



Reg.No.S-54527/2005

DISTRICT & SESSIONS COURTS EMPLOYEES WELFARE ASSOCIATION : DELHI (Regd.)

Head Office : Room No. 28-A, Ground Floor, Tis Hazari Courts, Delhi-110054

Branch Offices : Karkardooma Courts, Patiala House Courts, Rohini Courts,
Saket Courts, Dwarka Courts, Rouse Avenue Courts, New Delhi

Website : www.ddcewa.org, Email : dscewa@gmail.com, Mob.: 9810228458

Centralized Post :

DEEPAK BHARDWAJ
President

SHRIKANT SHARMA
Sr. Vice President

VACANT
General Secretary

VINOD GUPTA
Asst. Secretary

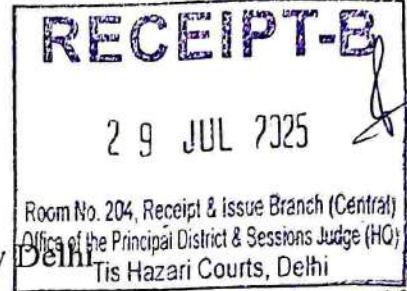
SAPNA SHARMA
Treasurer

Ref. No.: 59-64/DSCWA/2025

Date: 29/07/2025

To

✓ The Registrar General,
Hon'ble High Court of Delhi, New Delhi



Through:

Ld. Principal District & Sessions Judge (HQs),
Tis Hazari Courts, Delhi.

Sub: Framing of Transfer & Posting Policy of the Subordinate Staff in
Delhi District Courts – reg.

Ref: NCMS Baseline Report on Human Resource Development
Strategy (Report of the sub-committee headed by Hon'ble Mr.
Justice Sanjeev Sachdeva)

- b) Requests dated 27.09.2019 and Reminder – 12.12.2021.
- c) Office Order No.780/Estt./E-V/DHC/2014 dated 25.09.2014

Respected Sir,

On the captioned subject and references, we wish to draw the kind attention of your goodself towards need of framing a Transfer & Posting Policy to curb discrimination & inequity to the staff members of District Courts.

In this context reference may kindly be made to the Office Memorandum No.11013/10/2013-Estt.A dated 13.06.2014 & 02.07.2015 (Copies enclosed) issued by DoPT for implementation of the Supreme Court's Judgement by all Ministries / Departments to ensure various actions: (i) Prescribe Minimum Tenure ; (ii) Having a mechanism akin to CSB for recommending transfer; and (iii) Place in public domain the transfer policy.

Bhardwaj
29/7/2025

Apart from above, the National Court Management System Committee constituted by the Hon'ble Supreme Court has recommended for framing a **Written Transfer Policy for Ministerial Staff of the Subordinate Courts**. The Hon'ble Committee in Part-VII dealt with the issues related to 'Ministerial Staff' and recommended certain reforms including the Transfer Policy for Ministerial Staff. A summary of the relevant part related to the Transfer Policy is reproduced as under:

"D. Transfer Policy for Ministerial Staff.

23. Transfers are not a matter of routine for Ministerial Staff. Generally, once recruited, court staff tend to continue their employment at one place and are not transferred on completion of tenure. Nevertheless, in the event that they are transferred, it is likely to impact their personal and professional lives similarly to judicial officers. However, unlike judicial officers, Ministerial Staff in most States are not governed by written transfer policies. Stemming from this are other issues like lack of clarity regarding transferring authority, absence of guidelines on grounds for transfer and exemption from transfer, and an evident lack of any grievance redressal mechanism. To ensure a comprehensive and transparent transfer framework for Ministerial Staff, the Subcommittee has made the following recommendations:

- 1. Need for a written transfer policy for Ministerial Staff in District Courts.*
- 2. Need for gradually introducing and implementing routine transfer for Ministerial Staff"*

Further, in para No.112 at page 100, the Hon'ble Committee has suggested for 'Need for written transfer policy for Ministerial Staff' and 'Routine Transfer for Ministerial Staff' with justifications. As regards, the written transfer policy, the Committee recommended as under:

"..... in the interest of objectivity and transparency, the High Courts may formulate written transfer policies for Ministerial Staff consisting of the following components: -

- 1. Tenure (if applicable)*
- 2. The kind of transfers that different Class of employees are eligible for (such as intra or inter-district, inter-judgeship etc.)*

By order of
29/7/25

3. *Grounds for transfer and the mandate to internally record reasons for transfer*
4. *Institutional aspects required to be considered before effecting transfer such as the availability of infrastructure for ministerial staff*
5. *Procedure for the District Judge concerned to hear the employee before effecting transfer (if transfers are not a routine process)*
6. *Provision of transfer allowance*

Grievance Redressal mechanism including specific timeline for submission of representation against the transfer order."


On the issues of 'Routine transfers for Ministerial staff' the Hon'ble Committee has recommended as under:

"On one hand, inter-departmental transfers can help the staff in their career progression by allowing them to undertake diverse roles and build their skills. On the other hand, transfers can provide a check on any undue influence that the staff may exercise on account of holding a position for a prolonged period, thereby upholding institutional integrity. This policy shift would need to be accompanied by regular and effective training."

Copy of the relevant part of the report is attached herewith for ready reference of your lordship.

In this context, it is submitted that it has been almost a year of the forementioned recommendation for the written transfer policy by the Hon'ble Committee, however, the same is yet to be given effect in Delhi District Courts.

It is worth mentioning that by way of Office Order No.780/Estt./E-V/DHC/2014 dated 25.09.2014 (*Copy enclosed*), Hon'ble High Court of Delhi, New Delhi had been pleased to frame guidelines for effecting intra departmental transfer of SJAs/Readers/Judicial Assistants/JJAs/ Restorers posted / working in the branches more than a decades ago. However, Delhi District Courts are still awaiting such policy on similar footings.



29/07/2025

It is worth mentioning here that in the absence of written transfer policy, the criteria of transfer and posting is different each time the Ld. Principal District & Sessions Judge changes and sometimes result into mass level transfer.

It is needless to mention here that the Ahlmads have charge of bulk Judicial Record and their frequent transfer causes difficulty in handing over / taking over of the charge between them. Although we appeal for the rotation transfer policy for the staff members but the rotation should be within a specific time frame and at the same time should avoid frequent transfers *in a short span* so that it may not adversely affect the courts' functioning and performance / efficiency of the Ahlmad Staff.

Further, nowadays, it is experienced that the promotions and recruitment drive in Delhi District Courts were initiated and accomplished expeditiously, which were on halt since long, resulting into engagement of adequate court staffers in recent past. Not only the appointment process of JJAs & PA/SPA is still ongoing but the matters related to promotions and MACP etc. are also under the active consideration at different levels. Any frequent shuffling or change on either side (*administrative or judicial*) would badly impact the ongoing several other drives in this establishment.

More so, it may kindly be noticed that the mass level transfers of staff within an organization can be detrimental to an institution in several ways. When a large number of employees are relocated at once, it disrupts the overall workflow and continuity of operations. The institution may lose valuable institutional knowledge, as employees with deep understanding of processes, and systems are moved elsewhere. Additionally, frequent staff transfers can lead to a decrease in employee morale and engagement, as it creates an atmosphere of uncertainty and instability. New employees may also take time to adapt to their new roles, causing a temporary dip in productivity. Furthermore, it can create challenges in team cohesion and collaboration, as long-established working relationships are disrupted. In


29/7/25

the long run, such practices can undermine the institution's growth and efficiency.

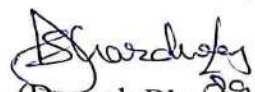
In the above facts and circumstances, it is once again requested to kindly initiate steps for framing a Transfer & Posting Policy in respect of the subordinate staff of Delhi District Courts as is recommended by Hon'ble National Court Management Systems Committee, Hon'ble Supreme Court taking note of the fact that the same had already been framed in the Hon'ble High Court of Delhi decades ago.

It is further beseeched that in the interest of justice, if your lordship deems it appropriate, kindly nominate the elected representatives of the Welfare Associations of the staff members as 'Members' in the Committee to propose the Transfer Policy of the Staff Members, if constituted.

Your goodself would be gracious enough to consider the matter favorably and as expeditiously as possible.

Thanking you

Yours faithfully


(Deepak Bhardwaj) 29/7/25
President

Encls:

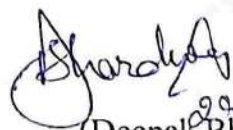
1. NCMS Baseline Report on Human Resource Development Strategy in the District Judiciary 2024(Relevant part)
2. Office Order No.780/Estt./E-V/DHC/2014 dated 25.09.2014
3. DOPTs Office Memorandums No.11013/10/2013-Estt.A dated 13.06.2014 & 02.07.2015
4. Requests dated 27.09.2019 and Reminder - 12.12.2021.

No.52-64/DSCEWA/2024

Dated 29.07.2025

Copy to:

Ld. Principal District & Sessions Judges, all Districts, Delhi/New Delhi.


(Deepak Bhardwaj) 29/7/25
President



BASELINE REPORT ON HUMAN RESOURCE DEVELOPMENT STRATEGY IN THE DISTRICT JUDICIARY

2024

REPORT OF THE SUB-COMMITTEE OF THE NCMS

NCMS BASELINE REPORT
on
HUMAN RESOURCE DEVELOPMENT STRATEGY
REPORT OF THE SUB-COMMITTEE
HEADED BY HON'BLE MR. JUSTICE SANJEEV SACHDEVA

Each Hon'ble High Court determines and applies standards for Court Management for itself and the Courts under its jurisdiction as it may consider appropriate. This Report sets out suggestions gathered from various High Courts across the country, as well as suggestions from concerned subject matter experts and comparable global experience, on what may be considered minimum national common standards on Court Management Systems. The Report is purely advisory in nature and may be considered by the respective State Court Management Systems Committees of High Courts if they deem appropriate in accordance with the circumstances and needs of each State. It is a dynamic working document and will be revised and updated from time to time as needed based on feedback received from State Court Management Systems Committees of High Courts and NCMS experience and guidance. It is intended to facilitate a dialogue amongst National and State Court Management Systems Committees on minimum national common standards for Court Management Systems at a policy level. Suggestions from judges and subject matter experts are therefore welcome through the respective State Court Management Systems Committees. The contents of this report do not necessarily reflect the views of the Supreme Court of India, members of the NCMS Advisory Committee or members of the NCMS Committee in their individual capacity.

ACKNOWLEDGEMENT

The Sub-Committee expresses its deep reverence to the Hon'ble Dr. Justice D.Y. Chandrachud, the Hon'ble the Chief Justice of India for His Lordship's vision and leadership in taking NCMS forward on a mission-mode.

The Sub-Committee acknowledges with gratitude the valuable advice of the Hon'ble Shri Justice Abhay S. Oka, Chairperson of Advisory Committee and other Hon'ble Members of the Advisory Committee in conceptualizing the updated Baseline Report on Human Resource Development Strategy (HRDS).

The Sub-Committee deeply acknowledges the constant guidance of the Hon'ble Shri Justice Dipankar Datta, Chairperson, NCMS Committee, other Hon'ble members of the said Committee, Hon'ble Members of other Sub-Committee as well as office bearers of the said Committee towards preparation of the updated Baseline Report.

The Sub-Committee also acknowledges the valuable research and analytical inputs facilitated by Sh. Surya Prakash BS, Programme Director from DAKSH and Ms. Deepika Kinhal, Team Lead, from Vidhi Centre for Legal Policy along with their respective teams without whose support and domain knowledge, the updation of the Baseline Report would have remained incomplete.

The Sub-Committee acknowledges the assistance rendered by the officers and staff of the Registry of the Hon'ble Supreme Court of India and the Hon'ble High Court of Delhi at every juncture of preparation of the Report.

The Sub-Committee also acknowledges the constant assistance given by Sh. Reetesh Singh, District Judge, Delhi Higher Judicial Service, Sh. V. B. Gavhane, District Judge, Maharashtra Higher Judicial Service and Sh. Shrinath Nagnath Phad, Member Secretary, SCMS Committee, Hon'ble Bombay High Court towards preparation of the report.

The Sub-Committee also acknowledges the hardwork of Sh. Vipin Kumar Rai, Private Secretary to Hon'ble Shri Justice Rajiv Shakdher, then Judge, High Court of Delhi and Ms. Anupama Sharma, Personal Assistant to Sh. Vishal Gogne, District Judge and Additional Sessions Judge, Delhi in rendering secretarial assistance in preparation of the Report.

Table of Contents

Table of contents.....	2 -4
Executive Summary.....	5
Background.....	14
Part I: Recruitment of Judicial Officers.....	16
Introduction.....	16
A. Current Status.....	16
<i>I. Recruitment at the Cadre of Civil Judge (Junior & Senior Division).....</i>	<i>16</i>
<i>II. Recruitment of District Judges.....</i>	<i>18</i>
B. Issues and Recommendations.....	20
<i>I. Regarding mandating practice requirement.....</i>	<i>20</i>
<i>II. Regarding overall changes to the recruitment method and process.....</i>	<i>24</i>
Part II: Calculation of Judge Strength.....	28
Introduction.....	28
The Need for Calculating Judge Strength.....	28
Brief Overview of Judge Strength Calculation in India.....	29
Existing Approaches to Calculating Judge Strength and their Limitations.....	30
Part III: Training for Judicial Officers.....	37
Introduction.....	37
Issues.....	37
<i>I. Regarding permanent faculty in State Judicial Academics.....</i>	<i>37</i>
<i>II. Regarding Rules/Guidelines for training judicial officers.....</i>	<i>37</i>
Recommendations.....	38
Part IV: Annual Confidential Reports.....	45
Introduction.....	45
History and Jurisprudence.....	45
Current Scenario with Respect to the ACRs across States.....	46
Recommendations.....	48
Vigilance.....	57
Metrics to be Included in the ACR Proforma.....	58
<i>I. Basic Details.....</i>	<i>58</i>
<i>II. Self-Assessment Form.....</i>	<i>59</i>
<i>III. To be filled by the Reporting Authority.....</i>	<i>62</i>
<i>IV. To be filled by the Reviewing Authority.....</i>	<i>63</i>

Part V: Transfer Policy for Judicial Officers in District Judiciary.....	65
Introduction.....	65
An Overview of Current Transfer Policies for Judicial Officers.....	66
I. <i>Authority-In-Charge</i>	66
II. <i>Existence of Written Policies</i>	67
III. <i>Process</i>	67
IV. <i>Factors Considered for Transfer</i>	69
V. <i>Grievance Redressal</i>	70
Recommendations on Transfer of Judicial Officers.....	71
I. <i>Institutional and Individual level requirements governing Transfer Policy</i>	73
II. <i>Requisite components for a comprehensive Transfer Policy</i>	73
III. <i>Model Transfer Proforma</i>	78
Part VI: Cadre for Technology and Data Analysis.....	82
Introduction.....	82
I. <i>Staff's technological knowledge being inadequate</i>	83
II. <i>Inadequate IT staff</i>	83
Recommendations.....	84
Part VII: Ministerial Staff	89
A. Recruitment of Ministerial Staff	89
<i>Issues Identified</i>	89
<i>Recommendations</i>	89
B. Annual Confidential Report for Ministerial Staff.....	92
<i>Issues Identified</i>	92
<i>Recommendations</i>	92
C. Training for Ministerial Staff.....	95
<i>Issues Identified</i>	95
<i>Recommendations</i>	95
D. Transfer Policies for Ministerial Staff.....	98
<i>Issues Identified</i>	98
<i>Recommendations</i>	100
Annexures.....	103
Annexure 1: Judicial Examination Conducting Authority across States.....	103
Annexure 2: Responses of High Courts on three year mandatory practice for the post of Civil Judge (Junior Division).....	106
Annexure 3: Sample time and motion study from DAKSH's Zero Pendency Project.....	113
Annexure 4: Indicative Calculation of Judge Strength in Madhya Pradesh using Justice Sikri Model.....	114
Annexure 5: Self- Appraisal Form for Judicial Officers from the 'Report on Uniform ACR'	115

Annexure 6: Self- Appraisal Form for Judicial Officers on Deputation at District Legal Services Authority from the 'Report on Uniform ACR'	121
Annexure 7: Self- Appraisal Form for Judicial Officers on Deputation at the State Judicial Academy from the 'Report on Uniform ACR'	128
Annexure 8: Self- Appraisal Form for Judicial Officers on Deputation from the 'Report on Uniform ACR'	132
Annexure 9: Appraisal Form to be filled by the Reporting Authority from the 'Report on Uniform ACR'	135
Annexure 10: Appraisal Form to be filled by the Reviewing Authority from the 'Report on Uniform ACR'	143
Annexure 11: Appraisal Form to be filled by the Accepting Authority from the 'Report on Uniform ACR'	147
Annexure 12: Transfer framework governing District Judiciary.....	148
Annexure 13: Judicial Officers Transfer Portal (Bombay High Court).....	150
Annexure 14: Profiles and Essential Requirements for the IT Manpower.....	159
Annexure 15: Details of Pay Scales of Judicial Officers (Civil).....	164
Annexure 16: Transfer Framework for Ministerial Staff.....	165

Executive Summary

1. This report by the National Courts Management Systems Committee's Sub-committee for updation of the Baseline Report on Human Resource Development Strategy provides recommendations for improving the frameworks for judicial officers and ministerial staff in the district judiciary in India. After examining the existing frameworks, the report suggests comprehensive reforms with respect to:

- a. Recruitment of judicial officers and ministerial staff across cadres;
- b. Calculation of the judge strength required in the district judiciary;
- c. Training of judicial officers and ministerial staff;
- d. Performance evaluation of judicial officers and ministerial staff;
- e. Transfer policies for judicial officers and ministerial staff; and
- f. Introduction of personnel for the adoption of technology in the judiciary.

2. The Sub-committee conducted a survey of the current policies and existing literature on the above mentioned issues and also circulated a questionnaire consisting of two parts to all the High Courts:

Part A: Objective Questions on the existing standards and policies.

Part B: Subjective Questions on the opinion of the High Courts regarding the said policies.

3. We received responses from 22 High Courts and the same have been analysed in detail for purpose of formulating the recommendations of the Sub-committee. Additionally, the Sub-committee undertook consultations with all relevant stakeholders, such as judicial officers, staff members as well as domain experts while suggesting appropriate changes to the existing processes and policies.

A summary of the recommendations of the Sub committee is provided below:

Part I: Recruitment of Judicial Officers

4. It is imperative that the judicial officers who provide justice to the citizens of this country are suitable for the difficult job of adjudicating and court management. Hence, the method and process of recruitment of judicial officers must be extremely well thought out to ensure that the judiciary recruits well-qualified and suitable individuals.

5. The district judiciary broadly comprises three cadres of Judges - District Judge, Civil Judge (Senior Division) and Civil Judge (Junior Division). No minimum requirements are specified in the Constitution of India for the cadre of Civil Judges (Senior Division) and Civil Judges (Junior Division). This has given states considerable leeway to decide on the process and authority in charge of recruitment, and thus, there are wide variations between states in the process. However, it is generally seen that recruitment to the cadre of Civil Judges (Junior Division) is through direct recruitment through a competitive examination and the post of Civil Judges (Senior Division) is filled through promotion on the basis of merit-cum-seniority.

6. With respect to the recruitment of District Judges, the Supreme Court has laid down the method of recruitment in accordance with Constitutional requirements for all states as follows:

1. 65 per cent of the sanctioned strength to be filled via promotion based on merit-cum-seniority from Civil Judges (Senior Division);
2. 10 per cent of the sanctioned strength to be filled via promotion based strictly on merit, through limited competitive exams held among Civil Judges (Senior Division) with a minimum of five years of service; &
3. 25 per cent of the total strength to be selected through direct recruitment from advocates at the bar with a minimum of seven years' practice.

7. While the above-prescribed methods are widely accepted, certain issues have resurfaced in recent times. These are the widely debated issue of the mandatory three-year practice requirement for the post of Civil Judges (Junior Division), the focus of Judicial Services Examinations being only on the legal knowledge of the candidate and the lack of clear identification of the authority conducting these examinations leading to delays.

To address these issues, the report recommends the following:

1. Two- years of relevant experience should be mandated for the post of Civil Judge (Junior Division) with additional safeguards like reservation for female candidates, Bar Associations helping fresh law graduates with placements under advocates and providing stipend, promoting judicial officers to the cadre of District Judge in 10 years with minimum 2 years as Civil Judge (Senior Division) and increasing the intake to the District Judge Cadre through Limited Competitive Examination among civil judges from 10% to the original limit of 25% of the sanctioned strength of District Judges subject to any directions from the Supreme Court on the judicial side.
2. The report also suggests testing for psychometric attributes along with legal skills and the engaging of external agencies for such psychometric testing.

Part II: Calculation of Judge Strength

8. Accurately determining judge strength is essential for confronting the challenge of increasing caseloads within the judiciary. Having the appropriate number of judges is crucial for dealing with the problems of significant case backlogs, sluggish court proceedings and restricted access to justice. Employing systematic caseload assessments to determine this appropriate number allows the judiciary to allocate resources and efficiently resolve cases.

9. In the near and medium term, the judge-population ratio should be used to determine judge strength. A one-third increase staggered over three years or a benchmark of 30 judges per million population is suggested as being achievable. The High Courts can revisit this benchmark depending on the pendency in their respective jurisdictions. A corresponding increase of staff strength and court infrastructure is also recommended.

10. Employing units used for the evaluation of the performance of judicial officers as a proxy for time as recommended by the Justice Sikri Report needs further validation and analysis. It is also recommended that pilot studies be carried out by High Courts at the district level to calculate judge strength according to this method to understand the feasibility of using it. Time and motion studies also need to be carried out in order to understand how much judicial time is needed to adjudicate different case types in order to formulate a more scientific method of arriving at judge strength.

Part III: Training for Judicial Officers

11. Ensuring a fair and just judicial system necessitates comprehensive training for judicial officers and staff, both upon joining and periodically throughout their careers. Training is therefore to be provided based on the one-year training requirement that has been discussed in the section on recruitment.

12. There are some gaps in the current training landscape: judicial academies lack permanent faculty, leading to limited collaboration in building training strategies. There are no clear guidelines for training, which often disregards contextual needs, leading to inconsistent and inadequate training. The report's section on training for judicial officers and ministerial staff recommends a comprehensive approach, emphasising inclusive training involving stakeholders from diverse fields.

The following recommendations are made towards training of judicial officers:

1. Constitutional morality.
2. Social context adjudication.
3. Multidisciplinary approach to training.
4. Multiple stakeholders' modules for training.
5. A Training Needs Assessment (TNA) as a necessary pre-requisite to any impactful training programme.
6. Use of innovative learning tools and use of online platforms.
7. Collaborative programmes among state judicial academies and collaboration agreements with training academies of the civil services/police.
8. Permanent faculty in judicial academies.
9. Separation of academic and administrative responsibilities at the State Judicial Academies.
10. Collaboration with external agencies/institutions.
- 11 Training for new jurisdiction/ Special Courts.
12. Courses to ensure personal welfare of judges.

Part IV: Annual Confidential Reports

13. Annual Confidential Reports (ACRs) are maintained as part of the performance evaluation of judicial officers in the district judiciary. Appreciating the importance of ACRs in providing vital inputs for assessing the performance of a judicial officer and acknowledging the issues

plaguing the process, this report has provided specific recommendations to ensure a more objective, holistic and transparent approach to nurturing human resources within the judiciary.

14. The NCMS-HRDS Sub-committee received responses to questionnaires from 22 High Courts. On analysing these responses as well as the 'Report on Uniform ACR' submitted to the Supreme Court in July 2023 and drafted by the committee comprising of Hon'ble Shri Justice Muralidhar, Hon'ble Shri Justice Ravi Malimath and Hon'ble Shri Justice Satish Chandra Sharma, it was observed that parameters such as the number of questions, grading system etc., differ considerably between different courts. Given these dissimilarities, this committee perceived a need for uniformity in the ACR proforma, which could holistically capture the duties of a judicial officer across the states and thus put forth recommendations.

The recommendations made by the Committee are as follows:

1. Need for an online platform to fill ACRs;
2. Need for an interview as part of the ACR process;
3. Need for continuous assessment by ensuring access to judgments of the judicial officer throughout the evaluation period;
4. Need for ACR process to be completed in a timely manner;
5. Need for grading to be comparative with peers;
6. Need for considering the administrative work done by judicial officers and the need to assign standardised weightage/marks for the same;
7. Need for uniformity in method of evaluation on deputation;
8. Need for regular interactions between the judicial officer being reported on and the Reporting Authority;
9. Providing the complete copy of ACR to the judicial officer being reported upon; &
10. Need for a handbook on how the ACR should be written.

15. The report emphasises on the need for an overhaul in the ACR process and also provides metrics that may be included for improving the ACR proforma.

Part V: Transfer Policy for Judicial Officers in District Judiciary

16. Transfers are an extremely integral part of the service of a judicial officer. It not only impacts the personal life of the officer but also plays a key role in career progression. Exposure to diverse jurisdictions, laws, and socio-economic realities through transfers ensures continuous professional development of the officers and, at the same time, provides the institution with a cadre of officials that is well-rounded and adept at meeting the institution's exacting demands. It is therefore imperative for the district judiciary to have a comprehensive, fair, and transparent transfer policy. Through an analysis of the responses and transfer guidelines shared by 22 High Courts, the NCMS-HRDS Sub-committee identified the issues prevalent in the existing framework for transfer, including the lack of written policies in certain jurisdictions and the absence of essential components like the frequency and procedure of Annual General Transfers, redressal mechanisms, and deputation postings.

Based on the analysis, the Sub-committee has formulated the following key recommendations to address the identified gaps:

1. All High Courts must formulate written transfer policies to ensure objectivity and transparency in the transfer process.
2. The High Courts should consider institutional-level requirements like caseload, vacancies etc., and individual-level requirements like exposure to work and existence of adverse circumstances while framing and implementing transfer policies.
3. The promulgated guidelines must be fairly comprehensive and cover all facets of the transfer process like routine transfers, deputation posting, and redressal mechanisms.

17. To bolster the recommendations, a list of institutional and individual-level requirements has been identified that can help the High Courts formulate balanced, well-thought-out policies. A list of essential components and a model proforma have been provided to aid the High Courts in drafting and refining their respective transfer policies. In this way, the report seeks to endow more transparency, fairness, and efficiency to the process of transfers.

Part VI: Cadre for Technology and Data Analysis

18. With the increasing reliance on technology and data analysis in court management, the demand for personnel proficient in handling court technology and data is on the rise. This demand is expected to grow even further with the implementation of new digital infrastructure and capabilities in Phase III of the e-Courts project. However, the existing workforce is insufficient to meet the demands of this ambitious project. To address these challenges, it is recommended that a permanent IT and Data Cadre be established in all High Courts, similar to a few High Courts such as Patna, Allahabad, Uttarakhand and Manipur. This cadre should include a team of professionals with diverse technology and data-related expertise. Regular refresher courses should be conducted to keep the internal team updated on technological advancements.

19. Furthermore, the roles and responsibilities of the cadre should be expanded to align with the goals of e-Courts Phase III. A Chief Information/Technology Officer (CIO/CTO) should lead the IT and Data Cadre, reporting to the judicial nominee of the Chief Justice or the Computer Committee. An Implementation Officer and Compliance Officer are also essential to ensure adherence to the Judicial Digital Data Management Policy. To accommodate the unique needs of each High Court, flexibility should be built into the cadre rules, allowing for outsourcing or contractual employment in cases where permanent recruitment is challenging. This comprehensive approach will enable the effective implementation of Phase III of the e-Courts project while ensuring data security, continuity, and stability in the judiciary's digital transformation.

Part VII: Ministerial Staff

A. Recruitment of Ministerial Staff

20. The ministerial staff attached to the Subordinate Courts perform many specific tasks for which it is necessary that the method and process of recruitment of ministerial staff caters to the needs of the specific role. Currently, the method and process of recruitment differs across High Courts. While most of the High Courts lay out specific requirements for posts such as the IT posts, as many as 11 High Courts stated that there is no difference between the qualifications and skills sought for in the ministerial staff belonging to various

branches/sections. Additionally, there is often a dissonance between the job qualifications stated for recruitment and the actual work that the staff has to perform.

Based on the analysis, the Sub-committee has formulated the following key recommendations to address the identified gaps:

1. The recruitment process for different categories of Ministerial Staff should be carried out separately in accordance with the specific qualifications required for the post.
2. The skills and qualifications stated in the job description should be aligned with the duties and responsibilities to be performed during the job.

B. Annual Confidential Reports for the Ministerial Staff

21. Periodic performance assessment of all human resources within the judiciary, including ministerial staff, is necessary for the effective functioning of courts. Such an assessment, often conducted through Annual Confidential Reports, aids in evaluating the institution's human resource capabilities, identifying employees fit for promotion, and pinpointing areas of improvement for targeted training and upskilling. Annual evaluations are therefore an indispensable requirement for maximising the performance and development of court staff. However, a preliminary analysis of the responses and the ACR proformas received by the HRDS Sub-committee from the 22 High Courts has revealed the absence of annual evaluation processes in some States. Further, some States have standardised ACR forms for all staff, thereby failing to capture the differences in the responsibilities of ministerial staff in various roles.

In an attempt to address these gaps the Sub-committee has put forth the following recommendations:

1. Need for an in-depth examination of the existing performance evaluation process for District Court Ministerial Staff to identify best practices.
2. Need to mandate annual confidential evaluation for District Court staff in all States.
3. Need to develop role-based ACR proformas to holistically capture the different responsibilities performed by the court staff in various roles.

C. Training for Ministerial Staff

22. Ministerial staff, crucial in supporting judicial officers, require regular training upon recruitment and at intervals, akin to their counterparts in the judiciary. This training is vital for their effective role in the administration of justice, especially given their frequent interactions with the public.

D. Transfer Policy for Ministerial Staff

23. Transfers are not a matter of routine for Ministerial Staff. Generally, once recruited, court staff tend to continue their employment at one place and are not transferred on completion of tenure. Nevertheless, in the event that they are transferred, it is likely to impact their personal and professional lives similarly to judicial officers. However, unlike judicial officers, Ministerial Staff in most States are not governed by written transfer policies. Stemming from this are other issues like lack of clarity regarding transferring authority, absence of guidelines on grounds for transfer and exemption from transfer, and an evident lack of any grievance redressal mechanism.

To ensure a comprehensive and transparent transfer framework for Ministerial Staff, the Sub-committee has made the following recommendations:

1. Need for a written transfer policy for Ministerial Staff in District Courts.
2. Need for gradually introducing and implementing routine transfer for Ministerial Staff.

Background

1. In 2012, the Supreme Court, in consultation with the Ministry of Law and Justice constituted the National Court Management Systems Committee (hereinafter, ‘**NCMSC**’) to enhance the quality, responsiveness and timeliness of Courts. The NCMS was established to oversee six main elements:

- i. A National Framework of Court Excellence (“**NFCE**”) that will set measurable performance standards for Indian Courts;
- ii. A system for monitoring and enhancing the performance parameters established in the NFCE;
- iii. A system of case management to enhance the user-friendliness of the judicial system;
- iv. A National System of Judicial Statistics (“**NSJS**”) to provide a common national platform for recording and maintaining judicial statistics from across the country;
- v. A Court Development Planning System that will provide a framework for systematic five-year plans for the future development of the Indian judiciary; &
- vi. A Human Resource Development Strategy for setting standards on selection and training of judges of subordinate courts.

