

# **SUPREME COURT OF INDIA**

## **An overview of the new scheme for automated listing of cases**

### **INTRODUCTION**

The number of cases being filed in the Supreme Court of India has been constantly on the rise and listing of cases is becoming acutely challenging. It was felt that a higher level of objectivity, consistency, timeliness and transparency was essential to bolster the aspirations of the stakeholders in the judicial process. The only way forward to accentuate this goal is to rationalise the docket so as to obviate the elimination of cases from the final list. Thus, a new automated, dynamic and a responsive software (ICMIS) to integrate the institutional processes both on the inter and intra circuit has been conceived and launched on 10.05.2017 which will completely rule out manual intervention too.

The salient features of the new scheme are delineated as under:

### **FRESH/AFTER NOTICE MATTERS**

1. No Miscellaneous matter shall remain undated. Every Miscellaneous matter shall bear some date, either given by the Court or auto-generated by the computer.
2. An attempt has been made to ensure even distribution of cases on a given day before each court.
3. The ICMIS software has been designed to address relative urgency of different types of cases as per the Supreme Court Rules, 2013 and the Practice and Procedures in-vogue.
4. Fresh admission cases registered from Saturday to Tuesday will be listed on the following Court working Monday or the notified miscellaneous day and fresh cases registered from Wednesday to Friday will be listed on next the following Court working Friday or the notified Miscellaneous day, from the date of removal of office objections, if any.
5. In case the defects are not cured within the statutory period of 28 days and if an application for condonation of delay for removing defects is filed

after the 28<sup>th</sup> day till the 60<sup>th</sup> day, the matter shall be placed before the Registrar's court.

6. In case the party fails to cure the defects till 90 days the matter shall be listed in the following week before the Hon'ble Judge in Chambers.

7. Subject to the directions of Hon'ble the Chief Justice of India, ordinarily, on miscellaneous days fresh matters not exceeding 45 and 15 after notice/FD matters will be listed before the concerned bench.

8. Ordinarily, on non-miscellaneous days subject to any directions of the Hon'ble Chief Justice to the contrary upto 10 after notice (including Final Disposal) matters and 10 Regular Hearing matters shall be listed before the concerned bench.

9. Court dated pre-admission cases shall be listed on dates assigned by the Court (including actual date notice) and shall not be left out. Pre-admission matter ordered to be listed by the Hon'ble Court in week commencing / next week / after week(s) shall be treated as Court given date matter.

10. Over and apart from the fresh and actual date matters, cases in which computer generated dates are given will also be listed within the specified number of cases. However, if for any reason the aggregate number of miscellaneous cases exceeds the computer generated date matters, they will be deferred in suitable lots after four weeks.

11. Not reached/left over **FRESH ADMISSION MATTERS** shall be listed on the following miscellaneous day. The not reached / left over **after notice** cases will be assigned auto-generated returnable dates spread out in suitable lots after four weeks. This is to ensure that the daily list / supplementary list for the following week does not get oversized. The returnable dates of concerned cases will be notified on the Supreme Court official website in the case status of that case as also on the list/board for the next Court working day, for the information of the litigants and lawyers.

In either case, if the Court orders to the contrary in exceptionally urgent matters, the Court given date on mentioning will prevail.

12. Any urgent / left over matter/fresh for admission matter required to be listed on the next Court working day after preparation of final list will be included in the supplementary list.

13. The matters of in-Person shall be listed after giving a clear notice of four weeks and in case a party wants to get his/her matter listed before the period of four weeks he/she may prefer a request in writing to the Registrar after the completion of interaction as per rules.

14. Fresh matters are allocated as per subject category, unless coram is given by Hon'ble the Chief Justice of India or is allocated by virtue of tagging as per approved practices and procedures.

15. Subject to the orders of Hon'ble the Chief Justice of India, if the Hon'ble Court directs listing or tagging with a matter pending in another Court, and the matter is listed accordingly, the coram of the main matter, with which the matter is directed to be listed/tagged will prevail.

16. If a fresh matter is listed before a Court and the Hon'ble Court directs to list it before some other Bench or before a Bench of which one of the Hon'ble Judges before whom the matter is listed, is not a member, it is treated as a fresh matter and is listed through computer as per subject category, in the next Final Cause List.

