

Civil Courts Barabanki: An endeavour to keep pace with the need of the hour

Judicial system is often known for its snail pace of working with protracted litigation, poor infra-structure and running behind changing pace of time. However, with certain extra efforts, drastic changes can be brought in the system as has been done at Barabanki since July, 2010. A glimpse of steps resorted to, as enumerated, below will justify the old notion that things can always be changed for betterment with extra labour, sincerity and dedication.

1. Computerization

The use of Information Technology is need of hour to maintain accuracy with transparency and speed and therefore, computerization of records was given top priority. Consequently, the Computer Server Room was made functional on **July 24th, 2010** and thereafter, complete Cause Lists of **30** Courts have been made available on the official web site of the Court with path: www.barabanki.nic.in. → scroll to '*E-courts Causelists*'. A total number of **77555** files have already been feeded. Feeding of remaining files is being monitored closely. On **14.12.2010**, the outlying Court of **Haidergarh** was also brought on line and subsequently, bail applications listed for disposal in various Courts are being shown on the official web site of the Court. In this manner, Civil Court Barabanki became **first district in U.P.** to become on line. Computers have been provided to all Courts and Stenographers.

2. Recording of evidence

Recording of evidence is life line of justice delivery system. The main cause of protracted litigation is either poor attendance of witnesses or their non-examination. Hence, steps were taken to increase the percentage of attendance of witnesses and day to day statements from all Courts were obtained. It was also ensured that witnesses are examined on the date they appear in Court. Consequently, from **22.7.2010 till 30.9.2011**, in **337** working days, **28125** witnesses attended the Court and evidence of **24750** witnesses was recorded to the tune of **60436** pages. The percentage is **88.00%**. Out of the above cited **337** working days, the Advocates were on strike for **123** days but on all these days, the Courts **functioned normally** and witnesses were examined. The annexed chart (placed at A) will indicate the date, number of witnesses present and examined, total number of pages of evidence recorded on the dates when Advocates were on strike. **Thus, it would be seen that there had hardly been any effect of strike at Barabanki since 15.7.2010.**

3. Committal of Sessions Trials

Committal proceeding is the first steps of beginning of trials of heinous offences before the Court of Sessions. Hardened criminals generally resort to delaying tactics by stalling the committal proceeding. This mal-practice is looming large all over. Hence special attention was paid to ensure speedy committal of cases and day to day status-report was obtained from Magistrates. On **1st December, 2010**, in all **680** cases were pending for committal and thereafter, charge-sheets were submitted in **735** cases and during this period, **1223** cases were committed to the Court of Sessions and

pendency has been brought down to **192** as on 30.9.2011. Day to day progress is being monitored to further bring down the number.

4. Disposal of all types of cases (from 22.7.10 to 01.9.11)

On 1st July, 2010, total **15540** civil and **59007** criminal cases were pending for disposal in the Judgeship. Thereafter upto 31st August 2011, **6846** civil and **17060** new criminal cases were instituted. However during this period, **6896** civil and **24038** criminal cases were disposed off and the pendency as on 1.9.2011 was **15490** civil and **52029** criminal cases. Thus, the disposal of both civil and criminal cases have become more than the institution of the cases and if this speed is maintained, then the total pendency will further go down. All officers have given more than the prescribed quantum of work.

4A. Physical verification of cases

A comprehensive physical verification of all the files pending disposal of all the Courts at Barabanki was carried out and it was found that the figures (relating to pendency of cases) submitted by Subordinate Courts were wrong. It was found that 10435 cases were wrongly shown as pending. This was due to improper upkeep of datas/registers/records. The actual pendency in the Judgeship as on 01.4.2011 was 15175 civil and 50393 criminal cases. Physical verification of all cases of all Courts was a Herculean task that was achieved with great pain.

5. Disposal of Under-trial cases till 30th June, 2011

Special emphasis was laid on disposal of cases relating to under-trial prisoners. On 01.7.2010, the total number of under-trial prisoners in the

district was **533**. Hence, a special drive was made to take up the cases of U.T. prisoners for disposal. Consequently, a large number of U.T. cases were disposed off. Here, a special mention may be made to crime no. 66/98 u/s 398 IPC P.S. Fatehpur in which the accused was in Jail for about 10 years. The case was taken up on priority basis and was decided within 13 days culminating in his conviction. Total numbers of U.T. cases decided are **503**. A Magistrate is being sent to District Jail every month to take up the cases of under-trial prisoners in Jail Premises. So far, **36** cases have been decided in jail premises. Pendency of under trial prisoners as on 30.6.11 was **814**. This is due to institution of more cases and rejection of bail applications.

