

OFFICE OF THE DISTRICT & SESSION JUDGE : DELHI

PRESS BRIEF

The introduction of shift system in courts had already been recommended and supported by the Law Commission of India in its 125th report (1988) and Justice V. S. Malimath Committee on Reforms of Criminal Justice system with the view to prevent the collapse of the judiciary. The noble idea was also approved and welcomed by the Hon'ble Chief Justice of India during July, 2006 at Delhi.

The Hon'ble Chief Justice of India, Mr. Justice K.G. Balakrishnan has now bestowed upon a unique concept to the society by launching the concept of Evening Courts for expeditious dispensation of justice. The brain child of His Lordship shall be nurtured by the Core Committee consisting of Hon'ble Mr. Justice Madan B. Lokur, Hon'ble Mr. Justice S. Ravindra Bhatt, and Hon'ble Dr. Justice S. Muralidhar, Hon'ble Judges of High Court of Delhi, under the kind patronage and stewardship of Hon'ble Mr. Justice A. P. Shah, Chief Justice, High Court of Delhi.

Hon'ble High Court of Delhi has set-up Evening Courts initially for the settlement of complaint cases under Section 138 of Negotiable Instrument Act, in Delhi's Patiala House and Karkardooma Court Complexes, w.e.f 12th November, 2008. Commencement of Evening Courts in Delhi will be a Red Letter Day in the history of administration of justice. Immense efforts and excogitated planning in put in by the Core Committee can aptly be described in the words of a sukti (saying) in Bodhidharma, "All know the way, but few actually work it".

The background for the creation of Evening Courts lies in the fast proliferation and accumulation of arrears pertaining to Section 138 of the N.I. Act. More than 5,00,000 cases in Delhi alone are pending before the Metropolitan Magistrates. Such cases were harshly and adversely affecting the smooth working of the court functioning, thereby creating distraction, delay in deciding regular cases. Various methods adopted for the disposal of these cases like Lok Adalats, Mediation and Concillation proceedings made little impact on the mounting arrears and the continuous inflow of new cases.

The newly devised system will definitely change the public perception and strengthen the dispute redressal mechanism as the Evening Courts offer practical solution to the challenges faced by the judiciary today. The concept is also likely to provide relief to the burdening, cost of justice as well as the over-burden on the judicial officers. The hopes of teeming millions are focused on judiciary to protect their right to life, liberty and dignity, which the Constitution of India and the law of land guarantee.

1. Evening Courts will function at Patiala House and Karkardooma Court Complex, Initially three Evening Courts will function in Patiala House and

Karkardooma Courts Complexes each w.e.f 12th November, 2008 on all working days.

2. Evening Courts shall be presided over by the officers of Delhi Judicial Service/Metropolitan Magistrates on rotational basis.
3. Timings of the Evening Courts will be between 5.00 PM to 7.00 PM.
4. Evening Courts at Patiala House Courts Complex and Karkardooma Courts Complex shall be numbered at Court No. 1,2 and 3 respectively and shall work on permanent basis from the Court rooms earmarked for them.
5. Evening court Cells will be constituted at the Patiala House Court Complex and Karkardooma Courts Complex respectively under the supervision and control of ACMM – 1 of the respective Court Complexes.
6. Initially cases of Financial Institutions, under section 138 Negotiable Instrument Act, upto a cheque amount of Rs. 25,000/- shall be referred to such evening courts by all Magisterial Courts of the same court complex with the consent of the parties.
7. Cases shall be referred by the Magisterial Courts of all districts of Patiala House Courts and Karkardooma Courts to the ACMM-1 of the respective Court Complex.
8. After receiving the cases so referred by the Magisterial courts, the concerned ACMM-1 will assign the cases to the evening court No. 1,2 and 3 by ensuring equal distribution of work and with a view that there may not be pendency of more than 500 cases in each court.
9. The evening courts shall endeavor to dispose of the matters by way of settlement/trial, preferably within three months.
10. The cases which cannot be disposed off in evening courts may be transferred back to the referral court through concerned ACMM-1

Evening Courts provide a system for timely resolution of disputes which is *sine qua non* for maintaining social peace and harmony. Prompt and peaceful resolution of disputes is indispensable for maintaining tranquility, law and order in the society.

1. It is an innovative and effective step towards reducing the pendency of cases under Section 138 N.I. Act in Trial Courts.
2. It ensures expeditious and inexpensive dispensation of justice and guarantees speedy trial.

3. It saves the time, energy and resources of the court which can be better utilized in the trial of serious offences.
4. It offers a better way to resolve disputes and both the parties feel good about the outcome since it places the parties to the cases in a win-win situation.
5. It helps the courts in managing case loads and reducing the workload of the regular courts.
6. It allows the accused and the victim speedy justice without enduring a protracted and expensive court process.
7. It is an expedient, economical and mutually acceptable mode of dispute resolution.
8. It seeks to provide an inexpensive, quicker and most accessible mode of dispute resolution.
9. It enables maximum utilization of existing available infrastructure.
10. It enables the parties to arrive at a compromise or settlement in the case and thereby promotes the spirit of participative justice.
11. It is most convenient for a common man to attend hearings before the Evening Courts after finishing his/her regular work.

(Chander Shekhar)
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Chairman, Hindi Implementation Committee