



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

Introduction

For a judge in a subordinate court in India, each day 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 four court halls (civil and criminal) in Bangalore, measures the time that a litigant's case receives from a judge.

Many studies have been undertaken across the world to assess the performance of judges in the court room in a single day. In the United States, time-and-motion studies have been conducted to review the amount of time judges spend on activities throughout the day and how many judges are required.¹ 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 courtroom.

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.

Methodology of study

- The study was undertaken by procuring the daily cause lists published on the website (<http://ecourts.gov.in>) of the four courts selected for this study, namely:
 - 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

¹ See for example, Suzanne Tallarico, John Douglas, and Erika Friess. 2014. 'Montana District Court Judicial Weighted Caseload Study, 2014', *National Center for State Courts*, available online at <https://courts.mt.gov/portals/113/dcourt/stats/workload/caseload-study2014.pdf>



- The courts were chosen randomly with the only criteria being that equal number of civil and criminal courts were included.
- A single researcher spent five days in each court hall, detailing the amount of time a judge spent on each case number listed and called out every day.
- **Tables 2 to 5** contain 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:
 - i. How long the court was in session during each day.
 - ii. How many cases were listed on the cause list, and how many were heard.
 - iii. Time spent by the judge on cases adjourned without being heard.
 - iv. Time taken by cases that were heard on merits.
- The researchers' focus during this study was on noting the time taken by the courts in handling cases, 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** summarises the percentage of sitting time taken up for the following types of activities:

| | XXIX Additional City Civil Court Judge, Bangalore | 2nd Additional Civil Judge, Bangalore district | Civil Courts Median | Assistant Chief Metropolitan Magistrate III, Bangalore | Assistant Chief Metropolitan Magistrate IV, Bangalore | Criminal Courts Median |
|---|--|---|------------------------------------|--|--|---------------------------------------|
| Percentage of time spent on adjournments and summons | 40 | 67 | 54 | 30 | 36 | 33 |
| Percentage of time spent on hearings, etc. | 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, on average, about 50 cases were listed, of which only about 6 were heard.
- In all the four courts studied, there was a difference between the cause list available online (<http://ecourts.gov.in>) and the one actually followed in the court. When our researchers spoke to the court clerks about this, it was attributed to lack of personnel available to upload updated cause lists 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 whether there are any regional variances.



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

| | D1 (8/6/2016) | | D2 (10/6/2016) | | D3 (13/6/2016) | | D4 (14/6/2016) | | D5 (15/6/2016) | | Total | | Percentage of working time (excluding breaks) based on average over 5 days |
|---------------------------------|---------------------|----------------|---------------------|----------------|---------------------|----------------|---------------------|----------------|---------------------|----------------|--------------|----------------|--|
| | 11:04 AM to 4:22 PM | | 11:03 AM to 4:38 PM | | 11:06 AM to 4:36 PM | | 11:04 AM to 4:24 PM | | 11:05 AM to 3:48 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 | 53 | 63 | 60 | 128 | 44 | 56 | 48 | 44 | 39 | 44 | 244 | 335 | 40 |
| Hearings, etc. | 4 | 158 | 3 | 48 | 7 | 106 | 2 | 66 | 2 | 120 | 18 | 498 | 60 |
| Total | 57 | 221 | 63 | 176 | 51 | 162 | 50 | 110 | 41 | 164 | 262 | 833 | 100 |



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 |
|---------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------|----------------|--|
| | 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 | 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) | 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 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 the actual sitting time of the courts | B | 35% | | Average for civil and criminal courts in this study |
| Cost of time spent on adjournments as a percentage of courts' sitting time | C = A X B | | 150 | |
| Time spent on adjournments as a percentage of a full working day of 8 hours | D | 19% | | Average for civil and criminal courts |
| Cost of time spent on adjournments as a percentage of full 8 hour working day | E = A X D | | 80 | |