



# How to list cases better

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## Highlights

- Chief Justice of India Dipak Misra recently flagged rising pendency in appeals lying with High Courts based on the findings of the Supreme Court's Arrears Committee.
- For decades, the primary measure of court efficiency has been case disposal rates.
- Public perception of court performance and individual judges now hinges on the number of cases pending before them.
- Though a crucial indicator, it also puts pressure on judges to dispose of as many cases as possible, a problematic situation as it does not consider the quality of adjudication itself. Neither does it shed light on the exact nature of cases that have remained pending the longest, or the stage at which pendency recurs the most.

## Impact of listing techniques and other associated issues

- First, listing patterns were generally erratic, with the number of matters listed for the same courtroom ranging from 1 to 126 a month. In some courtrooms, it was 80-120 cases for a month.
- Second, a large number of cases listed in a day meant that inevitably, matters listed towards the end of the day remained left over. Thus, cases in the final stages of hearing most often clogged the case pipeline.
- Third, old pending matters barely made it to court. Our case data over three years showed that 91% of them remained unheard despite being allotted a separate day and specific judges cases that were listed for the second half of the day but would eventually never come up for hearing because of the large number of other urgent and routine matters listed.
- Advocates also tend to become disinterested in older cases in which clients have given up or stopped paying.

## How to solve these issues

- Cause list preparation can be made more scientific if supported by a consistent study of the variance in the number of cases listed across courts
- The cause list should have cases methodically distributed by type and stage. The court can decide on a minimum and maximum number for particular matters.
- Disposing of old and pending matters must be prioritised. Despite allotting two days in week to hearing these matters for most of the day
- Implement a policy where no adjournments are granted for frivolous reasons.

The quality and efficiency of court functioning can be improved with simple tweaks. Therefore, it is time that the judiciary as an institution opens itself to the services of competent external

agencies that can help them record, manage and analyse their data better, to build and sustain a healthy institution.

Source: [The Hindu](#)



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