

MOST URGENT.
HIGH COURT OF HIMACHAL PRADESH AT SHIMLA.

No.HHC/VIG/GEN/STAT/93-VI- 34524
Dated Shimla the 11th December, 2017

From

The Registrar General,
High Court of Himachal Pradesh,
Shimla-171001

To

All the District & Sessions Judges
in Himachal Pradesh.

Subject:-

Fast tracking of matters relating to crimes against women, children, differently abled persons, senior citizens, marginalized sections of society and Prevention of Corruption Act cases.


Sir,

I have been directed to say that a Committee of Hon'ble Mr. Justice A.M. Khanwilkar, Hon'ble Mr. Justice Navin Sinha and Hon'ble Mr. Justice R. Subhash Reddy was constituted by Hon'ble the Chief Justice of India to bring uniformity all over India regarding disposal of cases pertaining to crimes against women, children, differently abled persons, senior citizens and marginalized sections of society. As per the recommendation of the Hon'ble Committee, the cases pertaining to special categories are to be identified as per Part-II of the report, under the heading "Guidelines for identifying the cases relating to crime against women, children, differently abled persons, senior citizens and marginalized sections of society".

Once proper identification is made as per the recommendation effective steps are to be taken for correct feeding of data in CIS 2.0. in view of Part-III(A) of the report, under the heading 'Computerizations of listing' so as to have uniform listing policy, as per Part-III (B).

In the aforesaid background, you are requested to implement the recommendations of the Hon'ble Committee and report compliance within three days.

Yours faithfully,



(Arvind Malhotra)
Registrar (Vigilance)

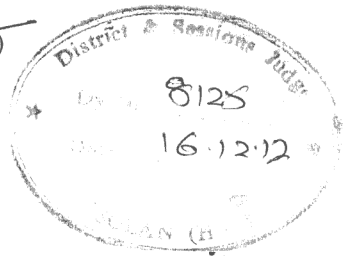
Encls:- copy of report of the Hon'ble Committee.

Endst.No.HHC/VIG/ GEN/STAT/93-VI- Dated:- Shimla the 11th December, 2017

1. The Principal Private Secretary to Hon'ble the Chief Justice;
2. All the Additional Registrars/ Deputy Registrars;
3. All the Secretaries to the Hon'ble Judges;
4. The Secretary/ Private Secretary/ P.A to the Registrar General/ Registrar (Vigilance)/ Registrar (Judicial)/ Registrar (Rules)/Registrar Admn./ District & Sessions Judge Leave/ Reserve Registrar Establishment & GAD/ Registrar (Accounts) and CPC.
5. The Assistant Registrars of this Registry.
6. The Technical Director, NIC, H.P. High Court, Shimla with a request to upload the same on the High Court website.

D/ Registrar for file
DSJ
16/12/17


Registrar (Vigilance)



Resolved that

special courts constituted to deal with CBI cases shall exclusively deal with the cases assigned, and other work may be taken up only if CBI cases do not fully occupy the time of the court, to obviate a loss of productive judicial time.

Resolved further

that in order to ensure expeditious disposal of cases pertaining to Women, Marginalized segments, senior citizens and differently-abled, steps be taken to

- (a) prioritize the disposal of cases falling in these categories within the existing court system;
- (b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases.

Further resolved

that in order to formulate a uniform listing policy for the disposal of such cases, a Committee of Chief Justices is constituted to consist of Hon'ble Mr Justice A M Khanwilkar, Hon'ble Mr Justice Navin Sinha and Hon'ble Mr Justice R Subhash Reddy."

II. Guidelines for identifying the cases relating to Crime against Women, Children, Differently-Abled Persons, Senior Citizens and Marginalized Sections of Society.

The Constitution of India makes provision for upliftment of under-privileged classes, Women and Marginalized Sections of society at large. Persons from such sections for years hence had disadvantageous position in the society and when their matters pending in Courts get delayed, it adds to their problem, brings frustration amongst them and sometime the situation becomes counter productive

3) **Differently-Abled Persons:** Cases relating to a person defined as a "person with disability" under the Rights of Persons with Disabilities Act, 2016 for offences under the Indian Penal Code, Special Acts or any other local laws, where the victim is a person with disability.