6. Trial of cases relating to Females

In the light of directions given by Hon'ble Supreme Court in **1997 (6) SCC 241, 1999 (1) SCC 739, 2005 (9) SCC 426, AIR 2004 SC 2282, 1980 (3) SCC 526 and AIR 199 (SC) 625** and C.L. No. 11026/Admin (E-2) dated 18.8.2007, efforts were made to ensure speedy trial of cases in which accused were females. All cases relating to family disputes have been transferred to one Court. Similarly maintenance cases are being heard by one Court. Cases relating to sexual harassment have been sent to a Court that is presided by a Female Judge. At the same time, a Committee comprising female officers has been constituted to look into the grievances of the female employees pertaining to sexual harassment in view of the directions given in Vishakha's case. During this period, **one** employee was placed under suspension for harassing a female employee. There has been no complaint regarding any such harassment thereafter. The Committee meets at regular intervals to review the situation.

7. Special Acts Cases

During monitoring of disposal of criminal cases, it was felt that the Government Agencies face a lot of difficulties in prosecuting their cases in different Courts. Therefore, in order to solve this problem, jurisdiction to try all cases under Negotiable Instrument Act, Information Technology Act, Forest Act, Prevention of Damages to Public Properties Act, Cow Slaughter Act, Pesticide Acts, Excise Act etc. were entrusted Court-wise. Similarly, all cases against Government employees (Gazetted or non-Gazetted) were vested on a Single Court.

8. Regularization of Records

During surprise round, it was noticed that thousands of files, current & old were found lying abandoned/ unclaimed at second floor of Nyay Bhawan and behind office of the CJM. Similar types of records were also found in 17 Almirahs. Special drive was therefore carried out for regularization of all such files. All such files were listed, regularized and handed over to the concerned Court/official for follow up action. Necessary enquiry to trace out the defaulting officials has been initiated. All almirahs/ racks were therefore searched to trace out unclaimed/abandoned/dumped files. Physical verification of records was made and all almirahs were duly numbered and name of the concerned official was pasted on it in order to fix responsibility if any when required. It was a Herculean task which could be achieved with great difficulty. Photography of the abandoned files was made which is annexed herewith for ready reference. The annexed chart would show the number of decided/undecided files including files which have been received. The total number comes to 23645 (inclusive of running files, decided files, C.Ds., FIRs, charge-sheets and FRs).

9. Library

Thousands of Law books were found lying under dust in Library which was being used as a combined office. In order to set things right, the offices were shifted and all books were arranged category/subject-wise. The catalog was also updated. Need of law journal was thoroughly reviewed and at present, AIR, Cr.L.J., SCC (weekly), SCC (Cri), ALR, ACC, TAC and AIR CJ are available in the Library at the Headquarter and also at outlying Court at

Haidergarh. The District Civil Court Library has become one of the richest and most arranged libraries where approximately **10000** books are available duly arranged in a Hall of 63.02 x 30.61 size which is being exclusively used as a library.

10. Construction work

During general administrative clean up work, it was found that funds were allotted for raising the height of boundary walls of the Court campus, repair of the Munsif Block and other structures during the previous financial years and these funds were credited to PLA's of the concerned agencies but constructions and repair works were not carried out. Hence, steps were initiated to ensure utilization of these funds. Consequently, construction and repair works is being carried out on war footing. Steps have been taken to ensure utilization of each and every penny of budgetary allocations made in the past. It was found that water Pump installed in the Court premises was out of order for approximately 18 years. Steps were taken to put it into order with the help of local Government authorities and repair work is in progress. Apart from this, for the convenience of litigants and lawyers a Sulabh Shauchalaya is being constructed near New Lock-up building with the help

of District Administration. Exhaust fans have been installed in the bathrooms situated in Nyay Bhawan in order to throw out foul smell.

