CHAPTER - 1
Introduction

1.1 Terms of Reference and Recommendations made in previous Reports

Court is the place where parties come to seek justice. The job of the court is to administer civil and criminal justice according to law. Present judicial system is adopted from British system. Before British system i.e. in ancient times in our country we had village panchayat or Nyay panchayat. Which then consisted of respected persons of the village, who used to administer justice according to good conscience or prudence. During ancient time litigation was limited, therefore justice was administered speedly.

Disputes between persons and society. Dispute is an inseparable part of society. Disputes may be in respect of personal right or public right. It may relate to property or others things. During ancient times there were no written laws. Judgements were pronounced orally. It is found that during British system has created statutory authority for administration of justice which is called court. As soon as statutory authority was created, the need of written laws arose.
The disputes may be social, political, economic or technological. There is a Latin proverb UBI JUS IBI IDEM REMEDIUM i.e. [where there is a right there is a remedy]. Due to rising awareness amongst citizens most of them know what are their rights. If a person knows that he has some right whenever his right is infringed he comes to court to get the remedy.

After independence legislatures have enacted number of laws for betterment of the society but by that disputes have increased. Due to increase in population number of disput have also increased which resulted in pendency of cases in courts.

The researcher was on deputation at Judicial Officers Training Institute, at Nagpur, during period 16th January to 30th March, 1995. In the 2nd week of February, Annual General Meeting of Judicial Officers Association was held at 7th floor of District Court Building, Nagpur. The Hon’ble Chief Justice of India, chaired the meeting. While addressing Judicial Officers’ meeting, His Lordship put up a question:

"Can anybody show me single redundant provision in CR.P.C. or C.P.C.?*

"His Lordship remarked that, "every one is saying that procedural laws are outdated but nobody is giving solution to tackle the situation of pendency of cases and trend of arrears increasing in the trial courts."

Researcher was one of the audiences. His Lordship also remarked that

"Whether we need an expert in management to tackle the situation of arrears?"

Researcher is having a post graduate degree, i.e. Master of Business Administration. The question put up by his lordship struck the heart of researcher and he has taken up the task to provide a solution to the State judiciary to tackle the situation of the arrears of cases and how cases should be disposed of within a short time. And how maximum output can be given in minimum time by using minimum manpower, other available resources and without seeking further financial assistance from the State.

Thereafter, researcher sought permission of the Hon’ble, Bombay High Court, to register himself as a research student in the faculty of management at
Amravati University. After grant of permission by the Hon'ble, High Court, the researcher started his research in the year 1995.

Researcher, has gone through various reports those have been submitted to the Hon'ble, Supreme Court of India, Hon'ble High Court and Government. While examining the Manudhane Study Group Report, which related to staffing pattern of judiciary in Maharashtra State. The searcher found that various study groups were constituted to study judicial system which were appointed submitted reports as under.

- Report of Mr. Joseph Bocaro, 1904. Assistant Secretary to Government Judicial Department on special duty.
- Report of the Re-organisation Committee [Thomas Committee], 1932.
- Report of Administrative Enquiry Committee, [Karve Committee], 1948.
- Report of Shri V.A. Naik, Special Officer and District and Sessions Judge, Poona 1957.
- Report of the Administrative Re-organisation Committee, [Barve Committee], 1968.

On going through these reports, the researcher has put below their terms of reference, recommendations and conclusions in brief.
1.2 Mr. Bocaro Report. 1904

Term of Reference of Mr. Bocaro Committee.

- Mr. Bocaro, to examine proposals submitted by District Judges, for revision of subordinate establishments. He has to make his own recommendations.

Mr. Bocaro ascertained whether there is a room to reduce clerical staff? The answer of Mr. Bocaro, was 'no'. His conclusion was there was no room to reduce staff. There was a Gogha system i.e. staff provided for link courts. Presently, no link courts are found in the State.

Justice, Candy of the Bombay High Court, by letter No. 210/1902 dated 3.2.1902, made comments on the report of Mr. Bocaro, as under.

