all necessary steps in time to ensure timely justice. The said direction of the Home Department was issued under a letter vide पत्र संख्या-3 / विविध- 18(22)2011. 841 dated 23.02.2012 as under :

पत्र संख्या-3/विविधा-18(22)2011-841

झारखण्ड सरकार,
गृह विभाग।

प्रेषक,

जे० बी० तुबिद,
सरकार के प्रधान सचिव।

सेवा में,

सभी उपायुक्त, झारखण्ड।
सभी पुलिस अधीक्षक, झारखण्ड।

राँची, दिनांक 23/02/2012 ई०.

विषय - विचारण न्यायालय (ट्रायल कोर्ट) में गवाहों का ससमय परीक्षण के संबंध में।

उपर्युक्त विषय के संबंध में प्रायः यह देखा जा रहा है कि विचारण न्यायालयों में आपराधिक मामलों के विचारण के दौरान, गवाहों (Prosecution Witnesses-सरकारी एवं गैर सरकारी) विशेषक अनुसंधानक एवं चिकित्सक की गवाही ससमय नहीं होने के कारण मामलों के निष्पादन में विलम्ब होता है। अभियुक्तों के जमानत से संबंधित कई मामले माननीय उच्च न्यायालय के समक्ष भी दायर किए जाते हैं। माननीय उच्च न्यायालय द्वारा गृह विभाग को गवाहों की उपस्थिति सुनिश्चित कराने संबंधी निदेश के साथ प्रत्येक मामले में प्रतिशपथ-पत्र दायर करने का आदेश प्राप्त हो रहा है। माननीय उच्च न्यायालय द्वारा गवाह विशेष रूप से अनुसंधानक पदाधिकारी एवं चिकित्सा पदाधिकारी की उपस्थिति ससमय नहीं होने पर सभी अप्रसन्नता व्यक्त करते हुए अनुसंधानक एवं अन्य सरकारी गवाहों के विरुद्ध दण्डात्मक कार्रवाई का आदेश दिया जा रहा है। इस संबंध में बी०ए० नं०-6391/2011 (The correct B.A.No.is 6931/2011) महेन्द्र साव बनाम राज्य सरकार में माननीय उच्च न्यायालय द्वारा निम्न आदेश पारित किया गया है-

"..... It is misfortune of the State of Jharkhand that Investigating Officers are not summoning in time. All care should have taken by the Secretary Home Department The Secretary Home Department should stop salary or pension of the erring officers....."

इसी प्रकार अनेक वादों में माननीय उच्च न्यायालय द्वारा ससमय गवाही नहीं होने के कारण संबंधित अनुसंधानक पदाधिकारी/कर्मचारी के विरुद्ध कार्रवाई करने का आदेश दिया गया है।

2. माननीय न्यायालय द्वारा पारित आदेशों एवं ससमय गवाहों की उपस्थिति नहीं होने के कारण यह आवश्यक हो गया है कि इस संबंध में एक मार्ग निर्गत किया जाय। विचारोपरान्त निम्न मार्ग निर्देश दिया जाता है :-

(i) जिला/अनुमण्डल न्यायालयों से निर्गत नोटिस/सम्मन/जमानतीय अथवा गैर जमानती अधिपत्र का तामिला कराने की जिम्मेवारी सम्बन्धित जिला के पुलिस अधीक्षक की होती है। तदनुसार प्रत्येक जिला के पुलिस अधीक्षक इस कार्य हेतु एक नोडल पदाधिकारी नियुक्त करेंगे जो सम्बन्धित जिला/अनुमण्डल के न्यायालयों/जिला एवं अनुमण्डल/अभियोजन कार्यालय/लोक अभियोजक से प्राप्त सम्मन/नोटिस/वारंट का तामिला हेतु तत्काल कार्रवाई सुनिश्चित करेंगे। जिला स्तर पर पुलिस अधीक्षक कार्यालय द्वारा पूरे जिला में पदस्थापित पुलिस कर्मियों का पूरा नाम, वर्तमान पदस्थापन तथा अगर सेवा निवृत्त हो गये हो तो उनके पत्रचार का पूरा पता, कम्प्यूटराईज्ड डाटा बेस में रखा जाएगा एवं इसमें फेर बदल होने पर डाटा अप-टू-डेट किया जाएगा।

(ii) प्रत्येक अनुसंधानक पदाधिकारी (सहायक अवर निरीक्षक से लेकर पुलिस उपाधीक्षक स्तर तक) का एक Digital Identification Number होगा। इस सम्बन्ध में आवश्यक कार्रवाई महानिदेशक एवं पुलिस महानिरीक्षक द्वारा किया जाएगा। महानिदेशक एवं पुलिस महानिरीक्षक कार्यालय द्वारा पूरे राज्य के सहायक अवर निरीक्षक, अवर निरीक्षक, पुलिस निरीक्षक, पुलिस उपाधीक्षक जो अनुसंधानक हो सकते हैं, उनका पूरा नाम, वर्तमान पदस्थापन, Digital Identification Number तथा अगर सेवा निवृत्त हो गये हो तो पत्राचार का पूरा पता का डाटा बेस बनाकर अपने वेबसाईट पर डालेंगे एवं इसमें फेर बदल होने पर डाटा अप-टू-डेट किया जाएगा। इस संबंध में संबंधित जिला के पुलिस अधीक्षक का यह दायित्व होगा कि वे विशेष रूचि लेकर दूरभाष/विशेष दूत अथवा अन्य माध्यमों से सीधे महानिदेशक एवं पुलिस महानिरीक्षक कार्यालय से सम्पर्क कर ऐसे गवाहों की उपस्थिति सुनिश्चित करावें। अनुसंधान पदाधिकारी प्रत्येक

काण्ड की काण्ड-दैनिकी एवं आरोप पत्र में अपना पूरा नाम एवं Digital Identification Number स्पष्ट रूप से अंकित करेंगे।

(iii) अनुसन्धानक पदाधिकारी की सेवा निवृत्ति के समय सक्षम पदाधिकारी द्वारा काण्ड की सूची तैयार की जायेगी जिसमें वे गवाह हैं। अनुसन्धानक का स्थायी एवं पत्राचार पता प्राप्त कर लेंगे। यह भी सूचना संकलित किया जाएगा कि किन काण्डों में उनकी गवाही हो गई है और लम्बित है।

3. (क) अनुसन्धानक एवं पुलिस प्रशासन से संबंधित गवाहों की उपस्थिति की पूर्ण जवाबदेही जिला के पुलिस अधीक्षक की होगी। उनका यह कर्तव्य होगा कि ससमय ऐसे गवाहों की उपस्थिति सुनिश्चित करावें। यदि ऐसे गवाह उक्त जिला से बाहर स्थानान्तरित हो गए हों या उनके विषय में पता नहीं चल रहा हो तो इसके लिए महानिदेशक एवं पुलिस महानिरीक्षक कार्यालय, राँची से अविलम्ब सम्पर्क करेंगे।

(ख) पुलिस प्रशासन से भिन्न अन्य विभागों (यथा स्वास्थ्य विभाग के चिकित्सक आदि) के सरकारी गवाहों की उपस्थिति के लिए पुलिस अधीक्षक जिम्मेदार होंगे। यदि ऐसे गवाह जिला से बाहर हो तो वह संबंधित विभाग/कार्यालय के सचिव/विभागाध्यक्ष से सीधे सम्पर्क करेंगे। संबंधित प्रशासी विभाग की जवाबदेही होगी कि ऐसे गवाहों को शीघ्र नोटिस/सम्मन तामिला करायेगें एवं गवाही सुनिश्चित करायेगें। अगर ऐसे पदा/कर्म/ इसके बावजूद गवाही के लिए उपस्थित नहीं होंगे तो पुलिस अधीक्षक, उपायुक्त के माध्यम से इनके विरुद्ध कार्रवाई की अनुशांसा प्रशासी विभाग को करेंगे एवं इसकी सूचना निदेशक अभियोजन/गृह विभाग को देंगे।

निदेशक अभियोजन/गृह विभाग को सूचना मिलने पर गृह विभाग के स्तर से अनुशासनिक कार्रवाई की अनुशांसा प्रशासी विभाग को की जायेगी।

(ग) ऐसे मामले जिसमें अन्य प्राईवेट/स्वतंत्र गवाह हैं के उपस्थिति की जिम्मेवारी भी पुलिस अधीक्षक की होगी।

4. जिला/अनुमण्डल न्यायालयों द्वारा निर्गत सम्मन/वारंट/तथा जिला/अनुमण्डल अभियोजन कार्यालय एवं लोक अभियोजक द्वारा निर्गत नोटिश आदि के तामिले का अनुश्रवण पुलिस अधीक्षक द्वारा लोक अभियोजक के साथ मासिक बैठक में की जाएगी। प्रत्येक जिला के प्रभारी लोक अभियोजक द्वारा स्वयं अथवा नोडल लोक अभियोजक द्वारा पुलिस अधीक्षक की मासिक समीक्षा बैठक में भाग लिया जायेगा।

5. उपर्युक्त मार्ग निर्देश से स्पष्ट होगा कि विचारण न्यायालय में गवाहों की उपस्थिति की मूल जिम्मेवारी जिला के पुलिस अधीक्षक की होगी। महानिदेशक एवं पुलिस महानिरीक्षक कार्यालय राज्य स्तर पर आवश्यक समन्वय का कार्य करेगा। निदेशक अभियोजन/गृह विभाग के स्तर पर मामलों का अनुश्रवण किया जाएगा एवं आवश्यकतानुसार प्रशासनिक एवं विधि विभाग से मंतव्य प्राप्त कर वैधिक मार्ग निर्देश दिए जायेंगे।

उपर्युक्त मार्ग निर्देश का अनुपालन सख्ती से किया जाय।

विश्वासभाजन

ह0

अर्जुन/-

सरकार के प्रधान सचिव

ज्ञापांक-841

राँची, दिनांक 23/02/2012 ई०.

प्रतिलिपि- सभी प्रधान सचिव/सचिव/सभी विभागाध्यक्ष, झारखण्ड/महानिदेशक एवं पुलिस महानिरीक्षक, झारखण्ड/सभी प्रक्षेत्रीय उप महानिरीक्षक, झारखण्ड/महानिबंधक/महाधिवक्ता, झारखण्ड उच्च न्यायालय, राँची/सभी प्रभारी लोक अभियोजक/सभी सहायक लोक अभियोजक, झारखण्ड को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०

सरकार के प्रधान सचिव

ज्ञापांक-841

राँची, दिनांक 23/02/2012 ई०.

प्रतिलिपि- सभी जिला एवं सत्र न्यायाधीश, झारखण्ड को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०

सरकार के प्रधान सचिव

The other day Hon'ble the High Court issued an order to monitor *in a meaningful manner* the newly constituted Task Force Committee in all districts of Jharkhand

**High Court of Jharkhand, Ranchi
ORDER**

In course of going through the appraisal of case management in Subordinate Courts and having conferences with Principal District Judges and other Judicial Officers through Video Conferencing, it has been noticed that although, pursuant to the directions issued by the High Court, new Task Force Committee has been re-constituted in each district, but, there is a need to keep a track record of service of summons and processes etc in all the cases. In order to ensure the effectiveness of the said Task Force Committee, all the Principal District Judges including the Principal Judicial Commissioner are directed to ensure that a proper Register is maintained by each Court in their respective Judgeships in respect of service of summons and processes in all cases and in case of non-receipt of service report of various summons, processes etc., the same be maintained in such register and an intensive follow up action be taken up in such cases to ensure speedy justice.

**Sd/-
Chief Justice**

Dated, the 24th of April, 2012

MISSION MODE PROGRAMME

MISSION MODE PROGRAMME

As we know, Government of India has set up a National Mission for Justice Delivery & Legal Reforms with the objectives of (i) increasing access by reducing delays and arrears in the system; and (ii) enhancing accountability through structural changes and by setting performance standards and capacities; and in this regard, initiative was taken under 13th Finance Commission as a Mission Mode Programme for reduction of pendency in Courts from 1st July, 2011 to 31st December, 2011.

The command of Mission Mode Programme has been taken by High Court and to monitor intensively following letters were issued :

(J.H.C.Sch. 1-7)

*: Office 0651-2413025
Fax No. -- 0651-2481116*

From :

*Ambuj Nath
Registrar (Administration)
Jharkhand High Court,
Ranchi*

File No. M.M XXII(50)/1/11/Apptt.

*Letter No: 18085 -18106 /Apptt.
Dated 14.10.2011*

*Read with
Letter no 18184-205/Apptt.
Dated 17.10.2011*

To

*All the Principal District & Session Judges
including the Judicial Commissioner, Ranchi.*

Sir,

I am directed to inform you that while considering over implementation of Mission Mode Programme for reduction of Pendency of cases in the State of Jharkhand in accordance with 13th Finance Commission recommendation the Hon'ble Monitoring Committee of High Court have been pleased to resolve that:-

(i) All the cases of petty nature covered by Section 206(2) Cr. P.C. Pending for more than one year shall be disposed of under the provisions of Section 258 Cr. P.C. within a month. The compliance report should be submitted to this Court by the concerned Principal District Judges.

(ii) Long pending cases of more than ten years at the stage of argument and for recording of statement under Section 313 Cr. P.C may be disposed of on priority basis by day to day hearing within a month. The District Judges shall supervise the progress of these cases and submit compliance report to this Court. All the cases pending for more than 10 years which are at the stage of evidence shall be expedited and preferably concluded by December, 2011. The progress report of these cases should be submitted by the concerned Principal District Judges every month. The cases falling in these categories may not be transferred from the Court where they are pending on the date of receipt of communication on this behalf.' for taking necessary action.

(iii) The Committee further recommends that priority should be given to the Trial of Cases relating to Sr. Citizens, Minors, Disabled and Marginalised Groups. Top priority should also be given to the trial of cases in which the accused persons are in custody. The Principal District & Sessions Judge shall supervise the progress of the aforesaid cases and submit monthly report regarding the progress of trial.

I am therefore directed to request you to take necessary steps in the matter treating the matter as most urgent.

Yours faithfully,
Sd/- Ambuj Nath
Registrar (Administration)

Further in order to appraise the progress of Mission Mode Programme for reduction of pendency of cases under the recommendation of 13th Finance Commission the following letter with the desired format was issued to all the principal district Judges of Jharkhand.

(J.H.C.Sch. 1-7)

: Office 0651-2481449
Fax No.--0651-2481116

From :

AMBUJ NATH
Registrar (Administration)
Jharkhand High Court,
Ranchi.

File No. P.F M.M XXII (50)/1/11/Apptt.

Letter No:19713-34 /Apptt.

Dated 14.12.2011

To

All the Principal District Judges of Jharkhand,
including the Judicial Commissioner, Ranchi.

Sir,

In continuation to this Court's Letter No.18085-18106/Apptt dated 14.10.2011 and Letter No.18184-205/Apptt. dated 17.10.2011, I am to say that as you all are aware that on recommendations of 13th Finance Commission, the High Court is also implementing Mission Mode Programme for reduction of Pendency of cases in the State of Jharkhand. Till completion of the campaign period of Mission Mode Programme, the progress report has to be sent at the end of every month to the Secretary, Ministry of Law & Justice (Department of Justice) regarding disposal of cases falling in the category of Petty nature, Long pending more than 10 years, Sr. Citizen, Minors, Disabled and Other Marginalized Groups (SC/ST/Women).

I am therefore, to request you to send the disposal/Pendency report in the following format at the end of every month till completion of the campaign period.

Name of Judgeship:-.....

<i>Sl. No.</i>	<i>Nature of Cases</i>	<i>Pendency on 1st Day of Month</i>	<i>Pendency on the last Day of Month.....</i>	<i>Disposal during the month.....</i>
1.	<i>Cases of Petty Nature of more than one year covered u/s 206 (2) Cr. P.C.</i>			
2 (i)	<i>Long pending cases of more than 10 years at the stage of argument and for recording of statement under Section 313 Cr. P.C.</i>			
2.(ii)	<i>Long pending cases of more than 10 years at the stage of evidence.</i>			
<i>Total</i>				

Name of Judgeship

<i>Sl. No.</i>	<i>Nature of Cases</i>	<i>Pendency on 1st Day of Month</i>	<i>Pendency on the last Day of Month.....</i>	<i>Disposal during the month.....</i>
1.	<i>Cases of Petty Nature of more than one year</i>			
2.	<i>Long pending cases of more than 10 years</i>			
3.	<i>Cases relating to Sr. Citizens</i>			
4.	<i>Cases relating to Minors,</i>			
5.	<i>Cases relating to Disabled</i>			
6.	<i>Cases relating to Marginalized groups (SC/ST/Women)</i>			
	<i>Total</i>			

Kindly treat it as Most Urgent and send report through Return Fax.

