

Action Plan

2021

Action Plan for Judicial Officers of the West Bengal

2021

Preface:

Piling up of pending cases in subordinate judiciary is of great concern. Subordinate judiciary of West Bengal is continuously taking endeavour to reduce accumulated huge pendency of cases. To give edge to the endeavour a well structured planning is required to lessen the heap of pending cases. Without categorical planning, the effort will be directionless and futile. An Action-Plan leads to a particular direction to attain a specific end. It is a visual guide to help in achieving goals in an effective and timely manner. It will also aid to stay motivated and committed to object. It can boost productivity multi-fold and keep one focussed and it radically improves accountability. A well-crafted Action Plan can guide to achieve the optimum result. Thus, a need to formulate Action Plan in this regard has been felt.

Cluster:

There is diversity in number and category of pending cases in districts of West Bengal and Union Territory of Andaman & Nicobar Islands. Such multiplicity does not suggest uniform Action Plan for all the districts of the State and Union Territory. Thus, the districts of West Bengal and Union Territory are to be divided into clusters for the sake of making the Action Plan more effective. On the basis of number of cases pending in district courts, they are categorized into three groups or clusters:

Cluster 'A': (Above 85,000 cases)

<u>Judgeship/District</u>	<u>Pending Cases</u>
1. Calcutta.....	6,05,740
2. South 24 Parganas.....	3,62,970
3. North 24 Parganas.....	2,40,992
4. Murshidabad.....	1,64,967
5. Nadia.....	1,12,440
6. Howrah.....	1,05,419
7. Hooghly.....	96,361
8. Paschim Medinipur.....	85,622

Cluster 'B': (40,000 to 85,000 cases)

1. Paschim Bardhaman.....	80,178
2. Purba Medinipur.....	84,095
3. Jalpaiguri.....	60,313
4. Purba Bardhaman.....	64,236
5. Birbhum.....	56,438
6. Malda.....	40,879

Cluster 'C': (Less than 40,000 cases)

1. North Dinajpur.....	34,386
2. South Dinajpur.....	27,668
3. Coochbehar.....	31,627
4. Purulia.....	27,023
5. Bankura.....	32,931
6. Jhargram.....	2,472
7. Darjeeling.....	29,465
8. Kalimpong.....	1,169
9. Andaman & Nicobar Islands.....	4,054

Plan:

There shall be no targets for the Courts of the Chief Judge, City Civil Court, the Chief Judge, City Sessions Court, the Chief Judge Small Cause Court and the District & Sessions Judges. However, the Chief Judge, City Civil Court, the Chief Judge, City Sessions Court, the Chief Judge Small Cause Court and the District & Sessions Judges shall make effective supervision to get oldest pending cases in their Judgeship or Sessions Division, as the case may be, disposed of.

Chief Judicial Magistrates/Additional Chief Judicial Magistrates normally have to take up police remand files/bail matters in the second half of the Court Hour. They have to perform the administrative works also. So, the Chief Judicial Magistrates/ Additional Chief Judicial Magistrates are kept outside the purview of the target. But they shall assist the concerned District Judges to identify the targeted old criminal cases pending before the Judicial Magistrates as per the Action Plan.

The quantum of target of the Judicial Officers of Cluster 'A' districts has been fixed considering total number of cases to be disposed of by them to secure 'Very Good' remarks regarding quantity of disposal mentioned in the ACR Norms.

As pendency of cases in Cluster 'B' districts are less than Cluster 'A' districts, the total targeted cases should be lesser than that of Cluster 'A'. Similarly, due to lesser number of pending cases in Cluster 'C' districts than that of Cluster 'B' districts, the total targeted cases for Cluster 'C' will be lesser than that of Cluster 'B' districts.