His Lordship expressed view that there is a great difference between serving of process in suits and in execution proceedings, such as,

- Attachment under order 21 rule 43 of C.P.C.
- Attachment under order 21 rule 54 of C.P.C.
- Attachment under order 21 rule 66 of C.P.C.

i.e. sale and delivery of possession of movable and immovable property.

Justice, Candy, suggested that a separate establishment for execution work be established.

Speech of Justice Whitwork, reported on page 79, 80 Government Gazette of India dated 4.4.1903, Part 4. His Lordship suggested that inspector of bailiff for each district, be appointed and he be assigned the work to see whether bailiffs are doing their work properly or not. The remedy suggested by Justice, Candy, might be too worse than the disease.
It was decided that Nazir can supervise the work of bailiffs instead of appointing a inspector of bailiffs for the whole district.

Mr. Bocaro, has done basic work, hence, his report was considered in detail.

Mr. Bocaro, Recommended

- Revision of pay scale of subordinate ministeral staff.

- One pay grade was made available to the Nazir and C.O.C in the subordinate courts.

- District judge was permitted to appoint two separate persons one as Nazir and another as clerk of court. Peresertly they are called as A.S.-II and A.S.-I respectively.

- The categories of bailiffs were retained, the number of the bailiffs in the superior category being 25% or there about of the total strength of the bailiffs.
1.3 (Thomas Committee Report [Reorganisation committee]. 1932

This committee was appointed to do work of retrenchment. Mr. Thomas, followed the work of retrenchment committee that is Bocaro committee

Terms of reference of Thomas Committee.

- To secure expert advice on re-organisation of whole administrative machinery.

- The Report of Re-organisation Committee, Bombay, was submitted in the year 1933. The committee has dealt with briefly question of subordinate staff in the judiciary and noted that as far back in the year 1923 question of affecting an economy was arose. It was suggested.

- Amalgamation of post of District Court and First class court of Nazir.

- To combine the post of Nazir and C.O.C. in mofussil courts [Taluka courts].

While doing so it could been save Rs.25,000. The object of this study of Re-organisation committee was retrenchment only.

Recommendations of Reorganisation Committee.

- Duties of Nazir and clerk of the courts should be combined so it could save Rs. 25000 annually.
1.4 Report of the Lokur Committee on Separation of Judiciary From Executive, 1947

Terms of reference.

- To consider separation of judiciary from executive.
- To examine absorption of section writers in the judicial department in Govt. service.
- While determining strength of section writers allowance had to be made for:
  - Comparing and other incidental work.
  - The additional work expected from the Debt Adjustment Board and from paper books in all criminal matters.
  - Unpaid work taken from section writers.

When Committee started its work at that time Gujrat State was in Bombay State and Vidharbha was in the Madhya Pradesh State. The committee has re-organised the terms of return while determining the strength of the section writers, and norms were fixed for comparing and other incidental work;

- The additional work expected from the Debt Adjustment Board and from paper books in all criminal matters, and;
- Unpaid work taken from the section writers.

The Committee expected a typing work for a typist in English 5000 words per day. The committee dealt with absorption of those section writers in the Government service and concluded with observation that there should not be difficulty in organising the distribution between regional and English writers within each district.

Recommendations of Lokur Committee.
• The cadre of C.J.J.D. cum J.M.F.C. be introduced.

• Unless exigencies of local condition such as in sufficiency of work. Judge / Magistrate, should work as a magistrate for some years and Civil Judge for some years but not simultaneously on both civil and criminal side.

• Section writers absorbed in Govt. service should be constituted in to a separate copyist's branch' under the record keeper of civil and district courts.

• The clerks who would be assigned thereafter the work of typist be granted a typing allowance depending upon their speed and added that the number of posts in the higher grade should be proportionally increased as and when section writers were replaced by regular clerks.
1.5 Report of Administrative Enquiry Committee. 1948

[Karve Committee]

The committee did not appear to have gone in to details of work of judiciary so as to find different workload in various courts of presiding officers and staff subordinate to them. Special requirement of judiciary considering special type of work. Importance was given to criminal cases which were accumulated. Norms of adequacy to disposal fixed by the High Court could not help the situation. The High Court took a decision in 1980 to provide separate civil and criminal courts.
1.6 Mr. K. P. Mathrani Report 1950

Terms of Reference

To investigate forthwith the scope of reorganisation of the existing structure of departments with a view to greater economy, reduction of the work or elimination of unnecessary work and removal of surplus staff, on the basis of work and duties which the staff is called upon to perform.