Yours faithfully,
Sd/-
Registrar (Administration)

INSTITUTION AND DISPOSAL OF CASES OF SUBORDINATE COURTS FROM APRIL 2011 TO APRIL 2012

The statistical figure received from the various districts about the disposal of cases under the Mission Mode Programme during the pendency reduction campaign from July 2011 to December, 2012 are as under:

Reduction of pendency in the campaign period

Sl. No.	Particulars	No. Of cases No. on 01.07.11 (a)	No. Of cases on 31.12.11 (b)	No. Of cases reduced C = a - b	% rate of reduction
1.	Pending cases more than one year and less than five years	162462	153427	9035	5.56
2.	Pending cases more than five years and less than ten years	62437	56287	6150	9.85
3.	Pending cases more than ten years	17537	15964	1573	8.97
4.	Total	242436	225678	16758	6.91

Disposal of cases pertaining to Marginalised Groups

Sl. No.	Particulars	No. Of cases No. on 01.07.11 (a)	No. Of cases on 31.12.11 (b)	No. Of cases reduced C = a - b	% rate of reduction
1.	Senior Citizens	3053	2396	657	21.52
2.	Minors	3406	3009	397	11.66
3.	Disabled	130	83	47	36.15
4.	Other Marginalised Group	19173	14833	4340	22.64

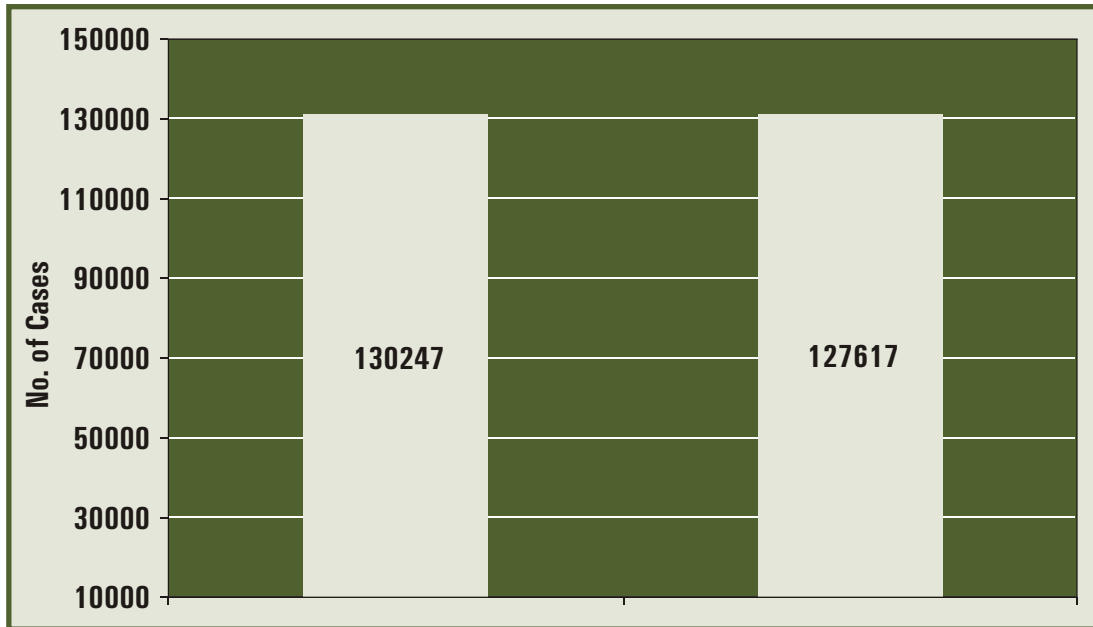
Undertrials

No. of Undertrials on instituted 01.07.11	No. of undertrials instituted 01.07.11 to 31.12.11	No. of Undertrials released/ discharged from 01.07.11 to 31.12.11	No. of Undertrials remaining on 31.12.11	& rate of reduction
12350	15562	15590	12322	0.23

**Statement showing institution, disposal and pendency of civil and criminal cases
from 1st April, 2011 to 31st March 2012
(Quarter-wise)**

Sl. No.	Period	CIVIL				CRIMINAL				Grand Total=Civil+Criminal			
		Opening Balance	Institution	Disposal	Pendency	Opening Balance	Institution	Disposal	Pendency	Opening Balance	Institution	Disposal	Pendency
1	01.04.2011 to 30.06.2011	52744	4300	3653	53391	241913	25267	21357	245823	294657	29567	25010	299214
2	01.07.2011 to 30.09.2011	53482	5400	5281	53601	245823	25395	27173	244045	299305	30795	32454	297646
3	01.10.2011 to 31.12.2011	53747	3868	2801	54814	238745	29708	31052	237401	292492	33576	33853	292215
4	01.01.2012 to 31.03.2012	58810	5464	4140	60134	239716	30845	32160	238401	298526	36309	36300	298535
	TOTAL		19032	15875			111215	111742			130247	127617	

Statement of institution, disposal of cases from April, 2011 to March 2012



Total Institution	130247
Total Disposal	127617

* Amended After Launching of the Report on 21.05.2012

**HUMAN
RESOURCE MANAGEMENT**

HUMAN RESOURCE MANAGEMENT

Since last two years, due to pendency of S.L.P.(C) [Srikant Roy versus the State of Jharkhand & Others] before the Hon'ble Supreme Court of India, wherein the dispute was regarding operationalisation of the roster in the Superior Judicial Service between Direct and Service Recruits, promotion in Superior Judicial Cadre was held up for 3 (three) years. Hon'ble High Court took active step by moving the Supreme Court in judicial side seeking permission to grant promotion to Judicial Officers and thereafter promoted Judicial Officers from the rank of Civil Judge (Senior Division) to the District Judge Cadre and also from the Bar Quota by holding exams and interviews.

(A) Statement of Appointment/Promotions made in Jharkhand State Judiciary since 01.04.2011

Sl. No.	Appointment	Promotion	Remark
1.	"08 Officers to the post of District and Additional Sessions Judge by direct recruitment from Bar.	(a) 06 from the rank of District & Additional Sessions Judge to the rank of Principal District Judge. (b) 31 + 17 = 48 from Civil Judge (Senior Division) to the rank of District and Additional Session Judge	*Notification in respect of 01 Officer out of 80 is still awaited from the end of the State Government.
2.	23 Probationer Civil Judge (Junior Division) in 2nd Phase	37 Civil Judge (Junior Division) to the rank of Civil Judge (Senior Division)	

(B) Statement of Notified Vacancies as on date in respect of Different Cadres of State Judiciary

Sl. No.	Cadre	No. of Vacancies Advertised	Date of Notification (in the website of the Court)	Remarks
1.	Superior Judicial Services	64 (by promotion) + 05 (Direct Recruitment)	22.03.2012	Vacancies till 31.12.2012
2.	Civil Judge (Junior Division)	98 (including future vacancies)	01.05.2012	Vacancies till 31.12.2012

(C) Statement of Officers of Probationer Civil Judge (Junior Division) who got posting in different Courts of different Judgeships in the State of Jharkhand after completion of induction Training Programme.

Sl. No.	Cadre	No. of Officers	Date of Notification	Remarks
1.	Probation Civil Judge (Junior Division)	64 (including 23 Officers as shown at (A) 02 The rest 41 Officers were appointed before 01.04.2011)	30.03.2012	w.e.f. 02.04.12 with Conferring the powers of J.M. 1 st Class

Further steps have been taken to fill up the remaining vacancies in the District Judge Cadre from Civil Judge (Senior Division) and also promotion to the rank of Civil Judge (Senior Division) from Civil Judge (Junior Division). Further, the Government has been moved for recruitment of 98 Civil Judge (Junior Division) through Jharkhand Public Service Commission.

This step has also instilled confidence and motivated the Judicial Officers for ensuring timely justice.

(D) Appointment of Personal Assistants and Stenographers

The process of appointment for the Personal Assistants in High Court and Stenographers in Subordinate Courts has commenced and the vacancy of both the posts in High Court and Subordinate Courts are likely to be filled up by 31st July, 2012.

(E) The Hon'ble Court observed that the cadre strength of the Subordinate Judicial Officers has not been ascertained after bifurcation of the united Bihar and in this regard, the Hon'ble Court has been pleased to constitute a Committee comprising the following Hon'ble Judges of the Court: -

- (i) Hon'ble Mr. Justice D.N. Patel**
- (ii) Hon'ble Mr. Justice R. R. Prasad**
- (iii) Hon'ble Mr. Justice H. C. Mishra**

(F) Appointment of Assistants in Subordinate Courts

With the appointment and posting of ministerial staff in the various District Courts of Jharkhand the crisis of adequate staff has been mitigated for smooth functioning of Courts. Following number of assistants have been appointed judgeship-wise as under :-

Sl. No	Name of Judgeship	Number of Assistants Appointed
1.	Bokaro	29
2.	Chatra	11
3.	Deoghar	19
4.	Dhanbad	21
5.	Dumka	05
6.	Jamshedpur	19
7.	Garhwa	07
8.	Giridih	29
9.	Godda	10
10.	Gumla	08
11.	Hazaribag	24
12.	Jamtara	00
13.	Koderma	00
14.	Latehar	04
15.	Lohardaga	12
16.	Pakur	11
17.	Palamau	09
18.	Ranchi	27
19.	Sahibganj	14
20.	Seraikella	03
21.	Simdega	08
22.	Chaibasa	24
	Total	294

**PROMOTING
THE ADR MECHANISM**

PROMOTING THE ADR MECHANISM

The High Court issued an order on 30.01.2012 in pursuance of the guidelines issued by the Hon'ble Supreme Court of India as under: -

ORDER*

In view of the direction issued by the Hon'ble Supreme Court in the case of Afcons Infrastructure Ltd. V. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24, it is ordered that every court shall form an opinion for a case that whether it is one that is capable of being referred to and settled through ADR process or not. Having regard to the tenor of provisions of Rule 1-A of Order 10 of the Code, the civil court should invariably refer cases to ADR process. Only in certain recognized excluded categories of cases, it may choose not to refer to an ADR process. Where the case is unsuited for reference to any of the ADR processes, the court will have to briefly record the reasons for not resorting to any of the settlement procedures prescribed under Section 89 of the Code. After completion of pleadings, to consider recourse to ADR process under Section 89 of the Code, is mandatory. However, actual reference to an ADR process in all cases is not mandatory. Where the case falls under an excluded category there need not be reference to ADR process. In all other cases reference to ADR process is a must.

In the light of the aforesaid decision of the Hon'ble Supreme Court, following categories of cases are normally considered suitable for ADR process:-

- (i) *All cases relating to trade, commerce and contract, including*
 - *disputes arising out of contracts (including all money claims);*
 - *disputes relating to specific performance;*
 - *disputes between suppliers and customers;*
 - *disputes between bankers and customers;*
 - *disputes between developers/builders and customers;*
 - *disputes between landlords and tenants/licensor and licensees;*
 - *disputes between insurer and insured;*
- (ii) *All cases arising from strained or soured relationships, including*
 - *disputes relating to matrimonial causes, maintenance, custody of children;*
 - *disputes relating to partition/division among family members/coparceners/co-owners; and*
 - *disputes relating to partnership among partners.*
- (iii) *All cases where there is a need for continuation of the preexisting relationship in spite of the disputes, including*
 - *disputes between neighbours (relating to easementary rights, encroachments, nuisance etc.);*
 - *disputes between employers and employees;*
 - *disputes among members of societies/associations/apartment owners' associations;*
- (iv) *All cases relating to tortious liability, including*
 - *claims for compensation in motor accidents/other accidents;*
 - *and*

(v) All consumer disputes, including

- Disputes where a trader/supplier/manufacturer/ service provider is keen to maintain his business/professional reputation and credibility or product popularity.

Following categories of cases are normally considered to be not suitable for ADR process having regard to their nature :-

- (i) Representative suits under Order 1 Rule 8 CPC which involve public interest or interest of numerous persons who are not parties before the Court. (In fact, even a compromise in such a suit is a difficult process requiring notice to the persons interested in the suit, before its acceptance).
- (ii) Disputes relating to election to public offices (as contrasted from disputes between two groups trying to get control over the management of societies, clubs, association, etc.).
- (iii) Cases involving grant of authority by the court after enquiry, as for example, suits for grant of probate or letters of administration.
- (iv) Cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion etc.
- (v) Cases requiring protection of courts, as for example, claims against minors, deities and mentally challenged and suits for declaration of title against the Government.
- (vi) Cases involving prosecution for criminal offences.

The above enumeration of "suitable" and "unsuitable" categorisation of case is not intended to be exhaustive or rigid. They are illustrative, which can be subjected to just exceptions or additions by the court/ tribunal exercising its jurisdiction/discretion in referring a dispute/case to an ADR process."

In the light of the directions issued by the Hon'ble Supreme Court, the Principal District Judge of the District is directed to circulate this order to all concerned to follow the decision of the Hon'ble Supreme Court and the cases which are suitable for ADR process, may be directed to be referred to Mediation Centres of the concerned districts as per section 89 of the Code of Civil Procedure.

Quarterly statement of making reference and settlement of cases be also sent in separate sheet along with the quarterly statement of statistics. Such reference and disposal by the Judicial Officer will be reflected in the Annual Confidential Report of the officer.

Dated : 30.01.2012

**Sd/-
Chief Justice**

* Pursuant to this order, the Registrar General of Jharkhand High Court issued order on 31.01.2012 vide order No.1/R&S dated 31st January, 2012 communicated vide Memo No.303/36 R&S dated 31st January, 2012.

TWO WINGS OF JHARKHAND HIGH COURT

❖ JUDICIAL ACADEMY



❖ JHARKHAND STATE LEGAL SERVICES AUTHORITY



JUDICIAL ACADEMY

The continuing Judicial Education is the need of the time and a necessity to pace with emerging legal and technological trends vis-à-vis to enhance the capabilities of individual Judges and also to sensitize them to perform optimally their duties and responsibilities.

1st Induction Training Programme

After the inception of Judicial Academy Jharkhand in the year 2002, an opportune moment came after a long in the year, 2011 when 64 Newly appointed Judicial Officers of Civil Judge (Junior Division) Cadre were nominated for one year Induction Course in Academy. After completing one year training successfully on 30th March, 2012, all the 64 officers have now been posted in different district courts. Under the 13th Finance Commission a huge sum (Rs. 8.26 Crores) has been provided for training of Judicial Officers and Prosecutors.

Refresher and Advancement Training Programme

Besides the above Induction Course of one year, the Academy, during the same period, has also conducted several Refresher courses and Orientation Courses for in- service Judicial Officers and also for the Public Prosecutors and Additional and Assistant Public Prosecutors of the High Court and Civil Courts. The Academy has further imparted computer training to Ministerial Staff of the Hon'ble Court and administrative training to the staff of Civil Courts of Jharkhand.

Through out the year different training programmes were organized and almost 518 Judicial Officers, 239 Public Prosecutors and Assistant Public Prosecutors were benefited. Induction Training Programme of one year was also organized.

A comprehensive chart is given, herein, below to show the different training programmes as part of continuing Judicial Education :-

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE	NO. OF PARTICIPANTS
March'2011 to March' 2012	Civil Judge, (Junior Division)	Induction Training Course of Newly Appointed Civil Judge Junior Division	1 year	6 th March 2011 to 30 th March 2012	64

For In-Service Judicial Officers

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE	No. of Participant
April'2011	Civil Judge Senior Division	Refresher Course on Appreciation of Evidence and Alternate Dispute Resolution	2 Days	16 th -17 th April	22
May'2011	Additional District Judges	Court Management ; Planning and Management for Timely Justice	2 Days	7 th -8 th May	17
	Chief Judges Magistrates	(i) Practical attendance Sessions of Post-Mortem ----Suspected Cases of Murder or Sexual Assault	2 Days	21 st -22 nd May	22
		(ii) Forensic Science - Medico-legal aspects of First day observation			
June' 2011	Civil Judges Senior Division	(i) Rent Control Act (ii) Appreciation of Evidence	2 Days	11 th -12 th June	19
July' 2011	Judicial Magistrates 1 st Batch	(i) Medical Jurisprudence (ii) Recording of Statement under section 313 Cr.P.C.	2 Days	16 th -17 th July	26
	Judicial Magistrates 2 nd Batch	Appreciation of Forensic Evidence	2 Days	30 th -31 st July	26
Aug' 2011	Judicial Magistrates 3 rd Batch	(i) Planning and Management for Timely Justice (ii) Framing of Charges	2 Days	20 th -21 st August	24
Oct' 2011	Principal Judges of Family Court	Settlement of Disputes under Family Courts Act and ADR	2 Days	15 th -16 th October	17
Nov'2011	Additional District & Sessions Judges cum Special Judges trying Prevention of Corruption Act Cases	(i) Special Criminal Enactments (ii) Appreciation of Evidence including Evidence recorded through Electronic Media	2 Days	26 th -27 th November	20
Dec' 2011	Civil Judges Junior Division Munsifs)	(i) Framing of Issues (ii) Rent Control Act (Specially	2 Days	17 th -18 th December	23
Jan' 2012	Secretaries of District Legal Services Authority	Role of DLSA in Providing Access to Justice to Marginalized People	2 Days	7 th 8 th January	22
	Incharge Mediation Centres of all the Districts	Tools and Techniques of Mediation	2 Days	21 st 22 nd January	22

Feb' 2012	Presiding Officers of Juvenile Justice Boards	Advancement Course on Juvenile Justice Act	2 Days	18 th -19 th February	22
March '2012	District Judges designated as Special Court	Refresher Training Course on Prevention of Atrocities against Scheduled Castes and Schedule Tribes Act, 1989 / The Protection of Civil Rights Act, 1955"	2 Days	24-25 March, 12	22