2. As part of the sixth element, a Sub-committee headed by Hon’ble Shri Justice Dipankar Datta, then Judge, High Court at Calcutta, submitted a Baseline Report on the Human Resource Development Strategy (hereinafter, ‘**Baseline Report on HRDS**’) for selection, training, performance management and grievance redressal system for Judges and ministerial staff in the District judiciary in 2017. In the report, the Sub-committee covered aspects of selection, training, evaluation and grievance redressal for judicial officers of the district judiciary. The Sub-committee stressed the need for the appointment of qualified judicial officers trained in procedural and technical aspects of law, judicial ethics, transparency, latest developments in jurisprudence, etc. It was further stated that appointing qualified support staff to support the officers is equally important. Hence, the Sub- committee stressed the need for adequate training of all stakeholders, including the Government Pleaders/Public Prosecutors and registry officials. Finally, the Sub-committee stated that it is necessary to have uniform policies for performance evaluation, transfers and grievance redressal.

3. In April 2023, an Advisory Committee of the NCMSC, chaired by Hon'ble Shri Justice Abhay S. Oka, Judge, Supreme Court of India, convened a Sub- committee with Hon'ble Shri Justice Rajiv Shakdher, Judge, High Court of Delhi as Chairperson, Hon'ble Shri Justice Nijamoodin Jamadar, Judge, High Court of Bombay and Shri Vishal Gogne, District Judge and Additional Sessions Judge, Delhi as its members (hereinafter, '**NCMS-HRDS Sub-committee**'/'**Sub- committee**') for updating the Baseline Report on HRDS. The Sub-committee was assisted by experts from two organisations - DAKSH and Vidhi Centre for Legal Policy in research and drafting the present report.

4. The Sub committee presented its provisional report to the NCMSC in November 2023 and the views of the various High Courts upon this report were taken into account for preparation of the final report.

5. Upon Hon'ble Shri Justice Rajiv Shakdher taking over as Chief Justice of the High Court of Himachal Pradesh, Hon'ble Shri Justice Sanjeev Sachdeva, Administrative Judge, High Court of Madhya Pradesh, Jabalpur was appointed the Chairperson of the Sub-committee in September 2024. The final report of the Sub committee was submitted to the NCMSC in September 2024.

6. This report by the NCMS-HRDS Sub-committee comprehensively covers the areas of judge strength, recruitment, training, performance evaluation, transfer and technology at the level of the district judiciary. Within each of these areas, the report evaluates the existing framework, identifies gaps, and provides suggestions for improvement.

Part I: Recruitment of Judicial Officers

Introduction

1. The District Judiciary broadly comprises three cadres of judges - District Judge, Civil Judge (Senior Division) and Civil Judge (Junior Division). The exact nomenclature and designations of posts may differ between civil and criminal jurisdictions, urban and rural areas as well as from state to state since human resource policies for District Courts are determined by their respective High Courts. For the sake of brevity, this chapter refers to designations of judicial officers based on the civil jurisdiction vested in them although the same judicial officers may hold a combined criminal jurisdiction.

2. The three levels in the hierarchy of the District Judiciary, with the District Court at the apex serving as the appellate Court for all civil and criminal matters, are uniform across jurisdictions. The District Court, with the Principal District and Sessions Judge as the administrative head, also plays a supervisory role over other courts in the hierarchy, such as those headed by Civil Judges (Senior Division) and Civil Judges (Junior Division). This chapter highlights the current recruitment methods at all levels and then delves deeper into the problems, especially at the level of Civil Judges (Junior Division) and recommends solutions for the same.

A. Current Status

I Recruitment at the Cadre of Civil Judge (Junior & Senior Division)

Jurisprudence of Eligibility Criteria for Recruitment

3. *Article 234 of the Constitution of India* provides for the states to make their own recruitment rules in consultation with the State Public Service Commissions and High Court of the state for all Judicial Officers below the District Judge cadre. This has given states considerable leeway to decide on the process and authority in charge of recruitment for the cadre of Civil Judges (Senior Division) and Civil Judges (Junior Division) since no minimum requirements are specified in the Constitution.

4. However, the recruitment process of judicial officers has undergone various changes over the years and the minimum requirements across states have become more uniform over time.

One of the most significant shifts in the recruitment process at the Civil Judge (Junior Division) cadre has been the abolishment of the eligibility criterion of three years of practice as an advocate for being able to write the State Judicial Services Examination. This criterion was mandated by the Supreme Court in its 1993 order in the case of *All India Judges Association v. Union of India*.¹ At the time, the Apex Court believed that experience as a lawyer was essential to enable the judge to discharge their duties and functions efficiently and with confidence and circumspection.

5. In 1996, in pursuance of the directions given by the Supreme Court in the same case, the Government of India constituted the *First National Judicial Pay Commission* (“FNJPC”), which came to be known as the *Shetty Commission*.² One of the mandates given to the FNJPC was “to examine and recommend in respect of minimum qualifications, age of recruitment, method of recruitment etc., for Judicial Officers. In this context, the relevant provisions of the Constitution and direction of the Supreme Court in the *All India Judges’ Association Case* and in other cases may be kept in view”.³

6. The FNJPC Report also highlighted that every state has its own rules pertaining to the mandatory practice requirement as eligibility criteria for the State Judicial Services Examination. While some states had no such requirement, in other states, this requirement went up to 4-5 years. The FNJPC was of the opinion that the three-year practice requirement was not very useful because it was insufficient to give the persons interested in joining the judicial services a deep understanding of the judicial system and took away three years from their tenure. Hence, it recommended the removal of this eligibility criteria for Civil Judge (Junior Division).⁴ In its 2001 review of the matter, the Supreme Court accepted this recommendation of the FNJPC and decided to strike down this condition as the Court. also felt that.⁵ While most states do not prescribe any minimum practice requirement, there are three states which are an exception to this- Madhya Pradesh⁶, Maharashtra⁷ and Tamil Nadu⁸, all mandate three years of practice as an advocate as eligibility criteria to appear for the examination for the post of Civil Judge (Junior Division). However, all three states also

¹ *All India Judges’ Association & Ors. v. Union Of India & Ors*, AIR 1993 SC 2493.

² First National Judicial Pay Commission Report. 1999, available at <http://ajpc.nic.in/SHETTY_COMMISSION_REPORT.pdf> (Last visited on July 4, 2023).

³ *Ibid* p. 20.

⁴ *Ibid* p. 310.

⁵ *All India Judges’ Association & Ors. v. Union Of India & Ors*, AIR 2002 SC 1752.

⁶ The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994, Rule 7.

⁷ The Maharashtra Judicial Service Rules, 2008, Rule 5.

⁸ The Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007, The Schedule.

carve out an exception allowing fresh law graduates to appear for the examination if they have cleared all of their undergraduate examinations in the first attempt and scored above the specified percentage in their undergraduate degree.

Current Method of Recruitment

7. While the minimum requirements, other than the debate on the minimum practice requirement, have become more uniform, there is a wide divergence in practice and in procedures for appointments across states. The authority planning, overseeing and executing the recruitment process may either be the respective High Courts or the State Public Service Commission. *Annexure 1* lists the relevant authority for each state. Generally, as per the current State Judicial Service Rules, recruitment to the cadre of Civil Judges (Junior Division) is undertaken via direct recruitment through a competitive examination having multiple rounds followed by an interview.

8. The post of Civil Judges (Senior Division) is filled through promotion from the Civil Judges (Junior Division) cadre based on merit-cum-seniority.

II. Recruitment of District Judges

History and Jurisprudence

9. *Article 233 of the Constitution of India* provides that District Judges can either be appointed by promoting lower-ranking judges or through direct recruitment from the Bar, i.e., advocates or pleaders with a minimum of seven years of practice at the recommendation of the High Court.⁹ However, the provision does not lay down any guidelines as to the number or percentage of vacancies for District Judges that are to be filled through the two specified categories of candidates.

10. The FNJPC report stated that every state had devised its own quotas with respect to the two categories of candidates and there was no uniformity amongst the states. It also stated that there is a lack of cordialness between the District Judges who were promoted and the judges who were directly recruited, as well as a very evident age difference.

⁹ Article 236 of the Constitution of India, the term “District Judge” denotes the entire senior section of the District Judiciary, which includes Judge of a city civil Court, additional District Judge, joint District Judge, assistant District Judge, chief Judge of a small cause Court, chief presidency magistrate, additional chief presidency magistrate, sessions Judge, additional sessions Judge and assistant sessions Judge. See also, *All India Judges' Association & Ors v. Union Of India & Ors* 1992 AIR 165.

The main complaint came from the judges who entered District Judiciary at the level of Civil Judge (Junior Division) through the State Judicial Service Examinations, that they lacked promotional avenues. Keeping this in mind, the FNJPC report recommended that not more than 25 per cent of the vacancies be filled by direct recruitment to ensure promotions for the junior judicial officers. However, while deliberating on this recommendation, the Supreme Court, in its 2001 judgement¹⁰ further broke down the criteria of 75 percent of the vacancies for the District Judges to be filled via promotion of Civil Judge (Senior Division) into:

- i. 50 per cent of the total post in the higher judicial services must be filled by promotion on the basis of the principle of merit-cum-seniority; and
- ii. 25 per cent of the posts in the service should be filled by promotion strictly on the basis of merit through the limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior Division) should be not less than five years.

11. The Court opined that this would incentivise the relatively junior Judicial Officers to excel and compete for quicker promotions.

Current Method of Recruitment

12. The Apex Court was quick to realise that in several jurisdictions, the promotion to fill 25 per cent vacancies at the level of District Judges entirely based on merit through a limited competitive examination was proving to be a challenge. It was observed that there was an insufficient number of Civil Judges (Senior Division) who had completed five years in service at that designation. Hence, in the 2010 judgment of *All India Judges Association v. Union of India*¹¹, the percentage was brought down from 25 per cent to 10 per cent, making the current recruitment method:

- i. 65 per cent of the sanctioned strength of District Judges must be filled via promotion based on merit-cum-seniority from Civil Judges (Senior Division), who occupy the intermediate level between newly-recruited judicial officers and District Judges;

¹⁰ *Supra* note 25.

¹¹ *All India Judges' Association & Ors. v. Union Of India & Ors*, (2010) 15 SCC 170.

- ii. 10 per cent of the sanctioned strength for District Judges to be filled via promotion based strictly on merit, through limited competitive exams held among Civil Judges (Senior Division) with a minimum of five years of service; and
- iii. 25 per cent of the total strength to be selected through direct recruitment from advocates at the Bar with a minimum of seven years' practice.

13. As things stand, the criteria and mode of recruitment for District Judges are uniform and well established. However, the issues that need revisiting are that of minimum practice requirement at the level of Civil Judge (Junior Division) as well as the process of selection of suitable judicial officers. Therefore, this Sub-committee has chosen to delve on these issues more deeply.

B. Issues and Recommendations

I. Regarding mandating practice requirement

14. The three years mandatory practice criterion for judicial officers to be eligible to write the State Judicial Service Examination that the Supreme Court struck down in its 2001 judgement¹² is again up for discussion and debate. In January 2021, the Bar Council of India ("BCI") moved to the Supreme Court seeking a modification to the 2001 AIJS order stating that the judicial officers who are fresh law graduates are "*incapable and inept in handling matters*" and are the major cause of delay in disposal of cases.¹³

15. Given the importance and relevance of this issue, the present HRDS Sub-committee posed a set of questions to all the High Courts to understand their views on the same. ***Annexure 2*** contains a tabulation of their stance on the issue as well as their detailed reasoning, where provided.

16. Out of 20 High Courts from which responses on this particular matter were received, 16 have opined that some form of reintroduction of practice requirement is necessary. Only 4 believe that the *status quo* should be maintained. Based on these responses, the HRDS Sub-committee deliberated on this issue and is of the recommendation that two years of experience in practice should be made mandatory for appearing in the recruitment examination for the post of Civil Judge (Junior Division).

¹² *Supra* note 25.

¹³ Bar Council of India, 'Press Release Dated 02.01.2021', *available at* <https://images.assettype.com/barandbench/2021-01/95928fda-6777-4e1d-be8d-53b42b08b703/Press_Release_dated_02_01_2021.pdf> (Last visited on August 7, 2023).

17. This experience could illustratively be in the form of practice in the courts as an advocate, working in a litigation firm or being attached to a court as a law clerk/legal researcher. The focus of this eligibility requirement is on familiarity with the procedures followed in the District Courts. The High Courts may decide how the candidates appearing for the State Judicial Examination would be required to prove that they have the said relevant experience. The experience of two years would be counted from the date of enrolment with the State Bar Association. This experience should be coupled with the training of one year including courses beyond the general legal subjects in order to ensure that the qualifying officers are trained in the practical aspects of law and are attached with a District Judge for 6 months.

18. Such an approach would cater to the need for well qualified and suitable candidates to be judges at Civil Judges (Junior Division) and ensure that they are well prepared to handle both judicial and administrative responsibilities that come with the position. Civil Judges (Junior Division) have the most wide-ranging interactions with the litigants and for most ordinary litigants, their experience of the entire judicial system is determined by the quality of experience and justice at the hands of these judges. Therefore, it is critical that at the junior most level, we induct candidates who are not only knowledgeable but are also empathetic and compassionate. They also need administration skills for handling high case loads.

19. The Sub committee would notice that one of the positive outcomes of the previous removal of the practice requirement for appearing in the State Judicial Service Examination was an increase in the number of female judicial officers. The Sub committee is cognizant that reintroduction of the practice requirement (for two years) may dissuade new female law graduates from appearing in such examinations on account of prevailing social expectations relating to marriage. It is not entirely unforeseeable that the recent trend of an increase intake of female judicial officers may be stymied by the requirement of practice for two years as a condition for appearing in the State Judicial Service Examination.

20. Affirmative measures are required for incentivising women to opt for Judicial Services as there would be considerably more pressure on women to get married at the age of 25 and bear the responsibilities that come with the same.¹⁴

¹⁴ See, Sumathi Chandrashekar, Diksha Sanyal, *et al.*, “Breaking through the Old Boys’ Club : The Rise of Women in the Lower Judiciary” Vol. 55 EPW Issue No. 4 (2020), available at <<https://www.epw.in/journal/2020/4/special-articles/breaking-through-old-boys'-club.html>> (Last visited on August 8, 2023). The study shows that over a 10-year period (2007 to 2017), 36.45% of women entered the Civil Judge (Junior Division) cadre through the direct State Judicial Service Examinations, while in the same duration, at the District Judge level, only 11.75% of women joined the District Judge cadre directly through the Bar, for which seven years of continuous practice is an eligibility requirement.

21. It is thus suggested for counteracting any negative impact upon female candidates that in States where women are not adequately representing in District Judiciary, the concerned High Courts may recommend to the State Government to have a reservation policy for female candidates in Judicial Service Examination. The State Judicial Service Rules may subsequently, if required, provide for reservation for female candidates as well as a two-year age relaxation from 35 to 37 years for female candidates intending to appear for the State Judicial Service Examination.

22. Other parallel measures like conducive physical infrastructure for women judicial officers and favourable transfer policy to ensure diversity should also be undertaken.¹⁵

23. It is also necessary that fresh law graduates in smaller towns or rural areas have requisite avenues to practice under a lawyer or in litigation firms and cooperation from the State Bar Associations are required for the same. The State Bar Association can possibly maintain a list of advocates/litigation firms who would be willing to employ these fresh law graduates for a period of two years and can pay a minimum stipend to these graduates, if the advocates/litigation firms they are placed with are not paying them or paying them below the market value.¹⁶ This would also ensure that fresh law graduates who do not have the means to sustain themselves and their families have more security for the two years they practice, before being able to write the examination for Civil Judge (Junior Division).¹⁷ The concern that introduction of the two year practice requirement shall lead to an age or seniority disparity at the District Judge cadre between the judicial officers promoted from the Civil Judge Cadre and the judicial officers recruited directly from the Bar needs to be addressed.¹⁸

¹⁵See, Jyoti Yadav, "Eight out of 10 Rajasthan judicial exam toppers were women. Get ready for army of female Judges" *The Print*, October 17, 2022, available at <<https://theprint.in/feature/eight-out-of-10-rajasthan-judicial-exam-toppers-were-women-get-ready-for-army-of-female-judges/1170906/>> (last visited on August 22, 2023). The article discusses that in 2022, out of 120 candidates selected for the Rajasthan Judicial Service, 71 were women.

¹⁶Prashant Reddy T, Chitrakshi Jain, *et.al.*, "A Survey of Advocates Practicing Before the High Court" available at <https://vidhilegalpolicy.in/wp-content/uploads/2020/07/AdvocatesSurvey_21AprilRevision.pdf> (last visited on August 22, 2023). The survey found that most advocates earned Rs. 2000 to Rs. 10000 only during the first two years of litigation practice.

¹⁷ See, ¹⁷ Anuj Agrawal, "How much do litigation lawyers make, where do they practice and more – Results of the 6Q survey", *Bar and Bench*, February 22, 2015, available at <<https://www.barandbench.com/columns/how-much-do-litigation-lawyers-make-where-do-they-practice>> (last visited on August 23, 2023). The article highlights a survey conducted in 2015 that estimated that as many as 78% of first-generation and 85% of second-generation lawyers surveyed earn less than Rs. 5 lakhs per annum in the first five years of practice.

¹⁸See, Alok Prasanna Kumar, "The Glass Ceiling in the High Courts" Vol LVII No. 42 (2022). The study shows that judges at the High Court who have been promoted from service on an average are around 56.59 years in age and have only an approximate tenure of 5.41 years at the High Court. In contrast, High Court judges elevated directly from the Bar are of the average age of 50.34 years and get a tenure of 11.66 years at the High Court and hence, a much better chance to become Chief Justice of a High Court and be elevated to the Supreme Court.

The current promotion timelines indicate a minimum service period of 10-12 years for a Civil Judge to be considered for the District Judge cadre while the minimum age for direct recruitment from the Bar is 35 years.

24. Due to the current promotion timelines being minimum 10-12 years for persons entering the District Judiciary as Civil Judge (Junior Division) to be considered for the District Judge Cadre and the minimum age for direct recruitment from the Bar being 35, it is suggested that State Judicial Service Rules and Higher Judicial Rules be amended to ensure that the overall service of a judicial officer be finalised at 10 years, with minimum 2 years being served as Civil Judge (Senior Division) to be considered for promotion via merit-cum-seniority to the cadre of District Judge in the 65%. Hence, through both streams of recruitment, the minimum age would be 35.

25. Such amendments would counter act any loss of service period or seniority for Civil Judges when they are considered for being promoted to the District Judge Cadre and ensure that entrants at the District Judge level from both streams viz promoted Judicial Officers and those recruited directly from the bar join at similar age levels.

26. In a similar vein, the Delhi Higher Judicial Service Rules, have been recently amended to specify the overall qualifying service of a Civil Judge (Senior Division) for being eligible to appear in the limited competitive examination qua the 10 per cent quota for promotion as 10 years qualifying service as Civil Judge (Junior Division) or 7 years [5 years as Civil Judge (Junior Division) and 2 years as Civil Judge (Senior Division)].¹⁹ However, this exception was made due to the unique circumstances in the Delhi District Judiciary where the roles and responsibilities of Civil Judge (Junior Division) and Civil Judge (Senior Division) are identical,²⁰ and is only limited to the 10% of the recruitment at the District Judge cadre.

27. Data collected from two larger States viz Maharashtra and Uttar Pradesh regarding the composition of the District Judge Cadre at the rank of Principal District Judge from the twin streams of promotion from the District Judge Cadre and direct recruitment from the Bar reveals that the number of Principal District Judges in the District Judge Cadre from the direct recruitment stream from the Bar is disproportionately higher than the Principal District Judges from the promotion stream. The figures from Maharashtra and Uttar Pradesh are reproduced in the table to follow:

¹⁹Delhi Higher Judicial Service (Amendment) Rules, 2023, Rule 2.

²⁰ *All India Judges Association & Ors. vs. Union of India & Ors. and in the matter of Sheetal Chaudhary Pradhan and Anr.* (2002) 7 SCC 494

STATEMENT REGARDING DIRECT DISTRICT JUDGES AND PROMOTED DISTRICT JUDGES IN THE RANK OF PDJ AS ON 06.08.2024 (MAHARASHTRA)

State	CADRE	DIRECT	PROMOTED (ACCELERATORY + REGULAR)
Maharashtra	<u>DISTRICT JUDGES</u> (in the rank of PDJ)	33	11
Uttar Pradesh	<u>DISTRICT JUDGES</u> (in the rank of PDJ)	123	132

28. In view of the consistent and adequate intake of civil judges to the District Judge Cadre under the 10% quota for limited competitive examination (LCE) and in order to encourage rapid career progression for meritorious civil judges, which may also balance the representation at the Principal District Judge Level in the District Judge Cadre from the twin streams of promotion and direct recruitment, it is proposed that the quota for intake to the District Judge Cadre through LCE among civil judges be increased from 10% to the original limit of 25% of the sanctioned strength of District Judges subject to any directions from the Supreme Court on the judicial side.

Note:-

During the course of deliberations in the NCMS Committee meeting, a suggestion was mooted that all Civil Judges (including Civil Judges Junior Division) who have completed 10 years service be permitted to appear for LCE for the post of District Judge (Accelerated Promotion). The suggestion gained traction for three reasons. First, it would promote merit based selection. Second, if an advocate with Seven Years practice can become a District Judge through direct recruitment from the bar, a Civil Judge with 10 years standing ought not to be deprived of the opportunity to compete for entering the District Judge cadre. Third, there is not much difference in the judicial functions discharged by Civil Judges Senior Division and Civil Judges Junior Division. The above suggestion to make all Civil Judges with 10 years standing eligible for promotion to the post of District Judge through limited competitive examination, will disrupt the three-tier District Judiciary set up, uniformly established pursuant to the recommendations of FNJC. One of the most defining change introduced by FNJC was, to make the post of Civil Judge Senior Division, only a promotional

post. A change of such significant nature will have wide ramifications. It would require wider consultation with all the stakeholders. The Committee does not even have the benefit of the views of the High Courts. The Sub-Committee is of the view that the aforesaid suggestion, which proposes to usher in a momentous change in the District Judiciary Hierarchy, deserves extensive consultation, meticulous evaluation of its pros and cons and deeper consideration at an appropriate time in the future.

II. Regarding overall changes to the recruitment method and process

29. While reintroducing mandatory minimum practice as advocate for judicial officers is a significant method to ensure more qualified and suitable candidates enter the judiciary, the process of selection of candidates, i.e. the skills that the State Judicial Service Examination measures and the method of conduction of the examination are in need of change. The suggestions regarding these issues have been summarised by the Sub-committee in the following table:

	<i>Suggestion</i>	JUSTIFICATION
1.	<p>a. Need to test for psychometric attributes along with legal skills.</p> <p>b. Mandating interview after qualifying the written examination</p>	<p>The responses to the questionnaires as well as expert consultations have pointed out that there is room for improvement in examinations at both the level of Civil Judge (Junior Division) and the District Judge level. The examinations as of now focus mainly on knowledge of law and do not adequately test aptitude and leadership qualities. The High Court of Uttarakhand has suggested a test to assess aptitude, integrity, ethics, and gender sensitivity as they have faced issues with misbehaviour. The High Court of Kerala too in its response has highlighted that evaluation of practical skills is necessary. Similarly, the High Court of Jharkhand in its response, has stated that the current system of examination favours candidates who take coaching and is all about rote learning. Another related issue is that in a few states, after the preliminary and mains examination, there is no interview stage. This is a necessity as a judicial officer is required to have good communication and people skills, and hence, to ensure the judicial officers with the right aptitude and attitude are entering the judicial</p>

		system, the examination should be designed to holistically assess the candidates at multiple levels.
2.	<p>a. Recruitment process should be conducted by respective High Courts.</p> <p>b. Psychometric Testing should include external agencies & experts</p>	<p>There is a wide divergence in the authority planning, overseeing and executing the recruitment process across the states. While in some states, it is the respective High Courts that have this responsibility, in others, this mandate is with the State Public Service Commissions, as highlighted in <i>Annexure 1</i>. Despite the mandate being with one authority, both the High Court and the State Public Service Commissions have to work together due to the nature of the examination. The lack of coordination between the two often results in delays in the conduction of the examination. Often, the candidates are not clear on who the examination conducting authority is and if there are any issues regarding the exams, they do not know whom to approach.²¹</p> <p>Regarding question papers, the teachers and professors from universities currently help the High Courts/State Public Service Commissions prepare the papers for the examination, especially for the language-specific papers. There are several cases filed against the recruitment process in the High Courts challenging the following:</p> <ul style="list-style-type: none"> a. The answer key of the preliminary examinations; b. The grading system and evaluation of answer sheets; and c. The re-evaluation of the tests. <p>The Sub committee is of the recommendation that the efficiency of the examination process would be enhanced if the recruitment process is conducted by the respective High Courts.</p> <p>Further, the suitability of candidates should also be assessed on psychometric parameters. Such psychometric testing processes can be supplemented by engaging external agencies and experts.</p> <p>²¹ Diksha Sanyal and Shriyam Gupta, “Discretion and Delay: Challenges in Becoming a District and Civil Judge” (December 2018), available at < https://vidhilegalpolicy.in/research/2019-1-7-discretion-and-delay-challenges-of-becoming-a-district-and-civil-judge/> (last visited on 25 August 2023).</p>

		<p>The involvement of external testing agencies in the psychometric testing, as part of the recruitment process for judicial officers, can help enhance the overall quality and fairness of the selection procedure.</p>
--	--	--

Part II: Calculation of Judge Strength

Introduction

30. This section offers a historical perspective on the evolution of judge strength calculation in India, delving into the various methods for such calculation used in the past. Among these, particular attention is directed towards the latest model recommended by the National Court Management Systems in 2019. This report support the method of using units to calculate judge strength but is aware that in the groundwork has not been laid for implementing this method in the medium term. In the medium term, this report recommends continuing with the judge-to- population ratio but making it more nuanced to account for different categories of judges and pendency. This report advocates for simultaneously initiating pilot time and motion studies in various courts around India to arrive at an accurate estimation of judicial time needed for different case types in order to lay the foundation to determine judge strength based on recommendations of the NCMS Committee. Once these estimates are available, this method should be used to determine judge strength.

The Need for Calculating Judge Strength

31. The need for accurately calculating judge strength is crucial to address the mounting challenges faced by the judiciary. With a massive backlog of cases, slow court processes, and limited access to justice, determining the appropriate number of judges becomes imperative. By conducting systematic assessments of the caseload, the judiciary can allocate resources efficiently and expedite case resolution. Specialised courts can also be established to handle complex cases, ensuring better adjudication. Maintaining an optimal Judge-case ratio is also vital to uphold the quality of justice and avoid rushed decisions. Calculating judge strength also helps address judicial vacancies promptly, reducing burdens on existing judges and minimising delays. Ultimately, an evidence-based approach to judge strength calculation strengthens the judicial system and improves access to justice.

32. Besides, an estimation of the required judge strength would enable projections for adequate staff strength and court infrastructure.

Brief Overview of Judge Strength Calculation in India

33. The *120th Law Commission Report* in 1987 acknowledged the necessity of bolstering the country's judicial capacity to address the “*scandalous delays*”²² prevalent in the Indian judicial system. The Report suggested that population should be considered a crucial metric in determining the appropriate number of judges required. The Law Commission recommended that India should aim to have a minimum of 50 Judges per million population within the next five to ten years.

34. The *85th Parliamentary Standing Committee* on Delays and Arrears, 2002 continued to rely on the judge-to-population formula and recommended an increase in the judicial strength based on it. In the same year, the Supreme Court in *All India Judges Association v. Union of India*,²³ relying on both the *120th Law Commission Report* and the *85th Parliamentary Standing Committee Report*, emphasised the need to increase the judge population to ensure timely disposal of cases.²⁴ The Court directed the Ministry of Law and Justice to fill all vacancies at all levels in the subordinate courts across the country by 31 March 2003. In *Imtiyaz Ahmed v. State of UP*,²⁵ the Supreme Court in 2012 instructed the Law Commission to propose recommendations for establishing extra courts to address issues of delay and backlog.

35. Pursuant to the order of the Supreme Court, the *245th Report of the Law Commission* examined the issue of the calculation of judicial strength in great detail. It moved beyond the judge- population ratio and explored alternate methods, including the ideal caseload,²⁶ time-based approach.²⁷ The Law Commission recommended using the rate of disposal method as its preferred method for determining judge strength.²⁸

36. Subsequently, the Supreme Court instructed the NCMS Committee to assess the proposals in the *245th Law Commission Report*. The NCMS Committee's response was to criticise the

²² Law Commission of India, 120th Report on Manpower Planning in Judiciary: A Blueprint (1987).

²³ (2002) 4 SCC 247.

²⁴ *Id.* at para 25.

²⁵ (2012) 2 SCC 688.

²⁶ Law Commission of India, 245th Report on Arrears and Backlog: Creating Additional Judicial (wo)manpower, 2014, available at <<https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081643.pdf>> (last visited on August 8, 2023).

²⁷ *Id.* at 22.

²⁸ *Id.* at 24.

Law Commission's method and introduce an interim alternative based on the “units system.” Each High Court uses norms, known as the “unit system”, to evaluate the district judiciary. These norms factor in case complexity and local conditions, varying between states. The NCMS Committee suggested assigning weightage to different case types, addressing a concern unaddressed by the Law Commission.

37. The Supreme Court directed the NCMS Committee²⁹ to develop a more scientific and appropriate model for calculating judge strength by 31 December 2017. The Court chose the method suggested by the NCMS Committee over the methodology proposed in the *245th Law Commission Report* for an interim period until the end of 2017. Justice AK Sikri submitted a final NCMS Committee report on judge strength calculation in 2019. This report further expanded the “units” system, and it is pending consideration before the Hon’ble Supreme Court of India (“Justice Sikri Report”).

Existing Approaches to Calculating Judge Strength and their Limitations

	<i>Method</i>	<i>Framework</i>
1.	Judge-to-Population Ratio	This method seeks to find the optimum number of judges per million population. As the filing of cases per capita varies substantially across geographic units depending on socio-economic conditions, this method should factor in regional variations and pendency.
2.	Judges to Filing Ratio	This method seeks to find the optimum number of judges per 1000 instituted cases.
3.	Ideal Caseload Method	This method involves arriving at an ‘ideal caseload’ for each judge. Judge strength would be determined by the total caseload and this ideal caseload. If the number of cases per judge is much higher than the ideal caseload number, additional judges will be recruited.

²⁹ *Imtiyaz Ahmad v. State of UP & Ors.*, Criminal Appeal 254-262/2012, order dated 02.01.2017.

