

CHIEF JUSTICES' CONFERENCE – 2008
[APRIL 17-18, 2008]

R E S O L U T I O N S

1. **Progress on implementation of the resolutions passed in the previous Chief Justices' Conference held on 6th and 7th April, 2007.**

RESOLVED

That

- a) Action Taken Reports given by the High Courts are seen. The High Courts will take necessary steps required at their end for implementation of the resolutions passed in Chief Justices' Conference-2007.
 - b) The High Courts will consider desirability of prescribing three years practice at Bar as a qualification for appointment to the post of Civil Judge (Junior Division) and send their views to Hon'ble the Chief Justice of India within eight weeks.
 - c) Wherever required, the Chief Justices will take-up the matter at highest level of State Government for providing adequate funds for implementation of the resolutions.
2. **Steps required to be taken to reduce arrears and ensure speedy trial of cases.**

RESOLVED

That

- a) The High Court will take immediate steps for filling-up of the vacancies of Judicial Officers in their respective jurisdictions and will adhere to the schedule laid down by the Hon'ble Supreme Court in *Malik Mazhar Sultan & Anr. v. Uttar*

Pradesh Public Service Commission and Ors., for appointment of Subordinate Judges.

- b) The High Courts will make efforts to set-up at least one Family Court in each district, besides additional Family Courts wherever required.
- c) The High Courts will make efforts to set-up additional Courts of Special Judges, exclusively for trial of corruption cases investigated by Central Bureau of Investigation under Prevention of Corruption Act.
- d) The High Courts will make efforts for setting-up of additional Courts of Subordinate Judges so as to expedite disposal and reduce arrears of cases.

3. Consideration of the following recommendations of the 2nd Administrative Reforms Commission in its 4th Report titled “*Ethics in Governance*”:

- (a) A Legal provision needs to be introduced fixing a time limit for various stages of trial by suitable amendments to the Code of Criminal Procedure.
- (b) Steps have to be taken to ensure that Judges declared as special judges under the provisions of the Prevention of Corruption Act give primary attention to disposal of cases under the said Act.
- (c) It has to be ensured that the proceedings of Courts trying cases under the Prevention of Corruption Act are held on a day-to-day basis, and no deviation is permitted.
- (d) The High Courts may lay down guidelines to preclude unwarranted adjournments and avoidable delays.

RESOLVED

That

Special Judges appointed under Prevention of Corruption Act shall deal primarily with corruption cases and as far as possible held trial of such cases on a day-to-day basis.

4. Upgrading and augmenting the infrastructure of Subordinate Courts.

RESOLVED

That

The High Courts shall request their respective State Governments to provide funds 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.

5. Preparation of budgets of High Courts and Subordinate Courts.

11. Financial autonomy to the High Courts.

RESOLVED

That

- a)** Wherever required, Chief Justices of the High Courts be delegated full powers to appropriate and re-appropriate the funds, within the budget allocated by the State Government for the judiciary in the State.
- b)** The High Courts will impress upon the State Governments to suitably increase the allocation of funds so as to meet the budgetary demands of the High Courts and Subordinate Courts.
- c)** Budgets be prepared on scientific basis with the help of competent professionals. Wherever required, Consultants may be engaged for the purpose.

6. Progress in setting-up and functioning of Evening/Morning Courts in Subordinate Courts.

RESOLVED

That

Evening/Morning Courts be set-up, wherever found feasible, and cases involving petty offences be transferred to such Courts.

7. Norms for revising the strength of Judges in High Courts.

RESOLVED

That

- a) The strength of Judges in the High Courts be delinked from disposal, and, fixed on the basis of pendency of cases.
- b) Disposal rate of additional Judges of the High Courts be taken into consideration while appointing them against permanent posts.

