



# Case Flow Management Rules in India

By DAKSH

Case flow management rules consists of a set of practices and rules that ensures that a judge or an officer of the court creates, adheres and implements the time frame for the lifecycle of a case. This means that the court and not lawyers or parties to the case control the progression of the case's lifecycle. A three-judge bench of the Supreme Court of India, in *Salem Advocate Bar Association v. Union of India*<sup>1</sup> first introduced this concept in India and asked High Courts to finalise the Model Draft Rules that a committee headed by the then chairman of the Law Commission (Justice M Jagannadha Rao) had recommended.

## A. Problems

Research by DAKSH has revealed that two of the most important problems in the day to day functioning of the judiciary are:

- Judicial workload and efficiency: High Court judges across the country hear anywhere between 20 and 150 cases a day, averaging at 70 hearings. The situation is not very different for judges in the subordinate courts. This statistic shows that judges are severely constrained for hearing time. As a result, they are unable to record daily orders and grant a greater number of adjournments, which further slows down judicial process.
- Non-substantive hearings: These are hearings dealing with administrative and procedural stages of the judicial process, but do not necessarily need a judge's judgement and involvement all the time. A time and motion study conducted by DAKSH<sup>2</sup> showed that in selected subordinate courts in Bangalore, judges spent approximately between 40 to 50 per cent of their time on adjournments, summons and other miscellaneous matters, which are procedural and administrative in nature, and do not lead to the resolution of cases. We understand from our interactions with lawyers and judges that the situation is the same with most subordinate courts.

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<sup>1</sup> (2005) 6 SCC 344.

<sup>2</sup> Full text of our study can be found here: <http://dakshindia.org/wp-content/uploads/2016/11/DAKSH-TIME-AND-MOTION-STUDY-OF-FOUR-DISTRICT-AND-SESSIONS-COURTS-3.pdf>. A summary of the findings from this study can be found here: <http://www.livemint.com/Sundayapp/kaOOjQmldoouVxj098RAIL/How-to-maximize-judicial-time.html>.



## **B. Solutions**

Case flow management is defined<sup>3</sup> as “...*A comprehensive system of management of time and events in a lawsuit as it proceeds through the justice system, from initiation to resolution.*”

In essence case flow management provides that a judge or an officer of the court will set out a timeframe and monitor the case from its filing to disposal. In this regard, case flow management rules specify timelines within which cases should be disposed of.

The *Salem Advocates* ruling<sup>4</sup> endorses the Model Draft Rules<sup>5</sup> for case flow management, both for the High Courts and for the subordinate courts. However, these have not been enacted uniformly across the High Courts. As on date, 17 High Courts<sup>6</sup> have brought Case Flow Management Rules into effect. In some states, the Rules cover only subordinate courts, while in others they cover only civil courts.

## **C. Relevant provisions in Case Flow Management Rules**

The central feature of the Case Flow Management Rules is recognising that different kinds of cases have varied progression and thus need to be handled differently. To further this objective, the Rules classify cases into ‘tracks’ based on their subject matter of dispute or nature of offence. The timelines to dispose cases under each track is different and ranges between nine months and two years in most states.

Another key element of the Rules is that they lay down guidelines and timelines for the various stages in the lifecycle of a case, such as, issuing and serving summons or notice, granting of interim orders, referral to Alternate Dispute Resolution methods, recording of evidence, imposition of costs, calling of cases and passing of adjournments.

The Case Flow Management Rules enacted by some of the states, require that two types of cause lists be prepared daily: one which lists cases that are still in the procedural stage such as the serving of notice and filing of submissions; and another that lists cases that have moved to substantive stages such as the recording of evidence, cross-examination, hearing and arguments. The Rules

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<sup>3</sup> Consultation paper on Case Management drafted by the Law Commission:  
[http://lawcommissionofindia.nic.in/adr\\_conf/casemgmt%20draft%20rules.pdf](http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf).

<sup>4</sup> (2005) 6 SCC 344.

<sup>5</sup> Consultation paper on Case Management drafted by the Law Commission.

<sup>6</sup> A list of states that have brought out Case Flow Management Rules along with links to them can be found in Annexure A.



require that judges or presiding officers hear cases in the second cause list (substantive), and the registrars hear procedural matters that fall in the first list.