11. Infrastructure

There is a long pending demand for establishing outlying Courts at Tehsils headquarter at Ram Sanehi Ghat and Fatehpur, in addition to the existing outlying Court at Tehsil Haidegarh but no land was available for developing infrastructure in these Tehsils. Steps were initiated to ensure availability of land and for developing infrastructure at Tehsil level. The district administration readily came forward to join hand in this endeavour. Consequently, **2.012** hectare of land has been allotted free of cost by the District Administration for Haidergarh and an estimate for construction of residential and non-residential buildings has been prepared. A plot of land measuring **.544** Hectare has been allotted at District Headquarter Barabanki for construction of residences for the officers and officials, free of cost by the District Administration. Copies of allotment orders are annexed. Notification to this effect was issued by the office of the District Magistrate vide order No.56/1 Panch-Bhu-Byay-Punargrahan dated 1.3.2011. Process for allotment of land at Tehsil Ram Sanehi Ghat and Fatehpur for residential and non-residential purpose is at final stage. It is pertinent to mention here that the Court of Civil Judge (Jr.Div.) Ramsanehighat is already functioning at the District Head Quarter. This Court will be shifted at the Tehsil headquarter when necessary infrastructure is made available there. A Plot No. 664 measuring **1.423** hectare situated at Ramsanehighat has been identified for non-residential accommodation. Process has already been initiated by District Administration to allot it to judiciary. There is long pending demand for establishing outlying Court at Tehsil Headquarter

Fatehpur. Hence Plot No. 909 measuring 0.714 hectare situated at Fatehpur has been identified for establishing outlying Court there. Process has been initiated by the District Administration for allotting the plots to the Judicial Department. Steps have also been initiated to expedite allocation of budget for construction of **13** Court-room building at the Head Quarter.

12. Preservation of Heritage Building

It is a matter of pride that Civil Court Barabanki has some buildings based on British Architecture which are more than a century old. The Civil Court building, the District Judge's Court and the old Sessions House are **110** years old. Hence, efforts were made to get these buildings declared as Heritage Buildings and correspondence was initiated. Consequently, a team of scientist from Archeological Survey of India (ASI) inspected these buildings and now these buildings have been declared as having heritage value and have been recommended for their preservation. Consequently, steps have been initiated to get it repaired and declared as a Guest House for visiting Hon'ble Judges.

13. General Provident Fund

During routine administrative follow up, it was noticed that a handful of class-III and class-IV employees managed to procure advances from their GPF account a number of times by flouting all norms; and in a small span of time, a sum of Rs.**2,53,30,704.00** (two crore fifty three lacks thirty thousand seven hundred four) was withdrawn. Some of the employees even managed to withdraw G.P.F. **30 to 49** times. Hence no advances were allowed since **15th July, 2010**. This is how the family interests of the employees have been protected.

14. Audit Objections

A team of Auditors from office of the Chief Auditor (Civil) Allahabad carried out an Audit Inspection from 29th November, 2010 to 2nd December, 2010. The audit team could not point out any irregularity from the period July 2010 onwards. Certain procedural lapses pertaining to the period February, 2010 to June, 2010 were pointed out which have been duly answered and reply has been given under intimation to Hon'ble High Court.

15. Record Room

The condition of Record Room was pathetic with heaps of waste papers lying in every nook and corner of the Record Room. Weeding of records was not carried out for a long time. None of the 34 Fire Extinguishers was in working condition and compliance of requisition of records too was not upto the mark. The Record Room had been inhabited by thousands of bats (Chamgadarh). Consequently, the entire Record Room was full of foul smell and no body dared to enter the Record Room due to fear of bats (Chamgadarh). Special drive was undertaken to set the things right. All the old records have now been weeded out, all fire extinguishers have been re-filled and brought to working condition. Upkeep of the records has been stream lined. Bats have been removed with the help of Forest Department and now any layman, entering the Record Room will conveniently be able to find the place where the desired record has been placed. The compliance of requisition of records from Hon'ble the High Court and all other Courts is being made within 3 days. A map of the Record Room, showing the location of the records has been displayed for smooth functioning of the section.

16. Central Copying Section

During appraisal of working of the Central Copying Section, it was found that hundred of copy applications were pending for copies out of which some were even more than two years old. It was awe-some. In certain cases, appellant and revisionists sought condonation of delay for more than 2 years on the ground of 'Time taken in obtaining copy of order'. Special drive was undertaken to regularize the irregularities of Copying Department and within a month pendency of Copying section was brought to zero and at present, copies are being issued within 48 hours.

17. Departmental Enquiries

39 Preliminary and **24** Departmental enquiries were pending in the Judgeship on 1.7.2010. Thereafter, **34** Preliminary and **41** Departmental enquiries were instituted upto 31.3.2011. During this period, **38** Preliminary and **13** Departmental enquiries were decided, wherein major punishment of Dismissing from Service have been awarded in **two** cases and other major/minor punishments have been awarded in five cases. An all out effort has been made to punish the delinquent officials and absolve the employees involved in undesirable enquiry. It has helped to ease out tension among innocent employees and has sent a shiver to delinquent officials.