Cluster 'A' Districts

Sl. No.	Courts	Target Proposed for disposal of old cases and cases of specified categories under Action Plan 2021 to be disposed of up to 31.12.2021.
1.	Additional District & Sessions Judges	<p>i) Pending cases instituted upto 01.01.2014;</p> <p>ii) Cases under the Prevention of Corruption Act, 1988 more than three years old;</p> <p>iii) Cases under the POCSO Act be disposed of within two years from the date of presentation of challan/chargesheet;</p> <p>iv) Cases under the NDPS Act, 1985 of more than three years old;</p> <p>v) Heinous crime cases against women be disposed of within two years of framing of charge;</p> <p>vi) Pending cases in which the accused is in custody for a period of more than two years;</p> <p>vii) Motor Accident Claim of Death Cases for more than three years old;</p> <p>viii) 20 oldest Matrimonial Suits;</p> <p>ix) 10 oldest Execution Cases.</p> <p>In case the total of above said categories is less than 100 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 100 cases (including 10 oldest execution petitions) for disposal.</p> <p>In case the total of said categories exceeds 100, then the oldest 90 cases and 10 oldest execution petitions be taken for disposal.</p>

2.	Civil Judges (Senior Division)	i) 60 oldest suits/appeals; ii) 20 oldest execution petitions.
3.	Civil Judge (Junior Division)	i) 60 oldest suits; ii) 20 oldest execution petitions.
4.	Judicial Magistrates	i) Pending cases instituted upto 01.01.2014; ii) Cases under section 138 of the N.I. Act instituted upto the year 2015; iii) Pending cases in which the accused is in custody for a period of more than six months; iv) 20 oldest Execution Cases. In case the total of above said categories is less than 150 then oldest criminal cases besides above categories be taken for disposal so as to make the total of 150 cases (including 50 oldest execution petitions) for disposal. In case the total of said categories exceeds 150 then the oldest 130 cases and 20 oldest execution petitions be taken for disposal.
5.	Civil Judge-cum-Judicial Magistrates	i) Pending cases instituted upto 01.01.2014; ii) Cases under section 138 of the N.I. Act instituted upto the year 2015; iii) Pending cases in which the accused is in custody for a period of more than six months; iv) 20 oldest Execution Cases. In case the total of above said categories is less than 125 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 125 cases (including 20 oldest execution petitions) for disposal. In case the total of said categories exceeds 125 then the oldest 105 cases and 20 oldest execution petitions be taken for disposal.
6.	Juvenile Justice Boards having more than 100 cases	50 oldest inquiries.
7.	Juvenile Justice Boards having less than 100 inquiries	Inquiries of more than one year old from the date of filing of the report.

8.	CBI Courts	10 oldest cases	
9.	Judge, City Civil Court, Calcutta.	50 oldest cases and 25 execution petitions.	
10.	Judge, City Sessions Court, Calcutta.	50 oldest cases.	
11.	Judge PSC Court, Calcutta.	50 oldest cases and 20 execution petitions.	

Cluster 'B' Districts

Sl. No.	Courts	Target Proposed for disposal of old cases and cases of specified categories under Action Plan 2021 to be disposed of up to 31.12.2021.	
1.	Additional District Sessions Judges &	<ul style="list-style-type: none"> i) Pending cases instituted upto 01.01.2014; ii) Cases under the Prevention of Corruption Act, 1988 more than three years old; iii) Cases under the POCSO Act be disposed of within two years from the date of presentation of challan/chargesheet; iv) Cases under the NDPS Act, 1985 of more than three years old; v) Heinous crime cases against women be disposed of within two years of framing of charge; vi) Pending cases in which the accused is in custody for a period of more than two years; vii) Motor Accident Claim of Death Cases for more than three years old; viii) 20 oldest Matrimonial Suits; ix) 10 oldest Execution Cases. <p>In case the total of above said categories is less than 75 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 75 cases (including 10 oldest execution petitions) for disposal.</p> <p>In case the total of said categories exceeds 75, then the oldest 65 cases and 10 oldest execution petitions be taken for disposal.</p>	
2.	Civil Judges (Senior Division)	<ul style="list-style-type: none"> i) 40 oldest suits/appeals; ii) 20 oldest execution petitions. 	