4.	Time-Based Method	The time-based method calculates the total time needed to clear the judicial caseload by adding case disposal times across types and dividing by the available judge time. The case time is determined via motion studies or expert estimation.
5.	Rate of Disposal Method	This method takes into account the average number of cases disposed per judge to arrive at the additional number of judges required.
6.	NCMS Method	Justice AK Sikri, in the final NCMS Report submitted pursuant to the order of the Supreme Court in 2017 suggested a weighted case model. Although it noted that the time for each case is to be calculated for accuracy and that there is a need for a scientific method to calculate the same, it was pointed out that it might not be feasible in India. ³⁰ As a more realistic method, the report suggested using the “units” system, which is already used for the performance assessment of judges as the basis of estimating judicial strength. The Report also suggested the updation of the units system.
7.	Weighted caseload method	This method factors in the number of cases filed and pending and gives weightage to the mix of cases in the court, incorporating the time required to dispose different types of cases (case weights). Time and motion studies are required to arrive at case weights.

³⁰ National Court Management System Committee, Final Report on Computing required Judge Strength of the District Judiciary for each State (2019) at p. no. 4.

38. The Justice Sikri Report opined that the unit system provides an important input for manpower planning because it classifies cases into case types and establishes a standard on the estimated hours required for the disposal of each case type.

39. As of now, there is no other authoritative source to estimate the number of hours required to dispose each case type. However, the report acknowledged that a scientific, nationally accepted method needs to be developed for estimating the number of judicial hours required for different case types. It recommended that a study be conducted to determine the hours required for disposing different case types. Thus far, such a study has not been carried out. We recommend that this method may be considered for adoption once such pilot projects are carried out to validate it.

40. In the medium term, while such pilot projects are carried out and the results analysed, the judge- to-population ratio should be used to calculate the number of judges needed in each jurisdiction. The 120th Law Commission Report had opined that since legislative representation is worked out on the basis of population and other services of the state, such as the bureaucracy, police etc. are also similarly planned, there is no reason why a similar principle cannot be used to determine ideal judge strength. The Supreme Court in *All India Judges Association v. Union of India*, endorsed the views of the Law Commission in its 120th Report and directed that a judge-to- population ratio of fifty judges per million be achieved within a period of five years and not later than ten years in any case.

	2001	2011	2022	2024
Sanctioned strength of judicial officers in Maharashtra (including ex-cadre posts)	1285	2089	2357	5571
Population of Maharashtra	9,68,78,627	11,23,74,333	12,49,04,071	12,49,04,071 (Population as per census in 2022)
Judge population ratio per million of population	13	19	19	45
Expected judges strength calculated using the ratio of 30 judges per million	2906	3371	3747	
Judge strength calculated based on pendency numbers from 2015 according to methodology prescribed in 2018 by the NCMS: 3211				

41. The above table illustrates how judge-to-population ratio can be calculated using the example of Maharashtra. The population of the State of Maharashtra and the sanctioned strength of judges of the district judiciary in the State of Maharashtra in the years 2001, 2011 and 2021 gives a clear picture regarding the judge population ratio and whether the benchmark directed by the Supreme Court has been achieved or not.

42. In Maharashtra, the judge population ratio per million was 13 in the year 2001. On 21 March 2002, the Supreme Court issued directions to the government to enhance the judge population ratio to the extent of 50 judges per million within five years. In 2022, the judge-to-population ratio increased marginally to 19 per million, still far short of the Supreme Court's direction. It is also necessary to be practical and set benchmarks that are practical and feasible. Taking the example of Maharashtra, it is evident that at this point, increasing the judge strength to 6245 (a nearly three-fold increase) is not feasible. If we look at a benchmark of 30 judges per million population, we will arrive at a target of 3747 judges. This is an increase of roughly one-third which can be staggered over three years. This number is also close to the ideal judge strength arrived at by using methodology prescribed in 2018 by the NCMS.

43. It is necessary to look at the above table not just from the perspective of non-attainment of the target set by the Supreme Court but also from the perspective of mounting pendency. Since the increase in pendency is contemporaneous with rise in population numbers, this report has attempted to contextualise both figures.

44. The table below shows how pendency has increased exponentially alongside population increase.

Maharashtra

Population in 2018 (projected) *	Population in 2022 (projected) *	Percentage increase in population	Pendency in 2018	Pendency in 2022	Percentage increase in pendency
12.10 crores	12.54 crores	3.6%	33,40,050	49,53,521	48%

***Source: Population Projection for India and States, 2011-2036³¹*

45. Evidently, the percentage increase in pendency of cases has far out paced the percentage increase in population numbers in Maharashtra. This indicates that a nuanced approach should be adopted while calculating judge-to- population ratio, factoring in pendency for different categories of judges within each jurisdiction.

46. The following table shows the current sanctioned strength, the ideal judge strength calculated as per judge-to-population ratio (30 per million and 50 per million) and as per the methodology recommended by Justice Sikri's Report. This indicates at first glance that the methodology proposed in Justice Sikri's Report needs to be examined more closely to understand its workability. It would be useful to conduct pilot studies across sample districts to calculate judge strength according to this formula to understand its feasibility.

³¹ Report of the Technical Group on Population Projections, Population Projection for India and States, 2011-2036, 2020, available at: https://main.mohfw.gov.in/sites/default/files/Population%20Projection%20Report%202011-2036%20-%20upload_compressed_0.pdf (last visited on November 1, 2023)

47. Additionally, time and motion studies need to be carried out across different courts and case types to understand how to incorporate aspect of the weighted caseload method and arrive at a more scientific method to determine judge strength (a sample of results of a time and motion study conducted by DAKSH is given in the *Annexure 3*).

Madhya Pradesh

Current sanctioned strength	2028
Projected population (2023) *	86579000
Ideal judge strength using judge to population ratio (30 per million population)	2597
Ideal judge strength using judge to population ratio (50 per million population)	4329
Ideal judge strength using Justice Sikri's method	17060 #

*Source: Population Projection for India and States, 2011-2036³². A sample of the working is provided in *Annexure 4*.

48. It is recommended that the following steps be carried out:

- i. In the near and medium-term, judge-to-population ratio should be adopted as the method to determine ideal judge strength. The Supreme Court has given 50 judges per million population as the benchmark but this target may not be feasible in the immediate future. A one-third increase staggered over three years or a benchmark of 30 judges per million population may be more achievable. The High Courts can revisit this benchmark depending on the pendency in their respective jurisdictions.
- ii. A corresponding increase of staff strength and court infrastructure is also recommended.

³² *Ibid*

The 245th Law Commission Report outlined a method for calculating judicial strength, separating higher judicial service from subordinate judicial service. Following a similar approach, benchmarks should be set for different judge designations, like Civil Judge (Senior Division), Civil Judge (Junior Division), District and Sessions Judge, etc.

- iii. In order to understand the consequences of adopting the method prescribed in the Justice Sikri Report, this method needs to be studied and validated. On a pilot basis, judge strength can be calculated using this method for certain sample districts to understand the workability of the method.
- iv. In order to arrive at a more scientific method incorporating some aspects of a weighted caseload method, High Courts must conduct time and motion studies to estimate the number of judicial hours required for different case types, district-wise. This estimate should be prepared for different case types and jurisdictions. The judicial hours needed for each case type must include time that judges spend on reading the files and doing their own research.
- v. The judicial needs in a district or court complex can be assessed to optimise judicial resources. This evaluation is based on factors such as past case filings and backlogs. This data is a foundation for determining if additional judges are required or if caseload can be equitably divided by reallocating judges within a district or establishment. Moreover, judges needed to address backlogs can also be strategically assigned within the same district.
- vi. While augmenting the number of judges will undoubtedly expedite case disposal and reduce the backlog, it's equally valid that boosting judicial efficiency by other means can directly contribute to caseload reduction. Enhancing efficiency involves ensuring smooth case progression from start to finish. Properly distributing procedural and substantive tasks and effective use of technology and analytics can also alleviate the court workload. A significant portion of judges' workload pertains to procedural stages. A more effective approach involves judges concentrating primarily on substantive stages, while procedural aspects can be managed by court registrars. This strategy streamlines case flow, allowing judges to allocate their time to the core issues within a case.

Part III: Training for Judicial Officers

Introduction

49. Training of judicial officers is crucial for ensuring a fair and just judicial system that upholds the rule of law. Ideally, judicial officers and staff should be trained upon induction as well as periodically during their careers. For judicial officers, training should cover areas of law, case and court management, management of human resources and budgets and constitutional values underpinning the justice system. It is also essential that judicial officers understand societal dynamics along with the letter of the law to enable them to make well-informed and fair judgments. Comprehensive training is an equal necessity for district court staff as they play a crucial role in supporting the justice system's administration. This training should cover not only skills but also motivation and a complete understanding of their significant contribution. The recommendations made by the Sub-committee in this report towards training of judicial officers would more appropriately be implemented in consonance with the recommendations made in the section on Recruitment wherein the training period of one year upon recruitment has been reiterated and where it has also been stressed that such training should address aspects of law, allied areas suggested below as well as a period of attachment with judges at the district and High Court level.

Issues

I. Regarding permanent faculty in State Judicial Academies.

50. The State Judicial Academies do not have any permanent faculty.³³ The lack of permanent faculty means fewer opportunities for the faculty to collaborate on research projects and plan innovative training strategies.

II. Regarding Rules/Guidelines for training judicial officers.

51. Most High Courts reported no specific rules/guidelines for the training of judicial officers. In the responses submitted to this Committee, the High Courts stated that the rules governing the functioning of the training academies are the state-specific Judicial Service Rules, which only mention that every member should undergo training. Training is mostly not

³³ 16 High Courts have reported that the state's judicial academies do not have any permanent faculty.

conducted by employing a Training Needs Assessment (TNA) strategy or by a conscious introduction of the social context in the training curriculum.

Recommendations

52. The recommendations of the Sub-Committee are as under:-

	<i>Recommendation</i>	<i>Justification</i>
1.	Constitutional Morality	All courts discharge functions in protection and furtherance of constitutional provisions and values. The training programmes shall imbibe greater foundational vigour if constitutional morality is consciously incorporated in the training content.
2.	Social context adjudication	<p>Fairness and an absence of bias lie at the heart of the justice system. Most facets of litigation necessarily have an interface with the social context, including crimes against women and other vulnerable sections of society, emerging social and demographic trends, legislative reform and the working of democratic institutions. Thus, judicial officers who are adjudicating disputes need to have a holistic awareness of the social contexts and be perceptive to the needs of all sections of society.</p> <p>Hence, the State Judicial Academies should endeavour to create training sessions on the social context of adjudication in various jurisdictions for enabling judicial officers to make decisions that are just and appropriate to the society in which they live. These sessions should help judicial officers appreciate diversity and differences in society as well as avoid unconscious biases and stereotypes from creeping into the judicial processes. Some High Courts have reported that there are specific trainings conducted on gender sensitisation, human trafficking, Pre- Conception and Pre-Natal Diagnostic Techniques Act,</p>

		Prevention of Sexual Harassment Act, Domestic Violence, Mental Health, Rights of Persons with Disabilities Act, etc., but these are not uniform across Courts. ³⁴ Other Judicial Academies may not be having similarly robust training modules. The training on the above aspects is therefore required to be uniformly imparted across all judicial academies in India.
3.	Multidisciplinary approach to training	<p>Given the complexity of the society that judicial officers are operating in and the variety of laws which they need to be conversant with, it is essential that their training be multidisciplinary in approach. Considering the nexus of the field of law and legislation with emerging or established disciplines like psychology (especially child psychology), human rights, mental health, technology management principles, victimology and legal research, economy, history and culture, the training programmes for judicial officers may be more productive with an infusion of learnings from other disciplines. Training should also be given in areas affecting commerce. Another important aspect to be factored into the development of training calendars is court management. There should be training to help judicial officers deal with the media and ethical dilemmas in performing their professional duties. This approach will give judicial officers a deeper understanding of society, technology, commerce and the environment.</p> <p>There is also a need to impart soft skills (effective communication, conflict management, motivation, time management etc.) and management skills (managerial tools for</p>

³⁴ Responses from the Orissa High Court, Madhya Pradesh High Court, Delhi High Court, Allahabad High Court, Jharkhand High Court and Karnataka High Court.

		complex systems and models for financial, technological and human resources management etc.) to judicial officers. ³⁵
4.	Multiple stakeholders' modules for training	Recognising the social context in which judicial officers work, it is imperative that multiple stakeholders participate in their training. Since the judicial system works with the contribution of multiple stakeholders, the training modules must invite the joint participation of Public Prosecutors, Investigation Officers, Probation/Protection Officers, Superintendents of District Jails and Observation Homes, counsellors attached to the Family Courts, District Legal Services Authorities and Mediation Centres and research organisations. Each training programme must involve an appropriate mixed group of multiple stakeholders as illustratively cited above. Interacting with these stakeholders may provide the judicial officers insights into the manifest and unintended consequences of their decisions on varied stakeholders.
5.	A Training Needs Assessment (TNA) is a necessary pre-requisite to any impactful training programme	In the absence of a needs assessment for the trainee judicial officers, any training programme may lack credibility and utility. It is thus imperative, for avoiding ad-hoc and inadequate training content, that the challenges faced by the stakeholders in each training programme are assessed for determining the training needs. The most obvious way to assess needs would be through a survey of judicial officers before planning a training schedule. Feedback provided through questionnaires completed by judges at the end of training sessions is another useful way of identifying training needs. ³⁶

³⁵ Responses from Karnataka High Court, Jharkhand High Court, Himachal Pradesh High Court, Madras High Court, Madhya Pradesh High Court, Punjab & Haryana High Court, Delhi High Court.

³⁶ The Madhya Pradesh High Court conducts daily recap and open interactive sessions for assessing the feedback and impact assessment of the training programmes.

		<p>A structured identification of learning objectives, including enhancement of legal knowledge, appreciation of evidence, judgment writing skills, sensitivity enhancement towards victims and social groups or a response to newer legislations would ensure a more informed creation of programme and session content for various training programmes. Similarly, defined learning outcomes for individual participants as well as the jurisdiction as a whole, will ensure an effective learning process. The need for consistent feedback from participants and faculty members of the judicial academies is a concomitant obligation for the continuous refinement of training goals. In the responses submitted to this committee, the High Courts stated that there is a practice for taking feedback on the training sessions, but there are no uniform guidelines for it.³⁷</p>
6.	Use of innovative learning tools and use of online platform	<p>Over the years, training pedagogy across sectors has transcended traditional lecture methods and now includes more participatory exercises. The State Judicial Academies should employ audio-visual tools, case studies, spontaneous or rehearsed role-play exercises (including mock trials), literature and history as reference material. Since it is difficult for judicial officers to frequently travel for trainings, it often becomes difficult to conduct physical training sessions at distantly placed academies. Given the availability of technological tools for capacity building and training, an online delivery of training sessions may be contemplated by the respective judicial academies for appropriate programmes. Using quizzes, videos, implicit association tests etc., can make these sessions interactive and engaging. The use of audience response tools should also be encouraged.</p>

³⁷ Responses from Allahabad High Court, Calcutta High Court, Delhi High Court, Gujarat High Court, Rajasthan High Court, Madras High Court, Orissa High Court.

		<p>The online training platforms could also serve as comprehensive knowledge management tools to help judicial officers easily access training materials under different modules, track their progress and enable asynchronous Q&A sessions with trainers. Video recordings of trainings on specific areas could also be retained by academies so that even if trainers are not available at the time of need, officers can access the information through the recordings.</p>
7.	<p>Collaborative programmes among the state judicial academies as well as collaboration agreements between the state judicial academies and training academies of the civil services and police.</p>	<p>This report has recommended using multiple stakeholder and multi-disciplinary modules in the training of judicial officers. Such an approach would immensely benefit from the sharing of experiences and capacities among the various Judicial Academies. Pertinently, the training academies of the civil services have historically pioneered training content and pedagogy. The possibility of developing joint programmes and entering into collaboration agreements with such academies shall necessarily augment the training outcomes for judicial officers.</p>
8.	<p>Permanent faculty in judicial academies.</p>	<p>Permanent faculty has to be strictly institutionalised for ensuring continuity in curriculum, teaching and injecting feedback from trainees into the system. Such faculty members may either comprise a panel of resource persons available on a continuous basis or be recruited against existing permanent teaching posts in the various judicial academies. Retired judicial officers can also be engaged on a continuous basis for conducting training sessions.</p>

9.	Separation of academic and administrative responsibilities at the State Judicial Academies.	It has been found at several State Judicial Academies that one senior judicial officer deputed, with varying nomenclature including as Director, is discharging both – academic and administrative functions which may act to the detriment of training needs and academic content. The High Courts may consider posting separate officers for helming the academic and administrative work of the State Judicial Academies.
10.	Collaboration with external agencies/institution	To enhance effectiveness of training, academies should actively collaborate with external agencies and educational institutions that have relevant expertise. The collaboration could range from development of pedagogy, development of training material, delivery of training, and measurement of impact of training. This approach not only spares academies the need to develop training programs from the ground up but also ensures that training is administered by agencies with specialized expertise in the field.
11.	Training for new jurisdiction/ Special Courts.	When judicial officers are moved to new jurisdictions, it must be ensured that they are given adequate training regarding the different laws and practices in the new court. It must also be done when judges are moved to special courts. This practice must be linked to the transfer policies followed by the courts.
12.	Courses to ensure personal welfare of judges	Judges might face mental health issues due to the demanding nature of their jobs. Judges dealing with more sensitive and strenuous caseloads such as sexual abuse, murder may also experience vicarious trauma. This may result in stress, anxiety, guilt and burnout which could be ameliorated with the required training that equips judges to handle these issues. In recent years, several legal jurisdictions have implemented training initiatives aimed at safeguarding the well-being of

		<p>judges. These programs predominantly concentrate on subjects such as stress management and the preservation of both physical and psychological health.³⁸ Furthermore, comprehensive toolkits have been assembled to offer a wealth of resources for tackling vicarious trauma.³⁹ These resources encompass informative materials on the ramifications of secondary trauma and strategies for mitigating its institutional and personal effects,⁴⁰ as well as recommendations for emotional well-being, support for mental health enhancement, and the promotion of overall judicial welfare.⁴¹</p>
--	--	---

³⁸ P. G. Jaffe et al., “Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice,” *Juvenile and Family Court Journal* (Fall 2003): 1 *available at*: <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1755-6988.2003.tb00083.x>

³⁹ Office for Victims of Crime, “Vicarious Trauma Toolkit” *available at*: <https://ovc.ojp.gov/program/vtt/compendium-resources>

⁴⁰ National Centre for State Courts (US), “Secondary Trauma and the Courts” *available at*:

⁴¹ National Centre for State Courts (US), “Judicial Wellness” *available at*: https://www.ncsc.org/data/assets/pdf_file/0040/79699/Judicial-Wellness.pdf.

Part IV: Annual Confidential Reports

Introduction

53. An Annual Confidential Report (“ACR”) is maintained as part of the performance appraisal mechanism of the judicial officers in the District Judiciary.⁴² The ACR was devised to assess and evaluate the character, conduct, capabilities and performance of a judicial officer throughout a financial year.⁴³ Since the ACR plays a crucial role in the promotions of judicial officers, a fair and objective evaluation system underlying it is critical to ensure that the hard work, dedication and efficiency of judicial officers are recognised, and equally, the ones who need improvement are identified. Apart from being an important tool to assess performance at an individual level, ACRs play a vital role in the overall smooth functioning of the judiciary. Timely completion of the evaluation cycle has a cascading effect, leading to timely promotions and filling up of vacancies at all levels of the district judiciary and even in the elevations from district courts to High Courts.

54. Therefore, it is important to understand the metrics, process and timelines guiding the ACR framework across different state judiciaries to assess whether they are designed to holistically evaluate all duties- judicial and administrative - that the judicial officers are tasked with.

History and Jurisprudence

55. The Supreme Court also in the case of *Bishwanath Prasad Singh v. State of Bihar*⁴⁴ found that the manner of preparation of the ACR needed an overhaul.

The Court observed that “*the entry in the confidential rolls should not be a reflection of personal whims, fancies or prejudices, likes or dislikes of a superior. The entry must reflect the result of an objective assessment coupled with an effort at guiding the judicial officers to secure an improvement in his performance where need be; to admonish him with the object of removing for future, the shortcoming found;*”

⁴² Department of Justice, Performance Evaluation and Promotion Schemes of Judicial Officers in India (Part I) p. no. 117 (February, 2022).

⁴³ Presentation on Maintenance of Annual Confidential Report, *available at*: <<https://dpar.mizoram.gov.in/uploads/attachments/1ebfe0a488e588fafbbfe78a9e79ad0f/pages-51-presentation-on-maintenance-of-acrs.pdf>> (last visited on 23 August 2023).

⁴⁴ *Bishwanath Prasad Singh v. State of Bihar* (2001) 2 SCC 305.

*and expressing an appreciation with an idea of toning up and maintaining the imitable qualities by affectionately patting on the back of meritorious and deserving.”*⁴⁵

56. The manner of preparation of the ACR and the need to frame guidelines to bring about more uniformity and transparency in evaluating the work of judicial officers was also discussed by the Hon’ble Supreme Court in *High Court of Patna v. Pandey Gajendra Prasad*⁴⁶ as ACRs are the foundation on which the career of a judicial officer is made or marred.

57. In light of the above, in April 2022, the then Chief Justice of India constituted a Committee comprising of Hon’ble Justice Muralidhar, Hon’ble Justice Ravi Malimath and Hon’ble Justice Satish Chandra Sharma. The Committee, in collaboration with Centre for Research and Planning submitted its ‘Report on Uniform ACR’ to the Hon’ble Chief Justice of India in July 2023 (hereinafter, “**Report on Uniform ACR**”). The present report, as part of the NCMS- HRDS Sub-committee’s mandate, relies on the analysis and suggestions made by the Report on Uniform ACR extensively.

58. In addition, the present report is also based on the deliberations undertaken by the HRDS Sub- committee and the responses received to the questionnaires sent by the Sub-committee to all the High Courts to understand state-specific ACR processes.

Current Scenario with Respect to the ACRs across States

59. There are a wide variety of issues in the current ACR proforma across the High Courts and no one state ticks all the boxes in terms of what an ideal evaluation mechanism for judicial officers ought to be. There are multiple issues across states like the current formats of the ACR proforma not accurately or objectively capturing all essential information required to make a fair assessment of the performance of a judicial officer, no fixed timeline for the completion of the ACR cycle, lack of mentoring and feedback mechanisms, etc.

60. The ACR proforma of different states is based on different structures. On studying the method of conducting the ACR in 22 states, it is observed that while the nature of the questions in the proforma is quite similar across the High Courts, the phrasing and number of these questions as well as the grading system differs considerably. For example, the ACR Proforma of Karnataka is divided into two parts, while that of Madhya Pradesh and Calcutta

⁴⁵ *Ibid.*

⁴⁶ (2012) 6 SCC 357.

is divided into three. The proforma prescribed by the Bombay, Assam, Delhi and Gujarat High Courts are divided into 4, and the Bombay High Court proforma also contains different self-assessment forms as per the cadre and posting of the judicial officer. Given that these variations impact the grading of judicial officers vis-a-vis their counterparts in other states, especially at the time of consideration for elevation to the higher judiciary, there is a need for some level of uniformity in the ACR proformas across states.

61. It has been observed that the ACRs of the 22 High Courts⁴⁷ that were perused begin with a portion containing questions that deal with the basic information about the judicial officer such as designation, present posting, etc. This is followed by a self-assessment section which pertains to aspects such as period of absence from work, academic achievements, reasons for low rate of disposal, if any, etc. This is followed by a section to be filled by the Reporting/Inspecting Authority (refers to the immediately superior officer for the period of which the confidential report is written).⁴⁸ This section focuses on the judicial officer's character, qualities and abilities, knowledge of law etc. Finally, there is usually a section to be filled in by the Reviewing Authority (refers to the officer immediately superior to the Reporting Authority who supervises their performance⁴⁹) with questions relating to whether the Reviewing Authority is satisfied with the Reporting Authority's assessment. There may be an additional section to be filled by the Accepting Authority containing questions regarding whether the judicial officer is fit to be promoted.⁵⁰

62. Even the 'Report on Uniform ACR', based on the comparison of ACR proformas across the states concludes that there is a lack of standardised procedures in terms of Reporting, Reviewing and Accepting Authorities,⁵¹ the grading system used by the High Courts⁵² and even the timeline to complete the ACR cycle⁵³. The Report then goes on to provide best practices and model proforma, all of which have been referred to put together the suggestions and essential metrics below.

⁴⁷ The number of responses received from the High Courts to the questionnaire circulated by the HRDS Sub-committee was higher. However, many responses were not complete and did not have the ACR proforma attached and the approximate number of ACR proforma perused was 15.

⁴⁸ The Assam Service (Confidential Rolls) Rules, 1990.

⁴⁹ The Chhattisgarh Judicial Officers (Confidential Rolls) Regulations, 2015.

⁵⁰ The Gauhati High Court, Annual Confidential Report of Judicial Officers of Assam Judicial Service, p. no. 17

⁵¹ Hon'ble Mr. Justice Muralidhar and others, Report on Uniform ACR Submitted to the Hon'ble Chief Justice of India (July 2023) p. no. 8-28.

⁵² *Ibid.* p. no. 28- 35.

⁵³ *Ibid.* p. no. 35- 43.

Recommendations

63. The following recommendations are proposed by the Sub-committee.

	<i>Recommendation</i>	<i>Justification</i>
1.	<p>(a) Online platform to fill ACRs.</p> <p>(b) ACR process to include an interview of the judicial officer with the Reporting/ Reviewing Authority after completion of self-appraisal.</p>	<p>To ensure continuity of the ACR process and minimal delays, especially when the Reporting Authority has changed during an ACR cycle, an online system of recording the same with the help of Human Resource Software is suggested. This will ensure that a Reporting Authority can capture their thoughts and the same ACR can then be handed over to the new Reporting Authority seamlessly without any loss of information.⁵⁴ In case of transfer, the Reporting Authority should write the ACRs of the judicial officer before the relinquishment of charge of the office.</p> <p>It is also suggested that there be an interview process to provide feedback to the judicial officer and record any concerns they might have after completing their self-appraisal.⁵⁵</p>
2.	<p>(a) Year-round access to all judgments of the judicial officers throughout the year.</p> <p>(b) Metrics to be created keeping the jurisdiction, nature and subject matter of</p>	<p>There are currently no clear guidelines as to how the judgments of the judicial officers will be evaluated. While rules guiding the ACR in some states like Kerala, Karnataka⁵⁶ and Orissa, provide the actual number of judgments to be submitted by the judicial officer for evaluation, in states like Jharkhand and Chhattisgarh, the number of judgments to be collected is left to the Administrative Judge of the District judgments.</p>

⁵⁴ *Ibid.* p. no. 44.

⁵⁵ *Ibid.* p. no. 43.

⁵⁶ The Karnataka Judicial Service (Annual Confidential Record) Rules, 2022, Rule 4 (4) and 5 (3).

	<p>the judgments in mind.</p> <p>(c) Allotment of “marks/units” to be done in a holistic manner.</p>	<p>The number of judgments selected also varies heavily from ten judgments being considered in states like Orissa and Tripura to only two in Andhra Pradesh and Bombay. There is also a lack of clarity on how these judgments are chosen. It seems that the judicial officers generally submit the judgments for the Reporting Authority to consider. This method depends only on the best judgments of the judicial officer and does not provide a holistic picture of their work and aptitude. It is also unclear how cases of different kinds are compared to each other for grading. Hence, there is a need for all the judgments in a judicial year to be accessible to the Reporting Authority.</p> <p>However, for the purposes of detailed evaluation, the suggestion by the ‘Report on Uniform ACR of assessing five judgments - three of them submitted by the judicial officers themselves and two of them selected by the Reporting Authority at random - is ideal. For the latter, online access to all the judgments covered in the ACR period must be provided to the Reporting Authority.’⁵⁷</p>
3.	<p>(a) Grading should be comparative with peers.</p> <p>(b) Reviewing Authority should finalise the grade after overseeing all</p>	<p>The Reporting and Reviewing Authorities have no specific indicators on what the grades/marks system followed in their ACR objectively refer to and how the same have to be allocated. Even in the states where a quantitative yardstick has been prescribed for different ratings by specifying the marks to be awarded under different parameters, there is usually no clarity on the assessment technique for such parameters. In terms of</p>

⁵⁷ Hon’ble Mr. Justice Muralidhar and others, Report on Uniform ACR Submitted to the Hon’ble Chief Justice of India (July 2023), p. no. 63.

	<p>ACRs in a year to ensure objectivity and reduce individual discretion.</p>	<p>grades, a “Good” performance by a judicial officer under one Reporting Authority could actually be considered as “Outstanding” by another under the same High Court in the absence of any defined ranges. As ACRs are one of the most major factors in consideration for promotion, such discretion can lead to the career progressions of the judicial officers being affected. Hence, there is a necessity to define ranges of marks/units that these grades would relate to.</p> <p>The Model ACR Proforma drafted for the Reporting and Reviewing Authority in the Report on Uniform ACR helps standardise these grades (see <i>Annexure 5</i>). While the standardisation would ensure that the grading system is more transparent, to ensure that the factor of human discretion is reduced even further, the Reviewing Authority should only finalise the grades once they have received grades from all Reporting Authorities under them.</p>
4.	<p>(a) Need to assign standardised weightage/marks for administrative work.</p> <p>(b) Nature of administrative work to be considered by the reporting authority while grading case disposals by judicial officers.</p>	<p>An important observation based on the appraisal of the ACR proforma of various High Courts is that the administrative duties that the judicial officers perform are not given due importance. The High Court of Uttarakhand, in their response to the questionnaire has even suggested that a separate ACR proforma just focusing on administrative duties of a judicial officer should be formulated.</p> <p>A judicial officer who has been entrusted with the responsibility of administrative functions along with performing duties in the courtroom should be assessed accordingly. When administrative work is being done by</p>

		<p>a judicial officer, and the same has been recorded as a reason for low case disposal rates in their self-assessment, due consideration for the same is required and their minimum case disposal criteria should be altered proportionately.⁵⁸</p> <p>This is even more essential if the judicial officer is on deputation as the nature of their duties are considerably different. Hence, the Model ACR Proforma for judicial officers on deputation has also been provided in the Report on Uniform ACR and should be used to ensure that the judicial officer in such a post is evaluated fairly. The same is reproduced in <i>Annexures 6, 7 and 8.</i></p>
5.	Concurrent charge and additional court workload to be factored.	<p>Many judges are asked to take on the concurrent charge of other courts. However, during the analysis of the ACR proformas, there did not appear to be any mention of this even though these additional responsibilities have a direct bearing on the judicial officer's efficiency and performance. It is important that there is a way to correctly capture this as well as provide additional weightage in the ACR proforma for concurrent charge to encourage judicial officers to not just take up urgent matters while holding this concurrent charge, but rather work effectively to dispose cases in that court as well.⁵⁹</p>
6.	Uniformity in method of evaluation during deputation.	<p>Currently, while a few states like Calcutta and Delhi have mechanisms/separate proforma to receive evaluation or ACR reports in a different format than usual for a judicial officer on deputation, in states like Delhi, the grading</p>

⁵⁸*Ibid* p. no. 56.

⁵⁹*Ibid* p. no. 55.