Prosecutors of Civil Courts

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE	No. of Participant
April, 2011	Public Prosecutors including Additional Public Prosecutors of Civil Courts 1 st Batch	Refresher Course on Forensic Science Theoretical vis-à-vis Practical aspects	2 Days	23 rd -24 th April	22
June ' 2011	Public Prosecutors including Additional Public Prosecutors of Civil Courts 2 nd Batch	Refresher Course on Forensic Science Theoretical vis-à-vis Practical aspects	2 Days	25 th -26 th June	22
July'2011	Public Prosecutors and Assistant Public Prosecutors	Refresher Course on Forensic & Cyber Crime	2 Days	7-8 July, 11	20
Aug' 2011	Public Prosecutors including Additional Public Prosecutors of Civil Courts 3 rd Batch	(i) Appreciation of Evidence including Evidence Recorded through Electronic Media. (ii) Appreciation of Forensic Evidence	2 Days	6 th 7 th August	22
	Public Prosecutors and Assistant Public Prosecutors	Refresher Training Course with Special Reference to Medical Jurisprudence and Criminal Trial	2 Days	27-28 August, 2011	20
Nov' 2011	Public Prosecutors including Additional Public Prosecutors of Civil Courts	(i) Practical attendance Sessions of Post-Mortem ----Suspected Cases of Murder or Sexual Assault (ii) Forensic Science - Medico-legal aspects of First day observation	2 Days	19 th 20 th October	22
Jan ' 2012	Public Prosecutors and Assistant Public Prosecutors	Refresher Training Course with Special Reference to Medical Jurisprudence and Criminal Trial	2 days	21-22 January, 2012	25
March ' 2012	Assistant Public Prosecutors	Refresher Training Course with Special Reference to Medical Jurisprudence and Criminal Trial	2 days	13-14 March, 2012	20
March ' 2012	Assistant Public Prosecutors	Refresher Training Course with Special Reference to Medical Jurisprudence and Criminal Trial	2 days	24-25 March, 2012	20

Prosecutors of High Court

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE	No. of Participant
April' 2011	Public Prosecutors including Additional Public Prosecutors of High Court	Workshop on Forensic Science (i) Appreciation of Age Certificate (ii) DNA Mapping (iii) Narco-Analysis	One Day	16 th April	10
June' 2011	Public Prosecutors including Additional Public Prosecutors of High Court	Refresher Course on Fire Arm and Explosive Substance	One Day	18 th June	09
Aug' 2011	Public Prosecutors including Additional Public Prosecutors of High Court	Practical attendance Session of Post Mortem and its Medico Legal Aspects.	One Day	6 th August, 2011	09
	Additional Public Prosecutors of High Court	Refresher Training Course with Special Reference to Medical Jurisprudence and Criminal Trial	1 day	27 th August, 2011	09
Jan' 2012	Public Prosecutors including Additional Public Prosecutors of High Court	Advancement Course on Prevention of Corruption Act		One Day January	14 th 09

Ministerial Staff of High Court and Civil Courts

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE	No. of Participant
July' 2011	Officers and Staff of High Court	Professional Advancement Course on High Court Rules with emphasis on Stamp Reporting	2 days	23-24 July	21

Conference on “Law and Morality : With Special Reference to Surrogacy”

A legal awareness conference on the subject “**Law and Morality : With Special Reference to Surrogacy**” was organized on **26th June, 2011** in presence of Hon'ble Mr. Justice B.S. Chauhan, Judge, Supreme Court of India, Hon'ble the Chief Justice and all Judges of the High Court, Judicial Officer, trainee Judges and students of National Law School, Ranchi.

Disseminating Knowledge

In achieving the mission of enhancing quality of Judicial Education among the Officers, every Judicial Officers of the state has been provided text books on different subjects like - C.P.C., Cr.P.C., Indian Penal Code, Evidence Act, Hindu Law, Contract and Specific Relief Act, Constitution, Local Acts, and Minor Acts.

The above books have been provided from the funds made available under 13th Finance Commission.

On-line Examination of Judicial Officers

The Academy has further added one feather in the list of achievements by conducting an “**On-line Examination**” for all the Judicial officers of the State right from the Officers of Civil Judge (Junior Division) to District Judges. Every Judicial Officer either sitting in his court chamber or in his house is appearing in the '**on-line examination**' either through their laptops or through the Desktop Computers by entering into the website of the Academy. The Academy has been conducting the said examination every month for the last more than one year. Every Judicial Officer of the State has created his own '**Login Id**' through which they have been appearing in the **On-line Examination**.

The Academy has developed its own website and besides other information, the Bio-Data of all the Judicial Officers of the State with their photographs have also been uploaded.

Visit of Judicial Officers Team in Five Best Practices States

Under the 13th Finance Commission provision has been made to send Officers to the five Best Practices State (Kerala, Bombay, Delhi, Andhara Pradesh & Tamil Nadu) to study how the Judicial Officers of those states are achieving higher rate of productivity and in compliance of that 20 Officers of every cadre i.e. 4 officers for each state were nominated and they visited those states. The team leader of all the five teams in consultation with their team members have submitted their respective reports which are under scrutiny in Judicial Academy, Jharkhand and suggestions on the basis of those reports will be submitted to the Hon'ble Court very soon.

The only shortcoming in the Judicial Academy is lack of its own infrastructure. The Hon'ble the Chief Justice-cum-Patron-in-Chief since the day of His Lordship's joining has been taking efforts to pursue the state government for construction of the Academy Building and only after His Lordship's efforts, the State Government has now accelerated the process and technical as well as administrative approval have now been granted for construction of the building. Under the 13th Finance Commission a sum of Rs. 15 Crores have been allocated for the development of infrastructure of the Academy and the Government of India has further agreed to divert another Rs. 15 crores (approx), which was earlier

allocated for heritage building under 13th Finance Commission, for the construction of the said building.

Under the constant and continuous guidance of Hon'ble the Chief Justice and the other two Hon'ble Members of the Governing Body, the Academy aims not only to provide specialized and advance courses to the Judicial Officers of the State but also to foster Judicial ethics, honesty and integrity. The Academy is set to follow the guidelines of Hon'ble the Supreme Court of India as well as the National Judicial Academy in **Continuing Judicial education**.

Besides the above, the Academy during the present Calendar of year 2012-2013, has already started conducting course which is as under :-

**Approved Academic Calendar for the year 2012-2013
(From 01.04.2012 to 31.03.2013)
JUDICIAL OFFICERS**

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE
April' 2012	Civil Judge (Junior Division) Magistrate excluding newly appointed Magistrates	Appreciation of evidence with special reference to forensic evidence & electronic evidence	2 Days	21-22 April
May'2012	Civil Judge (Senior Division)	1. Specific Relief Act Hearing under order 10, reference under order 10 Rule 1 (A) C.P.C. and Settlement of issues.	2 Days	5-6 May
	Higher Judicial Service (Newly Promoted)	Recording of statement under section 313 Cr.P.C. framing of charge and I.T.	2 Days	19-20 May
June' 2012	Civil Judge (Junior Division) Magistrate excluding newly appointed Magistrates	Appreciation of evidence with special reference to forensic evidence, electronic evidence And Pre-conception and Pre-natal Diagnostic Techniques Act, 1994	2 Days	2-3 June
	Higher Judicial Service (P.J.) Family Court	Settlement of Dispute under Family Courts Act And Timely disposal of matrimonial matters	2 Days	23-24 June
July' 2012	Civil Judge (Senior Division)	1. Specific Relief Act 2. Hearing under order 10, reference under order 10 Rule 1 (A) C.P.C. and Settlement of issues.	2 Days	7-8 July
	Higher Judicial Service	Techniques for quick disposal of motor Accident claim cases using summary procedure and I.T.	2 Days	28-29 July
Aug' 2012	Civil Judge (Junior Division) Munsif	Specific Relief Act 2. Hearing under order 10, reference under order 10 Rule 1 (A) C.P.C. and Settlement of issues.	2 Days	4-5 Aug.

Sept' 2012	Civil Judge (Junior Division) Magistrate excluding newly appointed Magistrates Higher Judicial Service	Appreciation of evidence with special reference to forensic evidence, electronic evidence And Pre-conception and Pre-natal Diagnostic Techniques Act, 1994	2 Days	15-16 Sept.
		Advancement Course on NDPS	2 Days	22-23 Sept.
	Division) Magistrate excluding newly appointed Magistrates	evidence, electronic evidence And Pre-conception and Pre-natal Diagnostic Techniques Act, 1994		
	Higher Judicial Service	Advancement Course on NDPS	2 Days	22-23 Sept.
Oct' 2012	Civil Judge (Junior Division) P.M. J.J.B.	Advancement Course on Juvenile Justice Act	2 Days	6-7 Oct.
Nov' 2012	Higher Judicial Service	Courts dealing with Prevention of Corruption Cases	2 Days	24-25 Nov.
Dec' 2012	Civil Judge (Senior Division)	1. Time Management, Stress Management 2. Appreciation of Evidence in Civil Cases	2 Days	15-16 Dec.
Jan' 2013	Civil Judge (Junior Division)	Magistrate excluding newly appointed Magistrates Refresher Course on N.I. Act and I.T. And Pre-conception and Pre-natal Diagnostic Techniques Act, 1994	2 Days	5-6 Jan.
		Higher Judicial Service (Special Court)	Crime against Public Servant and sanction for prosecution and I.T.	2 Days
Feb' 2013	Civil Judge (Senior Division)	1. Time Management, Stress Management 2. Appreciation of Evidence in Civil Cases	2 Days	2-3 Feb.
		Higher Judicial Service (Labour Courts)	Different aspect of Labour Laws and I.T.	2 Days
Mar' 2013	Civil Judge (Senior Division)	1. Time Management, Stress Management 2. Appreciation of Evidence in Civil Cases	2 Days	2-3 Mar.
		Higher Judicial Service	Marshalling and Appreciation of Evidence in Session Cases and I.T.	2 Days

**Approved Academic Calendar for the year 2012-2013
(From 01.04.2012 to 31.03.2013)
OFFICE & BENCH CLERK OF CIVIL COURT**

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE
May'2012	Bench Clerk of Cognizance taking Court	Knowledge of cognizance taking process, maintenance of Judicial Files and understanding stages of Judicial Proceeding in Criminal Trial	2 Days	26-27 May
June' 2012	Office Clerk of Cognizance taking Courts	Knowledge of cognizance taking process, maintenance of Judicial Files and understanding stages of Judicial Proceeding in Criminal Trial	2 Days	16-17 June
July' 2012	Bench Clerk of Cognizance taking Courts	Knowledge of cognizance taking process, maintenance of Judicial Files and understanding stages of Judicial Proceeding in Criminal Trial	2 Days	21-22 July
Sept' 2012	Office Clerk of Cognizance taking Courts	Knowledge of cognizance taking process, maintenance of Judicial Files and understanding stages of Judicial Proceeding in Criminal Trial	2 Days	22-23 Sept.

**Approved Academic Calendar for the year 2012-2013
(From 01.04.2012 to 31.03.2013)
PROSECUTORS**

MONTH	TARGET GROUP	TITLE OF THE COURSE	DURATION	DATE
April' 2012	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	19-20 April
	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	28-29 April
May'2012	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	15-16 May
	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	19-20 May
June' 2012	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	12-13 June
	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	16-17 June
July' 2012	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	10-11 July
	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	17-18 July
Aug' 2012	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	23-24 Aug.

	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	29-30 Aug.
Sept' 2012	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	18-19 Sept.
	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	26-27 Sept.
Oct' 2012	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	10-11 Oct.
	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	17-18 Oct.
Nov' 2012	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	29-30 Nov.
Dec' 2012	Prosecutors	1. Tools and Techniques to conduct successful Prosecution 2. Deliberation on Excise Act, Forest Act, Electricity Act and other relevant Acts.	2 Days	6-7 Dec.
	Prosecutors	1. General Discussion on production of evidence, examination in chief, cross examination and reexamination. 2. Understanding documentary evidence in criminal trial.	2 Days	14-15 Dec.
Jan' 2013	Prosecutors	Refresher Course on I. T. Act, Cyber Crime, Domestic Violence & Arms Act	2 Days	16-17 Jan.
	Prosecutors	1. General Discussion on production of evidence, examination in chief, cross examination and reexamination. 2. Understanding documentary evidence in criminal trial.	2 Days	23-24 Jan.
Feb' 2013	Prosecutors	1. General Discussion on production of evidence, examination in chief, cross examination and reexamination. 2. Understanding documentary evidence in criminal trial.	2 Days	6-7 Feb.
	Prosecutors	1. General Discussion on production of evidence, examination in chief, cross examination and reexamination. 2. Understanding documentary evidence in criminal trial.	2 Days	23-24 Feb.
Mar' 2013	Prosecutors	1. General Discussion on production of evidence, examination in chief, cross examination and reexamination. 2. Understanding documentary evidence in criminal trial.	2 Days	6-7 Mar.
	Prosecutors	1. General Discussion on production of evidence, examination in chief, cross examination and reexamination. 2. Understanding documentary evidence in criminal trial.	2 Days	23-24 Mar.

JHARKHAND STATE LEGAL SERVICES AUTHORITY

Jharkhand State Legal Services Authority (JHALSA) under the auspices of NALSA

is
Committed
&
Determined to

- ✓ Provide free and competent Legal Aid to the weaker sections of the society.
- ✓ Ensure opportunities for securing justice to all.
- ✓ Ensure that no citizen is denied justice by reason of economic or other disabilities.
- ✓ To organize Lok Adalats
- ✓ To secure that the operation of Legal System promotes justice on a basis of equal opportunity.

Activities Undertaken by JHALSA (From January, 2011 to March, 2012)

1. Legal Awareness Camps

Legal Awareness Camps are being organized for the general public by all DLSAs and Sub-Divisional Legal Services Committees in their Judgeship of each district every month to make the people aware about their legal rights and legal accessibility.

The details of Legal Awareness Camps organized and persons benefitted from **Jan, 2011 to March, 2012** are as follows:

No. of Legal Awareness Camps organized	No. of Persons benefitted (Approx)
1094	287116

2. Lok Adalat

Lok Adalat is conducted at both stages, which includes: Pre-Litigation matters & Post-Litigation matters. It is time tested most powerful tool of Legal Services Authority to provide free quick & fair justice for poor & downtrodden sections of the society. The details of Lok Adalat organized and cases settled from Jan, 2011 to March, 2012 are as follows:

No. of Lok Adalats Organised	Total No. of Cases Settled	No. of MACT Cases Settled	Amount Awarded in MACT cases
476	51965	678	68354494

3. Permanent Lok Adalat

Permanent Lok Adalat has been established in all the 22 Districts of Jharkhand. Permanent Lok Adalat is proving highly effective means to provide the basic needs to the weaker section of the society through Pre-Litigation Conciliation Settlement in the matter of transportation system, water problem, electricity problem, sanitation problem, telephone service, banking, insurance, so on and so forth. The details of cases settled by PLAs under different categories from Jan,2011 to March, 2012 are as follows:

Transport Service	Postal Telegraph or Telephone	Supply of Power Light	Public Conservancy or Sanitation	Service in Hospital or Dispensary	Insurance Service	Other	TOTAL
215	1354	221	308	14	380	2250	4742

4. Legal Aid.

Free Legal Aid has been providing by JHALSA and its counterparts at High Court, District and Sub Division level i.e. High Court Legal services Committee, District Legal Services Authority and Sub Division Legal Services Committee respectively to the justice seekers. Following are the No. of persons benefited so far by Aid under different categories.

SC	124
ST	181
BC	374
Women	583
Children	44
In-Custody	637
General	285
TOTAL	2228

5. Continuous Lok Adalat.

Continuous Lok Adalat u/s. 19 of the Legal Services Authority Act 1987 for settling cases related to Electricity Board, Collectorate (Revenue Matters), Cooperative matters, Minimum Wages Matters and other labour cases pending before the Labour Officers etc. are being opened in all the districts of Jharkhand. Continuous Lok Adalat takes up the case of pre and post -litigation disputes thereby reducing the congestion in the Courts.

6. Para Legal Volunteers

Jharkhand State Legal Services Authority has developed a scheme of Para Legal Volunteers. The main object of the scheme is to develop Para Legal Volunteers who shall be available in villages to assist and guide the public, whoever needs Legal Services from the nearest District Legal Services Authority.

All the District Legal Services Authorities are organizing Training Camps for selected Para Legal Volunteers, and issued them identity cards after completion of training, the details of the training, no. of trained PLVs and identity cards issued so far are as follows :

No. of Training Camps organized	No. of PLVs trained	No. of Identity Cards issued
189	4067	1232

7. Plea Bargaining

Special Adalats on Plea Bargaining are being organized in all the Districts of the State to create awareness amongst the people to take the benefits and advantages of Plea Bargaining through mutual satisfactory disposition of Criminal Cases, where imprisonment is up to seven (7) years. To make the mode of Plea Bargaining an easy process of solving criminal disputes, awareness camps on Plea Bargaining have been organized by JHALSA round the year through DLSAs.

Following is the detail of Cases disposed through Plea Bargaining and No. of under Trial Prisoners benefitted in the year 2011 is as follows:

No. of Cases Disposed through Plea Bargaining	No. of Under Trial Prisoners Benefitted
66	41

8. Mission Mode Programme for Under Trials

The Mission Mode programme for delivery of Justice and Legal Reforms for Under Trials was launched with effect from 26th January, 2010 with a aim to reduce the congestion in Jails. The said programme has been launched

successfully in the State of Jharkhand.