3.	Civil Judge (Junior Division)	<ul style="list-style-type: none"> i) 40 oldest suits; ii) 20 oldest execution petitions. 	
4.	Judicial Magistrates	<ul style="list-style-type: none"> i) Pending cases instituted upto 01.01.2014; ii) Cases under section 138 of the N.I. Act instituted upto the year 2015; iii) Pending cases in which the accused is in custody for a period of more than six months; iv) 15 oldest Execution Cases. <p>In case the total of above said categories is less than 125 then oldest criminal cases besides above categories be taken for disposal so as to make the total of 125 cases (including 15 oldest execution petitions) for disposal.</p> <p>In case the total of said categories exceeds 125 then the oldest 110 cases and 15 oldest execution petitions be taken for disposal.</p>	
5.	Civil Judge- cum-Judicial Magistrates	<ul style="list-style-type: none"> i) Pending cases instituted upto 01.01.2014; ii) Cases under section 138 of the N.I. Act instituted upto the year 2015; iii) Pending cases in which the accused is in custody for a period of more than six months; iv) 15 oldest Execution Cases. <p>In case the total of above said categories is less than 100 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 100 cases (including 15 oldest execution petitions) for disposal.</p> <p>In case the total of said categories exceeds 100 then the oldest 85 cases and 15 oldest execution petitions be taken for disposal.</p>	
6.	Juvenile Justice Boards having more than 100 cases	30 oldest inquiries.	
7.	Juvenile Justice Boards having less than 100 inquiries	Inquiries of more than one year old from the date of filing of the report.	
8.	CBI Courts	08 oldest cases	

Cluster 'C' Districts

Sl. No.	Courts	Target Proposed for disposal of old cases and cases of specified categories under Action Plan 2021 to be disposed of up to 31.12.2021.
1.	Additional District & Sessions Judges	i) Pending cases instituted upto 01.01.2014; ii) Cases under the Prevention of Corruption Act, 1988 more than three years old; iii) Cases under the POCSO Act be disposed of within two years from the date of presentation of challan/ chargesheet; iv) Cases under the NDPS Act, 1985 of more than three years old; v) Heinous crime cases against women be disposed of within two years of framing of charge; vi) Pending cases in which the accused is in custody for a period of more than two years; vii) Motor Accident Claim of Death Cases for more than three years old; viii) 20 oldest Matrimonial Suits; ix) 10 oldest Execution Cases. In case the total of above said categories is less than 50 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 50 cases (including 10 oldest execution petitions) for disposal. In case the total of said categories exceeds 50, then the oldest 40 cases and 10 oldest execution petitions be taken for disposal.
2.	Civil Judges (Senior Division)	i) 30 oldest suits/appeals; ii) 10 oldest execution petitions.
3.	Civil Judge (Junior Division)	i) 30 oldest suits; ii) 10 oldest execution petitions.
4.	Judicial Magistrates	i) Pending cases instituted upto 01.01.2014; ii) Cases under section 138 of the N.I. Act instituted upto the year 2014; iii) Pending cases in which the accused is in custody for a period of more than six

		<p>months; iv) 10 oldest Execution Cases.</p> <p>In case the total of above said categories is less than 75 then oldest criminal cases besides above categories be taken for disposal so as to make the total of 75 cases (including 10 oldest execution petitions) for disposal. In case the total of said categories exceeds 75 then the oldest 65 cases and 10 oldest execution petitions be taken for disposal.</p>
5.	Civil Judge-cum-Judicial Magistrates	<p>i) Pending cases instituted upto 01.01.2014; ii) Cases under section 138 of the N.I. Act instituted upto the year 2015; iii) Pending cases in which the accused is in custody for a period of more than six months; iv) 10 oldest Execution Cases.</p> <p>In case the total of above said categories is less than 60 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 60 cases (including 10 oldest execution petitions) for disposal. In case the total of said categories exceeds 60 then the oldest 50 cases and 10 oldest execution petitions be taken for disposal.</p>
6.	Juvenile Justice Boards having more than 100 cases	50 oldest inquiries.
7.	Family Court	40 Oldest cases including 10 oldest execution petitions.
8.	Juvenile Justice Boards having less than 100 inquiries	Inquiries of more than one year old from the date of filing of the report.
9.	CBI Courts	06 oldest cases

Action Plan for POCSO Courts, having no other cases.