The Rules seek to balance the burden of efficient case management placed on the courts by allowing them to impose costs and initiate perjury proceedings, as appropriate.

#### **D. International experience with Case Flow Management**

Case flow management has been introduced with much success over the last 20 to 30 years in several countries. The United States of America, United Kingdom, Canada and Australia are some of the countries where the principles of case flow management have been successfully incorporated in judicial management.



## Annexure A: List of States and Case Flow Management Rules

Table A1: List of States and links to their Case Flow Management Rules

State	High Court Rules	Subordinate Courts (Civil) Rules	Subordinate Courts (Criminal) Rules
<b>Law Commission Model Rules</b>	Draft Case Flow Management Rules In High Court <a href="http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf">http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf</a>	Draft Case Flow Management Rules For Subordinate Courts <a href="http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf">http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf</a>	Draft Case Flow Management Rules For Subordinate Courts <a href="http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf">http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf</a>
<b>Andhra Pradesh/ Telangana</b>	Not passed	Case Flow Management in Subordinate Courts Rules, 2012 <a href="http://ecourts.gov.in/sites/default/files/scan0003--compressed.pdf">http://ecourts.gov.in/sites/default/files/scan0003--compressed.pdf</a>	Not passed
<b>Assam/ Arunachal Pradesh/ Nagaland/ Mizoram</b>	Gauhati High Court Case Management Rules, 2007 <a href="http://ghconline.gov.in/General/Notification-19-11-2008.pdf">http://ghconline.gov.in/General/Notification-19-11-2008.pdf</a>	Trial Courts and First Appellate Subordinate Courts (under the Gauhati High Court) Case Management Rules, 2007 <a href="http://ghcitanagar.gov.in/Rules/Subordinatecourt/TC&amp;FASC(GHC)CMRules,20070001.pdf">http://ghcitanagar.gov.in/Rules/Subordinatecourt/TC&amp;FASC(GHC)CMRules,20070001.pdf</a>	Trial Courts and First Appellate Subordinate Courts (under the Gauhati High Court) Case Management Rules, 2007 <a href="http://ghcitanagar.gov.in/Rules/Subordinatecourt/TC&amp;FASC(GHC)CMRules,20070001.pdf">http://ghcitanagar.gov.in/Rules/Subordinatecourt/TC&amp;FASC(GHC)CMRules,20070001.pdf</a>
<b>Bihar</b>	Bihar (Case Flow Management in High Court) Rules 2008	Bihar (Case Flow Management in Subordinate Court) Rules 2008	Bihar (Case Flow Management in Subordinate Court) Rules 2008