		<p>received by the judicial officer previously before being posted on deputation is retained. This is problematic because the nature of duties vary vastly when a Judicial Officer is on deputation, as mentioned in suggestion no. 4, and the focus during such postings is on administrative tasks while the ACR that continues in these states, often tends to focus on the judicial work done by the officer. Furthermore, the previous ACR being continued during deputation can either disproportionately benefit or poorly affect the judicial officer in the long term based on the grade it contains. As there is no moderation exercise done and the last ACR simply continues for the entire duration of the deputation, while considering the judicial officer for promotion/elevation, the consequence can be far reaching.</p>
7.	<p>(a) Continuous assessment.</p> <p>(b) The ACR process should be completed in a timely manner.</p>	<p>It has been pointed out in the discussions of the NCMS-HRDS Sub-committee as well as in the Report on Uniform ACR that only an annual assessment of the performance of judicial officers is insufficient. There is a need for more continuous feedback, which would also provide the judicial officers an opportunity to improve their work. One of the suggestions towards this end came from the 'Report on Uniform ACR' by Justice S Muralidhar wherein it was suggested that the ACR should be recorded on a half yearly basis.</p> <p>The Sub committee also finds it advisable that the Reporting Authority should have access to the judgments of the judicial officer and vigilance inputs through the year. Currently, there is also a lack of clarity on the time taken to complete the annual ACR process. While the cycle is supposed to be annual, it has been found through the consultations that the process sometimes takes longer</p>

		<p>than a year. The Report on Uniform ACR tries to compare the ACR writing rules of all High Courts to determine the prescribed timelines⁶⁰ but it is evident that most only prescribe when the self-assessment form is to be submitted and when the Reporting Authority is to submit the ACR to the Reviewing Authority. Most High Courts do not provide for any time frame once the ACR is with the Reviewing Authority. Only Jharkhand, Madhya Pradesh, Meghalaya and Orissa have clear timelines for each stage.⁶¹</p> <p>There is a clear need for a more regular assessment, and even if the ACR process is to remain annual, there should be stringent timelines for the process to be completed.</p>
8.	<p>(a) There should be periodic interactions between the judicial officer and the Reporting Authority.</p> <p>(b) Need for more avenues for mentoring.</p> <p>(c) Roster Judge may report exceptional orders or judgments of a judicial officer to the reporting authority.</p>	<p>When enquired in the questionnaire circulated by the NCMS-HRDS Sub-committee about how often visits are scheduled for the Reporting Authority to interact with the judicial officer, it appears that none of the states have provided for any specific schedule. There are no guidelines for when the Reporting Officer can visit the judicial officer for them to form an opinion and make observations regarding the functioning of the District Court on the judicial and administrative side and to ascertain problems, if any. To ensure that the Reporting Authority has a complete understanding of the working and characteristics of the judicial officer, it is imperative that they have regular interactions. This is also to ensure that the Reporting Authority can mentor the judicial officer and when it is time to fill the ACR, the comments</p>

⁶⁰ *Ibid* p. no. 36.

⁶¹ *Ibid* p. no. 36-37.

		<p>on progress or development as well as any adverse remarks, do not come as a complete shock.</p> <p>The judicial officer under assessment also needs to have worked under the control, superintendence and supervision of the concerned Reporting Authority, and the latter should have seen the judicial officer's performance for four months or more during the relevant assessment period. If the officer has served under the Reporting Authority for less than four months, then the Reporting Authority under whom the officer has previously served should be requested to give observations.⁶²</p> <p>The Sub committee is also of the recommendation that exceptional orders or judgments of a judicial officer may be shared by the Roster Judges with the reporting authority. Such an approach may aid the evaluation of the quality of judgments rendered by the judicial officer.</p>
	⁶² <i>Ibid</i> p. no. 58.	

9.	<p>(a) Guidelines or Handbook on ACR-writing.</p> <p>(b) The Guidelines should contain definitions of all the 'attributes' that are required to be marked in the ACR proforma.</p>	<p>There should be a handbook or guidelines prepared on how to write ACRs. A draft model of manual/handbook needs to be prepared for the High Court judges to understand the system of recording the Annual Confidential Reports.⁶³ It is also essential that this handbook contain instructions and definitions on what to look for when grading subjective attributes like integrity, leadership qualities, management qualities, initiative and planning abilities, decision-making abilities, communication skills, interpersonal relationships with staff members and colleagues, and relationship with the litigants and lawyers, etc., to ensure that everyone understands these terms similarly.</p>
10.	<p>Providing the judicial officers a copy of their ACR</p>	<p>There is a wide divergence in the practice of revealing the entire report or providing a copy of the ACR post</p>

⁶³ *Ibid* p. no. 44-45.

		<p>completion of evaluation across states. In states like Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Uttarakhand and Uttar Pradesh, the entire contents of the ACR are made known to the judicial. However, in states like Andhra Pradesh, Chhattisgarh, Gujarat, Jharkhand, Kerala, Rajasthan and Tamil Nadu only adverse remarks are communicated to the judicial officer being reported upon. It is suggested that all states provide the entire copy to the judicial officer so that he/she receives feedback and is able to make improvements or continue the good work, as needed. The appraisal report of officers in All India Services is also provided to them in its entirety and the same should be followed in the judiciary as well.</p>
11.	<p>Written procedure in the rules on ACR regarding appeal against adverse remarks.</p>	<p>There should be a procedure for representation against adverse remarks. The Reporting Authority should communicate all recordings to the concerned judicial officers (time period to be specified). If the judicial officer is aggrieved by the recordings of the Reporting Officer, the former must be allowed to make a representation before the Reviewing Authority. The representation should be confined strictly to the merits of the question and should not allow any personal attacks against the Reporting Authority or any superior officer. Officers who wish to make representations against adverse remarks should be allowed to inspect relevant records, if any, after obtaining necessary permission.⁶⁴ While most High Courts have Confidential Rolls rules which state this procedure with timelines, some states</p>

⁶⁴ *Supra* n.17 p. no. 52.

		like Bihar, Delhi, Orissa and Uttarakhand do not have written timelines. ⁶⁵
--	--	--

63.1 **Vigilance**

63.1.1 Judiciary draws legitimacy from the faith and confidence of the people in its promise of fair and impartial justice. Occasional aberrations reflecting upon the probity of Judicial Officers have the tendency to erode the confidence of the citizenry in the judicial apparatus. The Judiciary is, therefore, required to be on guard against such tendencies and firmly weed out such elements and make constant endeavour to nip such elements in the bud.

63.1.2 All the High Courts have Vigilance Cells, in some form or other. Apart from the composition of the Vigilance set up, there is also divergence in the processing methods of the complaints which have a vigilance angle. Pursuant to the orders of the Hon'ble the Chief Justice of India (dated 16 March 2017), uniform guidelines relating the procedure to be followed by the High Courts while dealing with the complaints received against the members of the district judiciary have been prescribed. Yet, the divergence in the approach remains not only in the practices followed by each High Courts, but also in processing different complaints in the same High Court.

63.1.3 The NCMS Baseline Report on Human Resources Development Strategy had observed that, in most of the States, the then set up of Vigilance Cell lacked required infrastructure to deal with the complaints received against the Judicial Officers and the staff members. It had recommended that the proposal of management experts to set up the Judicial Accountability Office and Judicial Accountability Committee could be considered for implementation to either get rid of the delinquent from the system or to discipline them. In the present scenario, in most of the High Courts, the Vigilance Cell is manned by the Judicial Officer(s) of the rank of the District Judge. More often than not, the functioning of the Vigilance Cell hinges upon the level of conscientiousness and dispassionate approach of the Judicial Officer(s) who is/are posted as Registrar/s Vigilance. Instances of indiscretion and transgression of authority by the Vigilance Officers are rare but not unheard of. The need of the hour is, therefore, to have a robust institutionalized Vigilance apparatus, rather than individual centric set up.

63.1.4 The Sub-Committee is of the assessment that the High Courts may strengthen existing Vigilance apparatus by institutionalising the process with well defined structure and the roles of the officers who man the Vigilance Cell. Whether to associate personnel, apart from the Judicial officers, the level of their involvement, if associated, and the ultimate control over the functioning of the Vigilance Cell are the matters which the High Courts are required to determine having regard to the situation which is peculiar to each High Court. Vigilance Cells of the High Courts are also required to be pro-active in their approach. They should not partake the character of a grievance redressal Cell, which springs into an action only after receipt of a complaint. Constant vigil is indispensable if discipline and probity of highest standard are to be maintained. By the time a complaint is processed, the system might suffer a significant damage. Vigilance Cell is, therefore, expected to be pro-active and unearth untoward practices and unmask the delinquents.

63.1.5 Expedition in processing of complaints is also of utmost importance. Often the disciplinary proceedings drag on for an inordinate time. Institution as well as the person concerned suffer enormously. Delay and laxity in exercising disciplinary control breeds indiscipline and corrodes the system.. Similarly, the person concerned may have to suffer a hanging sword of disciplinary action and associated trauma and disqualification for an unjustifiably long period, if eventually the complaint turns out to be incorrect and unsubstantiated.

63.1.6 It is also noticed that there is an increase in the complaints against the Judicial Officers in respect of behavioural issues. It is recommended that to contain the situation, the State Judicial Academies should frame training module indicating best practices in Court craft and conduct for all the Judicial Officers. These courses can also be customized for Judicial Officers who are recommended for such training by the Vigilance mechanism of the High Courts.

63.1.7. Lastly, the disciplinary control over the staff of the District Courts also needs to be strengthened. Introducing transparent processes with minimum human intervention in court practices, and, thereby reducing the opportunities for unhealthy practices, would also promote the objective of an upright organization.

Metrics to be Included in the ACR Proforma

64. The following metrics are proposed for inclusion in the ACR Proforma.

I. Basic Details

1. **Personal Details:** This section will contain the basic information about the judicial officers, their date of joining, cadre, etc.
2. **Posting Details:** This section will contain details of the current and past postings, deputation (if any), special features of duties (if any) like TADA Court, etc.
3. **Details of leave availed or judicial officer not available for duty due to official reasons-** This section will contain details about all kinds of leave availed in one judicial year and details of training or academic work due to which the judicial officer was not available for duty. This will also account for any strikes or bandhs due to which the Court was not in session.
4. Health issues or disability, if any, should also be detailed.

II. Self-Assessment Form

1. **Details of work done and assigned to the judicial officer-** This section will detail the nature of the work performed by the judicial officer in the judicial year being assessed. Other than the details, the self-assessment should also focus on what the judicial officer feels about their disposal rates, why they were high or low and also provide for any specific learnings they may have gathered from a case. This section may also include a segment for the judicial officers to state the areas where they need further assistance/training and the avenue from which they seek such assistance/training. This is essential in understanding where the judicial officer might

⁶⁵ *Supra* note 17 p. 39-43.

require overall assistance from the system. The Report on Uniform ACR goes into more detail regarding the purpose of this section in an ACR Proforma.⁶⁶

a. Judicial Work-

- (1) Details regarding the number of cases disposed in the past year by the judicial officer (case-type wise):
- (2) Details regarding bail applications:
 - (i) Number received during the year.
 - (ii) Number disposed.
 - (iii) Average time taken to dispose of the bail applications.
 - (iv) Longest pending bail application with reasons for its pendency.
 - (v) Whether any extra steps were taken to dispose of cases of undertrial prisoners speedily.
- (3) How the judicial officer self-evaluates their disposal rate?
- (4) What steps have been taken to increase case disposals at their end?
- (5) What improvements in the system can help them increase their case disposal rate?
- (6) Difficulties faced during adjudication of any specific case.
- (7) Reasons.
- (8) Learnings.
- (9) Details of civil cases which the judicial officer was able to successfully divert to alternate dispute resolution mechanisms.
- (10) Questions regarding concurrent charge held, if any, as extra duty or portfolio that may affect their case disposal rate.

b. Administrative Work-

- (1) Details regarding regular administrative work.
- (2) Time taken to complete the same.
- (3) Administrative duties of the judicial officer that can be simplified with reasons.

⁶⁶ *Ibid* p. 50.

- (4) Daily duties that are proving to be difficult for the judicial officer.
- (5) Tools/training required to administer daily duties more efficiently.
- (6) Details of any administrative section that the judicial officer is overseeing.
- (7) Any challenges that the judicial officer may have faced while executing their duties and how they dealt with them.
- (8) Need for extra staff members to reduce their workload or any physical or digital infrastructure requirements that they might have to fulfil their duties.

C. Academic Work- To incentivise judicial officers to go beyond their usual duties, weightage should be given to reports and articles authored by them. They should also be encouraged to interact with young law students, and hence, a note of their speaking engagements should also be made.

- (1) Details of reports/articles authored (if any).
- (2) Details of speaking engagements (if any).

2. Details of any special achievements:

- a. Details of the judicial officer during the reporting period bring commended on any judgement or receiving any awards with reasons.
- b. Any special achievements of the judicial officers in the fields of legal aid, mediation, etc.

3. Details of lapses made-

- c. Details regarding the instances where the judicial officer has not been able to deliver judgments within the prescribed time and the reasons for the same.
- d. Details of any adverse remarks communicated or penalty imposed on the judicial officer with the reasons for the same.

4. Overall self-assessment of the judicial officer's performance- Based on the above three sections, the judicial officer should be asked to briefly state what they thought of their own performance.

5. Self-Assessment on attributes/characteristics- It is generally only the Reporting Authority that is tasked with providing a subjective evaluation of attributes of a judicial officer. However, there needs to be self-assessment on the same by the

judicial officers and they should be asked to give examples to show the time they displayed these qualities. Questions should try to assess attributes like

- a. Integrity
- b. Leadership qualities
- c. Management qualities
- d. Initiative and planning abilities
- e. Decision-making abilities
- f. Communication skills
- g. Interpersonal relationships with staff members and colleagues
- h. Relationship with the litigants and lawyers, etc.

For example, if a judicial officer feels that they need to improve their communication skills because they feel that they are not able to articulate points in open court, it should be seen as a sign that the judicial officer is self-aware and may need some training on the same instead of this being negatively marked.

6. Details of cases submitted by the judicial officer- The judicial officers may be asked to submit three of their best judgments from the past year. The details of the cases, including its subject-matter and the question(s) of law that were sub-judice, need to be provided.

III. To be Filled by the Reporting Authority

1. **Knowledge of law, rules, regulations and procedure:** Detailed thoughts with reasons on whether the Reporting Authority thinks the judicial officer has
 - a. Knowledge of law
 - b. Rules and regulations
 - c. Procedure.

The Reporting Authority should also provide examples of the good or bad legal reasoning from the judgments submitted by the judicial officer or randomly selected by the Reporting Authority to strengthen their reasons for marking a judicial officer a certain way.

2. **Assessment on attributes/characteristics:** The Reporting Authority would be asked to comment on each and every attribute in the ACR form by giving a brief explanation of what they believe the term stands for. They would then be required to give marks to the judicial officer on every attribute with reasons, preferably examples, to justify the same. Attributes to include:
 - a. Integrity
 - b. Leadership qualities
 - c. Management qualities
 - d. Initiative and planning abilities
 - e. Decision-making abilities
 - f. Communication skills
 - g. Interpersonal relationships with staff members and colleagues
 - h. Relationship with the litigants and lawyers, etc.
3. **Quality of work:** The Reporting Authority in this section would be required to give marks to each component:
 - a. Case disposal (based on pendency and disposal of long pending cases and case type)
 - b. Judgments not delivered on time, if any
 - c. Brevity
 - d. Promptness in delivering judgments, etc.

This section would also contain general comments on the judgments evaluated.

4. **Overall feedback:** The last section would contain overall feedback and remarks for the judicial officer.

Refer to *Annexure 9* for further details.

IV. To be Filled by the Reviewing Authority

The Reviewing Authority may be required to comment and give marks regarding the quality of work or the High Court may decide that the Reviewing Authority would only be required to comment if they disagree with marks and reasons provided by the Reporting Authority for any component. However, the Reviewing Authority would be required to give the final

grade/marks with reasons, and this may only be done once all the Reporting Authorities under a Reviewing Authority have provided the ACR of all the judicial officers under them. This is mainly to ensure peer comparison and moderation of marks, if required.

The ‘Report on Uniform ACR’ in its last section provides a comprehensive “Unit Chart”, where most of the metrics mentioned above have weightages assigned. The High Courts may refer to the same and decide internally the amount of weightage that should be assigned to different parameters keeping the judicial and administrative workload of the judicial officers in mind.

Refer to *Annexures 10 & 11* for further details.

Part V: Transfer Policy for Judicial Officers in

District Judiciary

Introduction

66. The power to transfer judicial officers at the district judiciary level vests with the High Court by virtue of Article 235 of the Constitution. The Article provides that “*the control over the District Courts and Courts subordinate thereto*” shall be vested in the High Court. Though the word ‘transfer’ has not been explicitly mentioned, the term ‘control’ has been construed by various Supreme Court judgments as including control over transfers.⁶⁷

67. In the *State of Assam v. Ranga Mohd.*, the Supreme Court unequivocally held that the High Court, and not the executive, had the authority to transfer judicial officers of the district judiciary, which has been reiterated in several other pronouncements.⁶⁸ In the instant case, the state government had issued a notification transferring a District Judge in Assam. When the Gauhati High Court held the transfer to be illegal, the government appealed to the Supreme Court claiming that it had the power under Article 233 to carry out “*posting*” of district judges. After a thorough interpretation of Articles 233 and 235 of the Constitution, the apex Court held that “*posting*” within Article 233 meant to “*assign someone to a post*,” whereas “*transfer*” was obviously a matter of “*control*” over district judges, vested exclusively with the High Court under Article 235.

68. The underlying rationale behind vesting this power with the High Courts is two-fold. The first is to give effect to the Constituent Assembly’s intent of ensuring and maintaining a judiciary that is independent of the influence of the executive. Second is that the High Court, which oversees the district judiciary, is in the best position to examine both institutional and administrative requirements before deciding on transfers.

69. The subject of transfer, however, has received little attention within the judiciary vis-a-vis other areas such as recruitment and pay structures. Even legal researchers have hardly paid any attention to the process of transfers of judicial officers and its impact on the transferred

⁶⁷ *High Court of Judicature of Rajasthan v. P.P Singh* (2003) 4 SCC 239; *Madan Mohan Choudhary v. State of Bihar* (1999) 3 SCC 396; *State of Assam v. Ranga Mohd.* (1967) 1 SCR 454; *Rajendra Singh Verma v. Lt. Governor* (2011) 10 SCC 1.

⁶⁸ (1967) 1 SCR 454.

judges as well as the functioning of the courts. The result is that no research exclusively covered the issue of transfers. The *Shetty Commission Report of 1999*, which discussed the revision in pay structure of district judicial officers, briefly touched upon ‘transfer grants’. It recommended the implementation of a ‘Composite Transfer Grant’ to replace the varied state-level policies otherwise prevalent. The report suggested that the composite transfer grant be equivalent to the month's Basic Pay in case of a transfer involving a change of station located at a distance more than 20 km from each other. In case of transfer to stations which are less than 20 km from the old station or transferred within the same city, the composite transfer grant will be restricted to one third of the basic pay, provided a change of residence is actually involved. This excluded incidental expenses of the government servant and the members of their family, and the expenses to go from the residence to railway station/ bus stand/ airport etc.⁶⁹

70. The only other report which dealt with the subject of transfer is the *NCMS Baseline Report on Human Resource Development Strategy (NCMS Report)*.⁷⁰ It highlighted the absence of written transfer policies in several states and recommended promulgation of the same. Among other things, it recommended zonal divisions of the state for transfers and eliminating the use of transfers as a disciplinary measure.

An Overview of Current Transfer Policies for Judicial Officers

71. The NCMS-HRDS Sub-committee sent questionnaires on transfer policy to the 25 High Courts. Part A consisted of questions on the existing transfer policy, while Part B solicited the High Courts’ suggestions for improvement of the policy. A summary analysis of the responses of 22 High Courts received by the NCMS-HRDS Sub-committee by 12 September 2023 is noted below.

I. Authority-In-Charge

72. By virtue of *Article 235 of the Constitution* and the decisions rendered by the Supreme Court, High Courts are the sole authority on transfers within the district judiciary. However, the manner in which the High Courts exercise this authority varies. For instance, while the High Court of Rajasthan has a specific committee constituted for this purpose, at the

⁶⁹ Report by the First National Judicial Pay Commission (November, 1999) *available at*: http://ajjopc.nic.in/SHETTY_COMMISSION_REPORT.pdf (Last visited on August 23, 2023).

⁷⁰ National Court Management Systems Committee Sub-committee on Human Resource Development Strategy, NCMS Baseline Report, *available at*: <https://main.sci.gov.in/pdf/NCMS/Human%20Resource%20Development%20Strategy.pdf> (Last visited on August 24, 2023).

Meghalaya High Court, decisions regarding transfers are taken by the full court. However, for most of the High Courts, the manner in which this authority is exercised is not specified in their respective transfer policies. Of the 22 responses received by the HRDS Sub-committee, only the policies of the High Courts of Andhra Pradesh, Chhattisgarh, Gauhati, Himachal Pradesh, and Rajasthan mention the deciding authorities for transfers.

II. Existence of Written Policies

73. One of the issues highlighted by the *NCMS Baseline Report* was the lack of written transfer policies in several jurisdictions. Considering that a judicial officer is generally transferred throughout her entire career up until retirement, lack of a concrete written policy in this regard leads to considerable uncertainty with respect to service conditions. Of all the High Courts that the Committee received responses from, three do not seem to have full-fledged written policies governing transfers. While the Allahabad High Court issues a notification every few years reiterating the conditions governing transfers, the Meghalaya High Court only has a full court resolution which divides the state into two zones for the purpose of transfers without laying down further guidelines. At the Gauhati High Court, the Kohima and the Nagaland Bench have a written policy governing transfers, while the Itanagar and the Aizawl Bench do not. In Orissa, a written transfer policy is not in existence, however, transfers are governed by the minutes of meeting of the committee constituted to formulate the transfer policy. These minutes are sufficiently detailed to serve as a full-fledged transfer policy. For further details, see *Annexure 12*.

III. Process

74. For the purpose of transfers, most states have been divided into *zones* within which judicial officers are posted on a rotational basis. Districts are primarily categorised into zones based on the level of difficulty a judicial officer is likely to encounter in terms of access to services and facilities while posted there. To give respite to the officers posted at the “*difficult*” zones, most transfer policies require their next terms to be at districts within other zones. For instance, the Allahabad and the Rajasthan High Courts prohibit consecutive postings within the same zone. Additionally, some High Courts such as the Allahabad and the Calcutta High Court reduce the tenure of the officers from three to two years when posting them at the relatively “*difficult*” zones. Of the responses received, the states of Delhi, Himachal Pradesh, Jharkhand, Karnataka, Kerala and Telangana do not have zonal categories for their districts.

75. For most of the states, the tenure of judicial officers is fixed, with some variations, at three years.⁷¹ At the Chhattisgarh High Court, for instance, the three-year tenure extends to all judicial officers except the Principal District Judge (“PDJ”). The policy, however, is silent on the period of tenure for the PDJ. The High Court of Delhi, on the other hand, does not have a fixed tenure for its judicial officers. Instead, it mentions a range of two to three years as the period of tenure, to be decided at the discretion of the court. Additionally, while the Meghalaya High Court has stated in its response that it has specified fixed tenures for its officers, the same is not reflected in the full court resolution shared with the Committee, with the result that the period of tenure for the judicial officers in Meghalaya district judiciary is not known.

76. The Annual General Transfer for most of the states happens once a year. For the state of Nagaland, however, this is a bi-annual occurrence. Each year, therefore, the tenure of the judicial officers is computed up to a specified date and the officers who have completed the required period are posted out. There are variations in the way that the tenures are computed. The Calcutta High Court has a provision to round off the period of the tenure if the officer’s stay falls short of two months or less. The Chhattisgarh High Court, on the other hand, provides for rounding off even a six month period. For the district judiciary of Allahabad, Bombay, Delhi, and Meghalaya, a detailed overview of the computation scheme, round-off periods etc., has not been provided within the policy shared with the NCMS-HRDS Subcommittee. Additionally, the High Courts of Allahabad, Delhi and Meghalaya do not lay down any guidelines for the frequency and process of annual general transfers.

77. From the responses and the documents received, it can be concluded that at least four of the High Courts require the judicial officers to submit a proforma before the transfer. While the Allahabad and the Bombay High Courts require the form to be submitted electronically, at the Gauhati and the Andhra Pradesh High Courts, the form is submitted physically via the district judge. The Bombay High Court provides for the submission of the proforma online via the ‘Judicial Officer’s Portal’, thereby making the entire process streamlined and efficient (see *Annexure 13*). It is unclear from the transfer policies whether the High Courts, except the

⁷¹ As mentioned above sometimes the tenure is reduced from 3 to 2 years for “difficult” zones.

High Courts of Allahabad, Andhra Pradesh, Bombay, Gauhati, Himachal Pradesh, Rajasthan and Uttarakhand⁷², seek any inputs from judicial officers before their transfers.

IV. Factors Considered for Transfer

78. Both institutional and individual needs are factored in while deciding transfers. Delhi High Court's transfer policy states that "*exigencies of administration of justice*" are the foremost criterion governing transfers. The transfer policy of the Chhattisgarh High Court also declares that the "*interest of justice*" must be the paramount consideration. In fact, considerable discretion is vested with the High Courts to alter the general policy in the name of "*administrative exigencies*".⁷³ Even within the responses received, the High Courts of Delhi, Gauhati and Karnataka have stated that discretion in transfer decisions should be exercised in the event of administrative or other exigencies. However, these administrative exigencies have not been specified.

79. The Delhi High Court has mentioned in the response submitted to this Committee that it considers the courts' caseload before making transfers⁷⁴ whereas in the case of the High Courts of Bombay, Gujarat, and Jharkhand, the requirement to consider caseload and pendency has been incorporated within the policy itself.

80. Another institutional need that the High Courts consider is if a post requires an officer of a certain calibre or grade.⁷⁵ In fact, the Chhattisgarh High Court's transfer policy has a provision of transferring an officer mid-term if their performance is below the prescribed norms or if an inquiry is initiated against them. For the most part, however, the institutional factors considered during transfers are not disclosed in the transfer policies.

81. At the level of the individual judicial officer, the factors that are generally considered are:

- a. Exposure to different jurisdictions and areas of law;
- b. Critical health issues of family members;

⁷² Since all these High Courts require the judicial officers to share their preferences as to choice of posting, it is assumed that they provide for a mechanism to do the same, although the transfer policies for some do not reflect that.

⁷³ Mid-term transfer in Chhattisgarh and transfer de-hors the provisions in Gauhati allowed during administrative exigency.

⁷⁴ Question no. 1 of Questionnaire 5 - on service conditions and grievance redressal for judicial officers of Delhi.

⁷⁵ Delhi and Chhattisgarh Transfer Policy for Judicial Officers.

- c. The needs of his dependents, for instance, schooling and educational facilities for their children;
- d. Posting of the spouse if within the judicial service;
- e. Age of retirement of the officer; and
- f. Physical disabilities suffered by the officer.

82. While the first factor dictates general transfers, factors covered under (b) to (f) are usually considered when deviating from the general policy. Factors (a) to (e) are mostly universally covered by all transfer policies. However, only the Chhattisgarh and the Gauhati High Courts' transfer policies accommodate the needs of judicial officers with a physical disability of 40% or more.

V. Grievance Redressal

83. For challenging transfer decisions, the aggrieved officer is usually required to make representations to their respective High Court. None of the High Courts, except Bombay and Jharkhand, provide a procedure for this in their transfer policies. Therefore, the grievance redressal process followed by the various High Courts has been gleaned from the written responses received by the NCMS-HRDS Sub-committee. In Bombay, the aggrieved officer has to make a representation via email before the specified cut-off date. In Jharkhand, the policy requires the aggrieved officers to file representations to the High Court via the District Judge.

84. As per the responses received from the High Courts, in Calcutta, Chhattisgarh and Delhi the grievances of the officers are addressed by specially constituted Committees. In Gauhati, the representations are placed before the respective Chief Justice. The Chhattisgarh High Court has the procedure of a double ratification system where the Standing Committee then ratifies decisions taken by the Transfer Committee. However, this is not captured by the transfer policies of these High Courts. Except for the High Courts of Bombay and Jharkhand, none of the policies or responses detail the grievance redressal authority, the manner in which these representations should be made or the factors that are considered by the redressal authority while making decisions.

Recommendations on Transfer of Judicial Officers

85. Based on the responses received from the High Courts, gap-analysis and deliberations conducted by the Sub-committee, the following are suggested as baseline for transfer policies applicable to all judicial officers in the District Judiciary.

	<i>Recommendation</i>	<i>Justification</i>
1.	Formulation of written transfer policies by all High Courts	Given that transfers are a routine and important aspect of judicial services, all High Courts must have written policies to ensure objectivity and transparency of the process. Written transfer policies would not only inform the judicial officers of the rationale being followed to effect transfers but would also allow them to plan, prepare and communicate preferences in advance.
2.	Identification of institutional and individual-level requirements governing transfers	Transfer decisions should not be made mechanically. The deciding authority has to consider a multitude of factors while effecting transfers. These may include caseload, vacancies, requirement of the post for specialised expertise, along with the individual-level concerns of the transferee. A list providing both the institutional and individual requirements that High Courts need to consider while effecting transfers may prove valuable. Currently, this is not provided for by the transfer policies. Even though the policies state that “ <i>administrative exigencies</i> ”, “ <i>interest of administration of justice</i> ” etc., should govern transfers, what these entail is uncertain. A comprehensive list of institutional and individual-

		<p>level considerations will streamline decision-making and promote certainty and transparency. The list, while comprehensive, is not intended to be exhaustive, and High Courts retain full freedom to add or remove factors therein. The list is provided in Section I following this table.</p>
3.	Specification of essential components of a Transfer Policy	<p>At present there is considerable variation in transfer policies across High Courts. Some critical components, such as Annual General Transfer,⁷⁶ deputation posting,⁷⁷ grievance redressal mechanism,⁷⁸ and physical disability as a ground for exemption,⁷⁹ are noticeably absent from some of the policies. This creates uncertainty for the judicial officers and may lead to unbridled exercise of discretion. For a fair and just transfer procedure, it is necessary for the guidelines to cover all facets of the transfer process comprehensively.</p> <p>Based on a review of the transfer policies, a preliminary set of components has been identified that can ensure a comprehensive and transparent transfer policy. The list of essential components and the model proforma has been provided in sections II and III following the table.</p>

⁷⁶ Allahabad, Delhi and Meghalaya High Court Policies do not contain provisions on Annual General Transfer.

⁷⁷ Allahabad, Delhi and Meghalaya transfer policies do not contain provisions on deputation postings.

⁷⁸ Allahabad, Calcutta, Chhattisgarh, Delhi, Gauhati, Meghalaya, and Rajasthan transfer policies do not contain provisions on grievance redressal mechanisms.

⁷⁹ Only Chhattisgarh and Gauhati provide for this.