Sl. No.	Courts	Target Proposed for disposal of old cases and cases of specified categories under Action Plan 2021 to be disposed of up to 31.12.2021.
1.	POCSO Courts (Exclusive)	<p>i) Pending cases wherein charge-sheets/ challans were submitted by 01.01.2018;</p> <p>ii) Pending cases in which the accused is in custody for a period of more than one year after submission of charge-sheet/ challan;</p> <p>In case the total of above said categories is less than 100, then oldest cases besides above categories be taken for disposal so as to make the total of 100 cases for disposal.</p> <p>In case the total of said categories exceeds 100, then the 100 oldest cases be taken up for disposal.</p>

Action Plan for Fast Track Courts

Cluster 'A':

District	Pending Cases
1. North 24 Parganas	15,055
2. South 24 Parganas	12,446
3. Mursidabad	4982
4. Nadia	3520
5. Purba Medinipur	3353
6. Jalpaiguri	3301

Cluster 'B':

1. Purba Bardhaman	2635
2. Howrah	2506
3. Uttar Dinajpur	2163
4. Paschim Bardhaman	1583
5. Hooghly	1395
6. Malda	1052
7. Paschim Medinipur	1006

Cluster 'C':

1. Darjeeling	804
2. Birbhum	763

3. Calcutta	551
4. Dakshin Dinajpur	426
5. Purulia	398
6. Bankura	279
7. Coochbehar	156

Cluster 'A' Districts for Fast Track Courts

Sl. No.	Courts	Target Proposed for disposal of old cases and cases of specified categories under Action Plan 2021 to be disposed of up to 31.12.2021.
1.	Additional District & Sessions Judges, Fast Track Courts.	<p>i) Pending cases instituted upto 01.01.2017;</p> <p>ii) Pending cases in which the accused is in custody for a period of more than one year;</p> <p>iii) 10 oldest Execution Cases.</p> <p>In case the total of above said categories is less than 80 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 80 cases (including 10 oldest execution petitions) for disposal.</p> <p>In case the total of said categories exceeds 80 then the oldest 70 cases and 10 oldest execution petitions be taken for disposal.</p>

Cluster 'B' Districts for Fast Track Courts

Sl. No.	Courts	Target Proposed for disposal of old cases and cases of specified categories under Action Plan 2021 to be disposed of up to 31.12.2021.
1.	Additional District & Sessions Judges, Fast Track Courts.	<p>i) Pending cases instituted upto 01.01.2017;</p> <p>ii) Pending cases in which the accused is in custody for a period of more than one year;</p> <p>iii) 10 oldest Execution Cases.</p> <p>In case the total of above said categories is less than 70 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 70 cases (including 10 oldest execution petitions) for disposal.</p> <p>In case the total of said categories exceeds 70 then the oldest 60 cases and 10 oldest execution petitions be taken for disposal.</p>

Cluster 'C' Districts for Fast Track Courts

Sl. No.	Courts	Target Proposed for disposal of old cases and cases of specified categories under Action Plan 2021 to be disposed of up to 31.12.2021.
1.	Additional District & Sessions Judges, Fast Track Courts.	i) Pending cases instituted upto 01.01.2017; ii) Pending cases in which the accused is in custody for a period of more than one year; iii) 10 oldest Execution Cases. In case the total of above said categories is less than 60 then oldest civil and criminal cases besides above categories be taken for disposal so as to make the total of 60 cases (including 10 oldest execution petitions) for disposal. In case the total of said categories exceeds 60 then the oldest 50 cases and 10 oldest execution petitions be taken up for disposal.