Following are the details of Lok Adalat organized in Jails , No. of cases settled and No. of Under Trial Prisoners released/ benefited under said Mission Mode Programme of undertrial prisoner from **January, 2011 to March, 2012** is as follows:

Details of Cases settled and Under Trials released

No. of Lok Adalat Organised in the Jails	No. of Cases settled in Lok Adalat	No. of Under Trial Prisoners released/Benefitted
240	707	707

Details of Lok Adalat Organized in Jails and Legal Aid Provided to Under Trials

No. of Jail Lok Adalat Organised in the Jails	No. of Cases settled in Lok Adalat	No. of Under Trial Prisoners released/Benefitted
139	2577	896

9. Continuous Mega Lok Adalat

District Legal Services Authorities across the state of Jharkhand under the aegis of Jharkhand State Legal Services Authority has organized three five day Mega Lok Adalat as follows:

- **First 5-Day Mega Lok Adalat - from 23rd August to 27th August, 2011**
- **Second 5- Day Mega Lok Adalat from 18th to 22nd October, 2011**
- **Third 5 Day Mega Lok Adalat from 21st Feb. 2012 to 25th Feb, 2012**

This 5 day Continuous Mega Lok Adalat was a vision given by **Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Patron-in-Chief, JHALSA and Hon'ble Mr. Justice R. K. Merathia, Judge, Jharkhand High Court and Executive Chairman, JHALSA** so that a large number of people could be benefited through this drive.

The result emerging from the District Judiciary shows that people have started reposing trust in the ADR System that gives quick justice to the people and brings the common brotherhood amongst the people.

The details of the cases settled during above said three five days Mega Lok Adalat is given here below:

Sl.No.	Cases	No. of Cases Settled
1	Cases disposed (Pending in Civil Courts)	30231
2	Cases disposed (Other than pending)	13043
3	Cases disposed (Pre-Litigation)	7789
	TOTAL	51063

The district wise details of the cases settled during the five days Mega Lok Adalats is given here below:

2nd (5-Day) Mega Lok Adalat From 18th October 2011 to 22nd October 2011

Districts	No. of Pre Litigation Cases Disposed of
Bokaro	395
Chaibasa	101
Chatra	12
Deoghar	22
Dhanbad	432
Dumka	155
Garhwa	10
Giridih	0
Godda	0
Gumla	22
Hazaribagh	273
Jamshedpur	69
Jamtara	0
Koderma	40
Latehar	727
Lohardaga	85
Pakur	34
Palamau	8
Ranchi	0
Sahebganj	84
Seraikella	82
Simdega	0
TOTAL	2551

10. Mobile Lok Adalat cum Legal Awareness Van

Mobile Lok Adalat cum-Legal awareness camps in the especially designed and fabricated bus is being held at block/village /panchayat / basti / tola level. The outcome of the camps in the districts of Dumka, Deoghar have been very encouraging.

Details of Mobile Lok Adalat Organised and Cases settled in the year 2011

No. of Mobile Lok Adalat Organised	No. of Applications Received	No. of Applications Disposed
208	26328	25633

Details of Mobile Legal Awareness Camp Organised and Persons Benefitted in the year 2011

No. of Mobile Awareness Camps Organised	No. of Persons Benefitted
225	18550

11. Legal Aid Clinics for Aid, Advise and Counseling.

Legal Aid Clinic has been opened in almost all the Districts of the State of Jharkhand and Jails. It is mandate for all DLSAs to open Legal Aid Clinics to perform functions :-

- ✓ Interviewing with the clients
- ✓ Properly ascertaining facts of the case or problem
- ✓ Counseling the clients
- ✓ Exposure of common people about mechanism of Legal Aid Schemes, Lok Adalat

Motivating the people to resolve their disputes through alternative redressal forum.

**MEDIATION CENTRES
& ACTIVITIES**

MEDIATION CENTRES & ACTIVITIES

COMMITTEE OF JUDGES

Hon'ble Jharkhand High Court has constituted a "Committee for Monitoring Mediation Activities" in the State of Jharkhand as follows:

Chairman : **Hon'ble Mr. Justice D.N.Patel**, Judge, Jharkhand High Court

Members : **Hon'ble Mr. Justice N.N.Tiwari**, Judge, Jharkhand High Court

Hon'ble Mr. Justice R.R.Prasad, Judge, Jharkhand High Court

MEDIATION CENTRES

Jharkhand State Legal Services Authority under the aegis of National Legal Services Authority has taken initiative to establish Mediation Centres in all the districts across the State. At present **Mediation Centres has been established and functioning in the Civil Courts of 19 Districts as against of total 22 Districts.** The list of Mediation Centres are as follows:

Functional After Formal Inauguration:

- | | |
|--|--------------------------------|
| 1) Jharkhand High Court Mediation Centre | 2) Ranchi Mediation Centre |
| 3) Jamshedpur Mediation Centre | 4) Hazaribagh Mediation Centre |
| 5) Bokaro Mediation Centre | 6) Dhanbad Mediation Centre |
| 7) Latehar Mediation Centre | 8) Palamau Mediation Centre |
| 9) Gumla Mediation Centre | 10) Lohardaga Mediation Centre |
| 11) Chaibasa Mediation Centre | 12) Pakur Mediation Centre |
| 13) Sahebgang Mediation Centre | 14) Chatra Mediation Centre |
| 15) Giridih Mediation Centre | 16) Koderma Mediation Centre |
| 17) Godda Mediation Centre | |

Mediation Centres Established but Formal Inauguration awaited

- | | |
|------------------------------|------------------------------|
| 18) Dumka Mediation Centre | 19) Jamtara Mediation Centre |
| 20) Deoghar Mediation Centre | |

Mediation Centres yet to be established and to make functional

- | | |
|------------------------------|--------------------------------|
| 21) Garhwa Mediation Centre | 22) Seraikela Mediation Centre |
| 23) Simdega Mediation Centre | |

The above said functioning Mediation Centres are running full-fledged and responses are good

TRAINING OF MEDIATORS AND REFERRAL JUDGES

It is mandate of the Sec 89 of the Civil Procedure for each Court to explore the possibilities of settlement of disputes through Mediation. Mediation process lessens the work load of the Courts. Jharkhand State Legal Services Authority (JHALSA) has been involved in creating awareness about the benefits of Mediation

among the common masses and also has been holding and organizing seminar, workshop, training programmes and symposium on ADR and Mediation, as approved by 'Mediation and Conciliation Project Committee of Supreme Court of India' (MCPC).

A) TRAINING OF MEDIATORS

Thirteen 40 Hours Intensive Mediation Training programme has been organized jointly by JHALSA and Judicial Academy, Jharkhand.

• **Dates and duration of each course:**

Sl.No.	Date	Duration of Course
1	11.06.2008 to 15.06.2008	40 Hrs. Intensive Mediation Training
2	06.12.2008 to 10.12.2008	40 Hrs. Intensive Mediation Training
3	10.01.2009 to 14.01.2009	40 Hrs. Intensive Mediation Training
4	14.02.2009 to 18.02.2009	40 Hrs. Intensive Mediation Training
5	21.03.2009 to 25.03.2009	40 Hrs. Intensive Mediation Training
6	27.05.2009 to 31.05.2009	40 Hrs. Intensive Mediation Training
7	25.06.2009 to 29.06.2009	40 Hrs. Intensive Mediation Training
8	04.12.2009 to 08.12.2009	40 Hrs. Intensive Mediation Training
9	06.03.2010 to 10.03.2010	40 Hrs. Intensive Mediation Training
10	28.11.2011 to 02.12.2011	40 Hrs. Intensive Mediation Training
11	28.01.2012 to 01.02.2012	40 Hrs. Intensive Mediation Training
12	26.02.2012 to 01.03.2012	40 Hrs. Intensive Mediation Training
13	17.04.2012 to 21.04.2012	40 Hrs. Intensive Mediation Training

DETAILS OF TRAINED MEDIATORS

1	Total No. of Trained Mediators	224
2	Total No. of Trained Judicial Officer	108
3	No. of Trained Serving Judicial Officers	85
4	No. of Trained Retired Judicial Officer	23
5	Total No. of Trained Advocates	116

Remuneration payable to mediators:

The remuneration payable to mediators as per the mediation Fee has been approved by Mediation Monitoring Committee of Hon'ble Jharkhand High Court on the basis of successful / unsuccessful mediation done by them as follows:

For cases settled	:	
For High Court Level	:	Rs. 3000/- each settled case
For District Level	:	Rs. 1000/- each settled case
For cases not settled	:	
For High Court Level	:	Rs.1000/- each not settled case
For District Level	:	Rs. 750/- each not settled case

B) REFRESHER COURSE ON MEDIATION

Jharkhand State Legal Services Authority under the auspices of 'Mediation and Conciliation Project Committee (MCPC) of Supreme Court of India organized First Refresher Course on Mediation" on 22nd January, 2012 at Nyaya Sadan, Ranchi.

The said refresher course programme was organized for the Trained Mediators (Judicial Officers and Advocates) who have already gone under 40 hrs. Intensive Mediation Training Programme.

Hon'ble Mr. Justice R.K. Merathia, Judge, Jharkhand High Court and Executive Chairman, JHALSA, Hon'ble Mr. Justice D.N. Patel, Judge, Jharkhand High Court & Chairman, Monitoring Committee for Mediation Activities, Jharkhand High Court attended the programme and addressed the Participants.

C) TRAINING OF REFERRAL JUDGES

Three Referral Judges Training Programme has been organized jointly by JHALSA and Judicial Academy, Jharkhand

No. of Referral Judges Training Programmes Organized	4
No. of Trained Referral Judges	193

Recently Jharkhand State Legal Services Authority has organized **4th Referral Judges Training Programme on 22.04.2012** at 'NYAYA SADAN' Ranchi.

CERTIFICATION

The participants have been provided Certificates after each mediation / Referral Judge training programmes by State Legal Services Authority. The criteria of certification is the successful completion of training course under continuous monitoring by the Mediation Monitoring Committee of the Hon'ble Jharkhand High Court.

Mrs. Anu Malhotra, Special Judge CBI (PC Act), Delhi as approved by MCPC imparted refresher course to participants apprising them about new tools and techniques of Mediation.

In the said programme **total 44 Participants** (Judicial Officers and Advocates) participated.

TRAINERS

Names of Trainers and their home Courts :

- 1) **Shri M.L. Mehta (The then A.D.J, Delhi)**
- 2) **Shri S.K.Jain (The then A.D.J, Delhi)**
- 3) **Sri Subanna Prasad (Advocate & Trainer, Mediation Centre, Bangalore)**
- 4) **Shri Bharat Mehta (Advocate & Trainer, Mediation Centre, Bangalore)**
- 5) **Mrs. Anu Malhotra (Special Judge CBI (PC Act), Delhi)**
- 6) **Ms. K.R.Meena Kumari (Mediator, Bangalore Mediation Centre)**
- 7) **Mr. M.A.Humayun (Mediator, Bangalore Mediation Centre)**
- 8) **Mrs. Anuja Saxsena (Mediator, Delhi Mediation Centre)**
- 9) **Mr K.K. Makhija (Mediator, Delhi Mediation Centre)**

CASES

The Mediation Centres established at the Civil Courts of the State of Jharkhand are doing well. Following is the details of the cases received and settled through said Mediation Centres.

1	No. of Cases referred	2141
2	No. of cases settled	583
5	Percentage of Success	27.2%

The details of Legal Awareness Programmes / Seminars / Conferences by JHALSA.

LEGAL AID SERVICES PROGRAMMES CONDUCTED BY "JHARKHAND STATE LEGAL SERVICES AUTHORITY, RANCHI"

Date of Workshop/ Seminar/Legal Awareness Camp	VENUE	JHALSA / IN COLLABORATION WITH	PARTICIPANTS / RESOURCE PERSON	REMARKS
12th & 13th March, 2011	NYAYA SADAN	Multiple Action Research Group (MARG), New Delhi	Hon'ble Mr. Justice, Bhagwati Prasad, Chief Justice-cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice, Sushil Harkauli, Executive Chairman, JHALSA, Hon'ble, Mr. Justice, D.N.Patel, Judge, JHC, Hon'ble Judges of Jharkhand High Court, Judicial Officers, Advocates, Police Officers	Workshop on "Violence against Women"
17th April, 2011	Netarhaat Awasiya Vidyalaya, Netarhat (Latehar)	DLSA, Latehar	Hon'ble Mr. Justice, Bhagwati Prasad, Chief Justice-cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice Prakash Tatia, Executive Chairman, JHALSA Hon'ble Mr. Justice, R.K.Merathia, Judge Jharkhand High Court, Hon'ble Mr. Justice R.R.Prasad, Judge Jharkhand High Court, Hon'ble Mrs. Justice Jaya Roy, Judge Jharkhand High Court, Judicial Officers, Advocates, School Students of Netarhat Awasiya Vidyalaya	Mega Legal Awareness Camp
23rd April, 2011	Kiriburu, Chaibasa	DLSA, Chaibasa	Hon'ble Mr. Justice, Bhagwati Prasad, Chief Justice-cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice Prakash Tatia, Executive Chairman, JHALSA Hon'ble Mr. Justice, R.K.Merathia, Judge Jharkhand High Court, Hon'ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court, Hon'ble Mrs. Justice Jaya Roy, Judge Jharkhand High Court, Judicial Officers, Advocates.	Legal Awareness Camp
30th April, 2011	NYAYA SADAN	JHALSA	Hon'ble Mr. Justice, Altamas Kabir, Judge Supreme Court of India and Executive Chairman, NALSA, Hon'ble Mr. Justice, Bhagwati Prasad, Chief Justice-cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice, Prakash Tatia, Executive Chairman, JHALSA, Hon'ble, Mr. Justice, R.K.Merathia, Chairman, HCLSC, Hon'ble Judges of Jharkhand High Court, Judicial Officers, Advocates,	State Level Seminar on "Child Rights and Realities"
01st May, 2011	NYAYA SADAN	Deptt. Of Justice, Govt. of India / UNDP, India	Hon'ble Mr. Justice, Altamas Kabir, Judge Supreme Court of India and Executive Chairman, NALSA, Hon'ble Mr. Justice, Bhagwati Prasad, Chief Justice-cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice, Prakash Tatia, Executive Chairman, JHALSA, Hon'ble, Mr. Justice, R.K.Merathia, Chairman, HCLSC, Hon'ble Judges of Jharkhand High Court, Judicial Officers, Advocates.	State Level Workshop on "Ensuring Access to Justice for the Marginalized People"
28th June, 2011	Judicial academy, Jharkhand, Ranchi	Judicial Academy, Jharkhand	Hon'ble Mr. Justice, B.S.Chauhan, Judge Supreme Court of India, , Hon'ble Mr. Justice, Prakash Tatia, Acting Chief Justice, JHC-cum- Patron-in Chief, JHALSA, Hon'ble, Mr. Justice, R.K.Merathia, , Hon'ble Mr. Justice Poonam Srivastav, Judges of Jharkhand High Court, Hon'ble Judges of Jharkhand High Court, Advocate General, Jharkhand, Judicial Officers, Advocates, Law Students.	Legal Awareness Conference on "Law and Morality: With Special Reference to Surrogacy"

23rd & 24th July, 2011	Hotel BNR Chanakya	Dept. of Social Welfare, Women & Child Development, Govt. of Jharkhand / UNICEF	Hon'ble Mr. Justice R.K. Merathia, Judge, Jharkhand High Court & Executive Chairman, JHALSA, Hon'ble Mrs. Justice Poonam Srivastav, Judge, Jharkhand High Court & Chairman, HCLSC, Sri G.S. Rath, DGP, Jharkhand, Mrs. Mrindula Sinha, Secretary, Deptt. Of Social Welfare, Govt. of Jharkhand	State Level Capacity Building Workshop on "Effective Juvenile Justice System in Jharkhand"
6th August, 2011	Jharkhand High Court Premises, Ranchi	HCLSC	Hon'ble Mr. Justice R.K. Merathia, Judge, Jharkhand High Court & Executive Chairman, JHALSA, Hon'ble Mrs. Justice Poonam Srivastav, Judge, Jharkhand High Court & Chairman, HCLSC, Sri Anil Kumar Sinha, Advocate General, Jharkhand, Hon'ble Judges of Jharkhand High Court, Judicial Officers, Advocates	LOK ADALAT
11th August, 2011	NYAYA SADAN	HCLSC	Hon'ble Mr. Justice R.K. Merathia, Judge, Jharkhand High Court & Executive Chairman, JHALSA, Hon'ble Mrs. Justice Poonam Srivastav, Judge, Jharkhand High Court & Chairman, HCLSC, Hon'ble Mr. Justice D.N. Patel, Judge, Jharkhand High Court, Empanelled Lawyers of HCLSC	Lawyer's Orientation Programme for Empanelled Lawyers of HCLSC
27th August, 2011	NYAYA SADAN	JHALSA	Hon'ble Mr. Justice, S.J. Mukhopadhyay, Judge Supreme Court of India, Hon'ble, Mr. Justice, R.K. Merathia, Executive Chairman, JHALSA, Hon'ble Mrs. Justice Poonam Srivastav, Judge, Jharkhand High Court & Chairman, HCLSC, Hon'ble Mr. Justice A.L. Dave, Judge, Gujarat High Court, Justice N.P. Gupta, Former Judge, Rajasthan High Court, Hon'ble Judges of Jharkhand High Court, Judicial Officers, Advocates, Law Students.	Conference on "Legal Awareness and Role of ADR"
5th September, 2011	NYAYA SADAN	JHALSA	Sri B.K. Goswami, Member Secretary, JHALSA, Staffs from HCLSC/DLSA/Sub-DLSC.	Training Programme for the Staff of HCLSC/DLSA/Sub-DLSC on "Web Based Monitoring System of NALSA"
27th November, 2011	NYAYA SADAN	JHALSA	Judicial Officers	Referral Judges Training Programme
28th Nov. to 2nd Dec, 11	NYAYA SADAN	JHALSA	Judicial Officers & Advocates	10th 40 Hrs. "Intensive Training on Mediation"
22nd January, 2012	NYAYA SADAN	JHALSA	Judicial Officers & Advocates (Trained Mediators)	Refresher Course on Mediation
28th Jan. to 1st Feb, 12	NYAYA SADAN	JHALSA	Judicial Officers & Advocates	11th 40 Hrs. "Intensive Training on Mediation"
02nd February, 2012	NYAYA SADAN	JHALSA	Judicial Officers & Advocates (Trained Mediators)	3rd Referral Judges Training Programme
26th Feb. to 1st Mar. 12	NYAYA SADAN	JHALSA	Judicial Officers & Advocates	12th 40 Hrs. "Intensive Training on Mediation"
17th March, 2012	NYAYA SADAN RANCHI	JHALSA	Hon'ble Mr. Justice M.Y. Eqbal, Chief Justice, Madras High Court, Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice R.K. Merathis, Executive Chairman, JHALSA, Hon'ble Judges of Jharkhand High Court, Mr. J.K. Verma Senior Advocate, Patna High Court.	Conference on Case Management and Plea Bargaining
24th March, 2012	NYAYA SADAN	JHALSA in association with HCLSC	Judicial Officers and Advocates	LOK ADALAT
17th -21st April, 2012	NYAYA SADAN	JHALSA	Advocates	13th 40 Hrs. "Intensive Training on Mediation"
22nd April, 2012	NYAYA SADAN	JHALSA	Judicial Officers	4th Referral Judges Training
23rd to 25th April, 2012	NYAYA SADAN	JHALSA	Advocates, Police Officers (Child Welfare Officers)	Training of Trainers (T.O.T) ON Juvenile Justice System Programme (Batch - I)

MARCH OF LAW

CONTRIBUTIONS OF HIGH COURT OF JHARKHAND TO THE DEVELOPMENT OF LAW

In conformity with the high tradition of imparting justice by the Apex Court we are enthused to see a number of judgements of this High Court which has witnessed the March Of Law to a great extent. Justice is one of the virtues of the society and judgements, with the change of time, fulfills the demand of law which is one of the tools to accomplish justice and we know that justice leads the humanity towards peace and harmony in the society. Since every judgement is a class by itself, it became very difficult to select a few and to bring forth this work on the March of Law.