I. Institutional and Individual level requirements governing Transfer Policy

1. Institutional requirements

From an institutional standpoint transfers should ensure -

- a. Well-rounded officials experienced in different areas of laws and jurisdictions
- b. Impartiality and bias prevention
- c. Staffing commensurate with the caseload for equitable work distribution across courts
- d. Utilisation of special capacity and expertise of officers
- e. Quick and proactive filling of vacancies

2. Individual requirements

From an individual standpoint, transfers should ensure -

- a. Skill development through exposure to different fields of law and jurisdictions
- b. Professional development by exposure to different judicial and administrative responsibilities
- c. The accommodation of specific circumstances like physical disabilities, critical health concerns, dependents' needs, etc.

II. Requisite components for a comprehensive Transfer Policy

1. Transferring Authority

In the interest of transparency and fairness, the policy must clearly state the authority in charge of transfers and its procedure. Whether the decision-making authority is the Hon'ble Chief Justice of the High Court, the full court, or any committee specially constituted by the Court, the same should be explicitly stated in the policy.

2. Zonal division of the state

Reiterating the recommendation of the NCMS Report, the High Courts should categorise the districts within the state into different zones. This categorisation may

be based on ease of access, availability of resources, distance from the capital/High Court, presence of unrest in specific regions, or other factors as identified by the High Court. This zonal division can facilitate the rotational transfer of judicial officers across these zones so that all officers may get the chance to serve in diverse areas.

3. Tenure

To check the arbitrary exercise of discretion and provide stability and security to judicial officers, the transfer policy must provide for fixed tenures. This would allow the officers to plan, prioritise and rationalise their work in the long-term without the apprehension of unforeseen transfers. This is, however, a general rule to which exceptions may be provided within the policy.

4. Transfer on a rotation basis/ reduced tenure for “difficult” zones

The policy must provide for rotational transfer across all zones to facilitate the exposure of judicial officers to diverse jurisdictions, socio-economic realities, laws and legal procedures. This ensures a cadre that is versatile and continuously developing professionally. Additionally, the High Courts may provide that the tenure of officers stationed in specific identified zones be shorter than the normal tenure.

5. Choice of posting

Officers should have the option to indicate their preferred stations within the designated zones for upcoming transfers and reasons for the same. On review of these reasons, the transferring authority may accommodate or deny the officer’s request. If the request is denied, then the transfer order must contain reasons for the same.

6. Mid-term transfer/ extension of tenure

The policy must also clearly specify the circumstances under which the transferring authority can transfer an officer mid-term or allow for overstay of the officer unilaterally. These can be on account of administrative exigencies, poor performance of the officer, initiation of inquiry against the officer or other circumstances as identified by the High Court. The policy must require internal documentation of these reasons and the same may be shared with the transferee on request.

7. Posts requiring special qualifications, expertise and experience

The transfer policy may also identify particular posts that require special skills and qualifications and for which the ACR of the judicial officers may be evaluated before effecting the transfer. If the High Court wishes to generally consider the performance of the officer as a parameter for transfer, then this must be explicitly mentioned in the policy in the interest of transparency.

8. Frequency and procedure of the general transfer

The policy must mention the frequency of general/routine transfers, i.e., annually, bi-annually etc., as well as the procedure followed including:

a. Computation of tenure

The policy must provide for an end date for the calculation of the period of tenure, along with a provision to round off the period if required.

b. Submission of proforma

It should provide for the manner of submission of the proforma along with a cut-off date. It is recommended that proformas be submitted electronically to ensure convenience and efficiency.

c. Communication of transfer order

The policy must specify how the transfer order is to be sent to the judicial officer, including specifying a time period for the same. As with the submission of proformas, it is suggested that this be done electronically.

9. Transfer allowance

The policy must provide for the calculation and provision of transfer grant as per the recommendations of the Second National Judicial Pay Commission.⁸⁰ It should also

⁸⁰ Hon'ble Mr. Justice P.V. Reddi and others, Report of the Second National Judicial Pay Commission (January 2022), p. no. 54, Volume IV, available at [http://aijopc.nic.in/Volume%20IV%20\(Summary\)%2064%20Pages.pdf](http://aijopc.nic.in/Volume%20IV%20(Summary)%2064%20Pages.pdf) (last visited on September 18, 2023)

specify the circumstances under which transfer allowance may or may not be granted to the judicial officer.

10. Deputation posting

The transfer policy should also compulsorily cover transfer on deputation. If the routine transfer policy does not apply to deputation postings, then components like tenure, transferring authority, redressal authority etc., must be separately specified for deputation transfers.

11. Grounds for exemption

The policy must specify the grounds on which officers can seek exemption from the general transfer policy clearly. These may include -

a. Critical health issues affecting the officer or her family members

The officer may seek exemption because of acute and fatal health issues affecting him or his family members of the following category -

- 1) Spouse;
- 2) Children;
- 3) Parents; or
- 4) any other relative for whom the officer can provide proof of dependency.

In the case of chronic health issues, the transferring authority should, as far as possible, accommodate the officer's request. However, if this is not possible, then the officer may be transferred to a station with comparable treatment facilities where the needs of the sick person can be taken care of.

b. Educational needs of dependents

The educational needs of children may be taken into account while transferring officers. For instance, the officer may be allowed to extend their tenure if their child is in the final year of school or college or they may be transferred to a station where the child can access adequate educational facilities.

c. Physical disability experienced by the officer

While transferring officers, the physical disabilities experienced by them, if any, must necessarily be taken into account. It is recommended that the level of physical disability experienced by them be taken into consideration to transfer them to stations with greater accessibility to treatment facilities, lesser need for travel and mobility etc.

d. Joint posting with spouse

If the officer's spouse is also employed in a judicial service or is in other employment at the same station, the request of such officers to be posted at the station of employment of their spouse may be considered favourably in the interest of the family not being separated.

e. Limited time remaining before the officer's retirement

It is recommended that an officer who is due to retire within a specified period of time be exempted from the transfer policy, i.e. they may be allowed to extend their tenure or may be given a posting of his choice, including near their hometown so that they may make arrangements for their retirement.

12. Grievance redressal procedure

The transfer policy must provide a comprehensive and robust grievance redressal mechanism to address the issues of officers aggrieved by their transfer orders. It is recommended that the judicial officers expressing a grievance against their transfer may be permitted to address a representation to the Chief Justice of the High Court who shall be the redressal authority. Inter alia, the policy should also provide for the timeline and manner of submission of the grievance, ideally electronically, as well as the cut-off date for rendering and communication of decision by the redressal authority.

III. Model Transfer Proforma

Proforma of Transfer

(to be filled by the judicial officer)

1. Name of the Judicial Officer -
2. Presently posted as -
3. Date of joining the present post -
4. Period of tenure as calculated till _____ -
5. Due to be posted in zone -
6. Places of posting during last 6 years with date -

Post	Zone	District	Joining Date	Transfer Date

7. NATURE OF REQUEST

(A) Due for transfer

(B) Extension of tenure

(C) Premature transfer before completion of normal tenure

8. CHOICE OF STATIONS (Zone-wise)

Zone	Preferred Districts
Zone A	1. 2. 3.
Zone B	1. 2. 3.

9. GROUNDS IN SUPPORT OF REQUEST

- A. Acute and terminal health issues affecting the judicial officer (medical records to be attached herewith)

Remarks, _____ if

any _____

- B. Acute and terminal health issues affecting the family member of the judicial officer (medical records to be attached herewith)

Remarks, _____ if

any _____

- C. Physical disability experienced by the judicial officer (medical records to be attached herewith)

Remarks, _____ if

any _____

- D. Educational needs of dependents (proof of admission to be attached herewith)

Remarks, _____ if

any _____

- E. Joint posting with spouse (record of spouse's current posting to be attached herewith; officer to mention when their spouse's transfer is due)

Remarks,if any

F. Judicial Officer is due to retire in _____(the period specified by the policy)

Remarks, if

any _____

G. Any other grounds

Remarks,if

any _____

The proforma must be submitted by the judicial officer via _____(online platform identified in the policy) by _____(due date specified in the policy). The transfer order will be communicated to the officer by _____(transferring authority) via _____(aforementioned online platform) by _____(due date identified by the policy).

Date

Signature of Officer

Part VI: Cadre for Technology and Data Analysis

Introduction

86. Given the growing use of technology and data analysis for the management of courts, there is an increasing need for personnel to handle technology and data of courts. The need for such personnel will only grow with the implementation of new digital infrastructure and capabilities under Phase III of the e-Courts project. Currently, the National Informatics Centre (“NIC”) handles the e-Courts project across High Courts and district courts. The High Court Computer Committee oversees the implementation of the e-Courts project in every state. Each High Court also has a Central Project Coordinator (“CPC”), a person of the rank of a District Judge or Senior Civil Judge. The CPC has a team and is responsible for coordinating with the e-Committee, NIC, the district courts and external vendors. At each court complex, a judicial officer is designated as a nodal officer. The nodal officer has been responsible for handling the implementation of the e-Courts project in that court complex and for resolving day-to-day technology issues. System administrators and data entry operators are also hired at the district court level. These judicial officers and staff will prove to be inadequate to implement Phase III of the e-Courts project. There is a need to consolidate these functions by infusion of experts in technology and data to support court staff, judicial officers and judges. Broadly, courts have the following categories of requirements in this regard:

- i. The day-to-day operation and maintenance of existing technology solutions such as e-filing, digitisation of court records, live-streaming, etc.;
- ii. Building and integrating new technology solutions to increase judicial and administrative efficiency;
- iii. The day-to-day operation and maintenance of hardware in the courts and judges’ residences; and
- iv. The collection and analysis of statistics for court and case management.

87. From the responses received to the questionnaire sent, the following issues were identified.

I. Staff's technological knowledge being inadequate

88. Several High Courts have noted that a portion of their workforce, particularly the older staff members, possesses limited proficiency in the technology employed for court administration. This deficiency could be attributed, in part, to motivational factors as well as insufficient training and guidance. In light of the extensive technological integration envisaged in e-Courts Phase III, it becomes essential for the majority of the staff to acquire a basic familiarity with technology commensurate with their respective roles and responsibilities. This entails not only ensuring that they are familiar with the tools but also equipping them with the skills and confidence to utilize technology to its full potential.

II. Inadequate IT staff

89. Some High Courts mentioned that they are struggling with using technology for the administration of their court because they do not have technology staff with the requisite skills and experience. Furthermore, in certain cases, the skills of these technology staff are well-suited for system administration but may not extend to the critical task of developing new applications tailored to the specific needs of the court. While the National Informatics Centre (NIC) staff are available, they often find themselves outnumbered, and sometimes their expertise falls short in managing the substantial workload efficiently. This shortage of skilled personnel capable of both maintaining existing systems and innovating new solutions poses a significant hurdle in achieving the goals of Phase III of the e-Courts project.

90. High Courts must prioritize the employment of individuals possessing the requisite skills and qualifications to effectively realize the ambitious goals of the e-courts project. Given the highly sensitive nature of the information involved in these IT tasks within the judiciary, there arise legitimate concerns regarding data security and potential breaches. It becomes imperative to employ individuals as regularized employees who are subject to established service and disciplinary regulations. Permanent employees also offer the distinct advantages of continuity, institutional memory, and in-depth domain knowledge. Furthermore, it is important to acknowledge that the courts may not be in a position to provide salaries that are on par with those available in the private sector for IT roles. To address this issue, a potential solution lies in extending permanent job opportunities as part of the High Court system.

91. Responding to the growing need of IT employees and the issues faced with outsourced or contractual employees as mentioned above, several High Courts such as Uttarakhand,⁸¹ Patna,⁸² Allahabad,⁸³ Manipur⁸⁴ have formed an IT cadre within the High Court and some like Kerala are currently making the move to the formation of a permanent IT cadre.

Recommendations

92. The followings recommendations are proposed by the Sub-committee.

- i. ***A permanent IT and Data Cadre/Department functioning as a separate department in the HC.*** So as to be able to effectively implement the vision under e-courts Phase III, the Information and Communications Technology paraphernalia and network infrastructure are crucial. Considering concerns such as data security and leakage, continuity, ease in recruitment, loyalty to the system and its discipline, it is recommended that a permanent IT and Data cadre be instituted in all High Courts functioning as a separate department within the High Court.

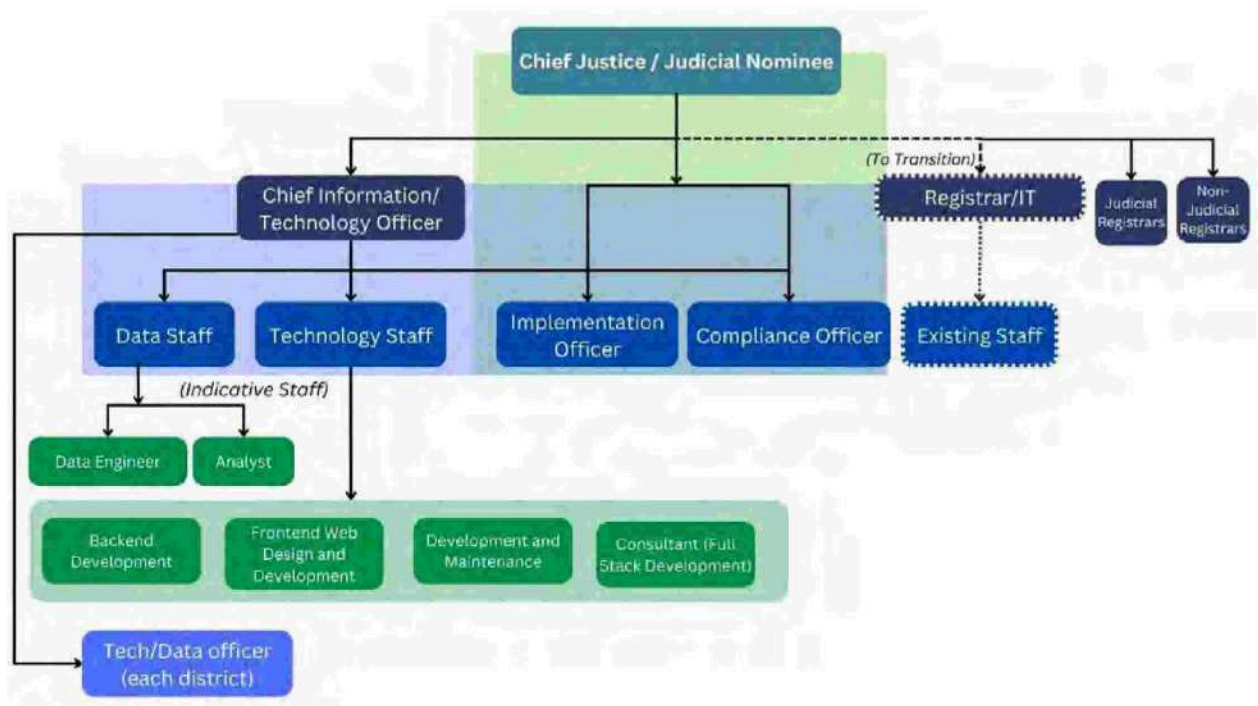
This team, along with handling all necessary IT-related tasks in the High Court, will also have team members who perform tasks necessary at the district courts level. They will be differentiated from the existing IT staff and have a separate career progression and promotion path from other high court staff charted out. The roles and functions of this department are to be clearly demarcated from the other core judicial departments of the High Court. It can be considered that the existing positions such as Registrar (IT) can be transitioned to this team and the existing staff that works on IT can be given the option to join this team. An indicate organogram is provided below:

⁸¹ High Court of Uttarakhand Information Technology Cadre (I.T.) Service Rules, 2019

⁸² Patna High Court I.T. Technical Cadre Rules, 2021

⁸³ Allahabad High Court Computer Cadre Service Rules, 2010

⁸⁴ High Court of Manipur IT Cadre Service (Appointment & Conditions of Service) Rules, 2018



This cadre will consist of a dedicated team of professionals who can design, develop, and manage data and technology systems and services for the court. It will comprise people with different skill sets and experience levels within technology and data. High Courts can, depending on their availability and needs, work on a combination of existing staff with possible upskilling and new staff in this cadre. The cadre will be organised so there is a clear scope for career progression within it. It is important that a systematic career path be charted for this internal team at the High Courts and the district courts to keep them motivated. The team will work closely with the courts and may develop a deeper understanding of their functioning and needs. They should spend time observing court processes so that they are able to get domain knowledge and provide meaningful technological solutions in the complex field of judicial adjudication. This formation of a permanent cadre will bring in stability, domain knowledge related to judicial systems and cause no compromise in data security as well as continuity in projects.

- ii. ***IT and Data Cadre/Department to be headed by a CIO/CTO:*** The IT and Data Cadre could be headed by a Chief Information/Technology Officer ("CIO" or "CTO" or equivalent position) with experience with large-scale transformational projects and who reports to the judicial nominee of the Chief Justice or the Computer Committee.

Short- term deputations from the executive can be considered for this role. The CIO could also appoint a tech and data associate in each district who will be the point person for implementing Phase III of the e-Courts project and handling the day-to-day technology and data issues at the district-level.

- iii. **Implementation Officer.** The Judicial Digital Data Management Policy formulated by the e-Committee of the Supreme Court of India⁸⁵ deals with the management of digital judicial data, which is crucial as the digitization of data is steadily increasing. Therefore, along with the recruitment of other permanent staff in the cadre, it is essential that this policy is given effect in all High Courts for the protection as well as open access of relevant data. The policy necessitates that relevant courts fulfill specific responsibilities to give effect to the policy. These include adhering to the principles of data collection and purpose limitation, retaining and deleting judicial data as well as facilitating access to court records(provided in Section 4 of the Policy). This responsibility is to be handled by an Implementation Officer who would be responsible for executing these tasks, with any additional support required being directed by the Chief Justice of the High Court. The Implementation Officer's obligation has been given under Clause 28 of the Judicial Data Policy. This officer is also responsible for annual reviews of the retention and deletion timeline for Personal Data retained by Courts, which have been provided in Schedule I to the Judicial Data Policy. He must work together with other members of the cadre to ensure adherence to the policy.
- iv. **Compliance Officer.** Part VI of the Judicial Digital Data Management Policy also mandates the appointment of a Compliance Officer by the Chief Justice of the relevant court. Clause 29 of the policy lays out the roles and responsibilities of the Compliance Officer. The Compliance Officer bears the responsibility of scrutinizing the Data Processing protocols employed not only within the High Court but also within the courts under its jurisdiction. Following this examination, the Compliance Officer is obliged to provide pertinent details, which encompass the audit report, regular progress reports, and recommendations, to the Chief Justice. They also hold the responsibility of creating awareness about the policy among the courts and the public. If necessary, the Compliance Officer may receive support from other officers as directed by the Chief Justice. They will foster awareness through several means,

⁸⁵ Handbook on the Judicial Digital Data Management Policy, 2023 (publication forthcoming)

one of which involves the creation and regular updating of a Frequently Asked Questions document on the High Court's website. Additionally, the Compliance Officer will oversee the physical display of the Policy in both the High Court and the Courts under its jurisdiction.

- v. ***Refresher courses:*** Periodical refresher programmes must be conducted for these employees so that they are updated on technological advancements. Considering the rapid advancements in the field of technological and data analytics, it is crucial to allocate financial resources and strategize for the continuous improvement of the in-house team's skill set. This proactive approach will ensure that the internal team remains relevant, competitive and adaptable in an ever-evolving tech landscape.
- vi. ***Scope of roles and responsibilities to be widened:*** While considering essential roles required for this cadre as well as their responsibilities, the ambitious and transformative vision set by e-Courts Phase III must be considered and persons who are capable of carrying out such tasks must be recruited and their scopes widened. As already mentioned above, some High Courts such as Uttarakhand, Allahabad, Patna, and Manipur have already created such IT cadres and developed their own hierarchy of functioning with defined roles and responsibilities as well as salary structures. Detailed information on these would be necessary for framing the roles and responsibilities as well as salary structure, which is currently not made available. Until such data is available for analysis, an indicative list of roles, qualifications and responsibilities of the cadre has been provided in ***Annexure 14***. The salaries of the internal team in the High Courts can be pegged to J4 in the structure of civil judges (***Annexure 15***).
- vii. ***Flexibility to be built into HC Cadre Rules:*** Due to the unique needs and limitations of each High Court, it is imperative that ample flexibility is afforded to the High Court in configuring these cadres and framing their respective regulations. The Information Technology and Data Cadre demands expertise in domains such as procurement, project management, process mapping, and process re-engineering. Given the ambitious scale of transformation envisioned in e-Courts Phase III, the IT and Data Cadre must maximize its collaboration with vendors to actualize the vision. In cases where the recruitment of experts as permanent employees may not be feasible, the

necessary supplementary expertise can be drawn from deputations originating from government departments/agencies and lateral entry from the private sector. Alternatively, in states where permanent recruitment for specific positions poses challenges, the rules should encompass provisions for outsourcing or contractual employment. The CIO/CTO shall also be entrusted with the task of formulating performance metrics for external vendors and diligently monitoring these metrics to ensure the seamless flow of contractual processes when needed.

Part VII: Ministerial Staff

A. Recruitment of Ministerial Staff

93. The ministerial staff attached to the Subordinate Courts perform tasks such as scrutinizing the case files filed by lawyers and litigants, processing payments, issuing summons and managing the list of cases that appear before each Court. Hence it is necessary that the method and process of recruitment of ministerial staff caters to the needs of the specific role that the staff member is expected to carry out. Currently, the method and process of recruitment differs across High Courts. In some jurisdictions, recruitment is conducted by the State Public Service Commissions, while the High Courts themselves undertake these responsibilities in others.

Issues identified

94. The following issues of concern have been identified by the Sub-committee:-

- I. Some High Courts were of the opinion that there is a need for separate recruitment processes for different categories of ministerial staff.⁸⁶
- II. Further, there is a need to ensure that the qualifications laid out in the “Call for Applications” adequately match the responsibilities that need to be undertaken during the course of the employment so as to not lead to dissatisfaction among the staff.

Recommendations

95. The recommendations of the Sub-committee are as under:-

	<i>Recommendation</i>	<i>Justification</i>
1.	Prescribing specific qualifications for all ministerial staff	<p>The Recruitment process for different categories of Ministerial Staff should be carried out separately in accordance with the specific qualifications required for the post.</p> <p>Some High Courts already provide for specific provisions in their recruitment rules for specific</p>

⁸⁶ Responses from the High Courts of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Meghalaya, and Telangana

		<p>categories of staff. For example, most rules provide specific criteria for the IT professionals being hired.⁸⁷</p> <p>However, most High Courts stated that the qualifications and skills sought for in the ministerial staff do not vary between branches/sections.⁸⁸ Similar provisions should be made for other posts to ensure that the staff provided are skilled to undertake the specific tasks assigned to them. For example, the Kerala High Court prescribes specific qualifications for the posts of Sheristadars, Principal Counsellors of Family Courts and Court Managers which are all specific positions requiring a set of unique skills.⁸⁹ Similarly, the High Court of Punjab and Haryana provides specifications for the posts of Judgement Writer, Senior Scale Stenographer and Steno-Typist which require skills solely in shorthand.⁹⁰</p>
2.	<p>a. Ensuring that the job description in the “Call for Application” sets out the specific roles and responsibilities for the post</p> <p>b. The roles and responsibilities should match the qualifications outlined for the post</p>	<p>It is necessary to align the duties of the ministerial staff in various posts with the skills and qualifications laid out in the job description. This will ensure that the staff is productive and adept at the job expected of them and the administrative functions of the Court are undertaken smoothly.</p> <p>It has been stated in the discussions of the NCMS-HRDS Sub-committee as well as with other stakeholders that there have been instances where the job description laid out in the job description does not match the duties to be undertaken through the course of employment. For example, a person appointed as a peon may eventually be promoted to the post of Accounts Officer without having any training in the subject. Alternatively, a Court Officer post which requires an LLB degree may be deputed to the home of the judge where the tasks undertaken are primarily</p>

⁸⁷ The High Courts of Allahabad, Andhra Pradesh, Chhattisgarh, Gauhati, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Madras, Orissa, Patna, Rajasthan, Uttarakhand, Telangana and Tripura have all stated that they have atleast one specialized post for the IT officers where specific qualifications are necessary.

⁸⁸ Responses from the High Courts of Bombay, Calcutta, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Jharkhand, Patna, Rajasthan, Telangana and Tripura.

⁸⁹ Kerala High Court response

⁹⁰ Punjab and Haryana High Court response

		administrative. Such circumstances should be avoided to ensure that the ministerial staff is satisfied in the job assigned to them and are hence productive.
--	--	--

B. Annual Confidential Report for Ministerial Staff

96. Like judicial officers, performance assessment of Ministerial Staff is required for the purposes of promotions and for identifying any training and upskilling needs. To understand the annual evaluation process being carried out for ministerial staff by different States, questionnaires were sent to the 25 High Courts by the HRDS Sub-committee. Part A contained questions on the existing evaluation process while Part B questions solicited suggestions from the High Courts for improvement of the process. Responses on the same were sent by 22 of the 25 High Courts. However, almost all the responses received from the High Courts pertain to annual evaluation of the High Court Ministerial Staff instead of the District Court Ministerial Staff. It is therefore impossible to determine with certainty the number of States that conduct annual assessment for Ministerial Staff at the District Courts. Only the High Courts of Bombay, Delhi, Himachal Pradesh, Madhya Pradesh, Madras, Punjab and Haryana, and Rajasthan have shared the proforma of the ACR for District Court Ministerial Staff. Consequently, an in-depth analysis of the practices of various High Courts was not possible. Based on the limited analysis, however, the following gaps have been identified.

Issues identified

97. The following issues have been identified by the Sub-committee.

- i. Two High Courts have stated in their response that they do not have an annual evaluation process for District Court Ministerial Staff.⁹¹ In the absence of information from the other High Courts it is difficult to ascertain if all the District courts undertake annual assessment for their Ministerial Staff.
- ii. Some of the High Courts have a standard proforma for all Ministerial Staff, irrespective of the kind of roles performed by them.⁹² This can lead to important details not being captured for certain sections of the staff.

Recommendations

98. The recommendations of the Sub-committee are as follows:-

⁹¹ Andhra Pradesh and Patna in Part B response on ACR for Ministerial Staff

⁹² Orissa and Himachal Pradesh

	<u>Suggestion</u>	<u>Justification</u>
1.	Undertake an examination of the existing performance evaluation process for District Court Ministerial Staff	Earlier this year, the Report on Uniform ACR, 2023, analysed and compared the ACR process for judicial officers across States to provide suggestions premised on best practices. ⁹³ It is suggested that a similar exercise be undertaken for the Ministerial Staff of the District Courts. This will help elucidate ground level practices, highlight specific concerns, and formulate suggestions based on best practices. For a more holistic picture, the analysis may be informed both by literature review and by qualitative stakeholder interviews.
2.	Mandate annual confidential evaluation for District Court staff	<p>At present it is difficult to ascertain how many States conduct annual assessment for their District Court staff. Two of the High Courts have stated in their response that they do not have such a system in place. The absence of a routine evaluation system negatively impacts other dependent processes like promotions, training, and reorganisation and restructuring.</p> <p>For instance, in the absence of a performance record promotions carried out are most likely to be based on seniority as opposed to merit, which is detrimental to the effective functioning of the institution.</p> <p>For this reason, ACR for court staff must</p>

⁹³ Hon'ble Mr. Justice Muralidhar and others, Report on Uniform ACR Submitted to the Hon'ble Chief Justice of India (July 2023)

		capture important details of the work done including any additional work assigned, training undergone along with its impact on employee performance levels, and any additional skills acquired or demonstrated.
3.	Develop role-based ACR Proformas	<p>Ministerial staff within courts perform widely varying duties, ranging from scrutiny of documents and maintenance of records to supervision and allocation of work, requiring differing skills and capabilities. Hence, the performance evaluation that these employees are subjected to must be tailored to the roles they perform.</p> <p>A good example is the ACR proforma shared by the Delhi High Court for evaluating drivers. Instead of generic metrics like “ability to complete assigned tasks”, the proforma consists of specific metrics like “punctuality”, “willingness to follow traffic rules”, and “ability to keep the vehicle clean”. Such curated proformas ensure that each employee is marked solely on the professional and personal attributes essential for their respective positions.</p>

C. Training for Ministerial Staff

99. Just as judicial staff undergo training, ministerial staff must also receive training upon recruitment and at regular intervals. Since they play a vital role in assisting judicial officers in the administration of justice, it is essential that they receive proper training. Additionally, their close interactions with the public introduce an additional layer of training necessity.

Issues Identified

100. The following issues emerged from the analysis of the responses.

- I. Most High Courts reported no specific rules/guidelines for the training of judicial officers and ministerial staff.⁹⁴
 - a. Many High Courts do not have training programmes for newly recruited ministerial staff. The ones that conduct such training are not uniform.⁹⁵
 - b. Some High Courts reported that they do not have a training academy or separate training for newly recruited ministerial staff. They do not have sensitisation training sessions or soft skills training for the ministerial staff.⁹⁶

Recommendations

101. The recommendations of the Sub committee are as under:

⁹⁴ The High Courts of Madhya Pradesh, Tripura, Delhi, Meghalaya, Jharkhand and Karnataka reported having separate rules

⁹⁵ Responses from the Chhattisgarh High Court, Gauhati High Court, Andhra Pradesh High Court, Himachal Pradesh High Court, Jharkhand High Court.

⁹⁶ Responses from Gujarat High Court, Gauhati High Court, Rajasthan High Court, Uttarakhand High Court, Andhra Pradesh High Court, Bombay High Court.

	Suggestions	Justification
1.	Training for newly recruited staff based on specific guidelines	<p>Most High Courts reported not having any induction-related training for ministerial staff. Some High Courts reported having one-day orientation course⁹⁷ or trainings that are conducted over a few days or a month.⁹⁸ It is of utmost importance to guarantee that newly hired personnel receive tailored training. To achieve this, it is imperative to establish comprehensive guidelines that encompass both the initial training and subsequent refresher courses, making them mandatory. Some High Courts reported having refresher trainings which can be emulated.⁹⁹</p> <p>It is worth noting that many High Courts do not presently have specific training guidelines in place for ministerial staff. By formulating these rules, it can be ensured that ministerial staff receive consistent and structured training, enhancing their skills and competencies to better serve the justice system and the public.</p>

⁹⁷ Tripura High Court

⁹⁸ Punjab & Haryana High Court, Rajasthan High Court, Karnataka High Court

⁹⁹ Tripura and Madras High Court

2.	Soft-skills and sensitivity training	<p>Some High Courts reported imparting English lessons and courses on technology as part of soft-skills training.¹⁰⁰ While these are important, given the heightened level of interaction with the public, it is imperative to provide ministerial staff with specialized training in soft skills such as communication and conflict management. This ensures that they can effectively navigate various interactions and resolve conflicts professionally.</p> <p>Moreover, considering the diverse range of individuals they come into contact with, sensitization training becomes equally crucial. This type of training fosters inclusivity and cultural competence, enabling staff to engage with individuals from different backgrounds with respect and understanding, ultimately creating a more inclusive and harmonious work environment. Training must also be extended to sensitive areas such as POCSO, human trafficking, sexual harassment of women at the workplace, etc.¹⁰¹</p>
----	--------------------------------------	---

¹⁰⁰ Telangana and Jharkhand High Court

¹⁰¹ Currently being conducted by the Odisha High Court

D. Transfer Policies for Ministerial Staff

102. The questionnaires sent to the 25 High Courts by the HRDS Sub-committee consisted of questions on transfer policy for both the judicial officers and the Ministerial Staff. From the 22 responses received by the Sub-committee the following analysis can be undertaken.

