

Date: 27 March 2012

MINI SURVEY

(ON PENDENCY OF MATTERS IN MAGISTRATES' COURTS AT JALGAON CITY)

Today's common man is afraid of approaching the court for Redressal for his grievances and sometimes fall prey to extra-judicial methods for settlement of problems. The main reason behind this tendency is the DELAY IN THE DELIVERY OF JUSTICE. Some people blame lawyers for being responsible for this delay, while some come to an easy conclusion that the judges are responsible for this delay; but nobody tries to find out the root-cause behind this problem.

While practising as a lawyer in Magistrates' Courts at Jalgaon City; I found that some courts are over-burdened with more than 100 matters per day, and also observed that the tension of the huge number of matters is reflected in the behavior/efficiency of some magistrates as they also are a human being. The lack of due adjournment of board is also ultimately leading to delay and injustice.

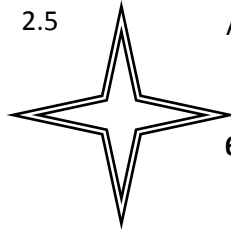
I have, during the period of 13 March 2012 to 16 March 2012, conducted a mini-survey; limited to Jalgaon city, and collected some data (which was easily available for public in the form of daily cause-list) the data is reproduced on page nos. 2 & 3 :-

4th jt. CJD & JMFC , Jalgaon
(114 Matters
Per Day)

Date	Criminal	Civil
13/3/12	115	2
14/3/12	123	2
15/3/12	112	3
16/3/12	96	3
Total	446	10
Average	111.5	2.5

3rd jt. CJD & JMFC, Jalgaon
(91 Matters
Per Day)

Date	Criminal	Civil
13/3/12	87	7
14/3/12	60	6
15/3/12	117	4
16/3/12	78	7
Total	342	24
Average	85.5	6



7th jt. CJD & JMFC, Jalgaon
(87 Matters Per
Day)

Date	Criminal	Civil
13/3/12	70	8
14/3/12	89	6
15/3/12	85	5
16/3/12	79	5
Total	323	24
Average	80.75	6

6th jt. CJD & JMFC, Jalgaon
(74 Matters
Per Day)

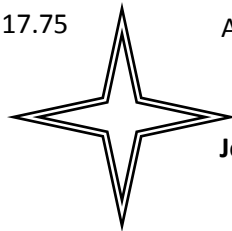
Date	Criminal	Civil
13/3/12	55	18
14/3/12	40	11
15/3/12	104	17
16/3/12	38	15
Total	237	61
average	59.25	15.25

5th jt. CJD & JMFC, Jalgaon
(74 Matters Per Day)

Date	Criminal	Civil
13/3/12	52	16
14/3/12	53	13
15/3/12	62	25
16/3/12	62	17
Total	229	71
average	57.25	17.75

Chief Judicial Magistrate
(67 Matters Per Day)

Date	Criminal	Civil
13/3/12	65	0
14/3/12	44	0
15/3/12	60	0
16/3/12	70	0
Total	239	0
Average	59.75	0



2nd jt. CJD & JMFC, Jalgaon
(59 Matters Per Day)

Date	Criminal	Civil
13/3/12	42	20
14/3/12	61	31
15/3/12	68	28
16/3/12	45	22
Total	216	101
average	54	25.25

Joint CJD & JMFC, Jalgaon
(46 Matters Per Day)

Date	Criminal	Civil
13/3/12	27	18
14/3/12	44	24
15/3/12	31	14
16/3/12	17	10
Total	119	66
Average	29.75	16.5

(Above data does not include New filings, Remand matters & matters Taken on Board)

Court working hours: 11 am to 2 pm & 2:45 pm to 5:45 pm

Total available time: $180+180=360$ minutes only

Considering the above data.....

1. If a court has 144 matters on board for a particular day then it has only 3.15 minutes for each matter! The inspection of the file will itself consume 3 minutes, that means no hearing or argument or passing of an order is possible, one cannot even think about the judgment.
2. If the court decides to fix 10 minutes for each matter, then the court will be in a position to handle only 36 matters during the day. That means 78 matters remain unattended.
3. If a court has 46 matters on board for a particular day then it has only 7.82 minutes for each matter! In this situation also neither hearing nor argument or judgment is possible.
4. If the court decides to fix 10 minutes for each matter, then the court will be in a position to handle only 36 matters during the day. That means 10 matters will still remain unattended

REASONS: a) Disproportionate distribution of matters amongst the courts
b) Grant of undue adjournments.

EFFECT: Pendency is increasing day-by-day.

SUGGESTIONS

- 1) The board of each magistrate court as far as possible should be restricted to 40 matters (inclusive of both civil & criminal) per day.
- 2) Daily board of a magistrate court may be divided as follow:-
 - a. For **Judgment** : 2 matters
 - b. For **Arguments** : 3 matters
 - c. For **Part-heard** : 5 matters
 - d. For **Hearing** : 5 matters
 - e. For **Orders** : 5 matters
 - f. For **Steps** : 5 matters
 - g. For **Await/report** : 8 matters
 - h. For **New filling** : 5 matters
 - i. For **Taken on board**: 2 matters.

Total = 40
- 3) Every magistrate should see that he/she attend & leave the dice meticulously as per the civil/criminal manual.
- 4) The power of grant of adjournment be used sparingly.
- 5) Some matters from over loaded courts may be handed over to least loaded court for disposal.

- 6) New courts of magistrates are required to be appointed for which some efforts are necessary.
- 7) There must be specific time-limit for passing an order or judgment as the case may be, after argument is heard.

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