#### 17. Classification of Cases for listing

- A. Personal Appearance
- B. Settlement cases
- C. Orders(Incomplete cases/I.A.'s/M.A.'s)
- D. Fresh (for admission)
- E. After notice (for admission)
- F. Final Disposal (admission stage)

#### **REGULAR HEARING MATTERS**

18. Regular hearing matters shall be allocated as per Subject Category, if not otherwise directed by Hon'ble the Chief Justice of India. If the Coram is specified by Hon'ble the Chief Justice of India at the miscellaneous stage the same will continue to be listed even after the grant of leave/ Rule Nisi/Admission Stage, as per the Coram so granted.

19. Regular hearing matters shall be listed as per the oldest to the newest (oldest matter first), depending upon the date of institution of the case, except a specially directed matter.

20. (a) A Part Heard matter is to be listed before the Hon'ble Judges who heard it in part unless it is released, in writing, from part heard.

(b) The Part Heard regular hearing matters which could not be heard or taken up by the Hon'ble Presiding Judge prior to retirement, shall be listed before the second coram if presiding; otherwise the appropriate Court as per the subject category allocated by Hon'ble the Chief Justice of India.

21. The listing of the Regular hearing matters shall be based on the following basic criteria:

- (i) overnight Part- Heard.
- (ii) Part Heard
- (iii) Specially directed/adjourned matters.
- (iv) Other matters to be listed as per subject category and strictly in chronological order (oldest matter first) as per the inter-se ratio of pending cases in each subject-category.

22. Whenever a matter is referred by a Bench of two Judges for decision to a larger Bench, the coram is allocated by Hon'ble the Chief Justice of India and is updated accordingly.

**Comparative Analysis of the Over view of the new scheme for Automated Listing**

Sl.No.	Earlier	Proposal for new scheme
1.	Miscellaneous matters did not bear any tentative dates for listing.	All miscellaneous matters shall henceforth bear some tentative dates.
4.	Fresh Admission cases registered from Saturday to Tuesday were listed on Monday and fresh cases registered from Wednesday to Friday were listed on Friday.	Procedure will remain the same.
7.	72 matters were listed on Mondays (all inclusive i.e. orders, fresh and after notice) and 67 matters were listed on Fridays earlier. Thereafter, as directed a total of 50 matters used to be listed (all inclusive). However, 30 fresh matters have been ordered to be listed on each day, lately and about 15 after notice matters including specific date were also listed during the miscellaneous days i.e. a total of 50 matters (all inclusive).	It has been proposed that in the new ICMIS programme fresh matters not exceeding 45 and 15-after notice/FD matters (excluding orders) will be listed on miscellaneous days (all inclusive matters). Thus, not more than 60 matters will be listed on each miscellaneous day.
8.	Earlier on non-miscellaneous day ordinarily 20 Regular Hearing Matters including specially directed-after notice/F.D. matters were listed before the Court.	As per the new programme ordinarily 10 after notice(including Final Disposal+ specific date) matters and 10 Regular Hearing Matters shall be listed before the Court on non-miscellaneous days.

17.	<p>Classification of cases for listing</p> <p>(a) Incomplete</p> <p>(b) Interlocutory Applications</p> <p>(c) Fresh</p> <p>(d) After notice</p>	<p>Classification of cases for listing</p> <p>(a) Personal appearance</p> <p>(b) Settlement cases</p> <p>(c) Orders (incomplete matters/ Interlocutory Applications/M.A.'s)</p> <p>(d) Fresh (for admission)</p> <p>(e) After notice(for admission)</p> <p>(f) Final Disposal (admission stage)</p>
21.	<p>Classification of listing of cases (Regular Hearing)</p> <p>(i) Part Heard</p> <p>(ii) Specially directed/adjourned matters</p> <p>(iii) Other matters to be listed as per subject category and strictly in chronological order (oldest matter first) as per the inter-se ratio of pending cases in each subject category.</p>	<p>Classification of listing of cases (Regular Hearing)</p> <p>(i) Overnight Part-Heard</p> <p>(ii) Part Heard</p> <p>(iii) Specially directed/adjourned matters</p> <p>(iv) Other matters to be listed as per subject category and strictly in chronological order (oldest matter first) as per the inter-se ratio of pending cases in each subject category.</p>

Rest of the provisions have remain unaltered. The old practice & procedures will continue in that behalf.