

**CONFERENCE OF THE CHIEF MINISTERS OF STATES
AND THE CHIEF JUSTICES OF THE HIGH COURTS
(APRIL 19, 2008)**

MINUTES

- ITEM NO. 1 PROGRESS ON IMPLEMENTATION OF RESOLUTIONS PASSED IN THE PREVIOUS CONFERENCE OF CHIEF MINISTERS AND CHIEF JUSTICES HELD ON 8TH APRIL, 2007.**

Action Taken Reply, given by Department of Justice, was seen.

- ITEM NO. 2 UPGRADING AND AUGMENTING THE INFRASTRUCTURE OF SUBORDINATE COURTS.**

- ITEM NO. 3 PROGRESS MADE IN MODERNISATION AND COMPUTERISATION OF JUSTICE DELIVERY SYSTEM.**

Most of the Chief Justices who spoke at the Conference drew attention of their respective State Government to inadequacy of infrastructure, particularly in Subordinate Courts, facing space constraints, over-crowding and lack of basic amenities. All the speakers acknowledged the need to phase out old and outdated court buildings and to build modern court buildings equipped with necessary facilities, besides, addition of more court rooms and building of new court complexes. Some Chief Justices also complained of frequent power failures during court hours. Some States, however, wanted central assistance for augmenting infrastructure of Subordinate Courts.

The Chief Ministers/Law Ministers as well as the Chief Justices acknowledged the need for rapid use of Information Technology in management of Courts at all levels and use of various IT tools to accelerate disposal of cases and reduce arrears.

DECISION

The following decisions taken in the Conference of Chief Ministers of States and the Chief Justices of High Courts held on April 8, 2007 are reiterated:

- (a) Consistent with the resources available to them, the States will provide adequate funds, as required by the High Court, for upgrading and augmenting the infrastructure of subordinate courts by replacing the dilapidated buildings with new buildings, upgrading the existing court complexes and constructing new court complexes and residential quarters for judicial officers.
- (b) Adequate steps be taken for modernization & computerization of courts and enhancing the use of various I.T. tools including video conferencing, internet usage, E-mail based communication, electronic dissemination of information and use of digital signatures, particularly at the level of subordinate courts.

- ITEM NO. 4 STEPS REQUIRED TO BE TAKEN TO REDUCE THE ARREARS AND ENSURE SPEEDY TRIAL OF CASES.**
- ITEM NO. 5 PROGRESS MADE IN SETTING-UP OF FAST TRACK COURTS OF MAGISTRATES AND FAST TRACK CIVIL COURTS.**
- ITEM NO. 9 FILLING-UP OF VACANCIES IN HIGH COURTS AS WELL AS SUBORDINATE JUDICIARY AND ENHANCING JUDGE STRENGTH AT ALL LEVELS.**
- ITEM NO. 10 PROGRESS IN SETTING-UP AND FUNCTIONING OF EVENING/MORNING COURTS IN SUBORDINATE COURTS.**

All the speakers were unanimous in expressing their concern on inability of the system to ensure disposal of the cases within a reasonable time. None of the participants disputed the need to enhance strength of Judges at all levels, so as to enable the system to reduce backlog and provide an efficient, speedy and effective justice to our people. They also stressed on the need to fill-up existing vacancies in High Courts as well as Subordinate Courts.

Chief Minister of Haryana wanted a separate High Court for State of Haryana, in the existing court building of the High Court. Chief Minister of Gujarat and Law Minister of Rajasthan wanted increase in the strength of High Court Judges. Chief Minister of Gujarat suggested a model Court for trial of Cyber Crimes. Chief Justice of Gujarat and Chief Minister of Gujarat informed that the system of Evening Courts had proved very successful in the State. Chief Justice of Andhra Pradesh and the representative of the Chief Minister informed that such Courts were being run in morning in the State of Andhra Pradesh and were disposing of a large number of cases involving Petty Offences. Chief Minister of Maharashtra informed that 47 Morning Courts were functioning in the State. Representatives of some States informed that they had appointed Special Magistrates

for trial of cases involving Petty Offences. As regards Family Courts, the Chief Minister of Gujarat pointed out that it will be inconvenient for the people living in villages to travel all the way upto district headquarter and suggested restricting the jurisdiction of Family Courts to rural areas of the district. Chief Minister of Orissa suggested Fast Track Courts for civil cases.

