



## **TIME AND MOTION STUDY OF FOUR DISTRICT AND SESSIONS COURTS IN BANGALORE, KARNATAKA**

### **Introduction**

Each day for a judge in a subordinate court is a long one with up to 100 cases listed for issues, evidence and arguments. For litigants, each listing of their case is a hopeful moment.

This time and motion study of a judge's activity in the courtroom, undertaken in Bangalore measures the time that a litigant is able to receive from a judge in civil and criminal matters.

Many studies have been undertaken across the world to assess the performance of judges in the courtroom in a single day. In the United States, time-and-motion studies have been conducted to review the amount of time judicial officers spend on activities throughout the day and how many judges are required<sup>1</sup>. Such studies have collected data to create a comparable measure of the amount of time and number of judicial officers necessary for effective case resolution. However, no such study has been carried out in the Indian context.

A judge spends her day on several types of matters – not only hearing each case listed, but also on administrative issues outside the courtroom. This study focuses on the time spent by the judge when she is sitting in the court.

### **Purpose**

The purpose of this study is not to focus on the question of efficiency of a judge's performance; rather, the primary motive is to evaluate in quantitative terms how a judge spends her time in court and estimate cost to the exchequer.

### **Methodology of study**

- The study was undertaken by procuring the daily cause lists from the [ecourts.gov.in](http://ecourts.gov.in) website of the four courts selected for this study, viz.:

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<sup>1</sup> For example see: <https://courts.mt.gov/portals/113/dcourt/stats/workload/caseload-study2014.pdf>

- XXIX Additional City Civil Court Judge, Bangalore
- 2nd Additional Civil Judge, Bangalore district
- Assistant Chief Metropolitan Magistrate III, Bangalore
- Assistant Chief Metropolitan Magistrate IV, Bangalore
- The courts were chosen randomly with the only criteria being that equal number of civil and criminal courts were included.
- A single researcher spent the day in each court hall, detailing the amount of time a judge spent on each case number listed and called out.
- **Tables 2 to 5** provide the detailed observations recorded over five days in each of the four selected courts in Bangalore.
- At the end of the day, the observations were tallied to examine:
  - a. How long the court is in session for a single day.
  - b. How many cases are listed on the cause list, and how many are heard.
  - c. Time spent by the judge on adjournments.
  - d. The time taken by cases that are heard.
- The researchers focused on noting the time taken by the courts in handling cases during our observation period and not the legal merits of the case.

## Findings

- About 54% of the sitting time of civil courts and 33% of that of criminal courts are spent on handling adjournments. The remaining time is taken up by hearings, comprising recording evidence, oral arguments and such activities.
- Table 1 provides a break up of the percentage of sitting time for each courts:

	XXIX Additional City Civil Court Judge, Bangalore	2nd Additional Civil Judge, Bangalore district	<b>Civil Courts Median</b>	Assistant Chief Metropolitan Magistrate III, Bangalore	Assistant Chief Metropolitan Magistrate IV, Bangalore	<b>Criminal Courts Median</b>
Percentage of time spent on adjournments	40	67	54	30	36	33

and summons						
Percentage of time spent on hearings	60	33	47	70	64	67

- On average, civil and criminal courts appear to be operational for a little more than 4 hours a day while the mandated work day is 5 hours.
- According to the Karnataka (Case Flow Management in Subordinate Courts) Rules, 2005, two cause lists are to be prepared for each day:
  - List I for cases at the stage of interlocutory applications, reference to alternate dispute resolution methods or evidence, and
  - List II for cases at all other stages.
- The rules also prescribe a certain ceiling on the number of cases to be listed. However, listing of matters in courts appears to be in contravention of these rules.

#### *Financial Impact*

- Considering on an average 35% of the time of District and Sessions Courts and criminal courts are spent on adjournments, Karnataka is spending between **INR 80 crores** and **INR 150 crores** annually towards handing adjournments. The detailed workings are in **Table 6**.
- This represents between 12% and 22% of the total annual expenditure on the administration of justice by Karnataka.
- This is only the direct cost incurred by the state and does not consider indirect costs such as cost of litigation to the parties and opportunity cost.

#### *Other Observations*

- In a day, about 50 cases are listed of which only about 6 are heard.
- In all cases there is a difference between the cause list available online (ecourts.gov.in) and that actually followed in the court. When our researchers spoke to the court clerks about this, it was attributed to lack of personnel to upload information about listing of cases to the website and a general lack of seriousness about information on the e-courts website.