The object of this committee was as under

Reorganisation of departments for economy.

Elimination of unnecessary work.

Mr. Mathrani, proposed retrenchment in judicial department of several posts which saved Rs. 2,46,440 annually. He also suggested the abolition of certain civil cases.

- When Mr. Mathrani, conducted his study, at that time, criminal work was not with the judiciary and expansion as noted by him was in respect of only civil courts. While furnishing information Mr. Mathrani, has recorded views of several judicial officers. They expressed that increased staff had not increased the volume of the work particularly on account of enactment of Bombay Agricultural Debt Relief Act, Bombay Hindu Divorce Act and Merger of several States in and around State of Bombay.

Mr. Mathrani, mentioned in his report the unit of staff be provided on the basis of three principles.

1 Institutions, determinative of workload.

2 Gradation of courts on workload basis.

3 Need to review requirements again.
1. Institutions :-

Mr. Mathrani, suggested that the strength of staff must vary according to workload, there by meaning that volume and type of work and number of institutions filing of various kinds of proceedings in determining the workload. In latter part of his report (para 12) Mr. Mathrani, mentioned that on observing the work in two districts, he found that though the number of institutions was decreased, the intracacies in the litigation had increased. But even then he maintained that after the disposal of B.A.D.R. cases there would be appreciable scope for reduction in the number civil courts and also temporary strength sanctioned for B.A.D.R. work in the regular courts.

2. Gradation of courts on workload :-

Mr. Mathrani, suggested three categories of courts depending on workload.

Heavy ;

Normal ;

Light;

Need to review requirement again :

An overall review of the requirement will have to be taken after separation of judiciary from the executive and disposal of B.A.D.R. Act work.

Mr. Mathrani, expected annual disposal of a judge as under:-

A civil judge junior division, may be expected to dispose of about 300 to 350 suits per year, about 600 to 700 darkhasts and 100 to 150 miscellaneous applications.

Mr. Mathrani, suggested following staffing pattern to civil judge (junior division) Taluka courts per unit.

Clerk of the court and nazir : 1
Junior clerks : 7

Sectioners : 1 or 2

[ 3 Additional clerks be allowed when B.A.D.R. applications exceed 1000 ]

One peon was provided as personal attendant to civil judge [junior division] and two peons were provided for court and office.

Mr. Mathrani, report does not speak about class IV servants, such as, watchman, mali, sweeper, water supplier and warden for civil jail.

Hon. High Court, expressed views on some weaknesses of Mr. Mathrani’s report. He did not consider following factors.

No experience of bench and bar, as he was not from judiciary.

No evidence of measurement of ministerial workload.

Housekeeping and technical work not distinguished and considered.

Many factors on which workload of ministerial work depends not considered.

Factors pertaining to civil litigation.

Factors pertaining to criminal litigation.

Factors pertaining to registers to be maintained.

Factors pertaining to the files to be maintained.

Pendency and rate of institution of cases not considered along with expected disposal.

Special procedures, registers, returns, etc. not considered.

Want of aids and amenities not considered.

Expected life of litigation not considered.

Priorities for the purposes of disposal not considered.
Longer time required for disposal of many categories of litigation not considered.

Problem of courts of Special Magistrates, not considered.

Pressure of work due to changing social and political life not considered.

High Court alone to determine norms of disposal and workload for judicial officers a fact overlooked.

High Court's timely objections to the norms of disposal overlooked.

Effect of neglect of bottlenecks resulting in accumulation of administrative and judicial arrears overlooked.

Requirement of staff for inspection work and other administrative and supervisory duties, not considered.

Need of stenographic assistance for judgement work and typist for deposition writing, not considered.

Time limit prescribed for delivery of copies, not considered.