State	High Court Rules	Subordinate Courts (Civil) Rules	Subordinate Courts (Criminal) Rules
	<a href="http://patnahighcourt.bih.nic.in/ViewPDF.aspx?File=UPLOADED/18.PDF">http://patnahighcourt.bih.nic.in/ViewPDF.aspx?File=UPLOADED/18.PDF</a>	<a href="http://patnahighcourt.bih.nic.in/ViewPDF.aspx?File=UPLOADED/19.PDF">http://patnahighcourt.bih.nic.in/ViewPDF.aspx?File=UPLOADED/19.PDF</a>	<a href="http://patnahighcourt.bih.nic.in/ViewPDF.aspx?File=UPLOADED/19.PDF">http://patnahighcourt.bih.nic.in/ViewPDF.aspx?File=UPLOADED/19.PDF</a>
<b>Chhattisgarh</b>	High Court of Chhattisgarh Rules, 2007 <a href="http://highcourt.cg.gov.in/rule/cghc_rules2007(as_on14072015).pdf">http://highcourt.cg.gov.in/rule/cghc_rules2007(as_on14072015).pdf</a> (Rule 158, pages 85-91)	Case Flow Management Rules for Trial Courts and First Appellate Subordinate Courts, 2007 <a href="http://highcourt.cg.gov.in/rule/mediation_rules.PDF">http://highcourt.cg.gov.in/rule/mediation_rules.PDF</a>	Case Flow Management Rules for Trial Courts and First Appellate Subordinate Courts, 2007 <a href="http://highcourt.cg.gov.in/rule/mediation_rules.PDF">http://highcourt.cg.gov.in/rule/mediation_rules.PDF</a>
<b>Delhi</b>	Not passed	Not passed	Not passed
<b>Gujarat</b>	Gujarat High Court Case Flow Management Rules, 2016 <a href="http://gujarathighcourt.nic.in/hccms/sites/default/files/rules_files/cfm_Rules_25317.pdf">http://gujarathighcourt.nic.in/hccms/sites/default/files/rules_files/cfm_Rules_25317.pdf</a>	Gujarat High Court Case Flow Management (Subordinate Courts) Rules, 2016 <a href="http://gujarathighcourt.nic.in/GSJARules2005/cfm_Rules_25317.pdf">http://gujarathighcourt.nic.in/GSJARules2005/cfm_Rules_25317.pdf</a>	Gujarat High Court Case Flow Management (Subordinate Courts) Rules, 2016 <a href="http://gujarathighcourt.nic.in/GSJARules2005/cfm_Rules_25317.pdf">http://gujarathighcourt.nic.in/GSJARules2005/cfm_Rules_25317.pdf</a>
<b>Haryana/ Punjab/ Chandigarh</b>	Model Case Flow Management Rules in High Court Punjab and Haryana High Court Rules, 2007 <a href="http://highcourtchd.gov.in/sub_pages/left_menu/Rules_orders/high_court_rules/Vol-V--PDF/chap4partIV5.pdf">http://highcourtchd.gov.in/sub_pages/left_menu/Rules_orders/high_court_rules/Vol-V--PDF/chap4partIV5.pdf</a>	Punjab and Haryana High Court Case Flow Management Rules, 2007 <a href="http://highcourtchd.gov.in/sub_pages/left_menu/Rules_orders/high_court_rules/vol-I-pdf/chap1partPV1.pdf">http://highcourtchd.gov.in/sub_pages/left_menu/Rules_orders/high_court_rules/vol-I-pdf/chap1partPV1.pdf</a>	Punjab and Haryana High Court Case Flow Management Rules, 2007 <a href="http://highcourtchd.gov.in/sub_pages/left_menu/Rules_orders/high_court_rules/vol-I-pdf/chap1partPV1.pdf">http://highcourtchd.gov.in/sub_pages/left_menu/Rules_orders/high_court_rules/vol-I-pdf/chap1partPV1.pdf</a>



State	High Court Rules	Subordinate Courts (Civil) Rules	Subordinate Courts (Criminal) Rules
<b>Himachal Pradesh</b>	High Court of Himachal Pradesh Case Flow Management (High Court) Rules, 2005 <a href="http://hphighcourt.nic.in/rules/Part-C%20I(5).pdf">http://hphighcourt.nic.in/rules/Part-C%20I(5).pdf</a>	High Court of Himachal Pradesh Case Flow Management (Subordinate Courts) Rules, 2005 <a href="http://hphighcourt.nic.in/rules/Part-C%20I(6).pdf">http://hphighcourt.nic.in/rules/Part-C%20I(6).pdf</a>	High Court of Himachal Pradesh Case Flow Management (Subordinate Courts) Rules, 2005 <a href="http://hphighcourt.nic.in/rules/Part-C%20I(6).pdf">http://hphighcourt.nic.in/rules/Part-C%20I(6).pdf</a>
<b>Jammu and Kashmir</b>	Jammu & Kashmir High Court Case Flow Management Rules, 2010 <a href="http://jkhighcourt.nic.in/cir/hc-mg-rules.pdf">http://jkhighcourt.nic.in/cir/hc-mg-rules.pdf</a>	Jammu & Kashmir Trial Court and First Appellate Subordinate Court, 2010 <a href="http://jkhighcourt.nic.in/cir/lc-mg-rules.pdf">http://jkhighcourt.nic.in/cir/lc-mg-rules.pdf</a>	Jammu & Kashmir Trial Court and First Appellate Subordinate Court, 2010 <a href="http://jkhighcourt.nic.in/cir/lc-mg-rules.pdf">http://jkhighcourt.nic.in/cir/lc-mg-rules.pdf</a>
<b>Jharkhand</b>	Jharkhand High Court Case Flow Management In The High Court Rules, 2006 <a href="http://jharkhandhighcourt.nic.in/rules/rules.pdf">http://jharkhandhighcourt.nic.in/rules/rules.pdf</a>	Jharkhand High Court Case Flow Management In The Subordinate Courts Rules, 2006 <a href="http://jharkhandhighcourt.nic.in/rules/rules.pdf">http://jharkhandhighcourt.nic.in/rules/rules.pdf</a>	Jharkhand High Court Case Flow Management In The Subordinate Courts Rules, 2006 <a href="http://jharkhandhighcourt.nic.in/rules/rules.pdf">http://jharkhandhighcourt.nic.in/rules/rules.pdf</a>
<b>Karnataka</b>	Not passed	Karnataka (Case Flow Management in Subordinate Courts) Rules. 2005 <a href="http://karnatakajudiciary.kar.nic.in/govt_Notifications/gonotfn5.pdf">http://karnatakajudiciary.kar.nic.in/govt_Notifications/gonotfn5.pdf</a>	Not passed