## Next Steps

- Extending the study over select courts in other parts of the country so as to analyse regional variances and arrive at a national average.



**Table 2:** Five Days in the Court of the XXIX Additional City Civil Court Judge, Bangalore

	D1 (8/6/2016) 11:04 AM to 4:22 PM		D2 (10/6/2016) 11:03 AM to 4:38 PM		D3 (13/6/2016) 11:06 AM to 4:36 PM		D4 (14/6/2016) 11:04 AM to 4:24 PM		D5 (15/6/2016) 11:05 AM to 3:48 PM		Total		Percentage of working time (excluding breaks) based on average over 5 days
	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	
<b>Adjournments and Summons</b>	53	63	60	128	44	56	48	44	39	44	244	335	40
<b>Hearings, etc.</b>	4	158	3	48	7	106	2	66	2	120	18	498	60
<b>Total</b>	<b>57</b>	<b>221</b>	<b>63</b>	<b>176</b>	<b>51</b>	<b>162</b>	<b>50</b>	<b>110</b>	<b>41</b>	<b>164</b>	<b>262</b>	<b>833</b>	<b>100</b>



**Table 3:** Five Days in the Court of the Assistant Chief Metropolitan Magistrate III, Bangalore

	D1 (16/7/2016)		D2 (18/7/2016)		D3 (19/7/2016)		D4 (20/7/2016)		D5 (21/7/2016)		Total		Percentage of working time (excluding breaks) based on average over 5 days
	11:04 AM to 1:10 PM		11:03 AM to 5:10 PM		11:03 AM to 5:35 PM		11:03 AM to 5:35 PM		11:03 AM to 3:15 PM				
	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	
Adjournments and Summons	20	37	29	72	27	80	30	59	33	53	139	301	30
Hearings	12	89	33	215	19	193	16	170	2	18	82	685	70
Total	32	126	62	287	46	273	46	229	35	71	221	986	100

**Table 4:** Five Days in the Court of the Assistant Chief Metropolitan Magistrate IV, Bangalore

	D1 (11/7/2016)		D2 (12/7/2016)		D3 (13/7/2016)		D4 (14/7/2016)		D5 (15/7/2016)		Total		Percentage of working time (excluding breaks) based on average over 5 days
	11: 32 AM to 4:22 PM		11:35 AM to 3:52 PM		11:04 AM to 5:02 PM		11:04 AM to 4:10 PM		11:10 AM to 5:10 PM				
	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	
Adjournment s and Summons	42	64	54	79	50	83	22	18	15	29	617	273	36
Hearings, etc.	5	16	9	57	9	82	24	119	24	211	1309	485	64
Total	47	80	63	136	59	165	46	137	39	240	1926	758	100





**Table 5:** Five Days in the Court of the 2nd Additional Civil Judge, Bangalore District, Bangalore

	D1 (15/7/2016)		D2 (16/7/2016)		D3 (18/7/2016)		D4 (19/7/2016)		D5 (20/7/2016)		Total		Percentage of working time (excluding breaks) based on average over 5 days
	11:00 AM to 4:45 PM		11:00 AM to 3:42 PM		11:00 AM to 3:54 PM		11:00 AM to 3:59 PM		11:00 AM to 4:07 PM				
	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	No. of cases	Session (mins)	
Adjournments and Summons	138	224	117	175	141	147	152	181	179	180	727	907	67
Hearing, etc.	1	60	2	89	1	119	1	82	1	86	6	436	33
Total	139	284	119	264	142	266	153	263	180	266	733	1343	100

**Table 6: Financial Impact**

Particulars			Rupees in Crores	Remarks
Average annual expenditure under the heads of 'Civil and Sessions Courts' and 'Criminal Courts'	A		425	Average of expenditure mentioned for three financial years ending March 2014, March 2015 and March 2016, as per financial statements of the Government of Karnataka
Time spent on adjournments as a percentage of time for the sitting time of the courts	B	35%		Average for civil and criminal courts in this study
<b>Cost of time spent on adjournments as a percentage of courts' sitting time</b>	<b>C = A X B</b>		<b>150</b>	
Time spent on adjournments as a percentage of full 8 hour working day (generally considered to be hours spent for work)	D	19%		Average for civil and criminal courts
<b>Cost of time spent on adjournments as a percentage of full 8 hour working day</b>	<b>E = A X D</b>		<b>80</b>	