Jharkhand High Court is the youngest High Court of this country. During the period 2011-12, the High Court has contributed in development of law in various fields, like, Constitutional Law, Administrative Law, Code of Criminal Procedure, Prevention of Corruption Act, Customary Law, etc. and the following judgements passes a far reaching consequences in maintaining equilibrium in human affairs.

One of the unique features of the constitution is that Supreme Court and High Courts have been given wide original and appellate jurisdiction to adjudicate on the constitutionality of any actions. A general principal of reasonableness and non-arbitrariness have been evolved which gives power to High Courts to look into the reasonableness of all legislative and executive actions. Our constitution has extended to secure independent and impartial judiciary which are said to be the first condition for the maintenance of Rule Of Law. Some latest judgements of our High Court as given below are leading authorities to affirm the constitutional mandate that the High Courts are custodian of the rights of the people.

Some of the Judgments of the High Court of Jharkhand during this period is as follows: -

1. **Fairness in Parliamentary Election (allegations of Horse-Trading in Rajya Sabha Elections) :**

In the case of Jay Shankar Pathak versus Election Commission of India & Others [W.P(PIL) No.1801 of 2012 with W.P.(C) No.1802 of 2012 (Pradeep Kumar Balmuchu versus Election Commission of India & Ors] **AIR 2012 Jharkhand 58 = 2012 (2) JLJR 272.**

The question before the High Court of Jharkhand presided over by **(Prakash Tatia, C.J. and Aparesh Kumar Singh, J.)** was that the Election Commission of India had no power to issue the Notification staying counting of votes of election for two seats of the Council of States (Rajya Sabha). The Election Commission of India after receiving complaints about malpractices under Notification dated 30.03.2012 stayed the counting of the votes of the biennial elections to the Council of States and also called for

a report from the Returning Officer-cum-Secretary-in-Charge. The aforesaid order was challenged by two writ applications one in W.P.(PIL) No. 1801 of 2012 by one Jay Shankar Pathak and another by Pradip Kumar Balmuchu in W.P.(C) No. 1802 of 2012, one of the candidates contesting the election. The challenge was on the ground that once the election process started, the Election Commission does not have the power to stay the counting on the ground of alleged malpractice and election can only be challenged through Election Petition on the grounds mentioned in the Representation of People Act. The Division Bench of the High Court of Jharkhand while upholding the notification issued by the Election Commission of India held that under Article 324 of the Constitution of India, the Election Commission have all powers to take steps for ensuring free and fair election and further the Court directed that the Election Commission of India to move the Government for holding a CBI investigation for probing the criminality of any person in the involvement of money power, horse trading and influence in the aforesaid election. Under the circumstances of the case, the Hon'ble Court, upholding the constitutionality of free election as the basic mandate of democratic republic of this country observed:-

"... It is unfortunate that one of the writ petitioner, Jay Shankar Pathak found public interest in declaration of the result of the Rajya Sabha and submitted that people of the State of Jharkhand is entitled to same treatment and lenient view which has been taken by the Election Commission in other states in the matter of preventing play of money power and horse trading for the process of election...."

"... It is very shocking that any person can say that by taking strong and possible steps to curb play of money power and horse trading in Rajya Sabha election will lower down the prestige of state. Virtually it is shouting from the top of the roof by the petitioner - Jay Shankar Pathak that why he should be cleanest and why his state has been chosen for eradication of corrupt practice in the process of election. We are surprised that how he has declared himself as person entitled to espouse cause on behalf of the people of the State of Jharkhand...."

"... We doubt that Jharkhand people will not support such stand and may condemn it because people of Jharkhand State, in fact, are in majority members of downtrodden, member of Schedule Caste and Schedule tribes, deprived from large number of facilities but hard worker and honest. The wrong doers in any election are not face of the public of the state of Jharkhand. They are few and they can paint the

face of Jharkhand only that cancer has been shown to rest of India but real face of Jharkhand can be seen without much effort to find the innocent public of the Jharkhand...."

The Division Bench also dismissed the PIL on the ground that there is no public interest involved in it and imposed a cost of Rs.1,00,000/- (one lakh).

2. Actionable cause for Judicial review (Draft Lok Pal-Anna Hazare & Government Committee Matter) :

In the case of Chandra Shekhar Pandey versus Union of India & Others [W.P. (PIL) No. 2785 of 2011] as reported in 2011(3) JCR 419 (Jhr.) where under the circumstance of case the question regarding Article 77 of the Constitution of India was before the Court. A Division Bench (**Prakash Tatia, A.C.J. and Mrs. Jaya Roy, J.**) of this High Court held that under Article 77, mere resolution of the Government of preparing a draft Lokpal Bill does not take a shape of legislation and cannot be challenged and dismissed the writ petition. Unless the decision of Government is sanctified and acted upon by issuing an order is still required to be authenticated in the manner provided under Article 77 in case of Government of India.

3. Constitutional Spirit of Secular State (Oath in the name of Allah by H.E. the Governor of Jharkhand) :

In the case of Kamal Narayan Prabhakar versus the Union of India & Others, as reported in 2011 (4) JCR 448 (Jhr.) = W.P. (PIL) No. 5334/2011 an interesting question regarding interpretation of Article 159 of the Constitution of India was before the Court. The oath taken by the Governor was challenged on the ground that in place of "God" or "Ishwar", the oath was taken in the name of "Allah" hence, the oath is illegal.

The Division Bench of this Court (**Prakash Tatia, C.J. & P.P. Bhatt, J.**), while dismissing the writ petition holding that the writ petition is not in a public interest, held that the oath taken by the Governor in the name of "Allah" is a valid oath under Article 159 of the Constitution of India and according to the true spirit of the Constitution.

4. Freedom of Trade & Commerce (Entry Tax Matter) :

In the case of Tata Steel Limited versus State of Jharkhand & Ors. [W.P.(T) 5696 of 2011 & other analogous writ petitions], the validity of Section 3 of the Jharkhand Entry Tax Act on the Consumption or Use of the Goods Act, 2011 was challenged on the ground that it is ultra vires to Article 301 read with Article 304(a) of the Constitution of India and is not saved by Article 304(b) of the Constitution of India. The further case of the petitioners was that they are engaged in trade or manufacture and are registered under Jharkhand Value Added Tax Act, 2005; Central Sales Tax Act as dealer.

During course of their business, they import scheduled goods as specified under the Jharkhand Entry Tax Act of 2011 on consumption or Use of Goods Act, 2011 from outside the State of Jharkhand for their works at various places in the State of Jharkhand and by Section 3 of the Act of 2011, liability has been imposed upon the petitioners to pay entry tax on the value of those scheduled goods which they are importing in the State of Jharkhand and which are used in their works.

A Division Bench of this Court (**Prakash Tatia, C.J. & P.P. Bhatt, J.**), after hearing the argument of all the sides, declared that Section 3 of the Jharkhand Entry Tax Act on Consumption or Use of the Goods Act, 2011 is ultra vires and unconstitutional and has not been saved by Article 304(b) of the Constitution of India and is in conflict with Article 301 of the Constitution of India on the ground that the respondent Government Authorities have failed to provide quantifiable and measurable data showing benefit of the tax going to the Tax payers and further, the purpose shown in Clauses (a) to (d) of sub-section (3) of Section 4 of the Act of 2011 are of general in nature and not specific benefits to the tax payers.

5. Implementation Of Litigation Policy :

In the case of The State of Jharkhand through the Excise Commissioner, Government of Jharkhand, Ranchi vs. Member, Board of Revenue, Jharkhand, Ranchi & Anr (L.P.A. No. 68 of 2011), the circumstances of the case is summarised by a Division Bench of this court that no care was taken for getting the similar case decided as the present writ petition which was also of the same year 2006 and the judgment in earlier similar case of the year 2006 being W.P.(C) No. 6650 of 2006 was delivered on 09.07.2009. Then the State should have pointed out on 09.07.2009 or when the W.P.(C) No. 6650 of 2006 was heard by the Bench that similar matters like present two writ petitions may also be taken together and if that fact escaped the notice of the arguing counsel of W.P.(C) No. 6650 of 2006, then it was the duty of the Law Officers of the State Government to immediately examine how many similar matters are pending in the High Court which could have been decided in the year 2009 itself so as to lessen the burden of the High Court from unnecessary litigation.

The Division Bench of this Court (**Prakash Tatia, ACJ & H.C. Mishra, J**) directed that Copy of the order be sent to the Law Secretary, Government of Jharkhand, Ranchi who will direct to issue instructions to all the Law Officers in the State Government in all departments so as to see that before filing of L.P.A., they shall take care of at least looking into the aspect whether the judgment if it is based on an earlier judgment of the High Court, what happened to that earlier judgment and whether that judgment was accepted by the Government or not and ask them to follow the instructions and look into the observations referred above, in the matter of

preferring L.P. A. with a clear warning to the Law Officers that in case, such lapse would be found by the Court in future, the Court itself may take stern action against such Law Officers and in addition, to direct the Government to take action against such Law Officers who may be saddled with heavy cost even when no notice is issued to the other party. They may be warned against unnecessary burdening the Court and to be careful in preferring the L.P.A. It is warned to the State that since it is a first case, we are passing order after framing of the State Litigation Policy; therefore, we are not imposing any heavy cost upon the Law Officers who opined for preferring the appeal. A copy of this order be also sent to the Learned Advocate General, who may in turn circulate a copy of this order to all learned Advocates working for the Government and local bodies.

6. Rights of Litigants to Engage Advocate of His Choice :

In the case of *Irniyus Tigga and five Ors.- Versus - State of Jharkhand* (Cr. Appeal (DB) No. 724 of 2004) reported in 2011 (4) JLR 280, the fact of the case is that an objection has been raised by the office in view of the order of the Division Bench, passed in Cr. Appeal No. 272 of 2002 (*Binod Kumar Lal and Another vs. State of Jharkhand*) on 6th August, 2008, wherein the Division Bench has observed that the practice of filing/giving no objection to a counsel to appear on behalf of some of the appellants only is deprecated and if a counsel wants to withdraw his appearance from a case, he can be allowed but he can't be allowed to retain power for one person and give no objection to any other counsel for another person'. In addition to above, a direction has been issued to the office, obviously to the Registry of the High Court, not to accept such Interlocutory Application or Vakalatnama in future.

In this case the Division Bench (**Prakash Tatia, CJ and P.P. Bhatt, J.**) of this Court held that in criminal cases every person accused in an offence has the right to consult and be defended by a legal practitioner of his choice and that has been made a fundamental right u/Art. 22(1) of the Constitution of India. Even in a case when different Advocates appear in one appeal preferred by different accused persons and court is of the view that it may create procedural difficulty even then in view of statutory provision and constitutional provision u/Art. 22(1) of the Constitution of India, the court cannot prescribe the law which may infringe the right of the accused given in Constitution, hence office objection overruled and Binod Kumar Lal's case is declared *per incurium* being contrary to statutory provision, constitutional provision and law laid down by the Apex court in *R.D. Saxena's case* [(2000) 7 SCC 264] and counsel permitted to appear on behalf of one person alone.

The bench is also held that judicial order in the matter of filing and dealing with the filings and procedure of dealing with matters which are filed in

courts are governed and regulated by the procedure prescribed by the rules framed by the High Court u/Art. 215 of Constitution of India and may be governed by any other rules framed by the High Court or as per the order of the Chief Justice and if, there are no rules then also by prescribing the procedure by the High Court or by the Chief Justice. Passing any order in judicial side in the matter of filing and dealing with filings may amount to legislating by judicial pronouncement which is not permissible. whenever there is any difficulty in following the procedure comes before the Bench hearing the judicial matters then the proper procedure is to draw attention of the Chief Justice of the High Court in administrative side, with respect to procedural difficulty, which may be considered by the High Court or the Chief Justice, as the case may be, to take a decision with respect to the making changes in procedure if required.

7. Doctrine of Double Jeopardy :

In the case of Sripati Narayan Dubey versus State of Jharkhand through S.P., C.B.I. [W.P.(Cr.) No.183 of 2008] as reported in 2011 (2) JLR 556, the question before the Court was as to whether a person can be tried for same offence more than once.

The fact of the case is that the petitioner was accused in three cases, i.e., Dumka Town P.S. 16 of 1996, Dumka Town P.S. Case No.21 of 1996 and Dumka Town P.S. Case No.22 of 1996, all under Section 120B, 420, 467, 468, 471, 477 of the Indian Penal Code and Section 420 of the Indian Penal Code and further Section 13(1)(d) of the Prevention of Corruption Act, 1988 and he was convicted in Dumka Town P.S. Case No.16 of 1996 and was awarded maximum sentence of 4 (four) years and on the same set of evidence, he was prosecuted in remaining two cases.

A plea was taken by the petitioner that his trial in two other cases is hit by Section 300 of the Code of Criminal Procedure read with Article 20(2) of the Constitution of India as he has already been convicted in one case and his criminal appeal is pending before Court and on same set of evidence, he is being prosecuted in two other cases, which are same offences.

The Single Bench of the Court (**R.R. Prasad, J.**) upheld the submissions of the petitioner and held that subsequent trial of the petitioner in two other cases on the basis of same set of evidence is hit by the provisions of Section 300 of the Code of Criminal Procedure read with Article 20(2) of the Constitution of India and quashed the prosecution of the petitioner. This case relates to the famous Animal Husbandry Scam.

8. Protection of Rights of the Members of Schedule Tribe :

A Public Interest Litigation was filed on behalf of the Members of the Schedule Tribe, by one Shri Shalkhan Murmoo versus the State of Jharkhand & Ors. [W.P.(PIL) No.758 of 2011] as reported in AIR 2012

Jharkhand 54 = 2012 (1) JCR 384 (Jhr.) seeking declaration that the Government Authority should be directed to strictly enforce the provisions of Section 46(1) proviso (b) of the CNT Act, which restricts the transfer of the land belonging to members of S.T./S.C. and O.B.C. within a Police Station and the circular issued by the Government contrary to the provisions of Section 46 of the CNT Act shall be treated as nonest. A Division Bench of this Court (**Prakash Tatia, C.J. & Aparesk Kumar Singh, J.**) upholding the contention of the petitioner, directed the respondent authorities to enforce the provisions of Section 46 of the CNT Act in letter and spirit and further held that any administrative circular issued contrary to the provisions of law is nonest in the eye of law.

9. Vexatious Litigation :

In the case of Bimaldeep Steel Pvt. Ltd., Adityapur, Jamshedpur versus The Union of India, through the Under Secretary, Government of India, New Delhi & Ors. as reported in 2011 (3) JLR 62 = WP (C) No. 5798/10. The recommendation for grant of mining lease in favour of one private respondent was challenged on the ground that the recommendation amounts to rejection of the application of the petitioner, but, no reasons have been assigned or communicated to the petitioner. The petitioner has further pleaded that the petitioner, having established a steel plant in Jharkhand ought to have been given preference in grant of iron ore mining lease, but, the same was not done and the Official respondent is sitting over the matter.

The Single Bench of this Court (**R.K. Merathia, J.**), while dismissing the writ petition, held that the instant case is a classic example of vexatious litigation, as earlier, on the same point, a writ petition of the petitioner was dismissed. The order was upheld in L.P.A. jurisdiction and further imposed a cost on the petitioner.