State	High Court Rules	Subordinate Courts (Civil) Rules	Subordinate Courts (Criminal) Rules
<b>Kerala</b>	Not passed	Kerala Civil Courts (Case Flow Management) Rules, 2015 <a href="http://ecourts.gov.in/sites/default/files/caseflow%20management%20rules.pdf">http://ecourts.gov.in/sites/default/files/caseflow%20management%20rules.pdf</a>	Not passed
<b>Madhya Pradesh</b>	High Court of Madhya Pradesh Case Flow Management Rules, 2006 Not available online	High Court of Madhya Pradesh Case Flow Management Rules, 2006 Not available online	High Court of Madhya Pradesh Case Flow Management Rules 2006 Not available online
<b>Maharashtra /Goa</b>	Not passed	Not passed	Not passed
<b>Manipur</b>	Not passed	Not passed	Not passed
<b>Meghalaya</b>	Not passed	Not passed	Not passed
<b>Odisha</b>	Not passed	Not passed	Not passed
<b>Rajasthan</b>	Rajasthan Case Flow Management Rules, 2006 Not available online	Rajasthan Case Flow Management Rules, 2006 <a href="http://www.bareactslive.com/RAJ/RJ486.HTM">http://www.bareactslive.com/RAJ/RJ486.HTM</a>	Rajasthan Case Flow Management Rules, 2006 <a href="http://www.bareactslive.com/RAJ/RJ486.HTM">http://www.bareactslive.com/RAJ/RJ486.HTM</a>
<b>Tamil Nadu / Puducherry</b>	Not passed	The Tamil Nadu (Case flow Management in Subordinate Courts) Rules, 2007 <a href="http://www.hcmadras.tn.nic.in/cfmsc.htm">http://www.hcmadras.tn.nic.in/cfmsc.htm</a>	Not passed



State	High Court Rules	Subordinate Courts (Civil) Rules	Subordinate Courts (Criminal) Rules
<b>Tripura</b>	Not passed	Not passed	Not passed
<b>Sikkim</b>	High Court of Sikkim Case Flow Management Rules, 2006 <a href="http://highcourtofsikkim.nic.in/downloads/rules/rule%20249.pdf">http://highcourtofsikkim.nic.in/downloads/rules/rule%20249.pdf</a>	Subordinate Courts of Sikkim Case Flow Management Rules, 2006 <a href="http://highcourtofsikkim.nic.in/downloads/rules/rule%20250.pdf">http://highcourtofsikkim.nic.in/downloads/rules/rule%20250.pdf</a>	Subordinate Courts of Sikkim Case Flow Management Rules, 2006 <a href="http://highcourtofsikkim.nic.in/downloads/rules/rule%20250.pdf">http://highcourtofsikkim.nic.in/downloads/rules/rule%20250.pdf</a>
<b>Uttar Pradesh</b>	Not passed	Not passed	Not passed
<b>Uttarakhand</b>	Uttarakhand Case Flow Management Rules, 2009  Not available online	Uttarakhand Case Flow Management (For Subordinate Courts) Rules, 2009  Not available online	Uttarakhand Case Flow Management (For Subordinate Courts) Rules, 2009  Not available online
<b>West Bengal</b>	Not passed	Case Flow Management Rules 2006 in the Subordinate Courts <a href="http://www.bareactslive.com/WB/WB669.HTM">http://www.bareactslive.com/WB/WB669.HTM</a>	Case Flow Management Rules 2006 in the Subordinate Courts <a href="http://www.bareactslive.com/WB/WB669.HTM">http://www.bareactslive.com/WB/WB669.HTM</a>

\*Details of Case Flow Management Rules for each state have been taken from the information available online and the website of the respective High Courts.