Issues Identified

I. Existence of Written Policy

103. Of the 22 High Courts who sent their responses, only 4 have framed a written policy for transfer of Ministerial Staff.¹⁰² In 5 of the 22 States, transfers are governed by the respective Service Condition Rules. These rules are, however, skeletal and do not provide complete guidelines as to the transfer process. Rule 26 of the Telangana Judicial Ministerial and Subordinate Service Rules, 2018, for instance only provides that transfers within the Unit will be made by the appointing authority while transfers from one Unit to another will be effected by the High Court of Judicature at Telangana. Similarly, Rule 28 of the Uttar Pradesh State District Court Service Rules, 2013 provides that transfers may be made in public interest or in the interest of administration. Crucial aspects like tenure, grounds for exemption, and grievance redressal are not covered in these rules. 10 of the High Courts have absolutely no written guidelines on Ministerial Staff transfer, either in the form of transfer policies or Service Condition Rules. For further details see *Annexure 16*.

II. Authority-In-Charge

104. There is wide variation in the authority in charge of effecting Ministerial transfers across States. This is primarily due to the lack of certainty arising from absence of written policies and also because of the different kinds of transfers Ministerial staff may undergo viz. intra-district, inter- district, inter-department or inter-judgeship transfers. In four of the States transfers are effected by the District and Sessions Judge, primarily the Principal District Judge (PDJ).¹⁰³ The PDJ in most instances is responsible for transfer of judicial staff within the district or the administrative unit that he is in charge of. For inter-district transfers, however, it is the High Court that assumes authority.¹⁰⁴ In the State of Kerala, however,

¹⁰² Andhra Pradesh, Gauhati, Kerala and Madhya Pradesh High Courts

¹⁰³ Andhra Pradesh, Bombay, Orissa and Punjab and Haryana High Courts

¹⁰⁴ Allahabad, Gauhati, Punjab and Haryana, Telangana High Courts.

inter-district and inter-departmental transfers are carried out by Government Orders, while in Calcutta they are carried out by the Registrar General. Of the responses received, transferring authority could not be ascertained for 10 of the 22 States.

III. Process

105. The process of transfer of Ministerial Staff also varies widely depending on the type of transfer and the Class of staff members. In Kerala for instance, staff coming under the category of Section Officers, Court Officers, Office Superintendents, Assistants, Computer Assistants, Typists-Copyists, and Attenders are considered for General Transfers every 3 years while the same has not been prescribed for *Shirestadars* under the written policy governing them. Similarly, in Orissa, transfer of clerks, stenographers, and such other staff is effected by the District judge every 3 years while transfer of Senior Clerks and *Shirestadars* is done by the High Court.

106. None of the States are divided into zones for the purpose of transfer of Ministerial Staff, primarily because inter-district transfers are rarely carried out. According to the reasons elucidated in Gauhati High Court's transfer policy, this is attributable to the lack of infrastructure for residential accommodations for non-judicial staff. Even apart from that, subordinate court staff usually comprise of people from the middle and lower-middle strata of society, for whom uprooting their lives for routine transfers may not be financially and socially feasible unless adequate support is provided by the institution.

107. Owing to the aforementioned reasons, there are also no provisions requiring compulsory transfer of Ministerial Staff after a fixed tenure. Most of the transfers are carried out on a needs based basis or for administrative reasons. Only the States of Andhra Pradesh, Kerala, and Patna generally carry out Ministerial transfers every 3 years.

IV. Factors considered for transfers

108. In almost all the States, except three, transfers are effected on account of administrative exigencies or in public interest.¹⁰⁵ Additionally, according to the response received from the Delhi High Court, acute staffing shortage is another factor that the institution needs to consider while formulating policy for and effecting transfers of Ministerial Staff. This would entail maintaining staffing levels during shortage or ensuring that any out-transfers are

¹⁰⁵ Allahabad, Delhi, and Gauhati High Courts specially mention this in their responses/documents shared.

counterbalanced by in-transfers. In some instances, transfers may also be used by the judiciary to maintain institutional integrity. For instance, the Gauhati High Court's transfer policy provides for transfer of an employee indulging in improper or illicit conduct with the objective of restoring litigants' faith in the system.

109. At the individual level, however, very few responses have delineated the factors affecting transfer.¹⁰⁶ Of those that have, it may be seen that the factors are more or less similar to those of judicial officers except for a few exceptions.

110. Individual level factors for transfer of Ministerial Staff have been identified as under:-

- A. Proximity to hometown or place of residence
- B. Joint posting with spouse
- C. Critical health issues affecting staff member or their family
- D. Age of retirement of staff member
- E. Physical disabilities experienced by them

V. Grievance Redressal

111. None of the written transfer policies provide a grievance redressal mechanism for Ministerial Staff aggrieved by transfer decisions. From the responses it can be gleaned that in some of the States transfer related grievances are being handled by the Principal District Judge, while in others Committees constituted by the High Courts are doing the same. In Calcutta, however, such grievances are being resolved by the Registrar General. In none of the policies or responses has the procedure and grounds for making representations been specified.

Recommendations

112. The recommendations of the sub-committee are formulated as under:-

	<i>Suggestion</i>	<i>Justification</i>
1.	Need for written transfer policy for Ministerial Staff	Unlike judicial officers, transfers are not a routine matter for Ministerial Staff.

¹⁰⁶ Only the Bombay, Delhi, Gauhati and Kerala High Courts

		<p>However, whenever conducted, they are likely to affect them equally. Therefore, in the interest of objectivity and transparency, the High Courts may formulate written transfer policies for Ministerial Staff consisting of the following components -</p> <ol style="list-style-type: none"> 1. Tenure (if applicable) 2. The kind of transfers that different Class of employees are eligible for (such as intra or inter-district, inter-judgeship etc.) 3. Grounds for transfer and the mandate to internally record reasons for transfer 4. Institutional aspects required to be considered before effecting transfers such as the availability of infrastructure for ministerial staff 5. Procedure for the District Judge concerned to hear the employee before effecting transfer (if transfers are not a routine process) 6. Provision of transfer allowance <p>Grievance redressal mechanism including specific timeline for submission of representation against the transfer order.</p>
--	--	---

2.	Routine transfers for Ministerial Staff	<p>At present, Ministerial Staff are usually not transferred except on account of administrative exigencies. While the reasons are primarily institutional (staff shortage, lack of infrastructure etc.), there are several institutional benefits arising from routine transfers as well, especially intra-district and inter-departmental transfers.</p> <p>On one hand, inter-departmental transfers can help the staff in their career progression by allowing them to undertake diverse roles and build their skills. On the other hand, transfers can provide a check on any undue influence that the staff may exercise on account of holding a position for a prolonged period, thereby upholding institutional integrity. This policy shift would need to be accompanied by regular and effective training.</p>
----	---	--

Annexures

Annexure 1: Judicial Examination Conducting Authority across States

Serial Number	State	High Court	State Public Service Commission
1.	Andhra Pradesh	✓	
2.	Arunachal Pradesh		✓
3.	Assam	✓	
4.	Bihar		✓
5.	Chhattisgarh		✓
6.	Delhi	✓	
7.	Goa	✓	
8.	Gujarat		✓
9.	Haryana		✓
10.	Himachal Pradesh		✓
11.	Jammu & Kashmir	✓	

12.	Jharkhand	✓	
13.	Karnataka	✓	
14.	Kerala	✓	
15.	Madhya Pradesh	✓	
16.	Maharashtra		✓
17.	Manipur	✓	
18.	Meghalaya	✓	
19.	Mizoram	✓	
20.	Nagaland	✓	
21.	Odisha		✓
22.	Punjab	✓	✓
23.	Rajasthan	✓	
24.	Sikkim	✓	

25.	Tamil Nadu		✓
26.	Telangana	✓	
27.	Tripura	✓	
28.	Uttarakhand		✓
29.	Uttar Pradesh		✓
30.	West Bengal		✓

Annexure 2: Responses of High Courts on three year mandatory practice for the post of Civil Judge (Junior Division)

S. No.	High Court	Maintaining the Status Quo	Amend the current requirement
1.	Allahabad	No	<p>Yes- Minimum 02 years practice may be introduced.</p> <p>Reason- Candidates inducted into the service after such experience may be better equipped to perform the duties attached to the office, rather than raw hands.</p>
2.	Andhra Pradesh	No	<p>Yes- Require three years of experience as an advocate.</p> <p>Reason- Candidates will directly come from college to the Court without having any practical experience. They lack the knowledge to implement the laws in realtime.</p>
3.	Bombay High Court	No	<p>Yes- As per Rule 5(3)(b) of the Maharashtra Judicial Service Rules, 2008, Experience for the post of Civil Judge, J.D. & J.M.F.C - Must have practised</p> <p>as an Advocate in the High Court or Courts subordinate</p>

			thereto for not less than three years on the date of publication of Advertisement or must be a fresh law graduate securing 50% marks and having cleared all papers in the first attempt.
4.	Chhattisgarh	Yes	No
5.	Delhi	No	Yes- Practice experience of one year at bar from the date of provisional enrolment with the Bar Council may be made a pre-requirement. Reason- N.A.
6.	Gauhati	No	Yes- Full Court resolution that minimum of two years' experience is required as an advocate for entry in Grade-III of the service. Though the rules have not been amended to incorporate this yet.
7.	Gujarat	No	Yes No further reasons given
8.	Jharkhand	No	Yes- minimum 3 years experience at Bar. Service period of Law Clerks attached with the Hon'ble Judges of Supreme Court and High Courts should be treated

			as experience for the said purpose.
9.	Karnataka	No	Yes- Necessary and need of the hour No further reasons give.
10.	Kerala	No	Yes- a minimum of three years of experience as an advocate is required for a Civil Judge (Junior Division). No further reasons given
11.	Madhya Pradesh	No.	Yes- Have already amended Madhya Pradesh Judicial Service Rules, 1994 vide amendment dated 23.06.2023 & corrigendum dated 30.06.2023. Rule 7 now states that the conditions for appointment by direct recruitment in Civil Judge (Entry Level): Any person with the bachelor's degree in law will be eligible in either of the following cases: ● If he has continuously practiced as an advocate for not less than 3 years on the last fixed date for submission of application. That person is an outstanding law graduate and has passed all exams in the first attempt

			by securing at least 70% marks in aggregate (General/Other Backward Classes category) and 50% marks in aggregate (Scheduled Castes and Scheduled Tribes).
12.	Madras	No.	Yes- Three years minimum practice may be prescribed.
13.	Meghalaya	Yes. <ul style="list-style-type: none"> ● Since, there are relatively few cases which are registered in comparison to other States, most lawyers practising in the State, except for few practising at Shillong, Tura and Jowai, barely get adequate experience in terms of case exposure/Courtroom experience. ● Also, not all law graduates opt for practice but rather some go for further studies or get absorbed in the corporate law firms. And, it may not be fair for such individuals who at a later stage desires to apply for Civil Judge (JD) examinations, if such criteria is implemented. <p>Judicial Academies/Training academies have been set up for the purpose of developing and equipping the newly recruited Judicial Officers in all spheres</p>	No

		necessary to become a good Judge.	
14.	Orissa	No	<p>Yes- Re-introduce minimum three years of practice for a candidate to appear in the examination of Civil Judge.</p> <p>The candidates would be required to produce copies of the Judicial Officers showing effective appearance in the matters.</p> <p>Reason- Candidates before entering into judicial service have some practical knowledge about the day to day Court proceedings and conducting of cases by the advocates.</p>
15.	Patna	No	<p>Yes- the Hon'ble Selection & Appointment Committee is of the view that minimum two years practice for appearing in the examination of Civil Judge (Junior Division) may be introduced.</p> <p>No further reasons have been provided.</p>
16.	Punjab and Haryana	No	<p>Yes- Prerequisite of two years of practice at bar for appearing in the exam of Civil Judge (Junior Division) may be introduced along with</p>

			a mandatory training period of one year.
17.	Rajasthan	<p>Yes- Serious repercussions such as marginalised sections of the society & women might not get enough representation, economic survival of certain practising advocates may not allow them to prepare for Judicial Services exams and average age of Judges will also be increased.</p> <p>Tenure of initial training for newly recruited judicial officers at Judicial Academies may be increased and training programmes about Court Procedures and one year live Court trainings may be added in the training modules, which may be useful for them to perform effectively right from the beginning.</p>	No
18.	Telangana	No	<p>Yes</p> <p>No reasons or explanation given</p>
19.	Tripura	Yes- Post appointment training, which includes field training for one year, is mandatory for any person qualifying as Judicial Officer. Hence, a minimum of three years' experience as an advocate found to be not required.	No

20.	Uttarakhand	No	<p>Yes</p> <p>Reason- Fresh Law Graduates, with no exposure to the Court environment are not steeped into the culture, etiquette, temper and conduct of the Court proceedings. This leads to complaints of misbehaviour and ill treatment of advocates and litigants by such new Officers. Many of the freshly recruited officers enter the Court precincts only after appointment. Moreover, judging is a serious task and requires some maturity of thinking and experience of life. Three years of experience as an Advocate brings that maturity in thinking. Further, the experience should be counted only after the candidate passes the All India Bar Examination (AIBE), as it is only thereafter that the Advocate is entitled to function and practice as an Advocate.</p>
-----	-------------	----	---

Annexure 3: Sample time and motion study

STAGES	SESSION COURT (SESSION CASES) IN MINUTES	SESSION COURT FOR MURDER RELATED CASES (SESSION CASES) IN MINUTES	FAST TRACK COURT FOR RAPE RELATED CASES (SESSION CASES) IN MINUTES	DISTRICT COURT (CIVIL SUITS) IN MINUTES	LABOUR COURT (LABOUR/ INDUSTRIAL TRIBUNAL REFERENCE CASES) IN MINUTES	MOTOR ACCIDENTS CLAIMS TRIBUNAL (MOTOR ACCIDENTS CLAIMS CASES) IN MINUTES	RENT CONTROLLER COURT (RENT CONTROLLER/ ADDITIONAL RENT CONTROLLER CASES) IN MINUTES
MISC. APPEARANCE	13	15	12	-	-	-	-
MISC. CASES/ PURPOSE	15	17	12	7	2	5	5
FOR BAIL	25	11	-	-	-	-	-
MISC. ARGUMENTS	16	-	-	14	10	11	20
MISC. ORDER	84	-	18	15	4	9	19
FRAMING OF CHARGES/ISSUES	26	32	34	10	3	9	-
PROSECUTION/ PLAINTIFF EVIDENCE	44	42	13	12	10	11	24
STATEMENT OF ACCUSED	63	48	5	-	-	-	-
DEFENCE/ DEFENDANT EVIDENCE	112	23	16	20	16	13	33
FINAL ARGUMENTS	111	29	72	18	18	10	32
FINAL ORDER/ JUDGMENT	100	29	-	17	55	28	61

Annexure 4: Indicative Calculation of Judge Strength in Madhya Pradesh using Justice Sikri Model

High Court of Madhya Pradesh																							
Calculation of M.P. Judicial Service																							
Name of the Court	Backlog/Arrears in terms of Unit (As on 31.12.2022)	Backlog/Arrears in terms of Judicial Hours (As on 31.12.2022)	Cases to be disposed of in current year in terms of Unit	Cases to be disposed of in current year in terms of Judicial Hours	Institution n of 5 years (01.01.2018 to 31.12.2022) in terms of Unit	Institution n of 5 years (01.01.2018 to 31.12.2022) in terms of Judicial Hours	Average of 5 years Institution n in terms of Unit	Average of 5 years Institution n in terms of Judicial Hours	Fourth Step - Judicial Hours needed for clearance of arrears / backlog.	The judicial hours needed per year for clear the backlog / arrears (A+B)	Fifth Step - Judicial hours needed for disposal of cases within current year	Sixth Step - Judicial Hours needed for disposal of annual inflow of cases within the year without	Seventh Step - Total Judicial Hours needed in a court for adjudication of cases (B+C+D)	Eighth Step - Total Judicial Hours needed in a court for administrative work.	Ninth Step - Total Judicial Hours needed in a district for non-judicial legal work.	Tenth Step - Total Judicial Hours needed for each judge professionals (E+F+H)	Eleventh Step - Judicial hours needed for each court (E+F+H)	Twelfth Step - Judicial hours needed for each District (J-K)	Total demand s for Judicial Hours in each District (J-K)	Judge strength needed for each court - by dividing I/H50	Judge Strength needed for each district - by dividing K/H50	Judge Strength needed for each State	
									A	B	C	D	E	F	G	H	I	J	K	L			
ALIRAJPUR																							
Chief Judicial Magistrate Alirajpur	4389.00	3448.50	4827.60	3793.11	848.37	16067.86	169.67	3210.57	3448.50	689.70	3793.11	3210.57	3668.53	220.00	1620.00	86.00	3698.53	5807.37	16959.57	22.97	97.31	1059.63	
1st Civil Judge (JD) & JMFC Alirajpur	2476.00	1945.43	3789.20	2977.23	2057.31	16910.36	411.46	3362.07	1945.43	389.09	2977.23	3362.07	3687.03	220.00		86.00	3328.03			22.68			
Gram Nyayalaya Alirajpur	2065.00	1622.50	3711.00	762.93	127.57	4479.36	26.51	895.87	1622.50	324.50	762.93		762.93	220.00		86.00	12345.14			6.27			
2nd Civil Judge (JD) & JMFC Alirajpur	4347.00	2416.50	3892.40	7756.69	7545.34	9796.60	303.87	3893.32	2416.50	893.70	7756.69	3893.32	20302.19	220.00		86.00	28833.19			17.71			
Add. Civil Judge to 1st C.J.(JD) & JMFC Alirajpur	8078.00	6299.86	4667.40	3687.24	2339.34	15657.13	467.87	2731.43	6299.86	1299.97	3687.24	2731.43	32241.47	220.00		86.00	32941.47			19.72			
Add. Civil Judge to Civil Judge (JD) & JMFC Jabal	7748.00	6087.71	1547.80	9073.27	552.54	163.43	10.51	32.69	6087.71	1207.54	9073.27	326.66	10670.67	220.00		86.00	10970.67			6.62			
Gram Nyayalaya Jabal	5594.00	465.71	76.00	59.71	51.14	571.14	10.23	154.23	465.71	93.34	59.71	1542.26	2095.34	220.00		86.00	2395.34			1.45			
ANUPPUR																							
1st Civil Judge (SD) & CJM Anuppur	4581.00	3599.36	3898.00	3062.71	1390.86	8875.43	278.17	975.03	3599.36	719.87	3062.71	9750.06	21633.44	220.00	2600.00	86.00	29833.44	21586.77	22966.77	13.23	134.53		
2nd Civil Judge (SD) & JMFC Anuppur	6487.20	5097.69	3591.60	3088.11	1472.66	3669.78	294.63	617.63	5097.69	1019.43	3088.11	6786.23	10266.76	220.00		86.00	17666.76			6.42			
Gram Nyayalaya	2580.00	202.71	435.00	341.79	62.14	350.00	12.43	18.00	202.71	40.54	341.79	1100.00	1492.33	220.00		86.00	1782.33			1.08			
1st Civil Judge (JD) & JMFC Anuppur	5078.00	3936.43	5997.80	4772.56	1553.14	4772.56	110.63	942.51	3936.43	787.28	4772.56	9425.11	14324.96	220.00		86.00	15224.96			3.23			
2nd Civil Judge (JD) & JMFC Anuppur	6276.00	4931.14	4762.00	3741.57	3311.71	9861.29	662.34	1692.26	4931.14	986.23	3741.57	16922.57	24850.37	220.00		86.00	24950.37			15.12			
Civil Judge (SD) & JMFC Kotma, Anuppur	12348.00	9702.00	6470.00	5083.57	2113.14	19394.57	422.63	3678.51	9702.00	1940.40	5083.57	36789.14	45813.11	220.00		86.00	46813.11			27.95			
Gram Nyayalaya Kotma, Anuppur	1022.00	803.00	100.00	102.14	246.86	1676.71	45.37	335.34	803.00	160.60	102.14	3353.43	3616.17	220.00		86.00	3216.17			2.37			
JMFC and Civil Judge Senior Division, Kotma	6056.00	4789.71	1402.00	1101.57	346.00	9706.87	189.20	1941.37	4789.71	957.54	1101.57	18413.74	21473.26	220.00		86.00	20773.26			13.26			
1st Civil Judge (SD) & JMFC Raenandigram, Anuppur	10827.00	8848.71	17648.00	13866.29	6883.43	11136.71	1175.65	2227.34	8848.71	1763.74	13866.29	22273.43	37909.46	220.00		86.00	36505.46			23.20			
Civil Judge (SD) & JMFC Raenandigram, Anuppur	17634.00	14012.43	13990.00	10392.14	4787.14	10442.14	357.43	2038.43	14012.43	2802.49	10392.14	20384.29	34678.91	220.00		86.00	34978.91			21.20			
ASHOKNAGAR																							
1st Civil Judge Senior Division, Ashoknagar	6334.00	4976.71	3211.00	2522.93	1893.43	14579.79	378.68	2631.56	4976.71	995.34	2522.93	2839.57	31633.84	220.00	5200.00	86.00	37333.84	24957.80	26077.80	11.46	81.99		
2nd Civil Judge Senior Division, Ashoknagar	3546.00	2786.14	1492.00	1172.29	991.43	4295.43	186.29	651.09	2786.14	557.23	1172.29	8510.86	10240.37	220.00		86.00	15840.37			6.79			
3rd Civil Judge Senior Division, Ashoknagar	4110.00	3229.29	2494.00	1959.57	751.43	5795.43	150.29	1959.09	3229.29	645.86	1959.57	19590.86	14966.29	220.00		86.00	19596.29			8.39			
Additional Civil Judge Senior Division	3476.00	2731.14	580.00	495.71	212.86	1383.64	42.57	276.73	2731.14	546.23	495.71	2787.26	3759.23	220.00		86.00	4069.23			4.47			
1st Civil Judge Junior Division, Ashoknagar	1024.00	804.87	102.00	143.00	25.43	3089.79	43.09	636.16	804.87	160.97	102.00	5861.57	6485.49	220.00		86.00	6765.49			2.40			
2nd Civil Judge Junior Division, Ashoknagar	2832.00	2225.14	246.00	193.29	1082.57	3807.57	246.51	793.51	2225.14	445.03	193.29	7915.14	8253.46	220.00		86.00	8953.46			5.18			
3rd Civil Judge Junior Division, Ashoknagar	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	220.00		86.00	300.00			0.30			
4th Civil Judge Junior Division, Ashoknagar	3646.00	2864.71	216.00	171.29	602.29	2383.71	120.46	473.94	2864.71	572.94	171.29	4739.43	5483.66	220.00		86.00	5703.66			5.70			
5th Civil Judge Junior Division, Ashoknagar	4892.00	3780.86	2145.00	1695.36	991.71	6424.21	188.94	1286.94	3780.86	756.17	1695.36	12868.43	15309.96	220.00		86.00	16509.96			9.46			
Additional Civil Judge Senior Division	2972.00	2320.86	2630.00	2113.57	1006.29	5912.29	211.26	1162.66	2320.86	464.17	2113.57	11626.57	14964.31	220.00		86.00	14684.31			3.91			
Civil Judge Senior Division, Mangrathpur	4966.00	3801.86	2564.00	204.57	1504.14	8800.00	360.83	1750.00	3801.86	760.37	204.57	17500.00	20394.94	220.00		86.00	20694.94			12.54			
Additional Civil Judge Senior Division, Mangrathpur	3373.00	2850.21	392.00	388.00	975.57429	4546.7429	195.31	529.34	2850.21	570.04	392.00	3880.00	9293.43	10131.47	220.00		86.00	10143.47			6.32		

Annexure 5: Self- Appraisal Form for Judicial Officers from the ‘Report on Uniform ACR’

CRP, SCI

Form-A (SELF-APPRAISAL FORM)

CONFIDENTIAL REPORT OF JUDICIAL OFFICER

Report for the year/period ending on _____

PERSONAL DATA

(To be filled in by the concerned Officer)

1. Name of Officer :
2. Present Post and date of appointment thereto :
3. Date of appointment to present grade :
4. Leave Availed

OFFICER RELATED	NO. OF DAYS
Earned Leave	
Medical Leave	
Casual Leave	
Any other leave	

DUTY RELATED	NO. OF DAYS
Official duty	
Training	
Attending Seminar/Conference	
Attached for other work	

COURT WORK PARALYSED DUE TO	NO. OF DAYS
Strike	

Page 68 of 114

<i>Bandh</i>	
Full suspension of Court work on death etc.	

WORKING DAYS	NO. OF DAYS
Total Working Days during the year	

5. Period of work done during the year under report:

- i. On judicial side : days
- ii. On administrative side : days
- iii. On deputation, if any : days
- iv. Period of attachment (if any) :days

6. Brief description of the duties :
performed by the Officer including
any other special work done during
the year with special achievements,
if any.

7. Brief description of assistance and guidance received/ rendered by the Officer
from/ to his/her seniors.

8. Disposal:

- (a) Total Units earned:
- (b) Average unit per day:

9. Reason(s) for low disposal

- a. Special kind of cases assigned to the judge.
- b. Special administrative work given to the judge
- c. The judge is transferred from a post where judicial work was not part of his/her official duties
- d. Insufficient number of cases pending in his/her court, large number of old and complicated cases
- e. Any other sufficient reason beyond his/her control.

10. Endeavours made by the judge to overcome the above mentioned hurdle(s) or any other challenge faced:

OTHER DATA

1. Mention instances, if any, where you have not delivered judgment within the prescribed period of concluding arguments with reasons for such delay.

2. (a) How many dates/adjournments have been granted after the conclusion of the argument?
 (b) Reasons

3. (a) Have you ever delayed submission of a statement of disposal to your District Judge ?
 (b) If yes, the reasons thereof and how do you intend to improve the lapse(s) ?

4. (a) How many times you visited/inspected the Section of which you are Incharge ?
 (b) What shortcomings did you notice and how did you rectify them ?

5. What is your own assessment regarding your performance from the point of view of quality, quantity and punctuality ?

6. Brief of the work turn-out by the Officer:

Annexure A (to be filled by the officer and to be duly attached)

- (a) Details of Judgments submitted in pursuance of the requirement/directions

CASE NUMBER	NATURE OF CASE	SUBJECT MATTER OF CASE IN BRIEF	OUTCOME OF THE CASE
1.			
2.			
3.			
4.			
5.			

Note: Attach the copies of 5 judgments submitted. Three judgments to be given by the officer and Two contested judgments to be randomly chosen by the Reporting Authority.

(b) Administrative Work/Jail Visits/ Legal Aid Camps (if any):

(c) (i) How many bail applications were instituted/ received within the reporting period.

(ii) How many bail applications could not be disposed of within one week from the date of institution/receiving?

CHART FOR CUSTODY MATTERS (BAIL APPLICATIONS)

1.	No. of Applications disposed	
2.	Pendency	
4. Disposal (<i>as applicable</i>)	Magisterial Trial	
	Session Trial	

(d) (i) Total number of accused who were in custody and faced trial during the period under reporting.

Opening Balance	New Institution	Disposal	Closing Balance

(ii) In how many cases, trial could not be concluded within six months in case of Magisterial trial and within two years in case of Sessions trials where the accused were in custody. (give reasons)

(e) (i) No. of cases pending for more than 5 years at the beginning of the year and the efforts made for disposal of cases pending for 5 years or more, during the year under assessment.

Up to 5 years		5 - 10 years		More than 10 years	
Pendency	Disposal	Pendency	Disposal	Pendency	Disposal

(ii) Efforts made for disposal of cases pending for 5 years or more, during the year under assessment.

(f) No. of under trials released as a supplement to Section 436 A of Cr.P.C

No. of under trials released under Section 436A CrPC	Bail granted on direction to furnish surety bonds, but bonds not furnished	Under trials released on personal bonds

Remarks/Explanation of the Officer, if any, in relation to disposal of cases:

In case the Officer has been tied up with any particular case(s) which has consumed a lot of time he can give details of the same and that shall be taken into consideration while making assessment in regard to disposal of cases while recording the overall assessment in the Annual Confidential Reports.

Date :

Place:

Signature -

(Name in full of the Officer submitting the ACR)-

Designation -

N.B.—Attach separate sheet(s) of paper, if required.

**Annexure 6: Self- Appraisal Form for Judicial Officers on Deputation at District
Legal Services Authority from the 'Report on Uniform ACR'**

CRP, SCI

Form-B

**SELF-APPRAISAL REPORT FOR THE PERIOD FROM _____ TO _____ IN
RESPECT OF _____
SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY, _____.**

(To be filled in by the concerned officer)

1.	Name of Officer:							
2.	Present post held and date of taking charge							
3.	Number of working days							
4.	Period of absence from duty (On leave, training, etc. during the year. If yes, please Specify).	<table border="1"> <tr><td>EL-</td></tr> <tr><td>CL-</td></tr> <tr><td>Medical Leave -</td></tr> <tr><td>Training Leave -</td></tr> <tr><td>Any Other -</td></tr> <tr><td>Total-</td></tr> </table>	EL-	CL-	Medical Leave -	Training Leave -	Any Other -	Total-
EL-								
CL-								
Medical Leave -								
Training Leave -								
Any Other -								
Total-								
5.	Whether various schemes provided under the Plan of Action of NALSA/SLSA are being implemented in its true spirit. Give your brief comments.							
6.	Are you updating your legal knowledge, particularly with regard to legal services to be made available to downtrodden and other entitled categories?							
7.	What steps have been taken for due publicity of various Schemes of SLSA & NALSA?							
8.	Whether quarterly/ monthly / Annual Meetings of DLSA are being held?							
9.	How many times have you visited SDLSCs/TLSCs Shelter Homes/ Legal Literacy Clubs in your district?							
10.	What short-comings did you notice and how did you rectify them?							

11.	<p align="center">Court Based Legal Aid :</p> <p align="center">Number of persons provided Legal Aid</p>								
	SC	ST	OBC	Women	Children	Custody	General	Any other Category	Total
a.	Whether the applications received for seeking legal aid are scrutinised by the Committee within prescribed time?								
b.	Whether the Scrutinising Committee is having meetings regularly, if not, give reason? Whether proceedings of the meetings are recorded?								
c.	Whether Meetings of Monitoring Committees are being held regularly? Whether proceedings of the meetings are recorded?								
d.	What steps are taken for effective monitoring of Court based legal aid cases by the Monitoring Committee?								
e.	Whether regular Meetings are held with the empanelled Advocates/PLVs?								
f.	Whether bills presented by the Panel Advocates/PLVs are cleared within time? If not, reasons thereof?								

