

**CONFERENCE OF THE CHIEF MINISTERS OF
STATES
AND THE CHIEF JUSTICES OF THE HIGH
COURTS
[AUGUST 16, 2009]**

M I N U T E S

Hon'ble the Chief Justice of India, while welcoming the delegates at the Joint Conference, laid stress upon the issues of operationalization of Gram Nyayalayas;, setting up of Evening/Morning Courts in subordinate Courts and setting up of more CBI Courts and Family Courts; filling up of unfilled vacancies in courts and creation of twenty five per cent additional posts of Judicial Officers during the period they are on training; and formation of All-India Judicial Service and desired that these issues be primarily taken up for deliberation in the Conference.

1] PROGRESS ON IMPLEMENTATION OF RESOLUTIONS PASSED IN THE PREVIOUS CONFERENCE OF CHIEF MINISTERS AND CHIEF JUSTICES HELD ON APRIL 19, 2008.

Action Taken Reply given by Department of Justice was seen.

2] OPERATIONALIZATION OF GRAM NYAYALAYAS.

In order to establish Gram Nyayalayas for every Panchayat and to provide easy access to justice to the citizens at the grass root level in the rural areas, Chief Ministers/representatives of the States, except the States of Madhya Pradesh, Uttarakhand and Himachal Pradesh, expressed their willingness to establish Gram Nyayalayas, in consultation with their respective High Courts, either as a pilot project or in a phased manner, subject to the availability of funds with the State Governments. The Chief Minister of National Capital Territory of Delhi informed that, in stricto sensu, there is no rural area within Delhi. The Chief Minister of Gujarat, while agreeing, in principle, with the establishment of Gram Nyayalayas, stated that there is no village in the State of Gujarat and, therefore, operationalization of such Nyayalayas may not be a viable proposition. He, however, emphasised to have mobile courts for effective dispensation of justice instead of Gram Nyayalayas at the grass root level.

DECISION

- a] The State Governments, in consultation with respective High Courts, will establish Gram Nyayalayas for every Panchayat, as envisaged in Gram Nyayalayas

Act, 2008, in order to provide speedy, inexpensive and substantial justice to the citizens of rural areas at their doorsteps.

- b] In case the operationalization of Gram Nyayalayas cannot take effect for every Panchayat in the State on the date to be notified, it may set-up the same in a phased manner.
- c] The State Governments may also consider the desirability of establishing Gram Nyayalayas in some districts as a pilot project and making them functional on a prospective date to be notified as part of the implementation schedule.

3] PROGRESS MADE IN SETTING-UP OF FAST TRACK COURTS OF MAGISTRATES AND FAST TRACK CIVIL COURTS AND CONTINUATION OF FAST TRACK COURTS.

There was unanimity amongst all the participants that Fast Track Courts of Magistrates and Fast Track Civil Courts be set up on the lines of Fast Track Courts of Sessions for the purpose of expeditious disposal of cases pending in the Magisterial Courts. They were unanimous on the aspect that huge accumulation of arrears of cases cannot be arrested unless strength of Judicial Officers is raised. All the

speakers were ad idem with the proposal of continuing Fast Track Courts of Sessions for a further period of five years beyond 31st March, 2010, as they were set-up with a laudable object and a large number of cases have been disposed of by these courts. However, the speakers cited financial constraints and desired that the allocation of funds for this purpose be made by the Central Government.

DECISION

- a] Fast Track Civil Courts and Fast Track Courts of Magistrates be set-up in order to arrest accumulation of arrears of cases in such courts.
- b] Fast Track Courts of Sessions be continued for a further period of five years beyond 31st March, 2010.
- c] Priority be given to the retired Judicial Officers for appointment to the Fast Track Courts having unblemished service record of integrity, probity and ability as also on the basis of physical and mental fitness. A reasonable amount of remuneration be paid to the retired Judicial Officers appointed for the purpose.

4] PROGRESS MADE IN SETTING-UP AND FUNCTIONING OF EVENING/MORNING COURTS IN SUBORDINATE

**COURTS AND SETTING UP OF MORE COURTS – (A)
CBI COURTS AND (B) FAMILY COURTS.**

The Chief Ministers of Andhra Pradesh and the representative of the State of Maharashtra informed that the morning courts set-up in their States have disposed of large number of cases. Chief Minister of the National Capital Territory of Delhi informed that six Evening Courts each in five District Court Complexes have been set-up and they have already disposed of large number of cases arising under Section 138 of the Negotiable Instruments Act, 1881. The representatives of the States of Uttarakhand, Sikkim, Arunachal Pradesh and Mizoram, stated that the concept of Evening/Morning Courts may not be a viable proposition in these States, for, peculiar geographical conditions, lack of connectivity by road and low rate of pendency of cases. Except these States, the proposal is under the active consideration of the respective State Governments and the representatives of the States assured that the proposal will be expedited. As regards setting-up of more CBI Courts to try cases under the Prevention of Corruption Act, except State of Himachal Pradesh, all the participants agreed that they would be set up at the earliest. On the question of setting up of more Family Courts, the representatives of the States stated that they will render all possible assistance

and cooperation for the purpose of setting-up of these courts, subject to the availability of funds.