Some problems of bailiffs, not considered.

Special service conditions of judicial officers, not considered, while determining the number of peons.

Requirements of upkeep of court buildings, not considered.

Office of D.G.P. not considered.
Recommendations.

Mr. Matharani proposed abolition of several posts showing annual saving of Rs.2,46,480 excluding on account of retrenchment of several posts of bailiff and the abolition of certain civil courts as recommended by him.
1.7 Report of Shri V.A. Naik [1957]

In view of the observations made by the Hon’ble High Court a new committee headed by Mr. V.A. Naik was prepared in 1957.

Terms of Reference

Formulation of proposals on broad lines.

- Uniform judicial set up.

- Unification of procedural laws.

- Separation of judiciary from executive where it does not exist.

Shri V.A. Naik, then District and Sessions Judge, Pune, was appointed as a Special Officer in 1957 for formulation of proposals on broad lines as above. Shri Naik made following suggestions.

Civil judge (junior division) can dispose of 225 or 250 suits in a year i.e. 20 suits in a month, 500 to 600 darkhasts and 100 miscellaneous applications. It was assumption that the civil judge (junior division) is doing exclusively civil work.

He suggested that a full time Magistrate of the First Class, is expected to dispose of about 300 criminal cases under Indian Penal Code and 20 to 25 cases under Minor Acts, equivalent to one regular Indian Penal Code case.

The norms suggested by Mr. Naik, were accepted by the High Court.

Shri Naik’s initial report had a limited object. He suggested uniform judicial set up in Marathawada region.

Shri Naik, did not measure work load of ministerial work.

Shri Naik’s report was not guideline for model staffing pattern.
Recommendations.

He recommended that in Marathwada, there should be 5 District Judges, 58 Civil Judge Junior Division, and one Special Magistrate First Class [Railways]

Practice of keeping records at each taluqua court be continued unless central record room is established.
1.8 Report of Administrative Re-organisation Committee 1968 [Barve Committee]

Terms of Reference.

- To review the organisational functioning of the machinery of the State Govt. in different sectors at different levels with special reference to its capacity to undertake adequate development programmes.

- To assess the adequacy of the various measures for improvement in the structure and methods of administration with a view to secure a thorough and detailed preparation of development programmes, their coordination and phasing etc.

The Government of Maharashtra appointed, under Government Resolution, G.A.D., No. ARC.1062/O & M, dated 19th September, 1962, "the Administrative Re-organisation Committee " under chairmanship of late Shri S.G.Barve, the then Minister for Finance, to review the organisation and functioning of the machinery of State Government in different sectors at different levels with special reference to its capacity to undertake adequate development programmes; to assess the adequacy of the various measures taken to strengthen the organisation of the development activities etc. This committee was not to undertake the study of structure or problems pertaining to the judiciary. But the report of the Barve committee was helpful for considering the staffing pattern existing in other Government offices.

This committee did not undertake a study of the judicial structure or problems pertaining to judiciary.

The Govt. of Maharashtra decided to institute an enquiry into the reorganisation and rationalisation of administration with the following objects.

Terms of Reference.

- To establish the minimum staff necessary to carry out the assigned tasks and responsibilities efficiently and effectively.
- To assess the excess or surplus in the existing staff/strength in relation to established minimum.
- To recommend how the administrative machinery could be reduced to the minimum i.e. consist with efficiency and effectiveness without causing undue personal hardship.


Recommendations.

Mr. Heble, recommended that study of judiciary was not made at his time and canvassed the necessity of undertaking such study.

He expressed his opinion in the context of reorganisation of structure of courts and methods of recruitment of judges, their promotion etc.

He suggested revision of norms of disposal on the basis of average disposal.

Terms of Reference

To revise existing pay scales of the staff.

As first and second pay commissions, were set only to revise the pay scale in various Government Departments they were not discussed in detail.

Recommendations.

It revised the pay scale of staff.

A committee of four Hon. Judges of Bombay High Court, headed by Justice Madan, was constituted in the year 1979 for devising ways and means for clearing the arrears in subordinate courts and cutting short the delays in the courts of law. The committee so far submitted four reports.