10. Contract of bailment :

In the case Tata Iron & steel Co. Ltd. Vs. South Eastern Co. Ltd. Vs. South Eastern Roadways reported in 2011 (4) JLR 355, a Single Bench of this court (**Narendra Nath Tiwari, J.**) decided a matter u/s 148 of Indian Contract Act, 1872 and hold that only when goods were delivered by one person to another for some purpose on condition that on fulfilment of such a purpose, the goods will be delivered back or disposed of according to the directions of the persons delivering the goods, contract of bailment is established. It is further held that sec.39 of the Sale of Goods Act, 1930 is applicable in case of a contract of sale of goods and hence in case of loss or damage to the goods in transit, the buyer can himself decline delivery and holder seller responsible for damage.

11. Non-public servant within the purview of Prevention of Corruption Act, 1988 :

In the case of Kamla Kanta Mishra & Ors. Vs. The State of Jharkhand through Vigilance, reported in 2012 (1) JCR 534, a Criminal Writ was preferred on the ground that as the petitioner is not the public servant, offences u/s 13(1)(d) & 13(2) of the prevention of corruption Act and Sec.420/467/468/471/477(A)/109/120(B) is not maintainable against him. The a Single Bench (**Mrs. Jaya Roy, J.**) of this court held that if a non-public servant is also a member of the criminal conspiracy with a public servant to commit any offence under the PC Act, or if such non- public servant has abetted any of the offences which the public servant commits, such non-public servant being the beneficiaries and being the abetter of the offence which the public servant has committed liable to be tried before the Special Judge, vigilance and the Prevent of Corruption Act, 1988.

12. Regularization in service :

In the case of Bijendra Singh vs. The State of Jharkhand & Ors. Vide W.P.(S) No. 4837 of 2003, the termination of the petitioner was challenged on the ground that he has been terminated without any show cause and without any opportunity of being heard. It is held by a Single Bench of this Court (**P.P. Bhatt, J.**) that the direction given by the Hon'ble Apex court in Civil Appeal Nos.5342, 5343, 5344, 5346 and 5376 of 2003 that ad-hoc employee has no right to claim regularization in the service but because of erroneous procedure adopted by the concerned authority in appointing such persons and thereafter continuing them for years together, on occasions, relief is required to be moulded in favour of such employees and the direction given also required to be followed by the respondent state in respect of such employees. Petitioners are also similarly situated person hence there cases should be considered in the light of the decision given by the Apex Court.

13. Prospective or Retrospective Operation of a Statute :

In the case of Harendra Kumar & Ors -versus- Life Insurance Corporation of India, through Chairman, Central Office, Mumbai & Ors, reported in 2012 (1) JLJR 255, a Single Bench of this Court (**Prashant Kumar, J.**) held under Article 226 of the Constitution of India that a statute will always prospective in operation, unless it is equally or by necessary implication made retrospective. But it is equally well settled that when a statute is curative of the previous law the retrospective operation is generally intended. It was further held that the selected candidate has no vested right for appointment only because he has been selected and his names find place in select list. The employer is under no legal duty to fill up all or any of vacancy, Therefore, no direction can be issued to appoint the petitioner against the present vacancies.

14. Petty Nature Cases :

In the case of Rajendra Sharma vs. State of Jharkhand through C.B.I. (Cr. Appeal (S.J.) No. 1110 of 2006), as reported in 2011 (2) JLR 434 a Single Bench of this Court (**Jaya Roy, J.**) held that while awarding sentence under Sections 7, read with Section 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988 in a conviction for taking bribe of Rs.250/-, keeping in view that he has already undergone protracted trial for more than 16 years and he has lost his job and keeping in view of his otherwise good service record, the sentence reduced to the period already undergone and fine of Rs. 1000/-.

15. Scope of judicial review under Article 226 :

In Case of Bihar Sponge Iron Ltd, Seraikela Kharsawan versus Appellate Authority for Industrial and Financial Reconstruction, New Delhi & Others (W.P.(C) No. 772 of 2012), a Single Bench of this Court (**Aparesk Kumar Singh, J.**) held that this Court in exercise of its certiorari jurisdiction, does not sit in appeal over the decisions of the statutory authorities such as Board for Industrial and Financial Reconstruction (BIFR) and Appellate Authority for Industrial and Financial Reconstruction (AAIFR). If the aforesaid statutory authorities have taken a decision in accordance with law after due application of mind and after considering the view of the parties likely to be affected in the manner which may not be said to be irrational or perverse, the Court should not interfere in their decision. It is also held that in exercise of the powers of judicial review under Article 226 of the Constitution of India, this Court is required to see whether the decision making process suffers from any such grounds of illegality, irrationality or is otherwise perverse. Under the circumstances of the case, in exercise of power of judicial review in the case in hand, this Writ Court is concerned with the decision making process and not with the correctness of the decision.

16. Reasonable Classification on the post of teachers :

In the case of Raju Kumar Upadhyay & Ors. Vs. State of Jharkhand & Ors. (W.P.(S) No. 4709 of 2011 along with batch cases), where the petitioner prayed for relaxation of age on the ground that the cut-off date is absolutely arbitrary and the case of the petitioner ought to have been considered by the respondent State authorities by relaxing their age because they are working on deputation in Higher Secondary School (+2 Schools) since last 6/7 years. It is held by the Single Bench of this Court (**D.N. Patel, J.**) that the Court must be slow in exercising power of judicial review for change of cut-off date, unless it is capricious and whimsical and fixing the cut-off date for determining the minimum or maximum age is the discretion of the Rule Making authority. There cannot be any cut-off date which can be fixed with

so much mathematical accuracy and with so much statistical nicety, which can avoid hardship in all conceivable cases. Once the cut-off date is fixed, some candidates are bound to fall on the wrong side of the cut-off date. That cannot make the cut-off date, per se, arbitrary, unless the cut-off date is so “wide of the mark, as to make it wholly unreasonable. It is further held that there cannot be any lump sum or general or wholesale relaxation of age, merely because the advertisement has been published at much belated stage not can there be wholesale relaxation, because the vacancies occurred in the earlier years.

17. Infructuous litigation :

In the case of Ramji Lal Sarada Vs. Gopal Sharan Nath Sahdeo, Election Petition No. 5 of 2010 where a Single Bench of this Court (**R. K. Merathia, J.**) in exercise of power given under Order VI Rule 16 and Order VII Rule 11 declared that nothing survives in the case as returned candidate has died and a fresh election is overdue. It is held that keeping this case pending would mean continuing a meaningless litigation. It is further held that the result of recounting done in 2011 with the result of 2009, a difference of 25 votes between the returned candidate and the petitioner and, therefore, the objection to the recounting report are not sustainable and, as such, the provisions of Order VI Rule 16 and Order VII Rule 11 of the Code of Civil Procedure have been invoked under the circumstances of the case.

18. Administration of Justice and Consumer Dispute :

In the case of The State of Jharkhand through District Provident Fund Officer, Palamau Vs. The District Consumer Forum, Palamau, reported in 2012 (2) JLR 52 = W.P. (Civil) No. 4075/2003, a question has been referred to the Full Bench of this Court (**R. K. Merathia, J; R.R. Prasad, J and D.N. Upadhyay, J.**) “whether employee of the State, who is beneficiary of the Bihar General Provident Fund Rules, 1948 (as adopted by the State of Jharkhand) is getting the service for consideration and which service falls in the definition of Sec.2(1)(o) of the Consumer Protection Act, 1986.” Full Bench of this Court, after discussing about the provisions contained in Sec.2(1)(o) of the Consumer Protection Act, 1986 and Rules 4 & 11 of Bihar General Provident Fund Rules, 1948 held that cases covered under Employees Provident Funds and Miscellaneous Provisions Act, 1952 are different as there is clear provision for charging administrative charges for meeting the administrative expenses incurred for maintaining the provident fund establishment. It is further held that Employee of the state who is beneficiary of Rules, 1948 is not getting service for consideration within the meaning of service u/s 2(1)(o) of C.P. Act hence dispute raised before Consumer Forum for deficiency in service in preparing deduction statement not maintainable. It was further held that in the administration of Justice, judgements are to be read in the context of the facts and circumstances obtaining therein and they are not to be read as statutes.

19. Public Officer under the Code of Civil Procedure :

In the case Ramesh Chandra Jha Vs. Coal Mines Provident Fund Commissioner, through the Board of Trustees reported in 2011 (1) JCR 440 (Jhr) = S.A. No. 134/2005, in a Second Appeal a question came up before a Single Bench of this Court (**Narendra Nath Tiwari, J.**) “whether the Coal mines Provident Fund Commissioner is a Public Officer under the Union of India so as to attract the provision of order XXVII, Rule 5-A of the Code of Civil Procedure?” After discussing provisions in law it has been held that duty discharged as the Executive Officer of the Board cannot be said to be the duty discharged as an officer of the Central Government or the State hence the suit filed against the Board of Trustees is not bad for non-joinder of the Central Government/Union of India (Coal Mines Provident Fund Commissioner) and the provisions of Order XXVII, Rule 5(A) Code of Civil Procedure has no application to the facts of this case.

20. Recovery of Excess Amount :

- (a) In the case of Dinesh Kumar Sinha Vs. Jharkhand State Electricity Board & Ors. Vide W.P.(S) No.1382 of 2006, the yearly increment of the petitioner was withdrawn on the ground that the petitioner has not cleared Hindi Noting and Drafting Exam. The Single Bench of this Court (**D.N. Patel, J.**) after discussing the judicial pronouncement of Hon'ble Supreme Court and also this Hon'ble Court held that any excess amount paid shall not be recovered unless it is found that such payment was made due to misrepresentation, fraud or collusion of the employee.
- (b) In the case of Chandra Kumar Tripathy Vs. Vinoba Bhave University (W.P. (S) No. 2612 of 2004), reported in 2012 (1) JLR 51; 2012 (1) JCR 416 (Jhr), a Single Bench (**D. N. Patel, J.**) of this court held that in the matter of recovery if no misrepresentation or suppression of any material fact by the petitioner nor any fraud played by during his continuance in service and final decision was not taken for retirement at the age of 58 years and petitioner continued to work within full knowledge of respondents then Respondents cannot recover the amount which has already been paid for the services rendered. Petitioner is entitled to the Salary for the rest period of work for which no salary paid to be paid.

21. Death in Judicial Custody-Compensation :

In the case of Malti Devi Vs. State of Bihar (Now State of Jharkhand) & Ors. Reported in 2012 (1) East. Cr. C 293 (Jhr) = Cr. W.J.C. No. 184/1999 (R). It has been held by a Single Bench of this Court (**H.C. Mishra, J.**) that where a person is taken into custody, with serious ailments, it would be responsibility of the State to provide him proper and adequate medical

facilities well within time. It is further held that when death is caused in jail custody, it is responsibility of the State Government to duly compensate the petitioner for the death of her husband who was arrested on 31.05.1999 and remanded to jail. It is alleged in the writ petition that during the period he was in police custody, he was badly assaulted by the police, due to which he sustained internal injuries. It is further alleged that while in jail custody, his condition deteriorated and when his family members came to know about his ailments, they requested the Jail Doctor to refer his brother to Rajendra Medical College Hospital, Ranchi as his condition had deteriorated a lot, but the Jail Doctor demanded three bottles of beer and mixture as bribe and when he was provided with these articles, then only the patient was referred to Rajendra Medical College Hospital, Ranchi in serious condition, on 10.06.1999, where he died in course of treatment on 12.06.1999.

22. Standard of Proof:

In the Case of Bhaskar Gupta Vs. State of Jharkhand & Anr. as reported in 2012 (1) East. Cr. C 553 (Jhr.) a Single Bench of this Court (**H.C. Mishra, J.**) held that if the defendant is proved to have discharge his initial burden the onus shift upon the complainant to prove that the cheque was issued in discharge of legally enforceable debt and if he fails to prove his case beyond reasonable doubts the accused would be entitled to be acquitted on the basis of the well founded law that the prosecution must prove the guilt of an accused beyond all reasonable doubt, the Standard of Proof so as to prove a defence on the part of the accused is preponderance of probabilities.

23. Rule of Law is supreme :

In the case of Shri P.N. Mishra Vs. The Union of India vide W.P.(S) No. 4946 of 2008, the petitioner sought for implementation and adoption of uniform and consistent Pension Rule for entire teaching and non-teaching staff governed by the Human Resource Department, Government of India. In this case, Division Bench of this Court (**Prakash Tatia, C.J. & Aparesh Kumar Singh, J.**) held that cut-off date of notification of pensionary scheme is within the domain of the employer unless it is arbitrary and unreasonable and some gross violation of Ar. 14 is made out. The mere fact that other institutions are governed by different pensionary scheme since earlier point of time will not entitle the petitioner to claim that the Navodaya Vidyalaya Samiti is legally obliged to follow the same as it is an autonomous body, admittedly framed under the Societies Registration Act. It is further held that Sympathies have no place in a Society governed by the Rule of law.

24. Writ of Declaration :

In the Case of Rajesh Kr. Vs. The State of Jharkhand & Ors. Reported in 2012

(1) JLJR 80 = WP (S) No. 393/2011, it is held by a Single Bench of the Jharkhand High Court (**Prashant Kumar, J.**) that when selection process adopted is not fair, just and reasonable and thus violates of Art. 14 and 16 of the constitution of India, it is open to the Court to make a judicial review of the decision of the Government and if the court comes to the conclusion that the appointment is not fair it is open to the court to issue writ of declaration. It is further held that criterion of selection can not be changed in the middle of selection process with a view to give benefit to a particular candidate.

25. Custody of a child :

In the case of Amit Sundeep Khanna Vs. Union of India through Secretary, Ministry of Home Affairs, New Delhi & Ors. Vide W.P. (HB) No. 388 of 2010 as reported in 2011 (3) JLJR 160 (**R.K. Merathia, J. & D.N. Upadhyaya, J.**), a writ of habeas corpus was filed for custody of a child. Child was taken to India by the mother. Direction was given by the High Court of New Zealand at Oakland to produce the child. After going through the facts of the case and judicial pronouncement a Division Bench of this court held that financial capacity of the petitioner cannot be the sole factor for disturbing the child from the custody of the mother. Welfare of the child is the paramount consideration of the child. It is further held that while dealing with a case of custody of a child removed by a parent from one country to another in contravention of the orders of the court where the parties had set up their matrimonial home, the court in the country to which the child has been removed must first consider the question whether the court could conduct an elaborate enquiry on the question of custody or by dealing with the matter summarily order a parent to return custody of the child to the country from which the child was removed and all aspects relating to the child's welfare be investigated in a court in his own country. Should the court take a view that an elaborate enquiry is necessary, obviously the court is bound to consider the welfare and happiness of the child as the paramount consideration and go into all relevant aspects of welfare and happiness of the child as the paramount consideration and go into all relevant aspects of welfare of the child including stability and security, loving and understanding care and guidance and full development of the child's character, personality and talents. While doing so, the order of a foreign court as to his custody may be given due weight; the weight and persuasive effect of a foreign judgment must depend on the circumstances of each case.

26. Prosecution of conspirator under Prevention of Corruption Act :

In the case of Dharamvir Bhadaria Vs. Union of India vide Cr. M.P. No. 395 of 2011 along with batch cases, as reported in 2012 (2) JLJR 99 the petitioner approached before the Single Bench (**R.R. Prasad, J.**) on the ground that he

being a private person cannot be prosecuted for the offence under the Prevention of Corruption Act and so far offence under Section 120(B) of the IPC is concerned, it has been levelled without any sanction in terms of Sec.196(2) of the Code of Criminal Procedure. It has been held that criminal proceeding warrants to be quashed in exercise of extraordinary power only when without adding or subtracting, Court finds that allegations do not constitute any offence. It is further held that as contained in Sec.3(1) of the Prevention of Corruption Act, Special Judge has been given power to try the offences punishable under the Act and also any conspiracy to commit or any attempt to commit or any abetment of any offences of the Prevention of Corruption Act. Thus, it is unconceivable that the abettor or the conspirator can be delinked from the delinquent public servant for the purpose of trial of the offence. With regard to other issue, it is held that u/s 13(2) punishment prescribed is imprisonment for a term which shall not be less than one year but may extend to seven years and imprisonment may be either simple or rigorous thus the accused may be prosecuted u/s 120(B) without sanction.

27. Protection of Customary Law :

In *Junas Amrit Theophil Tirkey versus Anandini Tigga & Ors.*, as reported in 2012 (1) JCR 54 (Jhr.) 54 = A.F.O.D. No. 68/1996(R), the customary law of the tribal people has been sustained where under the circumstances of the case, it has been held that Oraons and other tribes dwelling in the province of Bihar and Orissa are exempted from the provisions of Indian Succession Act. Such Tribal people are governed by the customary Rule of Succession and inheritance. Provisions of Sections 276 and 279 of the Indian Succession Act to grant probate have no application in case of Oraon. **(Prashant Kumar, J.)**

28. Freedom of Speech and Expression :

In the case of *Durga Oraon Vs. The State of Jharkhand & Ors.* (W.P. (PIL) No. 4700/2008), reported in 2012 (1) JLR 247 an I.A. No. 109/2012 filed requesting from the court to take cognizance of the contempt of court committed by the former M.L.A. Mr. Saryu Roy, who is the author of the book namely "Madhu Kora Loot Raj".