DECISION

- 1) All possible steps be taken to reduce arrears of cases and ensure speedy trial within a reasonable time period.
- 2) All the vacancies in High Courts as well as in Subordinate Courts be filled-up on an urgent basis.
- 3) Either Evening/Morning Courts be set-up or Special Judicial Magistrates/Special Metropolitan Magistrates be appointed, to deal with cases involving petty offences, including traffic and municipal offences.
- 4) States, in coordination with Central Government, will take steps to set-up at least one Family Court in each district, for the urban areas comprised in the district.
- 5) Additional Courts of Special Judges will be set-up by the States, exclusively for trial of corruption cases investigated by State Machinery.

ITEM NO. 6 GRAM NYAYALAYAS.

Chief Minister of Gujarat wanted increase in the number of Magistrates instead of constituting Gram Nyayalayas as he apprehended Advocates may not be willing to appear in Gram Nyayalay. The Chief Minister of Jammu & Kashmir informed that Panchayati Raj Adalats are already functional in the State. The Chief Ministers of Punjab & Haryana wanted Mobile Crime Gram Nyayalayas. Most of the Chief Ministers/Law Ministers, however, favoured the concept of Gram Nyayalayas.

DECISION

States will take steps for setting-up of Gram Nyayalayas as and when Gram Nyayalay Bill is passed by Parliament and is notified.

ITEM NO. 7 STRENGTHENING OF A.D.R. MECHANISMS INCLUDING MEDIATION, CONCILIATION, ARBITRATION AND PLEA-BARGAINING.

There was unanimity amongst participants that the efforts of regular courts need to be augmented by resolution of disputes through Negotiation, Mediation, Conciliation and Lok Adalat so as to reduce congestion in Courts and bring about a satisfactory solution to the disputes.

DECISION

- 1) More Mediation Centers be set-up so as to have at least one such center in each district and necessary infrastructure and funding be provided to them.

- 2) State Legal Services Authorities be strengthened and be encouraged to hold more Lok Adalats and Mediation Camps so as to bring about a peaceful settlement to the disputes.

ITEM NO. 8 STRENGTHENING OF TRAINING OF JUDICIAL OFFICERS.

All the participants acknowledged the need for adequate induction training followed by regular refresher courses for Judicial Officers.

DECISION

The Training of Judicial Officers be strengthened and adequate infrastructure and funds be provided to State Judicial Academies.

ITEM NO. 11 PROGRESS MADE IN SETTING-UP OF PERMANENT MECHANISM FOR IMPLEMENTATION OF RESOLUTIONS PASSED BY THE CHIEF JUSTICES CONFERENCE AND DECISIONS TAKEN AT THE JOINT CONFERENCE OF CHIEF MINISTERS AND CHIEF JUSTICES.

None of the speakers questioned the need to establish a permanent mechanism for implementation of resolutions passed at the Chief Justices Conference and the decisions taken at the Joint Conference of Chief Ministers of States and the Chief Justices of the High Courts. Some Chief Justices informed that, though, Committees in terms of the decision taken at the previous Conferences had been constituted, no Notification/G.O. in this regard had been issued. A few Chief Justices informed that the requisite committees in terms of the decisions taken at the previous

Conferences had not been set-up in their States, despite efforts made by the High Courts.

DECISION

- 1) A Committee, consisting of Hon'ble the Chief Justice of India, Union Minister for 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.

ITEM NO. 12 ANY OTHER ITEM WITH THE PERMISSION OF CHAIR.

Some Chief Justices informed that despite decision taken 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, power of appropriation and re-appropriation has not been given to them by the State Government, which was hampering their functioning since they have to go to State Government each time they want appropriation/re-appropriation even in inrespect of the funds placed at the disposal of the High Court. Some Chief Justices complained that budgetary allocation for judiciary in their State was not adequate even to meet their minimum requirements.

DECISION

- 1) Chief Justice of the High Court be delegated full power to appropriate and re-appropriate the funds out of the budget allocated by the State for the judiciary in the State, wherever such delegation has already not been made.
- 2) Consistent with their financial resources, States shall provide adequate budgetary allocation for the judiciary.