Terms of Reference.

- To suggest ways and means for clearing the arrears in subordinate courts.

- To cut short the delays in the courts of law.

Recommendations.

- The administrative and supervisory workload for judges affects their judicial work therefore they should get substantial assistance in administrative matters.

- In the court of C.J.J.D. & J.M.F.C there should be a full time gazetted officer, responsible for maintenance of accounts, muddemal property, attached property, library and other valuables.

- In the District Court and in the court of C.J.S.D. there should be a full time class I gazetted officer for similar work.

The following amenities amongst others should be made available in every courts.

- A library, librarian, library room and binder (full time or part time as per requirement)

- A stenographer with a provision of a leave reserve.

- A typist specially to record depositions.
• Every clerk be given training on each table.

• A clerk manual should be prepared so as to contain in it elaborate directions and instructions on the lines of those in bailiff manual.

• The Govt. should be moved to sanction funds for purchase of modern type duplicating machines for the purpose of preparing copies and to prepare as early as possible a phased programme for the purpose. In the meanwhile Govt. should also be moved to provide till such time as the machines are supplied, adequate additional staff for each criminal court for the purpose of preparing copies of the police papers.

• Govt. should be moved to set up a more efficient machinery for service of process on the accused and summons on witnesses in the court in time.

• In cases [instituted on private complaints] the process should be served by court. Bailiffs should be provided for that purpose.
The questions of revision of unit of staff and determining staffing pattern in various courts in the mofussil with reference to workload and revision of pay scales of the staff and upgradation of certain posts were for consideration in the meeting of the Hon'ble the Chief Justice and Hon'ble the Chief Minister, held on 23rd April, 1979. It was then agreed that a study group should be appointed to consider the question of restructuring the organisational set-up of the subordinate courts. In pursuance of this decision, the Hon'ble the Chief Justice, in consultation with the Government of Maharashtra, appointed a study group consisting of two representatives of the High Court and two representatives nominated by the Government of Maharashtra. The study group was headed by Mr. N.S. Manudhane, Inspecting District Judge Thane. Members of study group were as under.

- Mr. N.S. Manudhane, 
  Inspecting District Judge, Thane 
  
- Mr. P.D. Palnitkar, 
  Jt. Secretary to the Government of Maharashtra, Law and Judiciary Department, Bombay.  
  
- Mr. M.S. Vaidya, 
  Additional Registrar (Inspection) 
  High Court, Appellate Side, Bombay.  
  
- Mr. B.D. Joshi, 
  Jt. Secretary to the Government of Maharashtra, Finance Department, Bombay.  

The terms of reference [object] of the study group was as under:-

- To examine the efficacy and adequacy of the present organisation set up of the offices of courts in judicial districts/sessions divisions and the staffing pattern in the subordinate courts and their offices.

- To determine the reorganisation set-up and the staffing pattern suitable to the needs of various categories of subordinate courts and their offices in the judicial district/sessions divisions in view of the changed circumstances.
• To examine the efficacy of the present norms of the workload for the subordinate staff in mofussil courts.

• To consider whether it is necessary to devise a fresh norms of workload for the subordinate staff in the various categories of mofussil courts and their offices in the judicial districts / sessions divisions in view of several environmental changes since the determination of norms of workload in the past.

• To consider whether in view of the nature of duties, workload, proposed organisational set-up and proposed staffing pattern it is necessary to restructure the existing set up of the subordinate staff working in judicial districts / sessions divisions. If yes, to determine the pattern of restructure.

• To make recommendations to the High Court, on the subjects referred to in these terms of reference and other incidental and allied matters.

As present research is in respect of courts of Civil Judge Junior Division and Judicial Magistrate First Class, hence, the suggestions made by Manudhane Study Group and four judges committee in this regard are only considered.

The Study Group suggested that there should be five tier structure in the courts of Civil Judge Junior Division as under.

• Assistant Superintendents

• Senior clerks.

• Junior clerks.

• Head bailiff.

• Bailiff.