12. Visit to different Homes/Institution					
	Institution	Visits	Advocates Appointed	Appeal sent to HC & SCLSC	Legal Aid provided
a.	Jails				
b.	Observation Homes				
c.	Place of Safety				
d.	Shelter Homes				
e.	Legal Care & Support Centres				
f.	Children Homes				
g.	Underprivileged/Protect				

	ion Homes				
--	-----------	--	--	--	--

13.	Lok Adalats		
	Category	No. of Lok Adalats Organized	No. of cases settled
a	Schedule/Special Lok Adalats		
b	National Lok Adalat		
c	Daily Lok Adalats		
d	Any Other category		

14.	Legal Literacy/ Awareness Camps (Category-wise)		
	Category	No. of Camps	Beneficiaries
a.			
b.			

15.	Legal Literacy Classes for women; and for students organised in Legal Literacy Clubs		
	Areas	No. of classes	Beneficiaries
a	Colleges /Schools		
b	Women in rural areas		
c	Women in urban areas		
d	Any other category		

16.	Legal Literacy Clubs in Schools and Colleges			
No. of Legal Literacy Clubs established				
Govt. College	Govt. Aided Colleges	Govt. Sr. Sec. Schools	Private Schools/ Colleges	Any other educational Institution

17.	Achievements of Legal Literacy Clubs in your district (in brief) ?

18.	Para Legal Volunteer Schemes				
	Para Legal Volunteers (Up to _____)				
	No. of PLVs identified	No. of PLVs given six sessions training	No. of PLVs issued identity cards	No. of diaries issued to PLVs	Total PLVs on the Board of DLSA Total PLVs on the board of SDI.SCs
19.	Any specific achievement of PLVs?				

20.	Legal Care & Support Centers / Legal Aid Clinics		
	Areas	No. of Clinics established	Beneficiaries
a	In Court Complexes		
b	Villages/Rural/Slums/Labour Colonies		
c	Protection Office		
d	Urban		
e	PHCs/Schools		
f	Law Colleges/Universities		
g	Any other Areas		
21.	What kinds of services are being provided in Legal Care & Support Centers previously known as Legal Aid Clinics? Specific Achievement, if any?		

22.	Victim Compensation Scheme				
No. of applications received	No. of cases decided	Amount compensation awarded	of	Amount compensation disbursed	Remarks, if any

23.	Front Office			
No. of Front Offices	No. of applications received	No. of applications disposed off	No. of persons provided legal aid	Total

24.	Right to Information			
No. of applications received	No. of applications disposed off within 30 days	No. of persons disposed after 30 days	Amount received	No. of appeal disposed off

25.	Whether the training programme for Juvenile/child welfare officers attached to each Police Station has been conducted as directed by the Hon'ble Supreme Court of India? If yes, give brief details	
26.	Whether Social Audit on the Legal Services Activities has been conducted? If yes, give your brief comments along with suggestions, if any.	
27.	Whether documentary films are being projected/ shown during the Legal Literacy Camps; and other publicity materials being distributed?	

28.	Utilisation of District Legal Aid Funds provided under:	
	a) NALSA Fund (amount allotted and utilised)	

	b) State Fund (amount allotted and utilised)	
	b) Cost and Interest	
	c) State Victim Compensation Scheme	
	d) Mediation and Conciliation Scheme	

29.	What steps have been taken for maintenance and upkeep of the infrastructure, including computers /other gadgets, furniture, vehicles etc. of DI.SA/ ADR Centre?	
30	Participation in any events/other activities performed by you. Please specify in brief.	
31	What is your satisfaction level in performing the job?	
32	What is your own assessment regarding your performance from the point of view of quality, quantity and effectiveness?	
33	What improvements in your view are required for making legal services better and more accessible to the people?	

34. Legal Aid Defence Counsel System (LADCS)		
Total No. of cases	Total No at the beginning of the year (01st Jan)	
	Received during the year	
	Pending at the end of the year. (31st Dec)	
No. of Session trials	Total No at the beginning of the year (01st Jan)	
	Received during the year	
	Pending at the end of the year. (31st Dec)	
No. of Magisterial trials	Total No at the beginning of the year (01st Jan)	
	Received during the year	
	Pending at the end of the year. (31st Dec)	
No. of bail petitions	Total No at the beginning of the year (01st Jan)	

CRP, SCI

	Received during the year	
	Pending at the end of the year. (31st Dec)	
Custody Matters	Total No at the beginning of the year (01st Jan)	
	Received during the year	
	Pending at the end of the year. (31st Dec)	

SIGNATURE

OF SECRETARY, DLSA

**Annexure 7: Self- Appraisal Form for Judicial Officers on Deputation at the
State Judicial Academy from the 'Report on Uniform ACR'**

CRP, SCI

FORM C
**FORMAT FOR SUBMISSION OF REPORT IN RESPECT OF TRAINEE JUDICIAL
OFFICER(S) BY THE DIRECTOR, _____ JUDICIAL ACADEMY**

Year of report: _____

01. Name of the trainee Judicial Officer :

02. Date of joining in the Service :

03. Leave Availed

OFFICER RELATED	NO. OF DAYS
Earned Leave	
Medical Leave	
Casual Leave	
Any other leave	
Total	

:

DUTY RELATED	NO. OF DAYS
Official duty	
Training	
Attending Seminar/Conference	
Attached for other work	

WORKING DAYS	NO. OF DAYS
Total Working Days during the year	

04. Present Grade :

Page 81 of 114

05. Period of training during the year under report: From _____ to _____
06. Days of Training
- (i) Institutional Training : _____ days
- (ii) Field/ Practical Training : _____ days
07. Brief account of the training(s) :
undertaken by the trainee Judicial Officer
during the year under report
08. Punctuality and regularity in attending training :
and participation during such training
09. Relationship with fellow Officers :
10. Assessment of the trainee Judicial Officer on :
promptness in understanding the topics
of training(s)
11. Assessment of the trainee officer on :
judgment writing skill
12. Special proficiency of the trainee Judicial :
Officer noticed during the training period
13. Assessment on personality, character and :
temperament
14. Overall performance of the trainee Judicial :
Officer during the training:
15. Assessment by the concerned Principal District Judge :

Group- A (General)		Marks allotted	Marks awarded	Remarks, if any
a)	Punctuality in attending and leaving Court	5		
b)	Relationship with the Bar	5		

c)	Capacity to motivate, to obtain willing support by own conduct and inspire confidence in the subordinate staff	5		
d)	Keenness in acquiring knowledge of rules, regulations and procedure etc.	5		
e)	Ability to handle intricate cases independently as also the specific items of work authorised under delegated power	5		
f)	Integrity of the officer	5		
g)	Fairness and impartiality in dealing with reporting officers & Any outstanding work done by the officer meriting commendation	5		
h)	Maintenance of order and discipline and capacity to aid, help, advice, handle the subordinates and colleagues with a sense of duty and discipline	5		
i)	Willingness to take additional responsibilities and new areas of work & Special Achievement in the field of Legal Aid / Mediation / Conciliation etc.	5		
TOTAL		45		
Group- B (Judgment)		Marks allotted	Marks awarded	Remarks, if any

a)	Regularity/Promptness in delivering judgments	5		
b)	Brevity	5		
c)	Reasoning	Factual Aspect	10	
		Legal Aspect	10	
d)	Knowledge of law and procedure	10		
e)	Soundness, Reasoning and expression in good language in opinion on facts and law	10		
f)	Ability to do work independently, capacity for ensuring prompt disposal of work and submissions of report and cases in proper order and time	5		
TOTAL		55		
GRAND TOTAL		100		

Signature of the Reporting Officer: _____

(Director, _____ Judicial Academy)

**Annexure 8: Self- Appraisal Form for Judicial Officers on Deputation from the
'Report on Uniform ACR'**

CRP, SCI

FORM D

**JUDICIAL OFFICERS ON DEPUTATION
(OFFICERS WORKING IN REGISTRY, STATE LEGAL SERVICES
AUTHORITY OR JUDICIAL ACADEMY OR ANY OTHER DEPARTMENT)
TO BE FILED IN BY THE OFFICER REPORTED UPON**

1. Name of Officer:
2. Date of appointment to present grade:
3. Present post and date of taking charge:
4. Leave Availled:

OFFICER RELATED	NO. OF DAYS
Earned Leave	
Medical Leave	
Casual Leave	
Any other leave	

Total =

DUTY RELATED	NO. OF DAYS
Official duty	
Training	
Attending Seminar/Conference	
Attached for other work	

Total =

WORKING DAYS	NO. OF DAYS
Total Working Days during the year	
Actual Work Done by the Officer during the year	

Page 85 of 114

6. Brief description of the duties :

7. Whether any work of specialised nature performed other than the normal duties assigned to the Officer during the period under the report? If yes, give a brief description of the same.

8. Please state briefly your achievements/performance.

9. Sections/work looked after during the year(with period) and the names of the Officers who have supervised your work during the year, if any

JUDICIAL ACADEMY-

1.	Academic qualifications	
2.	No. of lectures delivered	
3.	Subjects taught during the period	
4.	Nature of resource material used to impart training to Judicial Training Officers	
5.	Publications/ Articles	
6.	Participation in any other activity/event performed. Please specify in brief.	
7.	Any special project undertaken/ completed	

STATE LEGAL SERVICES AUTHORITY

1.	Steps taken for publicity of schemes of SLISA	
2.	No. of legal aid clinics opened in Law schools and their performance	
3.	Utilisation of NALSA fund	
4.	Organisational skill	
5.	Knowledge of schemes	
6.	No. of State level/Regional level and workshops/ functions organised or attended.	
7.	No. of visits to DLSAs	
8.	VCS applications (appeals received and disposed)	

Signature

Name in Block letters

**Annexure 9: Appraisal Form to be filled by the Reporting Authority from the
'Report on Uniform ACR'**

CRP, SCI

TO BE FILED IN BY THE REPORTING AUTHORITY

A. NATURE AND QUALITY OF WORK

1. Please comment on the Self-assessment filled in by the officer reported upon and specifically state whether you agree with the answers relating to the targets and objectives, achievements and shortfalls.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

2. Knowledge of sphere of work, Rules & regulations and Office procedure.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

B. ATTRIBUTES

1. LEADERSHIP QUALITIES

Please comment on the capacity of the officer to set targets and objectives, understand the environment, anticipate change and contribute new ideas and new methods of work towards achieving the targets and objectives.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

Page 88 of 114

--	--	--

2.MANAGEMENT QUALITIES

Please comment on the Officer's willingness to accept responsibility, organising capacity, ability to provide timely and proper guidance and regard for training and development of subordinates.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

3.INITIATIVE AND PLANNING ABILITY-

Please comment on the capacity and resourcefulness of the Officer to anticipate problems and to plan in advance the actions to meet such situations. Also comment on the capacity and resourcefulness of the Officer in handling unforeseen situations on his/her own willingness to take additional and new areas of work.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

4.DECISION-MAKING ABILITY

Please comment on the officer's ability to take decisions and to weigh pros and cons of alternatives.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

5.COMMUNICATION SKILLS (WRITTEN and ORAL)

Please comment on the ability of the Officer to communicate and present arguments.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

6. APPRAISING ABILITY

Please comment on the Officer's skill and capacity in evaluating and recording performance of subordinates in an impartial and objective manner.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

7. INTERPERSONAL RELATIONS AND TEAM WORK

Please comment on the Officer's quality of relationship with superiors, colleagues and subordinates to work as a member of the team and to promote team spirit and optimise the output of the team.

GENERAL COMMENTS	ADVISORY (if any)	ADVERSE (if any)

8. RELATIONS WITH THE PUBLIC

Please comment on the Officer's accessibility to the public and responsiveness to their needs

9. Whether the Officer has been reprimanded for indifferent attitude/work or for any other cause during the period under review?

10.State of Health**11.General Assessment****12. Integrity**

13. Whether the officer had been responsible for any outstanding work during the period under review meeting special commendation, if any?

14. Assessment of Judgments:

Case Number	Nature of Case	Subject Matter of case in Brief
1.		
2.		
3.		
4.		
5.		

N.B.— 1. The Reporting Authority shall examine at least 5(five) judgments delivered by the Officer during the relevant period. The three Judgments out of five are to be given by the officer and 2 contested judgments to be randomly chosen by the Reporting authority and the reporting authority shall assess the Officer.

TO BE FILLED UP BY THE REPORTING AUTHORITY

Group- A (General)		Marks allotted	Marks awarded	Remarks, if any
a)	Punctuality in attending and leaving Court	5		
b)	Control over Court proceedings	5		
c)	Relationship with the Bar	5		
d)	Capacity to motivate, to obtain willing support by own conduct and inspire confidence in the subordinate staff	5		
e)	Keenness in acquiring knowledge of rules, regulations and procedure etc.	5		
f)	Ability to handle intricate cases independently as also the specific items of work authorised under delegated power	5		
g)	Integrity of the officer	5		
h)	Fairness and impartiality in dealing with reporting officers & Any outstanding work done by the officer meriting commendation	5		
i)	Maintenance of order and discipline and capacity to aid, help, advice, handle the subordinates and colleagues with a sense of duty and discipline	5		

j)	Willingness to take additional responsibilities and new areas of work & Special Achievement in the field of Legal Aid / Mediation / Conciliation etc.		5		
TOTAL			50		
Group- B (Judgment)			Marks allotted	Marks awarded	Remarks, if any
a)	Regularity/Promptness in delivering judgments		5		
b)	Brevity		5		
c)	Reasoning	Factual Aspect	10		
		Legal Aspect	10		
d)	Knowledge of law and procedure		10		
e)	Soundness, Reasoning and expression in good language in opinion on facts and law		10		
TOTAL			50		
Group- C (Disposal)			Marks allotted	Marks awarded	Remarks, if any
a)	Quantity of disposal of cases during a year, adequacy of disposal and ability/capacity for ensuring prompt disposal of work and submission of reports and cases in proper order and time (Marks should be proportionate to quantity of disposal vis-a-vis the pendency in the court)		50		

TOTAL	50		
GRAND TOTAL	150		

Note: Distribution of marks to be allotted by the respected Authorities.

Calculation of grading

125 or above	A+(Outstanding)
100-125	A (Very Good)
75-100	B+ (Good)
50-75	B (Average)
Below 50	C (Poor)

(Outstanding/ Very Good/ Good/ Average/ Poor)

(Grounds for giving such a **grading** should be clearly brought out. If an officer is graded **Outstanding**, special reasons needs to be mentioned)

Grading awarded to be subjectively written in your own words.

Integrity (tick mark whichever is applicable)

- a) Beyond doubt
- b) Nothing adverse
- c) Doubtful
- d) Known case of lack of integrity

(mention in brief)

General Assessment: (Please give an overall assessment of the Officer with reference to any striking qualities not covered by the above entries, sense of responsibility in discharging duties etc.)

CRP, SCI

Date :
Signature
Place:
Name in block letters
Post held

(Reporting Authority)

**Annexure 10: Appraisal Form to be filled by the Reviewing Authority from the
'Report on Uniform ACR'**

CRP, SCI

TO BE FILLED UP BY THE REVIEWING AUTHORITY				
Group- A (General)		Marks allotted	Marks awarded	Remarks, if any
a)	Punctuality in attending and leaving Court	5		
b)	Control over Court proceedings	5		
c)	Relationship with the Bar	5		
d)	Capacity to motivate, to obtain willing support by own conduct and inspire confidence in the subordinate staff	5		
e)	Keeness in acquiring knowledge of rules, regulations and procedure etc.	5		
f)	Ability to handle intricate cases independently as also the specific items of work authorised under delegated power	5		
g)	Integrity of the officer	5		
h)	Fairness and impartiality in dealing with reporting officers & Any outstanding work done by the officer meriting commendation	5		

Page 96 of 114

i)	Maintenance of order and discipline and capacity to aid, help, advice, handle the subordinates and colleagues with a sense of duty and discipline	5		
j)	Willingness to take additional responsibilities and new areas of work & Special Achievement in the field of Legal Aid / Mediation / Conciliation etc.	5		
TOTAL		50		
Group- B (Judgment)		Marks allotted	Marks awarded	Remarks, if any
a)	Regularity/Promptness in delivering judgments	5		
b)	Brevity	5		
c)	Reasoning	Factual Aspect	10	
		Legal Aspect	10	
d)	Knowledge of law and procedure	10		
e)	Soundness, Reasoning and expression in good language in opinion on facts and law	10		
TOTAL		50		
Group- C (Disposal)		Marks allotted	Marks awarded	Remarks, if any
b)	Quantity of disposal of cases during a year, adequacy of disposal and ability/capacity	50		

for ensuring prompt disposal of work and submission of reports and cases in proper order and time (Marks should be proportionate to quantity of disposal vis-a-vis the pendency in the court)			
TOTAL	50		
GRAND TOTAL	150		

Note:

- (a) Distribution of marks to be allotted by the respected Reviewing Authority
 (b) Criteria for grading on marks allotted

Calculation of grading

125 or above	A+(Outstanding)
100-125	A (Very Good)
75-100	B+ (Good)
50-75	B (Average)
Below 50	C (Poor)

(Outstanding/ Very Good/ Good/ Average/ Poor)

(Grounds for giving such a **grading** should be clearly brought out. If an officer is graded **Outstanding**, special reasons needs to be mentioned)

Grading awarded to be subjectively written in your own words.

Integrity (tick mark whichever is applicable)

- (a) Beyond doubt
 (b) Nothing adverse
 (c) Doubtful
 (d) Known case of lack of integrity (mention in brief)

General Assessment: (Please give an overall assessment of the Officer with reference to any striking qualities not covered by the above entries, sense of responsibility in discharging duties etc.)

1. Are you satisfied that the Reporting Authority has made his/her report with due care and attention and after taking into account all the relevant materials?

2. Whether you agree with the assessment of the Officer as given by the Reporting Authority? (Reasons must be specified in case of disagreement)

3. Remarks with specific comments about the **general assessment and grading** given by the Reporting Authority.

4. Assessment of Judgments:

Case Number	Nature of Case	Subject Matter of case in Brief
1.		
2.		
3.		
4.		
5.		

N.B. – 1. The Reviewing Authority shall examine at least 5(five) judgments delivered by the Officer during the relevant period. The three Judgments out of five are to be given by the officer and 2 contested judgments to be randomly chosen by the Reporting authority and the reporting authority shall assess the Officer.

Date :

Signature

Place:

Name in block letters
(Reviewing Authority)

**Annexure 11: Appraisal Form to be filled by the Accepting Authority from the
'Report on Uniform ACR'**

CRP, SCI

TO BE FILLED UP BY THE ACCEPTING AUTHORITY

(a) Whether the Accepting Authority agrees with the **assessment and grading** of the Officer made by the Reporting Authority and Reviewing Authority?

(b) If disagrees, the **reason, assessment and grading** of the Accepting Authority.

(c) Other observations or directions, if any:

N.B.— In case the officer is assessed as **Not yet fit** or **Unfit**, specific reasons have to be assigned. **Doubtful/Suspicious** or **Known case of lack of integrity** or **Bad reputation** may be the **reason(s)** for grading the Officer as **Not yet fit** or **Unfit** for promotion. Whether the Officer got any special characteristic and/or any outstanding ability which would justify his/her special selection for appointment/promotion out of turn. If yes, please mention the characteristic briefly.

Date :

Place:

Signature

(Name in Block)
(Accepting Authority)

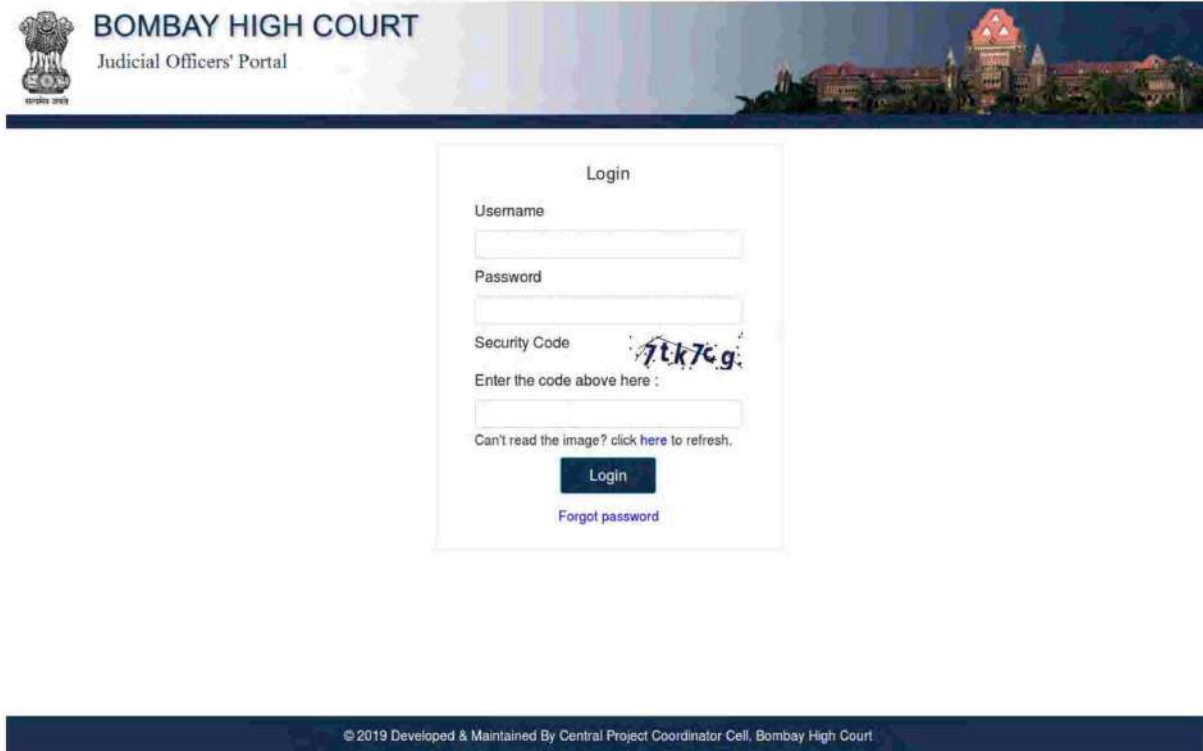
Annexure 12: Transfer framework governing District Judiciary

High Court	Transfer Framework
1. Allahabad High Court	Circular Letter 12 dated September, 2022
2. Andhra Pradesh High Court	Written transfer policy
3. Bombay High Court	Written transfer policy
4. Calcutta High Court	Written transfer policy
5. Chhattisgarh High Court	Written transfer policy
6. Delhi High Court	Written transfer policy
7. Gauhati High Court	Written Policy for Kohima and Nagaland No Written Policy for Itanagar and Aizawl
8. Gujarat High Court	Written transfer policy
9. Himachal Pradesh High Court	Written transfer policy
10. Jharkhand High Court	Written transfer policy
11. Karnataka High Court	Full Court resolution dated 08.10.2010 and resolution of Hon'ble Administrative Committee – I dated 19.04.2010 & 21.04.2010

12. Kerala High Court	Written transfer policy
13. Madhya Pradesh High Court	Written transfer policy
14. Madras High Court	Written transfer policy
15. Meghalaya High Court	Full Court Resolution dated August 8, 2022
16. Orissa High Court	Minutes of meeting of the Committee constituted to formulate transfer policy held on 14 January, 2015
17. Patna High Court	Report of Committee regarding Annual General Transfer of Judicial Officers
18. Punjab and Haryana High Court	Written transfer policy
19. Rajasthan High Court	Written transfer policy
20. Telangana High Court	Written transfer policy
21. Tripura High Court	Written transfer policy
22. Uttarakhand High Court	Written transfer policy

Annexure 13: Judicial Officers Transfer Portal (Bombay High Court)

1. Login to your JO account using Username (Username will be the last four digits of the JO Code eg if the JO Code is MH01234, Username will be 1234) and default Password is "test".



The screenshot shows the login interface of the Bombay High Court Judicial Officers' Portal. At the top, there is a header with the court's emblem and name. The main content area contains a login form with fields for Username, Password, and Security Code. A CAPTCHA image is displayed next to the Security Code field. Below the form, there is a 'Login' button and a 'Forgot password' link. The footer contains copyright information.

BOMBAY HIGH COURT
Judicial Officers' Portal

Login

Username

Password

Security Code
7tk7cg
Enter the code above here :

Can't read the image? click [here](#) to refresh.

Login

[Forgot password](#)

© 2019 Developed & Maintained By Central Project Coordinator Cell, Bombay High Court

2. If you are logged in for the first time, you need to reset your current password.

Note: New password length should be 8 to 16 characters. Password should contain at least one capital letter, at least one special character ^,%,*,@,#,?,+,! and at least one digit.

Change Password

OLD PASSWORD

Password length should be 8 to 16 characters. Password should contains at least one capital letter, at least one special character ^,%*,@, #,?,+,! and at least one digit.


NEW PASSWORD

CONFIRM PASSWORD

Reset

Submit

3. After successful password reset, you need to login again with the new password.
4. After logged in, you will see below welcome screen.


BOMBAY HIGH COURT
 Judicial Officers' Portal

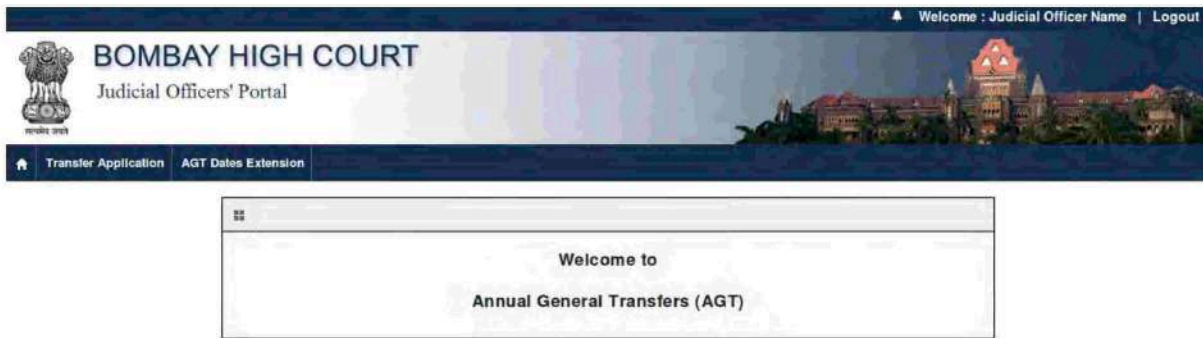
Welcome : Judicial Officer Name | Logout

AGT Profile Change Password

Welcome to

Judicial Officers' Portal : Bombay High Court

5. Click On “AGT” Menu. You will see below welcome screen.



6. Click On “Transfer Application” Menu to submit Annual General Transfer (AGT) form.

Image for “Not due for Transfer”-

The screenshot shows the 'Transfer Application' form. The form has a tabbed interface with 'Transfer Application', 'File Upload', and 'Save' tabs. The main content area displays a message: 'You are not due for transfer. Do you want to apply for transfer ? Yes No'. Below the message is a 'Save Details' button.

Image for due for Transfer

The screenshot shows the 'Transfer Application' form. The form has a tabbed interface with 'Transfer Application', 'File Upload', and 'Save' tabs. The main content area displays a message: 'Do you want to apply for Retention ? Yes No'. Below the message is a table with the following details:

Designation:-	Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate		
Present Posting:-	Current District	Posting Date:-	26/05/2016
Home Town:-	Home Town	Places of Practice:-	Practice Place

7. There are three tabs in this page.

a. Transfer Application

b. File Upload

c. Save

In the Transfer Application tab, there are two options given -

a. If you want to apply for transfer, click on Yes and click on “Save Details” button.

8. If you click on Yes, transfer application form for AGT will get displayed. Select places for transfer and Grounds (if any).

Note: The judicial officers who are due for transfer shall give at least 10 preferences

(two from each zone)

9. You can save your transfer application form as a draft and submit it after filing all 10 preferences (for due for transfer).

The screenshot shows a web form titled "Grounds". It contains five checkboxes with corresponding text:

- ☐ Son/Daughter is studying in 9th Std.in current academic year
- ☐ Son/Daughter is studying in 11th Std.in current academic year
- ☐ The spouse is in Judicial Service.
- ☐ The ensuing posting is his/her last posting
- ☐ Any Other Ground

Below the checkboxes is a note: "Note :- The Judicial Officers who are due for transfer shall give atleast 10 preferences (two from each zone)". At the bottom of the form are two buttons: "Save Draft" (blue) and "Submit" (green).

© 2019 Developed & Maintained By Central Project Coordinator Cell, Bombay High Court

10. After submitting Transfer Application form with all preferences filled, you will be redirected to File Upload tab.

In this tab upload necessary documents in PDF if you have selected any of the grounds for retention/transfer and click on “Save” button otherwise click on “Next” button.

Note: PDF document should be smaller than 2MB. Document name should be alphanumeric only.

Image if grounds selected -

The screenshot shows the "File Upload" tab of the "Transfer Application" form. The form has three tabs: "Transfer Application", "File Upload", and "Save". The "File Upload" tab is active. It contains the following fields:

- Designation:- Judge Designation
- Present Posting:- Present District
- Home Town:- Home Town
- Posting Date:- 05/09/2012
- Places of Practice:- Practice Place

Below these fields is a section for "Any Other Ground" with a "Browse..." button and a "No file selected." message. At the bottom is a "Save" button.

Image if grounds not selected -

Transfer Application			
Transfer Application		File Upload	Save
Designation:-	Judge Designation		
Present Posting:-	Present District	Posting Date:-	05/09/2012
Home Town:-	Home Town	Places of Practice:-	Practice Place
<input type="button" value="Next"/>			

11. If you want to modify transfer preferences and grounds, you can update it from Transfer Application tab. After successful updation, upload necessary documents (if any). Click on “Save” button to save details.
12. You will get redirected to “Save” tab.
13. In this tab, you will see all places and grounds selected as shown in below image.

Transfer Application			
Transfer Application		File Upload	Save
Designation:-	Judge Designation		
Present Posting:-	Present Posting	Posting Date:-	05/09/2012
Home Town:-	Home Town	Places of Practice:-	Practice Place
Sr. No.	Preferences	Grounds	Related file if uploaded
1	Ahmednagar	1. The ensuing posting is his/her last posting	D120testDoc.pdf
2	Dhule		
3	Beed		
4	Jalna		
5	Kolhapur		
6	Pune		
7	Buldhana		
8	Amravati		
9	Bhandara		
10	Wardha		
Once You Click On "Final Submit", You Can Not Change The Details			
		<input type="button" value="Previous"/> <input type="button" value="Final Submit"/>	

14. To submit transfer application form, you need to click on “Final Submit” button. This button is available only if all the preferences are filled (for due for transfer).

Transfer Application			
Transfer Application		File Upload	Save
Designation:-	Judge Designation		
Present Posting:-	Present District	Posting Date:-	05/09/2012
Home Town:-	Home Town	Places of Practice:-	Practice Place
Sr. No.	Preferences	Grounds	Related file if uploaded
1	Ahmednagar		
Please Select All Preferences			
Previous			

15. One prompt box will open if you click on “Final Submit” button asking for confirmation to save transfer application form. Click on Ok to final submit.

Note: If you fail to click on “Final Submit”, your form will be considered as incomplete.