4) **Senior Citizens:** Cases instituted under the Indian Penal Code where the victim is a senior citizen (65 years or more), Maintenance and Welfare of Parents and Senior Citizens Act, The Pensions Act, The Freedom fighter Act or any other local laws where the person has attained 65 years of age or more.

5) **Marginalized Sections of Society:** Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, cases under the Indian Penal Code or under any other Central/State/ Act or local law where the victim is an SC/ST.

III. Action Plan for Listing of special category cases relating to Crime against Women, Children, Differently-Abled Persons, Senior Citizens and Marginalized Sections of Society on a Uniform Listing Policy in Subordinate Courts

A) Computerisation of Listing:

i) In the Subordinate courts, in all the cases, there is always a fixed date on which the case will be listed in future. Thus, there is no such mechanism of listing of cases to different courts from a pool of cases. Further, there is no on-line system of having a cause list and changing the priority of cases.

ii) In Subordinate Courts, CIS 2.0 is being rolled out across the Country. If data entry is properly made in CIS 2.0, cases pertaining to these segments can be well identified. Thus, effective steps and monitoring is required for correct data feeding in CIS 2.0.

however, that other work may be taken up only if such cases do not fully occupy the time of the court, to obviate a loss of productive judicial time while prioritising the special category cases.

2) The Principal District Judge should identify the total cases pertaining to Crime against Women, Differently-Abled Persons, Senior Citizens and Marginalized Sections of Society and calculate the percentage of such category of cases vis-a-vis the total pendency of cases.

3) The Principal District Judge may, with prior approval of the High Court, entrust the disposal of above special category cases so identified proportionately to Judicial Officers in the district division/taluka/sub-division.

Provided where earmarked courts have been constituted to deal with any of the such special category of cases no other work may be allocated to them subject however, that other work may be taken up only if such cases do not fully occupy the time of the court, to obviate a loss of productive judicial time while prioritising the special category cases

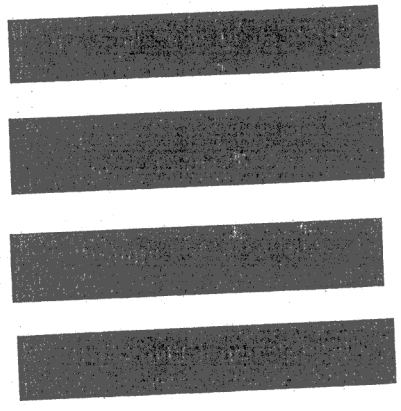
4) The District Judge or the Addl. District Judge shall periodically monitor disposal of such special category cases and ensure that they are disposed of preferably within three years of institution.

5) The District Judge or the Addl. District Judge, as the case may be, shall on quarterly basis submit detailed monitoring report to the Portfolio Judge of the District besides shall also forward that report to the Chairman, Court Management Committee of the High Court and Judge in-charge of Arrears Committee of the High Court. This would ensure tracking/monitoring timely disposal of such cases.

6) In cases of district division/taluka/sub-division level, where alone Judicial Officer is posted, the Principal District Judge, with prior approval of the High Court, may set-apart such percentage of working hours commensurate with the percentage of such cases vis-a-vis total pendency OR may allocate specific day/days for disposal of such cases every week, say every Friday.

- 7) On the day when the cases are listed, efforts shall be made that cases pertaining to crime against women are notified at the top of cause list followed by cases pertaining to differently-abled, marginalized sections of society and senior citizens.
- 8) In instances when the victim belongs to more than such special category cases, then it will be at the top of the cause list.
- 9) If adjournment is given in such cases without any effective proceedings, it should be made mandatory to give reasons therefor.

The above suggested Uniform Listing Policy may also be in synchrony with National Litigation Policy. In the nutshell, there may be following essential steps in finalizing a Uniform Listing Policy for such sections of People:-



Sd/-.....J.
[R. Subhash Reddy]

Sd/-.....J.
[Navin Sinha]

Sd/-.....J.
[A.M. Khanwilkar]