DECISION

- a] Evening/Morning Courts be set up in States, wherever feasible, and where they have not yet been set up, in terms of the decision taken in the Joint Conferences of the Chief Ministers of States and Chief Justices of High Courts held in the years 2007 and 2008.
- b] The State Governments will, after consultation with the High Courts, immediately send formal proposals to the Central Government for setting up CBI Courts in their respective States and requisite steps thereafter be taken to make Special Courts functional at an early date.
- c] The State Governments will set-up at least one Family Court in each District.

5] INTRODUCING JUDICIAL REFORMS THROUGH THE FOLLOWING MEASURES:

- [A] FORMATION OF ALL INDIA JUDICIAL SERVICE**
- [B] MANAGEMENT TRAINING FOR JUDICIAL OFFICERS**

The representatives of the States, in principle, concurred with the proposal of formation of All-India Judicial Service but impressed upon the need to have further deliberation on the subject before formation of such a service is given effect to. However, Chief Minister of Gujarat and representatives of the States of Uttarakhand, Madhya Pradesh, Chhattisgarh and Himachal Pradesh, aired their apprehension qua language which a Judicial Officer appointed under the Scheme may counter while dealing with cases.

All the participants impressed and stressed upon the need to impart Management training to Judicial Officers. They were of the view that State Judicial Academies be further strengthened and take the help of Management Institutes for sharpening the skills of Judicial Officers for qualitative dispensation of justice.

DECISION

- a] The State Governments, in principle, concurred with the proposal of formation of All-India Judicial Service. However, before giving effect to the formation of All-India Judicial Service, a comprehensive deliberation be held.
- b] State Judicial Academies be further strengthened, if required, with the aid of reputed Management Institutes for the purpose of imparting training to

Judicial Officers for efficient and effective dispensation of justice.

6] PROGRESS MADE IN THE IMPLEMENTATION OF THE ICT ENABLEMENT OF THE COURTS – ESTABLISHMENT OF E-COURTS WITH SPECIAL EMPHASIS ON –

- [A] TOTAL INVOLVEMENT OF THE STATE GOVERNMENT MACHINERY FOR SITE PREPARATION,**
- [B] COMMITMENT ON MEETING THE EXPENDITURE ON TECHNICAL MANPOWER BEYOND THE PERIOD SUPPORTED BY THE CENTRAL GOVERNMENT AND RECURRING EXPENDITURE ON AMCS AND POWER BACK-UP,**
- [C] DEFINITION OF INFORMATION FLOWS IN THE COURTS, OWNERSHIP OF INFORMATION AND DISSEMINATION CHANNELS.**

The Chief Ministers and representatives of the States cited financial constraints for meeting the requirement of recurring expenditure and were of the view that Central Government shall make provision in this regard. However, they assured commitment towards the implementation of ICT enablement of the Courts.

DECISION

The State Governments and the High Courts will render all possible assistance to ensure timely completion of site preparation at the court complexes.

7] PROGRESS MADE IN DEVELOPMENT OF THE INFRASTRUCTURE OF SUBORDINATE COURTS.

The Hon'ble Minister for Law and Justice impressed upon the State Governments and High Courts to monitor implementation of the Scheme and proper utilization of funds allocated for the purpose of infrastructure of Subordinate Courts. However, almost all the participants gave vent to allocation of more funds for the infrastructure of Subordinate Courts.

DECISION

The State Governments and the High Courts will monitor the progress made in the development of infrastructure of subordinate courts as also proper utilization of the funds allocated for the purpose.

8] STEPS REQUIRED TO BE TAKEN FOR REDUCTION OF ARREARS AND ENSURING THE SPEEDY TRIAL.

There was complete unanimity amongst the participants that cases are not being disposed of within a reasonable time-schedule and they were of the view that strength of Judges at all levels need to be enhanced in order to arrest accumulation of arrears of cases and to provide speedy, efficient and effective justice to the citizens. The speakers also stressed upon the need to

evolve methods to arrest arrears of cases and to ensure speedy disposal of cases. The participants also impressed upon the fact that unfilled vacancies be filled up at the earliest which will contribute to reducing the backlog of cases.

DECISION

The High Courts will make scientific and rational analysis as regards accumulation of arrears and devise a roadmap for itself and jurisdictional courts to arrest arrears of cases taking into account average institution, pendency and disposal of cases and to ensure speedy trial within a reasonable time-schedule.

9] FILLING UP OF VACANCIES IN THE HIGH COURTS AND SUBORDINATE COURTS.

All the delegates were unanimous that the vacancies in the High Courts and Subordinate Courts require to be filled up expeditiously as they contribute to accumulation of arrears of cases. The Hon'ble Minister for Law and Justice impressed upon the Chief Justices of the High Courts to send proposal for appointments to the High Courts six months prior to the occurrence of the vacancies in order to obviate any chance of delay in appointments. It was also suggested by Hon'ble the Chief Justice of India that twenty

five per cent of additional posts of Judicial Officers be created for them during the period they are undergoing training and the said view was subscribed to by all the participants.