Guidelines:

- a) Pendency of targeted cases as mentioned above be taken as on 01.01.2021 and the cases disposed of since that day falling in the targeted cases be included in the disposal list. The Action Plan is prepared for a calendar year.
- b) Stayed cases are not to be included in the list. In case the stay is vacated during the currency of Action Plan then the same be included in the list of Action plan cases.
- c) The Chief Judges or the District & Sessions Judges, as the case may be, shall, in consultation with Hon'ble Judge-in-charge, distribute and allocate the cases targeted under Action Plan 2021 equally amongst the Judicial Officers to ensure that the oldest cases in the Sessions Division are properly targeted and they shall manage the work by using their administrative skills.

- d) The Chief Judges or the District & Sessions Judge, as the case may be, shall ensure uploading of the Court wise list of cases identified under Action Plan 2021 along with stage of cases on the website of the Sessions Division within one week from the date of receipt of the communication from this Court and also updating of the status of such cases on monthly basis latest by 10th of every month. The Chief Judge or the District and Sessions Judge, as the case may be, shall ensure that the list of Action Plan cases is not change except under his orders.
- e) In case any officer proceeds on long leave, resigns or is transferred during period from 01.01.2021 to 31.12.2021 and no substitute is provided in place of Officer or in the event of amalgamation or withdrawal of a Court, the Chief Judge or the District & Sessions Judge, as the case may be, shall transfer the pending cases instituted upto the year 2014 or 2017 or 2018, as the case may be, pending in such Court equally amongst all other judicial officers and exclude the rest of the pending targeted cases of the said Officer and the lists of Action Plan cases of such transferee Court(s) shall be modified in proportion accordingly.
- f) In case an additional Judicial officer joins in a vacant court during the currency of Action Plan, then the Chief Judge or the District & Sessions Judge, as the case may be, shall fix the proportionate target under Action Plan for the said Officer in consultation with the Hon'ble Judge-in-charge from other oldest cases out of the remaining cases not included in the Action Plan 2021 earlier and the target for the Judgeship or Sessions Division be also modified accordingly.
- g) The Court shall ensure that reasonable opportunity must be given to the parties before passing any adverse order of closing evidence etc.

- h) The Chief Judges or the District & Sessions Judge shall submit the Court wise figures of disposal of targeted cases selected under Action Plan 2021 in the following format to this Court on monthly basis on or before 10th of every month for placing the same before Hon'ble Judge-in-charge of the concerned Sessions Division.

Statement showing disposal of targeted cases under Action plan 2021 in Sessions Division for month of _____

Nature of cases targeted (category wise)	Number of cases identified as on 01.01.2021	Cases included	Cases Excluded	Disposal upto the end of the month	Balance at the end of the month	Percentage of disposal upto the end of the month
Name of the officer with designation _____						

- i) The disposal of Action plan cases be taken into consideration at the time of recording of Annual Confidential Report of the Judicial Officers. The Chief Judge or the District and Sessions Judge shall also consider the disposal of action plan cases while writing his remarks in Part-II of the ACR Booklet of the Judicial Officers.
- j) Under extreme circumstances, the target identified under Action Plan 2021 may be modified/ excluded by the Chief Judge or the District & Sessions Judge in consultation with Hon'ble Judge-in-charge of the concerned Sessions Division.
- k) The Chief Judge, City Sessions Court and the District Judge, Andaman & Nicobar Islands are the designated Principal Court of NIA cases. As the Chief Judge and the District Judge are kept away from the Action Plan, no target has been fixed for Principal

NIA Court. Other NIA Courts have very low number of pending cases and as such no target was fixed for them.

- l) There is no exclusive special court to try the cases of the Prevention of Corruption Act, Crime against Women and the S.C & S.T (Prevention of Atrocities), Act, 1989, the Electricity Act, the Motor Accident Claim Cases. Some courts of Additional District & Sessions Judges have been designated to try those cases along with other cases. There is no exclusive Court to try matrimonial cases manned by in service officers in West Bengal.

- m) All cases/applications wherein interim orders have been passed to be decided within one month of the passing of interim orders.

- n) Bail applications to be decided normally within a week in terms of direction of the Hon'ble Supreme Court in **Hussain and Another versus Union of India (2017) 5 SCC 702**.