18. Nazarat

The Hon'ble High Court in its last inspection dated 30.8.2008 pointed out that records relating to perishable and non-perishable items were not maintained as per rules in the Nazarat. As a follow up action, the Nazarat was thoroughly inspected, including records relating to all moveable and immoveable properties, perishable and non-perishable items and records

were updated. All old wooden furnitures were repaired and inventory of Government articles provided in every room and house were made. All Air Conditioners, Cars, Fax Machines and Generators have been repaired and are being brought to use. A new Zerox machine has been purchased. All irregularities of Nazarat have been rectified. The landed properties have been duly measured and records have been updated. Air Conditioners have been installed in the chamber of two senior most Additional District Judges. All wooden furniture have been repaired and are being brought to use.

19. Legal Aid Camps & Lok Adalats

Concerted efforts are being made to make the concept of speedy accessible justice delivery system a reality. During the period of July, 2010 to March, 2011, **9** Lok Adalats and **7** Special Lok Adalats were organized in which **41** MAC cases were decided and compensation amounting to Rs. **51,19,313.00** were awarded. **147** Matrimonial cases and **233** Succession cases were also disposed off wherein Succession certificates worth Rs. **2,78,87,980.00** were issued. **7990** petty criminal cases were also decided and a fine of Rs. **9,89,458.00** was realized. Apart from this **1130** Revenue cases were decided through these Lok Adalats. It is worth mentioning that all these achievements were made with a meager expenditure of just Rs. **8,598.00** only. During this period, **24** legal awareness camps were also organized for spreading awareness among the poor litigants and also among law students and alike. Efforts were made to ensure that no one is deprived from justice for want of legal help. Special attention was paid to under-trial prisoners. During this period, **73** applications were received from Jail inmates for legal aid. All the **73** applications were allowed and cases of those under-trial prisoners were decided. Members of the legal Aid Cell

made **18** visits to Jail and provided legal assistance to **109** inmates. **36** cases have been decided by Magistrates in jail premises.

20. Mediation Centre

Redressal of disputes through mediation is a win-win situation in all litigative matters. In matrimonial cases, it helps to iron out the differences between the warring couple. Hence in order to iron out the differences and bring the warring couple together during the period **July, 2010 to March, 2011**, in all **48** sittings at mediation centre took place wherein **348** cases were taken up for counselling. A large number of couples were benefitted.

21. Campus Security

Some sensitive cases are being tried in this Judgeship which included the Sabarmati Train Blast and Serial bomb blast case; hence special attention was paid to campus securities. In order to avert and foil any attempt of terrorist activities, the heights of the boundary wall was raised and entry of any two or four wheelers between 10.30 AM to 4.30 PM in the Court premises was fully restricted by installing barriers on both the entry gates. Apart from this permanent PAC Camp has been properly installed to keep a strict vigil on activities in the campus. Halogen and high mask lights have also been installed on strategic points for security purposes.

22. Tree Plantation

In order to provide a cool and peaceful atmosphere in the Court Campus, about 500 trees were planted in July 2010 which included some flowering and fruit bearing trees. All employees including class IV staffs and Advocates were motivated in this venture. Even district level authorities

like D.M., S.P., A.D.M., A.S.P., D.F.O etc. gladly participated. The lawn in front of the Court of District Judge has been developed. Consequently, within few years when the trees grow old, the litigants will get a better atmosphere in the campus. In the year 2011, 69 fruit trees were planted.

23. Inspection and correction of statements

During this period thorough Inspections of all the Courts/offices were made at regular intervals to ensure their smooth functioning. From July, 2010 till date, 51 inspections were made and thousands of abandoned/dumped files were recovered which have all been regularized. It also came to my notice that statements submitted by different Courts are mostly incorrect which did not reflect the correction position. Hence, a special drive was made to rectify all statements. Consequently, a clear, correct and graphic picture of the Judgeship has enumerated.

The above result could be achieved due to constant guidance from Hon'ble The Administrative Judges Hon'ble Mr. Justice Uma Nath Singh and Hon'ble Mr. Justice R.M. Chauhan; and also due to hard labour and active co-operation of all Judicial Officers, Stenographers, class III and class IV staff and Advocates. The District Administration also extended full co-operation. The Barabanki Justiciary feels indebted to all of them.