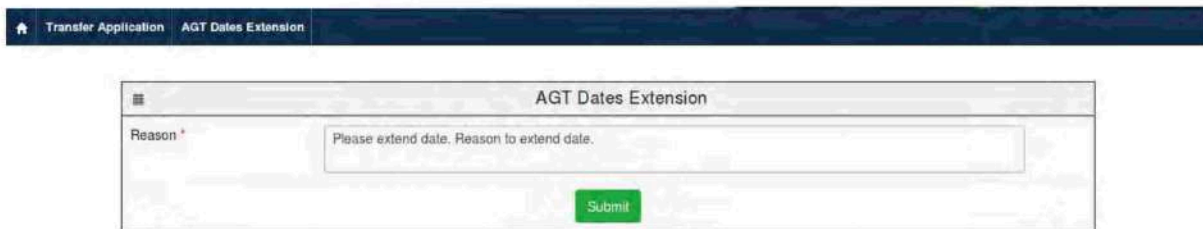
The screenshot shows a web application interface with a list of districts on the left and a confirmation dialog box in the center. The districts listed are: 1. Ahmednagar, 2. Dhule, 3. Beed, 4. Jalna, 5. Kolhapur, 6. Pune, 7. Buldhana, 8. Amravati, 9. Bhandara, and 10. Wardha. The dialog box asks "Are You Sure You Want To Save The Details ?" and has "Cancel" and "OK" buttons. Below the dialog box, there is a message: "Once You Click On 'Final Submit', You Can Not Change The Details". At the bottom, there are "Previous" and "Final Submit" buttons.

16. After “Final Submit”, you will see below screen.

The screenshot shows a web application interface with a form titled "Transfer Application". The form has three tabs: "Transfer Application", "File Upload", and "Save". The "Save" tab is active, and it displays the message "Record Is Saved successfully".

17. If you fail to submit transfer application form within the stipulated time, you may send a request for date extension. To send extension request click on “Date Extension” Menu. Enter reason for date extension and submit.

Note: This menu is not available in AGT process.



The screenshot shows a web application interface. At the top, there is a dark blue navigation bar with two tabs: 'Transfer Application' and 'AGT Dates Extension'. Below this, the main content area is titled 'AGT Dates Extension'. It contains a form with a label 'Reason *' and a text input field with the placeholder text 'Please extend date. Reason to extend date.'. A green 'Submit' button is located at the bottom right of the form.

18. You will receive notification once your request gets granted. And you can fill transfer application form in the new assigned duration.

To view notifications click on Bell icon which is placed on top right corner.

Notification page -

Annexure 14: Profiles and Essential Requirements for the IT Manpower

Supervisory staff	
<ul style="list-style-type: none"> • Chief Information/Technology Officer 	
<ul style="list-style-type: none"> • Compliance Officer 	
<ul style="list-style-type: none"> • Implementation Officer 	
Technology Staff	
<i>1. Frontend Web Design and Development</i>	
Qualification	B.Tech. or MCA or M.Sc. (IT/CS/ECE)
Experience Required in	Minimum 6 years in frontend software development
Job Responsibility	<p>Design, development and implementation of best practices for web portals/ websites and visualizations using JavaScript frameworks like ReactJS, ReactCharts, Charts.js, etc.</p> <p>Creation of UI/ UX structure and design of portals for responsive design using tools like Figma, HTML/ CSS, Bootstrap, etc.</p> <p>Software workflow management with code versioning, quality control, testing, documentation and deployment</p>
159	

2. Backend Development

Qualification	B.Tech. or MCA or M.Sc. (IT/CS/ECE)
Experience Required in	Minimum 6 years in backend design and development
Job Responsibility	<p>Experience on server-side technologies (such as NodeJS, etc.), database development (such as PostgreSQL, MongoDB, etc.) and microservices architecture with identity and access management</p> <p>Integration of multiple data sources and databases into one system including data migration, transformation, and scripting</p> <p>Experience and implementation on Big Data technologies</p> <p>Software workflow management with code versioning, quality control, testing, documentation and deployment</p>

3. Website Development and Maintenance

Qualification	B.Tech. or MCA or M.Sc. (IT/CS/ECE)
Experience Required in	Minimum 6 years in website development, deployment and support
Job Responsibility	<p>Experience in website development using frameworks like Drupal, along with database like MySQL</p> <p>Experience in deploying and maintaining websites on Linux OS using web servers like Apache</p>

	<p>Experience in Linux administration for the management of hosting environment, including database administration and creating backup of the data and environment</p> <p>Knowledge of implementing SSL certificates and performing security audits and certification</p> <p>Software workflow management with code versioning, quality control, testing and documentation testing, documentation and deployment</p> <p>Penetration testing and security audit</p> <p>STQC and GIGW guidelines</p> <p>NIC cloud deployment best practices – Load balancer, Disaster recovery</p> <p>Software workflow management with code versioning, quality control, testing, documentation and deployment</p>
--	---

4. Consultant (Full Stack Developer)	
Qualification	B.Tech. or MCA or M.Sc. (IT/CS/ECE)
Experience Required in	Minimum 5 years in frontend software development
Job Responsibility	<p>Design, development and implementation of best practices for web portals/ websites and visualizations using JavaScript framework such as ReactJS, etc.</p> <p>Creation of UI/ UX structure and design of portals for responsive design using tools like Figma, HTML/ CSS, Bootstrap, etc.</p>

	<p>Experience on server-side technologies (such as NodeJS, etc.), database development (such as PostgreSQL, MongoDB, etc.) and microservices architecture with identity and access management</p> <p>Software workflow management with code versioning, quality control, testing, documentation and deployment</p>
--	--

Data Staff

1. Data Engineer

Qualification	B. Tech/ B.E/ M-Tech/ M.C.A/ M.S. (In Computer Science, Information Technology)
Experience Required in	Minimum 5 years in in ETL etc
Job Responsibility	<p>Understanding of different Data Science Frameworks and clarity to map business objectives to data mining goals, methodology and activities</p> <p>Data Preparation, Data Understanding, Feature Engineering and Feature Selection</p> <p>Data pipeline preparation</p>

2. Analyst

Qualification	B. Tech/ B.E/ M-Tech/ M.C.A/ M.S. (In Computer Science, Information Technology)
Experience Required in	Minimum 5 years in exploratory data analysis using AI/ ML technologies and visualizations

Job Responsibility	<p>Creation of data pipelines and ETL using Python scripting, etc.</p> <p>Creation of visualization using BI tools like Tableau, PowerBI, etc.</p> <p>Data exploration and analysis using ML technologies for providing insights and for wider dissemination</p> <p>Exploring alternative data sources for compilation of key indicators</p>

Annexure 15: Details of Pay Scales of Judicial Officers (Civil)

Sr. No.	Civil Judge (Jr. Div) Entry Level	Civil Judge (Jr. Div) I Stage ACP	Civil Judge (Jr. Div) II Stage ACP/Civil Judge (Sr. Div) Entry Level	Civil Judge (Sr. Div) I Stage ACP	Civil Judge (Sr. Div) II Stage ACP/District Judges Entry Level	District Judges (Selection Grade)	District Judges (Super Time Scale)
Existing Pay Scale	27700-44700	33090-45850	39530-54010	43690-56470	51550-63070	57700-70290	70290-76450
Existing Entry Pay	27700	33090	39530	43690	51550	57700	70290
Level	J-1	J-2	J-3	J-4	J-5	J-6	J-7
Year 1	77840	92960	111000	122700	144840	163030	199100
Year 2	80180	95750	114330	126380	149190	167920	205070
Year 3	82590	98620	117760	130170	153670	172960	211220
Year 4	85070	101580	121290	134080	158280	178150	217560
Year 5	87620	104630	124930	138100	163030	183490	224100
Year 6	90250	107770	128680	142240	167920	188990	
Year 7	92960	111000	132540	146510	172960	194660	
Year 8	95750	114330	136520	150910	178150	200500	
Year 9	98620	117760	140620	155440	183490	206510	
Year 10	101580	121290	144840	160100	188990	212710	
Year 11	104630	124930	149190	164900	194660	219090	
Year 12	107770	128680	153670	169850			
Year 13	111000	132540	158280	174950			
Year 14	114330	136520	163030	180200			
Year 15	117760						
Year 16	121290						
Year 17	124930						
Year 18	128680						
Year 19	132540						
Year 20	136520						
Mean Pay =	Mean Pay =	Mean Pay =	Mean Pay =	Mean Pay =	Mean Pay =	Mean Pay =	Mean Pay =

Annexure 16: Transfer Framework for Ministerial Staff

High Court	Transfer Framework
●Allahabad High Court	Rule 28 of ‘The Uttar Pradesh State District Court Service Rules, 2013’
●Andhra Pradesh High Court	Written transfer policy
●Bombay High Court	Para 591 of Civil Manual
●Calcutta High Court	No Written Policy
●Chhattisgarh High Court	No Written Policy
●Delhi High Court	No Written Policy
●Gauhati High Court	Written transfer policy
●Gujarat High Court	Inter-district transfer policy
●Himachal Pradesh High Court	No Written Policy
●Jharkhand High Court	No Written Policy
●Karnataka High Court	No Written Policy
●Kerala High Court	Written transfer policy for gazetted non-judicial officers

●Madhya Pradesh High Court	Written transfer policy
●Madras High Court	Rule 40(a) of Tamil Nadu Judicial Ministerial Service Rules
●Meghalaya High Court	No Written Policy
●Orissa High Court	Rule 13(1) of Orissa District and Subordinate Courts' Non-Judicial Staff Services (Method of Recruitment and Conditions of Service) Rules, 2008 and High Court's letter number 19983(30) dtd. 21.12.2022
●Patna High Court	Letter of the Registrar of High Court of Patna dated August 1978
●Punjab and Haryana High Court	Rule 10 of the Punjab/Haryana Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997
●Rajasthan High Court	No Written policy
●Telangana High Court	Rule 26 of Telangana Judicial Ministerial and Subordinate Service Rules
●Tripura High Court	No Written policy
●Uttarakhand High Court	No Written policy

OFFICE ORDER

On the recommendation of the Committee for appointment of officials of this Court, Hon'ble the Chief Justice has been pleased to frame the following guidelines for effecting intra departmental transfer of Senior Judicial Assistants/Readers/Judicial Assistants/Junior Judicial Assistants/Restorers posted/working in the branches:-

1. Rotational transfers be effected in convenient batches.
2. Normally the posting period will be three years. However, this will be linked with performance and administrative requirements and can be extended by the competent authority in view of administrative exigencies.
3. While effecting transfers, a person with the longest continuous stay on a seat/in the branch shall ordinarily be transferred first.
4. There will be a continuous process of shifting so that all the officials have exposure to administrative as well as judicial branch(es).
5. Experience of serving in judicial branch(es) will also be a factor to be taken into consideration at the time of promotion.
6. It will be the prerogative of the administration to post/transfer any official in any branch/assignment keeping in view the administrative requirements/exigencies.
7. Officials against whom disciplinary proceedings are pending shall not be posted against sensitive posts.
8. The officials working in the branch/on the seat requiring past experience (say some seats/duties in the Protocol, P & P, Cash Branches, etc.) should also be moved. However, transfer of such officials shall be done only after ensuring that work of the seat/branch does not suffer and no inconvenience is caused to the Hon'ble Judges. All the Registrars shall ensure that more than one official should have expertise of such work. The list of officials having acquired expertise shall be reviewed from time to time.
9. Transfer of such officials who have been issued digital signatures and whose movement would require issuance of fresh digital signatures to new officials posted in place of such officials, be effected keeping in view the validity of digital signatures. However, possession of digital signature card shall not be a ground for continuance on the same seat.
10. The officials of the Computer Branch and e-portfolio section be transferred in such a manner that work of e-courts does not suffer.
11. All officials will prepare a list of all the files/cases (with number of parts including the LCRs, if any) under their control and will keep the list updated from time to

time so that in case of transfer, handing over charge of the seat to the new incumbent is not delayed.

12. On being transferred, there should be immediate movement of officials from one branch/seat to other branch/seat and there should be proper handing over/taking over of record/judicial files in writing under the supervision of the Assistant Registrar/Admn. Officer (Judicial) and a copy of the handing over/taking over report of the record/judicial files duly signed by the officials (Senior Judicial Assistants/Readers/Judicial Assistants/Junior Judicial Assistants/Restorers) and countersigned by the AR/AO(J) be furnished to the Establishment Branch-II for record.
13. The posting/transfer order be complied with within one week positively from the date of issue to enable the officials to handover charge of their seats.
14. On being transferred, the official will immediately proceed to join new posting failing which the concerned official would be liable for disciplinary action. The joining report shall be forwarded to the Establishment Branch. The controlling officers will also ensure that the official is relieved immediately in terms of the posting/transfer order.
15. Once the postings/transfers order has been issued, no official, who has been transferred, shall proceed on long leave without first joining his/her new seat.
16. While making transfers, it may be ensured that work of the branch/seat should not suffer and, therefore, if two or more officials are looking after the same seat/work, only one at a time be transferred from the said seat/work. For this purpose, the Establishment-II Branch shall compile the data initially and subsequently it shall be the duty of the concerned AOJ to inform the Establishment-II Branch about any change in the officials deployed on a particular seat.
17. Promotion of an official will also entail shifting/transfer irrespective of the number of years of service on any seat.
18. Officials who are within one year of reaching the age of superannuation will normally not be shifted. However, keeping in view the administrative exigencies, operation of this rule may be dispensed with.
19. Physically challenged officials will be posted/assigned work keeping in view their physical disability.
20. The requests of officials for change of work/seat on extreme compassionate grounds like physical disability, serious/terminal diseases affecting him/her will be taken into consideration provided there is concrete medical evidence to support

22. The Registrar (Establishment) shall regularly scrutinize the performance and postings of the officials working in the Branches and make recommendations for transfers in accordance with the guidelines to the concerned Committee. Inputs may be obtained by the Registrar (Establishment) from the Registrars concerned.
23. All requests for transfers/postings from the officials shall be placed before the Committee with inputs from the concerned Registrars.
24. The competent authority will have the power to modify, relax and/or give exemptions from operation of any of these guidelines on account of administrative exigencies.

The above guidelines are circulated for information and compliance by all concerned.

BY ORDER

Sd/-
(SANGITA DHINGRA SEHGAL)
REGISTRAR GENERAL

Endst.No.25842-850/Est/E-V/DHC/2014

Dated:25.09.2014

Copy forwarded for information and necessary action to :-

1. Registrar-cum-Secretary to Hon'ble the Chief Justice
2. All Registrars/O.S.Ds./ Co-ordinator, (DAC)
3. All Joint Registrars/Deputy Registrars.
4. All Assistant Registrars/Deputy Controller of Accounts/P.A. to Registrar General.
5. All Private Secretaries to Hon'ble Judges.
6. All Administrative Officers (Judicial)/Court Masters.
7. The System Analyst for uploading the same on the Intranet of this Court.
8. Notice Board
9. Guard file.

With the request to bring the contents of the above office order to the notice of the officials working under them.


25/9/2014
JOINT REGISTRAR (ESTT.-II)

455

MOST IMMEDIATE

No. 11013/10/2013-Estt.A
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated June 13, 2014

OFFICE MEMORANDUM

Subject: Implementation of Supreme Court's Judgement dated 31.10.2013 in WP (Civil) No. 82/2011 in the matter of Shri. T.S.R. Subramanian & Other v/s UOI & Others - Hundred days' action plan of the Department - regarding.

The undersigned is directed to refer to the discussions held during the meeting chaired by Cabinet Secretary on 18.12.2013 to discuss the above judgement.

2. It is stated that following the order of Hon'ble Supreme Court in T.S.R. Subramanian case, all Ministries/ Departments were required to ensure the following action in respect of the cadres controlled by them: (i) Prescribe Minimum Tenure; (ii) Having a mechanism akin to CSB for recommending transfer; and (iii) Place in public domain the transfer policy. It is stated that compliance of the directions of Cabinet Secretary have been reported by most Ministries/ Departments (Cadre Controlling Authorities).

3. Full compliance has not been received from the Ministries/ Departments listed in the Annexure in case of all Cadres (Groups A, B and C) controlled by them.

4. Compliance of the above judgement has been included in hundred days' action plan of this Department. The Cadre Controlling Authorities are, therefore, requested to ensure at their end that the judgement of Hon'ble Supreme Court has been implemented. The Ministries/ Departments who are yet to send the confirmation of implementation to this Department are requested to kindly do so.

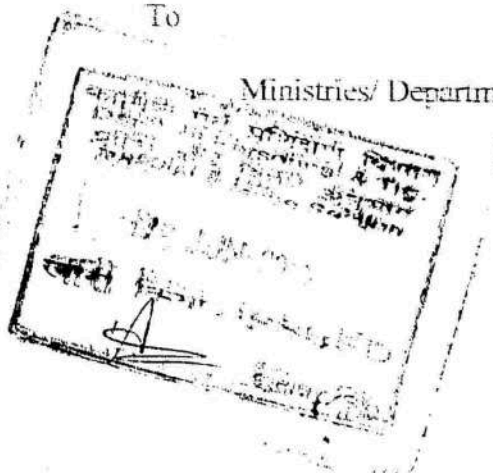
[Signature]

(J. A. Vaidyanathan)
Director (Establishment)
Telefax: 23093179. Email: dse@nic.in

To

Ministries/ Departments as per Annexure

tc



List of the Cadre Controlling Authorities

1. Ministry of Railways (Railway Board)
2. Department of Revenue
3. Ministry of Defence
4. Department of Defence Production
5. Ministry of Road, Transport & Highways
6. Department of Commerce
7. Ministry of Mines
8. Ministry of Labour & Employment
9. Ministry of Science & Technology
10. Ministry of Overseas Indians Affairs
11. Ministry of Home Affairs
12. Department of Agricultural Research & Education
13. Department of Atomic Energy
14. Ministry of New and Renewable Energy
15. Ministry of Coal
16. Department of Industrial Policy & Promotion
17. Ministry of Culture
18. Department of Development of North Eastern Region
19. Ministry of Shipping
20. Department of School Education and Literacy
21. Department of Heavy Industries
22. Ministry of Housing and Urban Poverty Alleviation
23. Ministry of Civil Aviation
24. Ministry of Micro, Small and Medium Enterprises
25. Ministry of Earth Sciences
26. Ministry of Youth Affairs & Sports
27. Department of Land Resources
28. Department of Scientific & Industrial Research
29. Department of Space
30. Ministry of Social Justice & Employment
31. Ministry of Panchayati Raj
32. Ministry of Consumer Affairs, Food & Public Distribution.

No.11013/10/2013-Estt.A
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 2nd July, 2015

OFFICE MEMORANDUM

Subject: Framing a Transfer Policy in all cadres-regarding

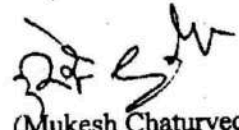
The undersigned is directed to refer to the OMs of even number dated 13th June, 2014, and 31st July, 2014 wherein all the Ministries/Departments were requested to (i) prescribe Minimum Tenure, (ii) set up a mechanism akin to Civil Services Board for recommending transfer, and (iii) place in public domain the transfer policy.

2. The Rotational Transfer Policy should aim to harmonise objectives of institutional memory, avoid development of vested interests, and provide exposure to the employees of working in different organisations, *inter alia* ensuring overall growth of an officer. The Transfer Policy should provide for both a minimum as well as maximum tenure. Any transfer before completing the minimum prescribed tenure or stay beyond the maximum tenure should be with the approval of the Committee constituted for the purpose, for reasons to be recorded in writing.

3. The draft Rotational Transfer Policy for the Central Secretariat Service is available on the website of Department of Personnel and Training at www.persmin.nic.in (Annexure). It lays down guidelines on tenures, postings on promotion, posting on return from leave/deputation, outstation postings, mutual transfers etc. Appropriate provisions on these aspects may be made in the Rotational Transfer Policy in each cadre that will best serve public interest.

4. In addition, instructions of Central Vigilance Commission in the Circular No. 03/09/13 (No.004/VGL/090/225553 dated 11.9.2013) reiterate that sensitive posts should be identified and staff working in these posts strictly rotated after every two/three years to avoid developing vested interests. The OMs of this Department also lay down guidelines on postings of spouse at the same station, and postings of disabled Government servants/ parents of disabled children.

4. The Ministries/Departments/Cadre Authorities may communicate action taken report on the following latest by 10.7.2015, (i) framing of Rotational Transfer Policy and putting up in public domain (ii) Identification of sensitive posts (iii) rotation of officers from sensitive posts in true spirit of the provision.


(Mukesh Chaturvedi)
Director

Secretaries of all Ministries/Departments

**Salient Features of Draft RTP for CSS available at
www.persmin.nic.in**

- Aims to harmonize divergent objectives of institutional memory, avoid developing vested interests, exposure to different organizations and aspects of working for overall growth of an officer.
 - Draft finalised after publishing on the website and inviting suggestions
 - Prescribes fixed tenure in a Ministry/ Department for different grades
 - Reduced tenure by one year for certain specified regulatory Ministries/ Departments
 - Prescribes how posting will be made on promotion / rotational transfer
 - Provides for grouping of Ministries/Departments viz. group A and B
 - Group -A generally regulatory Ministries. Group B generally economic and infrastructure Ministries.
 - Transfer from A to B or from B to A. However, transfer from A to A, i.e., regulatory to regulatory is also allowed in some cases.
- On promotion**

- Posted out if served in the same Ministry/ Department for a period exceeding the prescribed tenure for the promotion post.
- Retained in the same Ministry/Department if within two years of superannuation if a vacancy exists
- Retained on personal upgradation if within six months of superannuation.

Rotational Transfer

- Posted^{ing} out on completion of the prescribed tenure however officers within two years of superannuation and officers likely to be promoted within one year are not rotated.
- Officers working in PMO, Cabinet Secretariat, O/o Solicitor General & Attorney General, Addl. Solicitor General are exempted. They are to be transferred only after consulting these offices, keeping in view the willingness of the officer concerned.
- Surrender of officers on any ground not to be allowed. In case of surrender no substitute to be provided for a year.
- On return from deputation, long leave/ long term training, posted back to the same Ministry/ Department if at least one year tenure is available in the Ministry/ Department subject to availability of a vacancy for the remaining tenure.
- Leave/ training exceeding six months treated as long term.
- Posting in a Ministry/ Department permissible where he earlier served subject to the condition that there is a gap of period which is equal to tenure prescribed for the post.

Preference for posting

- On the basis of seniority cum preferences
- List of officers and available vacancies to be published on website in advance

- Three preferences for posting
- Posting on promotion/transfer to be recommended by a Placement Committee and its recommendations approved by the Competent Authority.

Outstation postings

- SO and Assistant level: Ministry/ Department concerned will fill up the post from its officers by circulation of the vacancy. In case of non-availability DoPT will circulate the post and select from the applicants. Seven year tenure in outstation postings.

US and above level posts

- DoPT will circulate invite applications. Selection for outstation posting posting profile of the officer/ his family circumstances requiring posting to the particular station etc. Five year tenure in outstation posting.
- **Mutual Transfer** Request for mutual transfer of officers on completion of half of the tenure to be considered subject to conditions.
- **Request Transfer** SO/ Assistants on completion of five year tenure in a Ministry/ Department may request for transfer. Such transfers restricted to Group A Ministries / Departments and on transfer fresh tenure will start.
- Substitute to be posted if leave vacancy exceeding six months
- Posting of differently abled officers considered on case-to-case basis.
- Cut-off date for calculating the period of residency is 1st July of the year.
- Rotation under RTP undertaken once in a year grade wise and phase wise. A time schedule has been prescribe as to the time in a year when rotation shall be carried out in a particular grade.
- Promotion/ transfer orders to be issued on the last working day of the week and the officer concerned stands relieved immediately and to join the allocated Ministry/ Department on the first working day of the next week.
- Relaxation to the policy only on recommendations of a Committee of senior officers and approved by MoS (PP). Speaking order to be issued for transparency.



DISTRICT & SESSIONS COURTS EMPLOYEES WELFARE ASSOCIATION : DELHI (Regd.)

Head Office : Room No. 28-A, Ground Floor, Tis Hazari Court, Delhi-110054
Branch Offices : Karkardooma Courts, Patiala House Courts, Rohini Courts,
Saket Courts, Dwarka Courts Complex, New Delhi

Website : www.ddcewa.org, E-mail : ddcewa@gmail.com, Mob : 9910137555

HEMANT KUMAR SHARMA
President

PANCHAM S. RAWAT
Sr. Vice President

DEEPAK BHARDWAJ
General Secretary

AMARJEET SINGH
Asstt. Secretary

KAMAL KUMAR
Treasurer

Ref No: 93/DSCWA/2019
To:

Dated: 27/09/2019

Ld. District & Sessions Judge (HQs)
Tis Hazari Courts, Delhi.

**Sub: Framing of Policy for fair and impartial Transfer & Posting
of the Subordinate Staff-reg.**

Respected Sir,

This is to bring to your kind notice that in the absence of a policy or guideline the Transfer & Posting of the subordinate staff is causing undue discrimination & inequity to most of the staff members. It may kindly be noted that the staff is being deputed without taking into account their 'Seniority' in the cadre. The hierarchy of the subordinate staff, as per DDC Rules, 2012 is as under:

(JJA)Asstt. Ahlmad > (JA)Ahlmad > (SJA)Reader

As a matter of equitable justice and as per the provisions of the DDC Rules, 2012, the junior most official should be 'Asstt. Ahlmad' (JJA); whereas the next senior 'Ahlmad' (JA) and senior most should be 'Reader' (SJA).

We crave to draw your kind attention towards the extant practice of transfer-posting of the subordinate staff. There is no fixed criteria for eligibility of any particular post. Some JJA are posted as Ahlmad or Reader while some JA are posted as Asstt. Ahlmad or Reader. In another word, various junior staff have been posted on upper posts while a number of senior staff have been posted on lower posts. Such practice is lowering the dignity of senior officials which



[Signature]

ought to be curbed for the sake of a healthy working atmosphere and yield of the office. In corroboration, copies of few latest transfer orders are annexed hereto for your kind perusal.

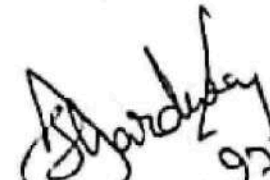
Moreover, appropriate provision for rotation of the staff members (*amongst the Courts and Branches*) during their service tenure is also a need of hour. As per prevailing practice, some of the staff members serve their whole service on hard posting like 'Ahlmad' while other remain in branches only, which is clearly not justifiable. Every member of staff is asset of the department and therefore, they all should know all sorts of working in department. All staff members should be given opportunity of serving in courts as well branches likewise. We would like to submit a few suggestions in this regard (enclosed herewith separately), which are somewhat reflection of the problems and suggestions received thereon from the aggrieved staff members.

Keeping in view of the aforesaid facts and circumstances, it is hereby requested to your goodself that a Committee may be constituted for framing of policy for fair and impartial Transfer & Posting of the Subordinate Staff of this Establishment. It is further prayed that the enclosed suggestions may also be take into consideration simultaneously by the Committee.

We may be grateful for your goodself for this act of kindness.

Yours faithfully,

Encl: As above.


(DEEPAK BHARDWAJ)
General Secretary
27/09/2019

KEY SUGGESTIONS WHILE FRAMING TRANSFER POSTING POLICY FOR SUBORDINATE STAFF IN DELHI DISTRICT COURTS.

1. Rotation period for posting of staff members at any particular seat in the branches should be minimum two years and maximum three years.
2. Distance between the posting place and residence of the employee as well as must be considered while preparing the Transfer & Posting order. Differently abled employees may be given preference for nearest posting and they may be given such charge/duties, as may be practicable as per their suitability and differently abled qualification.
3. An employee must serve the post of Asstt. Ahlmad, Ahlmad and Reader for minimum three years and maximum five years each subject to maximum period in court should be 12 years.
4. Once, an official is deputed as Ahlmad in the particular Court or Mauza Clerk in the Record Room, he/she may not be frequently transferred to other courts/ Record Room as the case may be. Reference may also be made to the instructions laid down in Part-D of Chapter-16 of Delhi High Court Rules may also be taken into consideration, which provides that "**8.Frequent transfers of officials holding charge of records should be avoided.**".
5. Sufficient time may be given to an Ahlmad to consign his decided files and /or handover charge of the judicial record to their successor before relieving after being transferred. Similarly, sufficient time may also be given to the Readers as well as Branch officials to hand over their charge/record under their custody.
6. For each 500 cases an Additonal Ahlmad may be provided as per the court pendency.
7. If possible, an official software may be prepared showing the duration of the posting of any employee and preparing statement in this regard on periodical basis.
8. The elected representatives of the staff members may be deputed in the respective district till they complete the tenure.



DISTRICT & SESSIONS COURTS EMPLOYEES WELFARE ASSOCIATION : DELHI (Regd.)

Head Office : Room No. 28-A, Ground Floor, Tis Hazari Court, Delhi-110054
Branch Offices : Karkardooma Courts, Patiala House Courts, Rohini Courts.
Saket Courts, Dwarka Courts Complex, New Delhi

Website : www.ddcewa.org, E-mail : dscewa@gmail.com, Mob : 9910137555

Centralized Post

HEMANT KUMAR SHARMA
President

PANCHAM S. RAWAT
Sr. Vice President

DEEPAK BHARDWAJ
General Secretary

AMARJEET SINGH
Assit. Secretary

KAMAL KUMAR
Treasurer

North

SURENDER KUMAR
Vice President

DINESH KUMAR
Joint Secretary

PANKAJ KUMAR GAUR
Executive Member

DEEPAK
Executive Member

Ref No.: 149/DSCEWA/2021

Dated : 12.12.2021

Reminder-1

To

Ld. Principal District & Sessions Judge (HQs)
Tis Hazari Courts, Delhi.

Sub: Framing of Policy for fair and impartial Transfer & Posting of the Subordinate Staff-reg.

Ref: Letter No.93/DSCEWA/2019 dated 27.09.2021.

Respected Sir,

With due reverence, I venture to draw the kind attention of your goodself to the letter dt. 27.09.2019 on the subject cited above thereby requesting for framing of policy regarding Transfer and Posting in respect of the Subordinate Staff in Delhi District Courts. The matter is still sub-judice before your goodself for kind consideration as no outcome of the same has been conveyed to us yet.

Your goodself had also been pleased to seek the 'Preference Option' for place of posting from all the staff members last year which is also yet to be implemented in the largest interest of the subordinate members and institution as well. Your goodself would be grateful to consider that the posting of an individual based on the interest, qualification, intelligence and talent may lead into the best interest of the institution being they are an asset to the department as their talent is being overlooked by the department, which is affecting the administration as well as court work adversely.

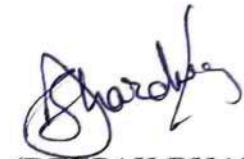
In addition to above, this is also to bring to your kind notice that the policy framed by your goodself for the welfare of the PwD Officials in the establishment is also awaiting it's implementation including the transfer and posting of the PwD officials to the nearest and comfortable place thereby proving it a futile exercise in the welfare of the PH Officials.

Ld. Predecessor of your goodself HMJ Talwant Singh ji had assured to constitute a Committee for framing of Policy to this effect, which will comprise of the nominated members from the all the Staff Associations apart from the Ld. Judicial Officers. However, such committee is yet to be constituted.

In light of the above, it is our humble request that a policy/guidelines for fair and impartial transfer and posting of the subordinate staff may kindly be framed so that the officials could be entrusted with the work best suited to them and the official work of the establishment on the administrative as well as judicial side may not suffer.

Yours faithfully

Encl: As above.



(DEEPAK BHARDWAJ)
General Secretary