A division bench of this court **(Prakash Tatia, C.J. and P.P. Bhatt, J.)** while deciding the I.A No. 109/2012 held that forming an opinion by a person on the basis of certain materials available and conveying his opinion is valuable right of a person which is freedom of speech and cannot be curtailed unless a strong case is made out. It is further held that doing some research work and publishing in the form of a book, which book contains the facts and views according to perception of that person, unless directly interfere in the process of investigation or trial, cannot be prohibited from

the publication because of the reason that perception of one person, whose perception may be wrong, cannot influence the trial of the case or court proceedings and the court or witness. Neither the witnesses can give evidence on the basis of view and opinion of authors nor the court can admit evidence based upon others opinion or views. In a case for which several news were published in various newspapers neither it amounts to interference in administration of justice by court nor is lowering down prestige of court. Contempt proceeding dropped.

29. Quick Executive Action :

- (a) In the case of Vishal Pd. Vs. The State of Jharkhand & Ors. (Cont. (Cvl.) No. 171/2011) reported in 2012 (1) JLJR 227, a division bench (**Prakash Tatia, C.J. and Aparesh Kumar Singh, J.**) while dealing with Contempt of Courts Act, 1971, Section (2) r/w Article 215 of Constitution of India held that Instrumentalities of State must act expeditiously as per order of the court. Litigants should not be made to suffer because of passive conduct of Government or the authorities. It is further held that all parties, Civil and judicial shall act in accordance with the pronouncement of the Supreme Court. Direction given to the Chief Secretary, Government of Jharkhand for effective implementation of the order of the High Court in the light of direction of the Supreme Court in the matter of Contempt of Court in (2012) 1 SCC 273.
- (b) In the case of The State of Jharkhand & Ors. Vs. Shailendra Kr. Sinha (LPA No. 380/2011), reported in 2012 (1) JLJR 249, a division bench of this court (**Prakash Tatia, C.J. and P.P. Bhatt, J.**) while dealing with Sec. 71 of the Registration Act, 1908 held that Registering Authority cannot sit over the document by not registering it. It is further held that Registering Authority should either register the document or pass appropriate order refusing to register the document. The State is directed to register the document or pass appropriate order refusing to register the document.

30. Prevention of Torture by ragging in Schools / Colleges :

In the case of Court on its own motion Vs. The State of Jharkhand (W. P. (PIL) No. 6510/2011) reported in 2012(1) JCR 381 (Jhr), a division bench of this court (**Prakash Tatia, C.J. and Aparesh Kumar Singh, J.**) suo moto took cognizance in the news item published in the newspaper "Danik Baskar" dated 14-11-2011 about the ragging of a student of Sanik School Tiliaya. It is directed to the school administration to proceed to take all corrective measures which they themselves suggested in their report and written submission and will effectively implement their schemes to prevent such type of illegal activity and take steps for safety of the students.

It is also directed to the State of Jharkhand to take steps for preventing the ragging in the schools for which the State Govt. may also come with its proposal so that no further incident may occur.

31. Promoting Educational Career :

In the case of Rahul Kumar & Ors. Vs. National Institute of Foundary and Forge Technology, Ranchi & Ors. (W.P. (C) No. 6056/2011, reported in 2012 (1) JCR 391 (Jhr), the petitioner prayed for a direction to the respondents to extend time to furnish the result of Diploma examination of Metallurgical/Mechanical subject and to allow them to fill up the form and appear in the ensuing examination of Advance diploma.

A Single Bench (**N.N. Tiwari, J.**) of this court held that petitioner could not submit diploma of Polytechnic Examination, under the circumstances beyond their control. Writ petition disposed of with a direction to the respondents to allow the petitioner and other similarly situated students of the institute to fill up the forms and appear in the examination of Advance Diploma Course provisionally, subject to the result of their Polytechnic Examination.

32. Appropriate Authority for initiating criminal proceedings :

In the case of P.B. Pd. Vs. State of Bihar & Anr. {Cr. Misc. NO. 5011/1999 (R)} reported in 2012 (1) JCR 460 (Jhr), a Single Bench (**R. R. Prasad, J.**) of this court while dealing with Sec. 2(a), 10 and 12 of Equal Remuneration Act, 1976 held that Central Government is not appropriate authority to lodge complaint for contravention of provisions of the Act. Complaint filed by Labour Enforcement Office (Central) not filed by an Officer authorized by the appropriate Govt. Order taking cognizance quashed.

33. Procedural Law not to be Frustrated :

In the case of Manoj Kumar Agarwal @ Manoj Agarwal & Another versus State of Jharkhand & Another (W.P.(Cr.) No.273 of 2009) reported in 2012 (2) JCR 425, the Single Bench (**D. N. Upadhyay, J.**) held that Article 226 of the Constitution of India is not to be availed for the purpose of frustrating the procedural law under which a criminal/civil trial is being done.

It is also held that invoking jurisdiction under Article 226 of the Constitution of India for quashing the entire criminal prosecution in which the written report lodged after seizure of sand transportation on the basis of forged and fabricated documents is not permissible. Criminal prosecution under the provisions of IPC on the police report was rightly launched as the offence of forgery is not covered under the Special Law i.e. B.M.M.C. Rules, 1972 [Bihar (Jharkhand) Minor Mineral Concession Rules, 1972] hence no interference warranted.

**13TH FINANCE COMMISSION
AND
INFRASTRUCTURE**

Utilization of 13th Finance Commission Grants

This is the first occasion in the Judicial History of India that Government came forward to invest a huge sum of Rs. 5000 crores to improve Justice Delivery System in the Country.

The Thirteenth Finance Commission of India viewed that the improvement of Justice Delivery is a critical component of the initiative to ensure better outputs and outcomes. In this background, the Thirteenth Finance Commission of India recommended a grant of Rs. 5000 crore to the Judiciary in order to strengthen the capacity of Law Enforcement Arms for the five years period 2010-2015.

After the receipt of the said grant, the Department of Justice, identified a number of initiatives, which are part of this action plan and need support. It includes

- (a) Operation of Morning/Evening/Special Judicial Metropolitan Magistrates/Shift Courts;
- (b) Establishing ADR Centres and Training of Mediators/Conciliators;
- (c) Lok Adalats;
- (d) Legal Aid;
- (e) Training of Judicial Officers;
- (f) State Judicial Academies;
- (g) Training of Public Prosecutors;
- (h) Creation of Posts of Court Managers;
- (i) Maintenance of Heritage Court Buildings; and
- (j) Conditionality.

The Statewise allocation of grants for improving Delivery of Justice is given below: -

State-wise Allocations

Allocation of Grants for Improving Delivery of Justice

No.	State	Number of Sanctio- ned Courts	Number of Judicial Districts	Morning/ evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecutors	Heritage Court Buildings	State Judicial Academy	ADR centres	Court Managers	Total
				(Rs. crore)								
1	Andhra Pradesh	926	23	145.18	17.42	14.52	8.71	26.13	15.00	31.25	12.50	270.71
2	Arunachal Pradesh	339	0	53.15	6.38	5.31	3.19	9.57		0.00	0.00	77.60
3	Assam	289	21	45.31	5.44	4.53	2.72	8.16	15.00	28.53	11.41	121.10
4	Bihar	1367	30	214.32	25.72	21.43	12.86	38.58	15.00	40.76	16.30	384.97
5	Chhattisgarh	348	16	54.56	6.55	5.46	3.27	9.82	15.00	21.74	8.70	125.09
6	Goa	49	2	7.68	0.92	0.77	0.46	1.38	2.72	1.09	15.02	
7	Gujarat	1028	26	161.17	19.34	16.12	9.67	29.01	15.00	35.33	14.13	299.76
8	Haryana	393	18	61.61	7.39	6.16	3.70	11.09	24.46	9.78	124.20	
9	Himachal Pradesh	126	11	19.75	2.37	1.98	1.19	3.56	15.00	14.95	5.98	64.77
10	Jammu & Kashmir	208	22	32.61	3.91	3.26	1.96	5.87	15.00	29.89	11.96	104.46
11	Jharkhand	527	22	82.62	9.91	8.26	4.96	14.87	15.00	29.89	11.96	177.48
12	Karnataka	872	29	136.71	16.41	13.67	8.20	24.61	15.00	39.40	15.76	269.76
13	Kerala	430	14	67.42	8.09	6.74	4.04	12.13	15.00	19.02	7.61	140.06
14	Madhya Pradesh	1307	49	204.91	24.59	20.49	12.29	36.88	15.00	66.58	26.63	407.38
15	Maharashtra	1898	49	297.57	35.71	29.76	17.85	53.56	15.00	66.58	26.63	542.65
16	Manipur	34	2	5.33	0.64	0.53	0.32	0.96		2.72	1.09	11.59
17	Meghalaya	10	1	1.57	0.19	0.16	0.09	0.28		1.36	0.54	4.19
18	Mizoram	40	2	6.27	0.75	0.63	0.38	1.13		2.72	1.09	12.96
19	Nagaland	27	0	4.23	0.51	0.42	0.25	0.76		0.00	0.00	6.18
20	Orissa	531	30	83.25	9.99	8.32	4.99	14.98	15.00	40.76	16.30	193.61
21	Punjab	346	14	54.25	6.51	5.42	3.25	9.76	15.00	19.02	7.61	120.83
22	Rajasthan	825	34	129.34	15.52	12.93	7.76	23.28	15.00	46.20	18.48	268.51
23	Sikkim	13	2	2.04	0.24	0.20	0.12	0.37	15.00	2.72	1.09	21.78
24	Tamil Nadu	788	30	123.54	14.83	12.35	7.41	22.24	15.00	40.76	16.30	252.44
25	Tripura	80	3	12.54	1.51	1.25	0.75	2.26		4.08	1.63	24.02
26	Uttar Pradesh	2174	70	340.84	40.90	34.08	20.45	61.35	15.00	95.11	38.04	645.78
27	Uttarakhand	273	13	42.80	5.14	4.28	2.57	7.70	15.00	17.66	7.07	102.22
28	West Bengal	698	19	109.43	13.13	10.94	6.57	19.70	15.00	25.82	10.33	210.91
	All States	15946	552	2500.00	300.00	250.00	150.00	450.00	300.00	750.00		

The progress report of the initiatives taken for the improvement of Delivery of Justice is given in the tabular form as under:-

Progress Report of 13th Finance Commission, Mission Mode Programme

Sl. No.	Matters	Details
1	Morning/ evening Holiday Courts	<p>Guidelines for holding Holiday Courts has been approved by Hon'ble Full Court and also by the then Hon'ble the Acting Chief Justice and has been sent to State Government (to the Chief Secretary-cum-Chairman, HLMC) vide this Court's Letter No.13803/Apptt dated 28.07.2011 for vetting in forwarding a copy thereof to Secretary, Law (Judicial) Department, Govt. of Jharkhand.</p> <p>An estimated amount for Holding Holiday Court amounting to Rs. 21,06,576/- (Rupees twenty one lacks six thousand five hundred seventy six only.) has been sent to the Law Secretary as per the requirement of each judgship.</p> <p>The amount of Rs. 21,06,576/- (Rupees twenty one lacks six thousand five hundred seventy six only.) has been sanctioned by the State Government communicated vide Memo No.A./13-FC-2/2012-20 dated 28th March, 2012 & Memo No.A./13-FC-2/2012-1045 dated 29th March, 2012 (flag 1).</p> <p>But the Guidelines for Holding Holiday Courts has not received after vetting.</p>
2	Lok Adalat and Legal Aid and ADR Centers & Training of Mediators	<p>Details of programmes organized by the Jharkhand State Legal Services Authority are mentioned in the Action Plan of Jharkhand High Court.</p> <p>The State Government has sanctioned the following amounts for the F.Y-2011-2012, communicated vide Memo No.A./13-FC-2/2012-16 & A./13-FC-2/2012-19 dated 28th March, 2012 & Memo No.A./13-FC-2/2012-1043 & A./13-FC-2/2012-1046 dated 29th March, 2012 (flag 2) :-</p> <p>For Lok Adalat & Legal Aid- Rs.1,98,00,000/-</p> <p>For construction of 04 ADR Centres- Rs.4,00,00,000/-</p> <p>For computerization & reconstruction of ADR centre-Rs.1,75,80,000/-</p> <p>For Training of Mediators-Rs.22,00,000/-</p>
3	Training of Judicial Officers & Training of Public Prosecutors	<p>Details of programmes organized by the Jharkhand State Legal Services Authority are mentioned in the Action Plan of Jharkhand High Court.</p> <p>The State Government has sanctioned the following amounts for the F.Y-2011-2012, communicated vide Memo No.A./13-FC-2/2012-18 dated 28th March, 2012 & Memo No.A./13-FC-2/2012-1049 dated 29th March, 2012 (flag 3) :-</p> <p>For Training of Judicial Officers & Training of Public Prosecutors- Rs.1,67,66,000 + Rs.85,89,000/- = 2,53,55,000/- (two crore fifty three lac fifty five thousand only)</p>

Sl. No.	Matters	Details
4	Judicial Academy	<p>For Infrastructure development of the Judicial Academy Rs.5,97,40,000/- has been sanctioned by the State Government communicated vide Memo No.A./13-FC-2/2012-17 dated 28th March, 2012 & Memo No.A./13-FC-2/2012-1047 & 1048 dated 29th March, 2012 (flag 4):-</p> <p>A sum of total amount of Rs. 38,53,81,100/- (thirty eight crore fifty three lac eighty one thousand one hundred only) has been sanctioned for construction of Judicial Academy, Jharkhand in the Financial Year 2012-13, 2013-14 and 2014-15 communicated vide Memo No.A./13-FC-2/2012-22 dated 30th March, 2012 (flag 5)</p>
5	Court Managers	<p>The State Govt. has informed vide its letter no.B03/Law-stha-04/2010-09/J dated 02nd August 2011, having created 02 posts of Court Manager for the High Court and 22 posts for the Subordinate Courts on contractual basis and fixed their remuneration Rs.50,000/- and Rs.40,000/- per month respectively. Rs.84,00,000/- (eighty four lac) has been sanctioned by the State Government communicated vide Memo No. No.A./13-FC-2/2012-21 dated 28th March, 2012 & Memo No.A./13-FC-2/2012-1044 dated 29th March, 2012 (flag 6).</p> <p>The select list of Court Managers has been published on 02.04.2012 and the appointment of selected Court Managers is under process.</p>
6	Heritage Court Building.	<p>No Subordinate Courts building is notified as Heritage Court Building in the state of Jharkhand. Present High Court building is since one of the oldest building built in the year 1919.</p> <p>The Hon'ble Court has resolved:-</p> <ol style="list-style-type: none"> To call for an estimate with regard to expenditure required for preservation, maintenance and uplifting the present Court Rooms, Judges Chamber, Corridors (to be fitted with Kota Stones or matted Vitrified Tiles) and other structure of the High Court. Estimate regarding setting up of Dias in Court Room No.1 and expenses to be incurred on Wood Paneling and False Ceiling in all the Courts and Chambers of High Court Judges shall also be obtained. <p>In compliance to the aforesaid Minutes, the Accounts (Establishment) Department of this Court has been requested to give the estimate amount to be incurred for above works.</p> <p>Reply from the end of State Govt. is awaited.</p>
3	Training of Judicial Officers & Training of Public Prosecutors	<p>A Progress Report showing the Pendency and Disposal of Cases relating to Petty Nature, Long Pending cases of more then 10 years, cases relating to Sr. Citizen, Minors, Disabled and Marginalized Groups has been sent to the Secretary, Ministry & Justice, Department of Justice, Govt. of India vide Court's Letter No. 3037/Apptt dated 17.03.2012. (flag 7)</p>

Name of the State : Jharkhand

SI No.	Activities	F.Y: 10-11	F.Y: 11-12	Expenditure		Whether Utilization Certificate submitted to D/o Justice		Whether any proposal seeking further flexibility in utilization of grants (Y/N)
		(Unit/Mos)	(Unit/Mos)	F.Y:2010-11	F.Y:2010-12 (in Rs.)	F.Y:2010-11	F.Y:2010-1	
1.	No. Of Morning/ Evening/ Shift Courts set up by utilizing funds allocated by TFC	NIL	NIL	NIL	NIL	N.A	N.A	N
2.	No. Of cases disposed of in these Courts	NA	NA	NIL	NIL	N.A	N.A	N
3.	No. of Lok Adalats held by utilising funds allocated by TFC	NIL	67	Grant not received (grant of F.Y 10-11 received on May, 2011)	860969.68	N.A	Yes	N
4.	No. Of cases disposed of in Lok Adalats by utilizing funds allocated by TFC	NIL	51063	NIL	860969.68	N.A	Yes	N
5.	Legal Aid provided (No. Of cases) by utilizing funds allocated by TFC	NIL	1029	NIL	824883.00	N.A	Yes	N
6.	Legal awareness camps held by utilizing funds allocated by TFC	NIL	TFC Fund received only for Mediation Awareness					
7.	No. Of beneficiaries through Legal awareness camps by utilizing funds allocated by TFC	NIL	NIL	NIL	NIL	NIL	NIL	N

SI No.	Activities	F.Y: 10-11	F.Y: 11-12	Expenditure		Whether Utilization Certificate submitted to D/o Justice		Whether any proposal seeking further flexibility in utilization of grants (Y/N)
		(Unit/Nos)	(Unit/Nos)	F.Y:2010-11	F.Y:2010-12 (in Rs.)	F.Y:2010-11	F.Y:2010-1	
8.	Training of Judicial Officers (Nos) by utilizing funds allocated by TFC		454		8449929.00		Yes	N
9.	Training of Public Prosecutors (Nos) by utilizing funds allocated by TFC		183		427512.00		Yes	N
10.	ADR Centres Set up /Strengthened (Nos) Training of Judicial Officers (Nos) by utilizing funds allocated by TFC	NIL	07	NIL	551944.00	NIL	Yes	N
11.	Cases disposed of in ADR Centres Training of Judicial Officers (Nos) by utilizing funds allocated by TFC	NIL	44008	NIL				
12.	No. Of Court Managers appointed by utilizing funds allocated by TFC	NIL	24 Candidates have been selected for the post of Court Manager (02 for High Court & 22 for Civil Courts of Jharkhand) and is likely to be appointed.					
13.	Training of Mediators (Nos) by utilizing funds allocated by TFC	NIL	226	NIL	1299344.00	N.A	Yes	N

SI No.	Activities	F.Y: 10-11	F.Y: 11-12	Expenditure		Whether Utilization Certificate submitted to D/o Justice		Whether any proposal seeking further flexibility in utilization of grants (Y/N)
		(Unit/Nos)	(Unit/Nos)	F.Y:2010-11	F.Y:2010-12 (in Rs.)	F.Y:2010-11	F.Y:2010-1	
14.	Heritage Court Building by utilizing funds allocated by TFC	xx	xx	NIL	Rs. 2,97,40,000.00 has been diverted to Judicial Academy for infrastructure development	xx	xx	N
15.	Setting up of State Judicial Academy by utilizing funds allocated by TFC							

This is to certify that above information pertains to 13th Finance Commission only.