The Manudhane Study Group, suggested that there should be a scheme for training and refresher course for the ministerial staff. It was suggested that, cash transaction through bank should be introduced in the courts.
On going through the report of Manudhane Study Group, researcher found that the report was mainly based on previous staffing pattern and proposed staffing pattern. The workload was determined of each senior clerk and junior clerk. The judicial wing is separated from establishment and administration. One stenographer is provided to each judicial officer, for judgement work.

The report does not contain any suggestion regarding management of cases or use of management techniques to reduce the arrears or scheme for speedy trial and disposal. The report was submitted to the Hon'ble High Court and Government of Maharashtra in the year 1981.
In the year 1987 matters regarding pending cases in various courts in the country was discussed at the Chief Justice's conference held at New Delhi, on December 11-13, 1987 under the chairmanship of Chief Justice of India related to the arrears of cases in the High Courts and the subordinate courts in the country. It would be useful here to extract the summary of the discussion that took place on the subject.

"Chief Justice of India, expressed grave concern over the problem of arrears. His lordship mentioned the manner in which proceedings are conducted in some of the foreign countries. His lordship stated that the judges in the foreign countries are very polite but firm and emphasised that the Indian judges must impose stricter discipline on themselves. Chief Justice, Patna High Court, suggested amendment of civil procedure for subordinate courts. A committee consisting of Chief Justices shri. V.S. Malimath, P.D. Desai and A. Banerji, was constituted to study the problem of arrears in different courts in depth and in all its dimensions with special regard to the report of the earlier committee appointed by the government of India pursuant to the recommendations made by the Chief Justices' conference, 1985 and the recommendations made by the other committees and commissions."

Code of Criminal Procedure be amended making every offence compoundable with the permission of the court except in cases of murder. Chief Justice, Andhra Pradesh High Court mentioned that a beginning has been made in the Himachal Pradesh, by setting up conciliation courts and if the same practice is followed by all the courts in the country, it will reduce the arrears of cases substantially. His lordship suggested that bunch of cases should be taken up out of turn year-wise which will help in reducing the arrears to some extent. Chief Justice, Gujrat High Court, emphasised the need for proper method to fill up the vacancies of judges in each High Courts to cope with the problem of arrears of cases. Chief Justice J & K and Calcutta High Courts also agreed with the suggestion of the Chief Justice, Gujrat High Court. Chief Justice, Assam High Court, emphasised the need
for classification of cases and early appointment of judges for reducing the arrears. Chief Justice, Gujrat High Court, pointed out that with the present strength of judges, it is not possible to clear the arrears. It was further pointed out that whenever there is a suggestion for more judges for the subordinate judiciary, the State Govt. takes years to sanction the posts. The arrears go on mounting and the judiciary is not able to convince the State Government or the Central Government, about the urgency.

Most of the Chief Justices, felt that the delay in the appointment of judges, is responsible for the arrears. After the recommendations are sent to the Government, Chief Justices do not know for a long time and they keep waiting for the government to make appointments. For number of years courts have been working with about 50% of their sanctioned strength.

Chief Justice, Calcutta High Court, agreeing with Chief Justice, Gujrat High Court said that to a great extent it is the paucity of presiding judges that has contributed to the arrears of cases.

Chief Justice, Kerala High Court, pointed out that so far as the High Courts, are concerned, there are two problems. One the appointment of judges and the other appointment of competent judges. It makes a word of difference in the disposal of cases.

Chief Justices felt that attention is not paid at the time of recruitment of judges. There are variety of reasons and variety of factors for this. But determined efforts for having competent men must be made. Judiciary is accountable to the people and the highest competence is required for a judge. There cannot be any compromise on the quality of judges

When a Chief Justice recommends a person for judge ship the primary concern should be for having competent men. There must be full support at the appropriate level, at the Chief Minister's level, that on no account, we will compromise this. Secondly, lack of involvement and lack of sense of devotion and taking things easy reason for arrears of cases. Judges tend to become more popular by giving easy admission. The movement court gives easy admission, it invites more and more work. The reasons for this are that a judge may not be competent. The other is a
feeling that after all what does he loose and why have displeasure of the Bar. Chief Justice, Kerala High Court was glad that Chief Justice of India gave a lead in this behalf.