DECISION

- a] The Chief Justices of the High Courts will make recommendation for appointments to High Courts six months before the occurrence of vacancy in order to avoid delay in filling up the said vacancy.
 - b] The Chief Justices of the High Courts will take requisite steps to fill up the vacancies in the Subordinate Courts anticipating the occurrence thereof so as to minimize any chance of delay in filling up the said vacancies.
 - c] The State Governments will, in consultation with the High Courts, sanction twenty five per cent of additional posts for the Judicial Officers for the period they are undergoing training.
- 10] CONSIDERATION OF 188TH REPORT OF THE LAW COMMISSION "PROPOSALS FOR CONSTITUTION OF HI-TECH FAST TRACK COMMERCIAL DIVISIONS IN HIGH COURTS".**

The Chief Minister of Gujarat stated, while agreeing with the concept of constituting Commercial Division in the High Court, that specialized faculty in Law Colleges be

created which would provide requisite impetus to the students who in, turn, will enrich the Bench and Bar for efficient dispensation of justice as regards commercial cases. All the participants at the Conference welcomed the proposal of constituting Hi-tech Fast Track Commercial Divisions in the High Courts.

DECISION

Commercial Division be constituted by the High Court within itself as and when legislation in this regard is made and is notified by the Parliament.

11] STRENGTHENING OF LEGAL AID SYSTEM.

All the Chief Ministers/ministers representing the States stressed upon the need to further strengthen the Legal Aid System. It was suggested that awareness be created among the citizens, especially the poor and the down-trodden. It was felt that justice to all will remain a distant reality, in right earnest, unless all the citizens are made aware of their rights so that they can have recourse to law, if need be.

DECISION

Adequate steps be taken to further strengthen the Legal Aid System by spreading legal literacy and create awareness among the citizens, especially the poor and the down-trodden.

12] STRENGTHENING OF A.D.R. SYSTEM, INCLUDING MEDIATION AND CONCILIATION.

There was complete unanimity amongst the speakers that Alternate Dispute Resolution System is an effective mode of speedy disposal of cases and stressed upon the need to further strengthen the system. They were of the view that more and more cases could be settled by way of mediation and conciliation, if it is made a continuing process. It was also suggested by Hon'ble the Chief Justice of India that services of retired Judges be availed of in this regard and they be paid reasonable remuneration per sitting and facilities befitting their status for the purpose of holding courts be provided to them.

DECISION

- a] Adequate steps be taken to further strengthen the Alternate Dispute Resolution mechanism.
- b] The services of retired Judges of the High Courts be availed of and they be paid reasonable amount of remuneration per sitting.

- c] Mediation Centre be established in each District with requisite infrastructure and funds be allocated to them.

13] JUDICIAL IMPACT ASSESSMENT.

The proposal of 'Judicial Impact Assessment' was welcomed at the Conference and need was felt that it be assessed on a continual basis. It was suggested that a scientific study be made to estimate the additional case-load on the courts on account of a new legislation.

DECISION

A judicial impact office at the National and State levels on continual basis for making assessment of impact of legislations on judicial work load be constituted.

14] GRANTING FINANCIAL AUTONOMY TO THE HIGH COURTS.

In order to meet the budgetary requirements of the High Courts, Chief Ministers/representatives of States expressed their views qua financial constraints and sought increase in budgetary allocation for the judiciary. However, they were not averse to the proposal of granting power of appropriation and re-appropriation to the Chief Justices within the budgetary allocation for the judiciary.

DECISION

The Chief Justices of the High Courts will take up the matter with their respective State Governments in this regard.

15] PROGRESS MADE IN SETTING UP PERMANENT MECHANISM FOR IMPLEMENTATION OF RESOLUTIONS PASSED BY THE CHIEF JUSTICES' CONFERENCE AND DECISIONS TAKEN AT THE JOINT CONFERENCES OF CHIEF MINISTERS AND CHIEF JUSTICES.**DECISION**

a] The following decision adopted at the Joint Conferences of Chief Ministers of States and Chief Justices of the High Courts in the years 2006, 2007 and 2008, is again reiterated:

"1] A Committee, consisting of Hon'ble the Chief Justice of India, Union Minister of Finance and Union Minister for Law & Justice, be set-up and notified at national level for ensuring timely implementation of the decisions taken at Chief Justices' Conference and Joint Conference of Chief Ministers and Chief Justices, as decided in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and 8th April, 2007.

2] As decided in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and 8th April, 2007, Monitoring Committees at two levels be set-up in each State for timely implementation of the decisions taken at Chief Justices' Conference and Joint Conference of Chief Ministers and Chief Justices, wherever such Committees have already not been set-up. The first level Committee should consist of Chief Secretary, Registrar General of the High Court and Law Secretary of the State, whereas, the second level Committee should consist of Chief Minister, Chief Justice and Law Minister of the State. Constitution of such Committees be duly notified, wherever already not notified."

- b] The Committees at both the levels be constituted at the earliest in the States, wherever not set-up, and they be notified at the earliest.
- c] Home Secretary of the State be also included in the Committee in cases where he/she looks after the affairs of the High Courts for the purpose of allocation of funds and other allied matters.