8. Progress made in setting-up of Fast Track Courts of Magistrates and Fast Track Civil Courts.

RESOLVED

That

Wherever feasible, the High Courts will take steps to set-up Courts of Special Metropolitan Magistrates/special Judicial Magistrates presided by retired government servants and court servants, possessing a professional degree in Law, for trial of petty offences,

including traffic cases and cases under Local Municipal Acts. Such Special Magistrates/Special Judicial Magistrates shall work under the control and superintendence of a senior Judicial Officer.

9. Strengthening of A.D.R. system including mediation and conciliation.

RESOLVED

That

- a) Mediation Centres be set-up in the High Court as well as in each district Court, and necessary infrastructure be provided to them utilizing the funds allocated by the National Legal Services Authority (NALSA) as well as other funds that may be available for the purpose. The Mediators be given adequate training in mediation and conciliation.
- b) Efforts be made to include mediation and conciliation in the curriculum of Law colleges.

10. Strengthening of training of Judicial Officers.

RESOLVED

That

The training of Judicial Officers be strengthened.

12. Steps required to be taken to curb the misuse of Public Interest Litigation.

RESOLVED

That

The Conference emphasized on the need to strictly follow the Judgment of Hon'ble Supreme Court dated 11th March, 2008 in

13. Progress made in modernization and computerisation of Justice Delivery System.

RESOLVED

That

Adequate steps be taken for modernization & computerisation of Courts and enhancing the use of various IT 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.

14. Merit to be the determinative criteria for elevation of Judicial Officer to the High Court.

RESOLVED

That

Adequate consideration be given to merit, while recommending Judicial Officers, for elevation to the High Courts and only suitable officers be recommended. Recording of Annual Confidential Reports of Judicial Officers be streamlined, wherever necessary.

15. Formation of All India Judicial Service.

RESOLVED

That

The High Courts will consider entrusting recruitment upto 25% posts in Higher Judicial Service, required to be filled-up by direct

recruitment, to a National Commission, on all India basis and send their respective views to Hon'ble the Chief Justice of India, within eight weeks.

16. Strengthening of vigilance cells in the High Courts and progress made in setting-up of vigilance cells in each district.

RESOLVED

That

- a) Vigilance cells in the High Courts be strengthened, wherever required.
- b) Vigilance cells, headed by a senior District Judge with adequate supporting staff, be set-up for each region, to monitor and watch the activities of ministerial staff of Subordinate Courts.

17. Strengthening of legal aid mechanism.

RESOLVED

That

Only competent and motivated lawyers be engaged by Legal Service Authorities.

- 18. Progress made in setting-up of permanent mechanism for implementation of resolutions passed by the Chief Justices' Conferences and decisions taken at the Joint Conferences of Chief Ministers and Chief Justices.**

RESOLVED

That

Monitoring Committees, in terms of the resolution passed in Joint Conferences of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and 8th April, 2007, be set-up, wherever already not set-up. The Finance Secretary of the State be included in the First Level Committee and the Finance Minister be included in the Second Level Committee.

- 19. Consideration of recommendations of Malimath Committee for increasing the working days of High Courts.**

RESOLVED

That

- a) High Courts will consider either extending working hours upto 5 ½ Hours or suitably increasing the working days.
- b) High Court Judges be requested to work during vacation, on voluntary basis.
- c) High Court Judges will not go for holidaying on working days.

- 20. Revision of salary, allowances and service conditions of the Supreme Court and High Court Judges in view of the pay revision of govt. employees.**

Discussed.

21. Increase in the age of retirement of High Court Judges.

RESOLVED

That

The Resolutions passed at the previous Chief Justices' Conference resolving that the age of retirement of High Court Judges be raised to 65 years are reiterated.

22. Any other matter with the permission of the Chair.

No other matter was discussed.

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[A.K. PATNAIK]
Chief Justice
Madhya Pradesh High Court

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[V.K. GUPTA]
Chief Justice
Uttaranchal High Court

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[A.N. RAY]
Chief Justice
Sikkim High Court

Date: 18th April, 2008