Weekly statements on disposal should be circulated to all the judges. Judges themselves go on improving as is done in the High Court of Kerala.

Chief Justice, Kerala High Court further mentioned that "he had established an arrears committee.' They take up cases subjectwise. Classification of cases and grouping of cases and placing the cases before a judge who is proficient in that field goes a long way. Judges must realise their accountability to the common man."

After detail discussion of the matter, the Chief Justice of India expressed the view that a committee of Chief Justices should be appointed to examine the matter thoroughly. Accepting his lordship's suggestion, the following resolution was passed at the conference.

"Resolves that with a view to implement the resolution of the joint conference of Chief Justices and the Chief Ministers and to suggest ways and means to reduce and control the arrears of cases in the high courts and subordinate courts a committee consisting of Chief Justices shri. V.S.Malimath, P.D.Desai and A Banerji, is constituted to study the problem of arrears in different courts in depth and in all its dimension with special regard to the report of the earlier committee appointed by the Government of India pursuant to the recommendations made by the Chief Justices' conference, 1985 and the recommendations made by committees and commissions."

Hon'ble Justice shri V.S.Malimath, Chief Justice Kerala High Court, was appointed as chairman. Hon'ble Mr.Justice P.D.Desai, Chief Justice, Calcutta High Court and Hon'ble Dr. Mr. Justice A. S. Anand, Chief Justice, Madras High Court were appointed as members. Malimath committee, is called as the [Arrears Committee, 1989.] The arrears committee submitted its report to the Government of India and Chief Justice of Supreme Court of India, on 14th March, 1990.

Malimath committee made following recommendations.
- Resolution of conflicts of decisions amongst High Courts.
- Judges punctuality in attendance.
- Causes contributing to loss of judicial time.
- Strike- default in appearance of lawyers.
- Conventions to be established.
- Increase in working hours/days,
- Proper choice of counsel for the State and other statutory authorities.
- Closure of courts on death of dignatories and on other occasions.
- Relations of the Chief Justice with puisne judges.
- Appointment of judges as commissions under the Commission of Inquiry Act.
- Inadequacy of staff.
- Utilisation of computers and other modern technology.
- Paucity of funds - need for central assistance.
- Avoidance of hasty and imperfect legislation.
- Training of government officers in general principles of law and relevant statutes.
- Need to provide alternative machinery for redressal of grievances.

On going through the Malimath Committee Report, researcher found that the report was mainly concerned to the cases pending in the High Courts and the Supreme Court. No suggestions were made by the committee how to overcome the arrears of pending cases in the trial courts i.e. lower courts.

Considering previous reports they show that the problem of arrears of pendency in the trial court is still persists. It is necessary to consider the problem of
arrears from the managerial angle. Judicature is a non profit making organisation whether management is applicable to such organisation? Hence the present study is undertaken by the researcher.

On going through above reports the researcher found that no study was conducted by any study group or committee to ascertain whether present procedural laws i.e. C.P.C. Cr.P.C. Civil manual, Criminal manual & Evidence Act, are enough for speedy disposal or to clear the arrears pending in courts of C.J.J.D. & J.M.F.C. The work of lower judicature is centralised at a Judge or a Magistrate. Mere increase in number of ministerial staff disposal cannot be increased. Disposal can be increased if judicial officer manages his work i.e. management of court, files, witnesses & staff properly by using existing procedural laws properly at relevent stages of proceedings. Therefore it was necessary to study in which mannnar the procedural laws are followed by advocates, parties, judicial officers and police. Hence present study was taken to make investigation in the judicature in this regard.

To sum up the problem was confined to pendency or the reorganisation of staff, It is admitted that reorganisation of staff as well as the work may helps in streamlining the work load and reducing the arrears. The researcher is of the opinion that this is a short sighted approach. In any organisation the staff the work flows as per its leader and i.e. the manger. In judiciary a judge has to play the role of manager also and give manegerial leadership to the administration.