Conditionality

The Government of Jharkhand has framed the State Legal Policies aimed at responsible litigations and the policy includes the steps for:-

- (i) reviewing the existing cases and wherever necessary withdrawing cases identified as frivolous and vexatious
- (ii) formulating norms for defending cases as well as for filing appeals; and
- (iii) setting up of empowered committee to eliminate unnecessary litigation;

The State Litigation Policy is available on the website of the Government of Jharkhand at the following link: -

<http://www.jharkhand.gov.in/deptdocupload/uploads/31/d201131010.pdf>



**THE
JHARKHAND GAZETTE**
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 55

14 Magh, 1933 (S)
Ranchi, Friday 3rd February, 2012

JHARKHAND HIGH COURT AT RANCHI

NOTIFICATION

Dated Ranchi the 02nd February, 2012.

NO. 36/A. In terms of the provisions contained in the guidelines of 13th Finance Commission, the Jharkhand High Court has been pleased to formulate Guidelines for appointment of the Court Manager in the High Court and Subordinate Judiciary under its jurisdiction, in the following manner:-

GUIDELINES

With the objective of enhancing the efficiency of Court Management and resultant improvement in case disposal, Court Manager will be appointed for assisting Courts to perform their administrative duties, thereby enabling the Courts to devote more time to their judicial functions. The Jharkhand High Court is pleased to issue the following guidelines:-

1. Two Court Manager for High Court and one for each Subordinate Courts will be appointed on contractual basis initially for one year. However, the contract period can be extended upto 31st March, 2016 subject to their suitability.
2. The appointment will be made by the High Court.
3. The administrative control over Court Manager shall be of the Registrar General, in case of Court Manager posted at High Court, and of the Principal District & Sessions Judges/Principal Judicial Commissioner, as the case may be, in Subordinate Courts.

4. Eligibility for Court Manager:-

He/She must possess:-

- (i). A degree or advanced diploma in General Management.
- (ii). Five (5) years experience/training in System and Process Management.
- (iii). Five (5) years experience/training in IT System Management, HR Management, and Financial System Management.
- (iv). Excellent people skills.
- (v). Excellent communication skill.
- (vi). Excellent computer application skills.

5. Age:- Between 25 to 35 years as on 01.08.2011

6. Functions of Court Manager:-

Policies and Standards

- (i). Based on applicable directives of High Court, establish the performance standards applicable to the High Court and Subordinate Court (including on timeliness efficiency, quality of court performance, infrastructure, human resource and access to justice as well as for systems for court management and case management).
- (ii). Carry out an evaluation of the compliance of the court with such standards, identify deficiencies and deviations, identify steps required to achieve compliance, maintain such an evaluation on a current basis through annual updates.

Planning

- (iii). In consultation with the stakeholders of a Court (including the Bar, ministerial staff, executive agencies supporting judicial functions such as prosecutors/police/process serving agencies and court users), prepare and update annually a 5-year court-wise Court Development Plan (CDP).
- (iv). To monitor the implementation of the CDP and report to Superior Authorities on progress.

Information and Statistics

- (v). To ensure that the statistics on all aspects of the functioning of the

court are complied and reported accurately and promptly in accordance with systems established by the Jharkhand High Court.

- (vi). To ensure that reports on statistics are duly completed and provided as required.

Court Management

- (vii). To ensure that the processes and procedures of the court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully compliant with the policies and standards established by the High Court for Court Management and that they safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State, and enhance access to justice. (Note. Standard system for court management is to be developed at the High Court level.)

Case Management

- (viii) To ensure case management systems are fully compliant with the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the state. (Note- Standard system for case management is to be developed at the High Court level.)

Responsiveness Management: Access to Justice, Legal Aid and User Friendliness

- (ix) Ensure that the Court meets standards established by the High Court on access to justice, legal aid and user friendliness.

Quality Management

- (x) Ensure that the court meets quality of adjudication standards established by the court.

Human Resource Management.

- (xi). Ensure that Human Resource Management of Ministerial staff in the court comply with the Human Resource Management standards established by the High Court.

Core System Management

- (xii). Ensure that the core systems of the court are established and function effectively (documentation management, utilities management, infrastructure and facilities management, financial

systems management (audit, accounts, payment)

IT System Management

(xiii). Ensure that the IT systems of the Court comply with standards established by the High Court and are fully functional.

(xiv). Feed the proposed National Arrears Grid to be set up to monitor the disposal of cases in all the Courts, as and when it is set up.

7. Emoluments payable to the Court Manager:

(i). Court Manager at High Court:- a consolidated amount of Rs.50,000 Per Month.

(ii). Court Manager at Subordinate Courts:- a consolidated amount of Rs.40,000 Per Month.

(iii). The Court Manager, so to be appointed shall be provided/equipped with a Laptop and its accessories and supporting staff viz. one Assistant (in the case of High Court)/Clerk (in the case of Subordinate Courts) and one Peon /Daily Wage Mazdoor from the end of the Court concerned.

8. Leave: Court Managers will be entitled to avail Casual Leave as applicable to the employees of the State Government but they shall not be entitled for any other leave.

9. Selection Process

The appointment shall be made through Personal Interview from short listed candidates by an Interview Board consisting of three members (Hon'ble Judges) to be nominated by Hon'ble the Chief Justice.

By order of the Court,
Registrar General

E-COURTS PROJECT

E-Courts Project at a glance.

Unique Features

- On-line Examination of entire Judicial Officers across the 22 District Judgeships every month;
- Each Court is raising query about stay of proceedings of High Court through e-mail and getting reply through e-mail;
- Hon'ble the Chief Justice and concerned Zonal Judges of Judgeships reviewing the complete Court work periodically involving all Judicial Officers of the concerned Judgeships.

The High Court has been very particular for the e-Courts Project to be implemented in all the Courts of the State. An order to that effect has been issued by the High Court is as under: -

ORDER*

All Subordinate Courts shall implement the Software CIS (Case Information System) immediately without any further delay.

The implementation report and any working problem may be intimated to the Central Project Coordinator on mail, which shall be addressed by the Central Project Coordinator within a period of 36 hours.

**Sd/-
Chief Justice**

Dated, the 23rd of September, 2011

* Pursuant to the aforesaid order, the Registrar General issued desired letter vide Order No.16/Appt. dated Ranchi, the 23rd September, 2011 to all the Principal District & Sessions Judges of the State communicated vide Memo No.16439-519/Appt. Dated, Ranchi the 23rd September, 2011.

The e-Courts Project has been launched in the State of Jharkhand for computerization of the all the Court complexes of Civil Courts as well as High Court. The Hon'ble E-Committee, Supreme Court of India with the help of the National Informatics Center and Ministry of Law & Justice Government of India has decided the policies to be implemented in the said Project in Phase wise to achieve its maximum benefit.

Since, the inception of this project in the State of Jharkhand we have achieved the following targets as on date and the same are mentioned below.

PHASE-1

SI No.	Description of work in the Project	Status		
		Completed	Current Status	Future Target
1.	Creation of Computer Room at all the Court Complexes with internet provision	The Computer Server Room (CSR) and Judicial Service Center (JSC) had created in all 22 Civil Courts of the State of Jharkhand by the NBCC Ltd.	The process of supply of Modem for configuring the internet facility is under process.	The Computer Server Room and Judicial Service Center for 4 Subordinate Courts (Taluka Courts) of the State of Jharkhand shall required to be created.
2.	Providing Laptops to the Judicial Officers and Judges	The Hp Laptops and Laser Printers have already been distributed to all the Judicial Officers of the State of Jharkhand.	The distributed Laptops and Printers have been covered under the AMC for its maintenance and proper care.	To get the maximum benefit of the Laptops its memory shall be upgrade as per the recommendation of Hon'ble E-Committee, Supreme Court of India and the same under process.
3.	ICT Training to the Judicial Officers.	All the Judicial Officers of the State of Jharkhand State have been enrolled for providing ICT training by a training agency called Horizon India Pvt. Ltd in the year 2008-09.	The required training for the Judicial Officers have been provided by the System Officers deployed in the Civil Courts by time to time.	
4.	System Software (OS, R D M S, Office Packages etc)	The UBANTU software provided by the Hon'ble Supreme Court of India have been installed in the Laptops of all the Judicial Officers of the State of Jharkhand	The Supreme Today online software has also been installed in the Laptops of all the Judicial Officers.	
5.	Deployment of Technical Manpower in the State of Jharkhand Under Court Project.	The 17 System Officers have been deployed in the State of Jharkhand in the year of 2010 for providing IT support to the e-Courts Project in the various Civil Courts.	The State Government has been requested to create the posts of technical Manpower or providing fund for bearing the recurring expenditures on the heading of manpower.	The process of appointment of System Assistant for all the Civil Courts through the vendor is under process.

PHASE-2

SI No.	Description of work in the Project	Status		
		Completed	Current Status	Future Target
1.	Extension of Computer facility at process places, judges chamber, court hall filling scrutiny and certified copy section and computer room within the court complexes.	The supplied Computer Hardware has been installed in the High Court as well as 17 Civil Courts of the State of Jharkhand.	To forward the requisition to Hon'ble E-Committee and NIC, New Delhi for sanction more Computer Systems for Jharkhand High Court and more UPS for Civil Courts	To achieve the target of full computerization in all the Court complexes in the State of Jharkhand under e-Courts Project.
2.	Upgradation of ICT and Power infrastructure. (DG Set)	22 nos of DG Sets have been installed and commissioned successfully in the Server Room all the Civil Courts of the State of Jharkhand	The State Government has been requested to provide fund for meeting the recurring expenses of fuel cost for installed DG Sets.	To procure the DG Sets for the Taluka Courts of the State of Jharkhand after receiving the fund from NIC, New Delhi.
3.	Upgradation of centralized facility for System administration.			
4.	Upgradation of computer facility computer room and providing scanner at the computing facility.			
5.	Provision of video conferencing facility with video monitoring.)	The Video Conferencing facilities between the jail and Courts have been successfully running in the State of Jharkhand using the Jharnet (SWAN) facility. The Desktop VC of the CPC has been installed and the same working successfully.	The installation of video conferencing System for High Court is completed and the same is under the testing mode.	

THE WAY FORWARD

THE WAY FORWARD FOR A SUCCESSFUL CASE MANAGEMENT

In order to maintain the continuity in revamping the Case Management System, the High Court has been issuing the orders to monitor the things in a very systematic and scientific manner from time to time to upkeep the flow of cases in High Court and also each Court of 22 Judicial Districts.

The Telegraph
Ranchi, India

| Sunday , April 29 , 2012 |

Tatia prod on pending cases

CHANDRAJIT MUKHERJEE



Chief Justice Prakash Tatia in Ranchi on Saturday.
Picture by Prashant Mitra

Ranchi, April 28: Chief Justice Prakash Tatia today implored judicial officers in the Ranchi District Court to be “Net savvy”.

Justice Tatia, on a visit to the district court with Justice R.K. Merathia, chaired a closed-door meeting with all judicial officers and cajoled them to use the Internet more frequently and utilise it for communication with the high court.

The chief justice said all judges in the subordinate judiciary should take it up on themselves to ensure that old cases pending in their respective courts be disposed on priority basis. He added that magistrates and other judges in the lower courts should identify the 20 oldest cases and take them up till they are disposed.

He also discussed the need for efficient court management and said there was tremendous scope of improvement.

“The chief justice said all courts should see to it that the pendency of cases in their respective courts comes down to five-year-old cases only. At present, there are cases which are pending since 1981-82. In some cases there are stay orders from the high court. The lower courts should communicate with the high court and enquire on the status of such cases. E-mails should be sent to the high court for sharing information, Tatia said,” informed a judicial officer.

Justice Tatia reached the civil court at noon and stayed for a couple of hours during which he also met advocates of the Ranchi District Bar Association and also attended the proceedings in the mediation centre. Justice Tatia was impressed with the working of the mediation centre where 19 cases were listed today. As many as four cases were disposed.

The chief justice said had he known that so many cases were listed before the mediation centre, he would have come much earlier to see the proceedings.

He also assured advocates that their demand of filling up the Motor Vehicles Accident Claims Tribunal would be looked into immediately. The tribunal is lying vacant for quite some time.

Lawyers also informed Justice Tatia that the computers in the lower court do not function properly.

Some of the orders given below have been issued when this report was in press as under: -

1. Intensive and thorough Monitoring

(1)

High Court of Jharkhand, Ranchi

ORDER

In supersession of all the previous orders, a Committee consisting of Hon'ble Mr. Justice D. N. Patel, is constituted to monitor, analyze and, time to time, suggest measures, which may be taken, to the Chief Justice for taking appropriate steps in the matter of Case Management and Statistics of the High Courts.

Sd/-

Dated, the 23rd April, 2012

Chief Justice

(2)

High Court of Jharkhand, Ranchi

ORDER

In supersession of all the previous orders, a Committee consisting of Hon'ble Mr. Justice Narendra Nath Tiwari, Hon'ble Mr. Justice R. R. Prasad and Hon'ble Mr. Justice Aparesh Kumar Singh is constituted to suggest measures for rationalization of work in Subordinate Courts to the Chief Justice for taking appropriate steps in the matter of Case Management of Subordinate Courts.

Sd/-

Dated, the 23rd April, 2012

Chief Justice

(3)

High Court of Jharkhand, Ranchi

ORDER

In supersession of all the previous orders, the Central Project Coordinator, Jharkhand High Court, Ranchi shall be responsible for collecting and analysing the Statistics and Case Management of the High Court and Subordinate Courts and further shall assist the Committee consisting of Hon'ble Mr. Justice D.N. Patel which has been constituted to monitor, analyze and, time to time, suggest measures, which may be taken, to the Chief Justice for taking appropriate steps in the matter of Case Management and Statistics of the High Court AS ALSO the Committee consisting of Hon'ble Mr. Justice Narendra Nath Tiwari, Hon'ble Mr. Justice R. R. Prasad and Hon'ble Mr. Justice Aparesh Kumar Singh which has been constituted to suggest measures for rationalization of work in Subordinate Courts to the Chief Justice for taking appropriate steps in the matter of Case Management of Subordinate Courts.

Sd/-

Chief Justice

Dated, the 23rd April, 2012

2. **Work Ethics:** Work hard, but not just to please your master when they are watching. Work with painstaking excellence. All work that uplifts humanity has dignity and importance.
3. **Budgetary Plans:** The PDJ of each judgship is empowered to make a judicious budgetary plan for their respective jurisdictions and not in a mechanical manner so that allotments to that effect be ensured, to run the judgship smoothly.
4. **Centralized Filing System** i.e. single window filing in each judgship with a completely updated data system. Two senior ministerial staff (Shirestedar) to be deputed for civil and criminal matters, both facilitating immediate stamp reporting, registration of cases and also transfer to the concerned court for further action. Ready case filing system to be introduced in each judgship to avoid wastage of Judicial time.

Computer professionals have been employed for a limited period, on contractual basis, to streamline the computerization process of the court. Simultaneously, a computer literacy training is likely to be commence for the existing staff.
5. **Mobile Computer Training And Maintenance Squad** to impart training to the ministerial staff, by visiting various district courts throughout the year. They would additionally impart required levels of training even to the computer literate staff to improve their efficiencies and upgrade their skills in tune with technology.

They would also be responsible for maintaining the computer systems installed in various courts and can be specially requested for troubleshooting.
6. **Front Office** - In each judgship there should be a front office to give all required information to the litigants through a specially appointed Public Relation Officer (PRO) (under consideration).
7. **Frequent use of ADR** for civil cases and Plea Bargaining for criminal cases.
8. **Motivational and Orientation Training** for Ministerial Staff of the High Court and Subordinate Judiciary.
9. **Involvement of Advocates** to make mediation and conciliation of cases successful.
10. **Deposit of Court Fees** through the treasury/banks and not by stamps. (under consideration)

***Coming together is
beginning
Keeping together is
progress
Working together is
success!***