

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:525
ANSWERED ON:03.12.2004
MEETING OF CHIEF MINISTERS
Jha Shri Raghunath

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether a conference of Chief Ministers and Chief Justices of High Courts was held in New Delhi on September 18, 2004 duly attended by the Chief Justice of India, Prime Ministers of India and others;

(b) if so, the matters discussed in that conference; and

(c) the decisions taken, if any, to bring down the pendency of cases in the courts?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW & JUSTICE (SHRI K.VENKATAPATHY)

(a): Yes, Sir.

(b): The conference discussed a broad array of subject matters relating to administration of justice and judicial reforms, which can be categorized in the following segments: (a) Modernization of Courts (b) Reduction/Elimination of Arrears (c) Use of Alternative Dispute Resolution (ADR) methods and (d) Service Conditions of Judges.

(c): Resolutions of the Conference of the Chief Ministers of States and the Chief Justices of High Courts are enclosed.

Envisioning Justice in the 21ST Century

Conference of the Chief Ministers of States and the Chief Justices of High Courts OH September 18, 2004

Resolutions

A conference of the Chief Ministers of states and UTs and the Chief Justices of High Courts was held at Vigyan Bhavan, New Delhi on September 18, 2004 to deliberate on the theme of `Envisioning Justice in the 21st Century`. The conference discussed a broad array of subject matters relating to administration of justice and judicial reforms, which can be categorized into the following segments : (a) Modernization of Courts (b) Reduction/Elimination of Arrears (c) Use of Alternative Dispute Resolution (ADR) methods and (d) Service Conditions of Judges.

During the deliberations, there was consensus that courts in India need to professionalize their administrative staff and system, and in doing so, they need to optimize their use of resource. It was agreed that the courts need to improve their capacity to collect and act upon information about their internal processes, and improve the range of systems and tools that are available for the management of the caseload. While individual competencies of Judges need to improve through continuing education and personal development, the courts are also required to deliberate and arrive at measures to sustain these improvements.

It emerged in the conference that the state and national governments need to continuously monitor modernization activities and performance of-courts, and develop strategies, which reduce the demand for court services and increase the enforceability of court decision.

After due deliberations, the conference arrived at the following resolutions pertrmg to four broad segments of discussion :

(A) Modernization of Courts

1. RESOLVED that the available talent and expertise in information technology be harnessed for modernizing the justice delivery system. The Central Government, therefore, will take the leadership role to ensure (a) full computerization of courts up to the district level, in a phased manner (b) use of latest available technologies, including video conferencing and digital signatures (c) creation of database of pending cases for generating live statistics (d) prepare a viable strategic IT Action Plan for clearance of arrears and (e) secure a litigant friendly availability of information through internet, websites of all High Courts and Facilitation Centres in or around court buildings.

2. RESOLVED to actively foster professional management of the justice delivery system in court administration and in respect of interface with litigants and lawyers. Recognizing the need for professionalism, it is further RESOLVED that court management, database management and knowledge management must be encouraged.

3. RESOLVED that confidence building measures among all stakeholders in the justice delivery system is the need of the hour and to promote these measures, the Court system should publish Annual Reports of achievements and use of resources.

4. RESOLVED that the institutional capabilities of institutions will be strengthened for judicial training and continuing education. Besides Judicial Officers and Judges, continuing, education must also be imparted for the administrative staff of all courts to achieve maximum level of competence.

5. RESOLVED that budgetary demands made by the High Courts need to be accepted ordinarily and the High Courts authorized to make appropriation and re-appropriation subject to over all budgetary allotment. The need for internal audits in High Courts is emphasized.

6. RESOLVED that government will take measures to rationalize and standardize court buildings, court staffing pattern and Judges residence, while phasing out old and outdated court buildings. A 10-year Perspective Plan will be prepared to obtain appropriate budgetary allocation for plan expenditure.

(B) Reduction/Elimination of Arrears

1. RESOLVED that management exercises be carried out in all courts to reduce arrears on priority basis including exercises on caseload management, court and resource management, by working out a Judge-case ratio instead of a Judge-population ratio.

2. RESOLVED that the Fast Track Courts scheme be continued for a period of five years beyond 2005, and Fast Track Magistrate Courts on similar lines be established.

3. RESOLVED that Law (Serks and Research Assistants may be engaged to reduce the administrative burden on Judges, court procedures be simplified for layman, court congestions particularly of the Registry be removed, vacancies amongst judicial officers and court staff may be filled up expeditiously, and Special Courts may be established accompanied by additional strength and infrastructure to make it effective.

4. RESOLVED that in-house mechanism may be developed for resolution of disputes in litigation to which government, PSU, government corporations are parties.

5. RESOLVED that while prompt and qualitative appointment of government advocates and public prosecutors may be made in all courts, adequate infrastructure and facilities may be provided for the effective functioning of tribunal and commissions.

6. RESOLVED that additional Family Courts may be created assisted by marriage counseling bureaus and officers.

7. RESOLVED that time management may be strictly enforced through reducing the number of adjournments and time spent in oral arguments. Setting time standards may be made imperative for various processes such as completion of pleadings, presentation of oral arguments, delivery of judgement, and availability of certified copies of documents.

8. RESOLVED that the participation of the BAR may be encouraged in the administrative management of the court.

(C) Use of Alternative Dispute Resolution (ADR) methods

1. RESOLVED that keeping in mind the international success of ADR, it is imperative to encourage the three systems of ADR, such as (a) Inter-party mediation (b) Court referred mediation and

(c) Court annexed mediation.

2. RESOLVED that necessary finances will be provided by the central and the state/UT governments to encourage and develop infrastructure for implementing ADR programmes to reduce court burdens and congestion and for forming a separate cadre of officers to be trained as active mediators.

3. RESOLVED to establish pilot schemes in various High Courts and District Courts to encourage mediation in all forms with the active participation of the Bench and the Bar.
4. RESOLVED to encourage settlement of cases through Lok Adalats not only in the states and districts but also at the taluka level. There is need for strengthening and propagating Lok Adalats and Legal Literacy Programmes and formulation of a separate cadre of Legal Literacy Secretaries at the district level.
5. RESOLVED to strengthen legal aid mechanisms with the active co-operation of NALSA and State Legal Aid Authorities.

(D) Service Conditions of Judges

1. RESOLVED that the Union Territories and the State Governments shall do their best to implement the recommendations of First National Judicial Pay Commission (Jagannath Shetty Commission) consistently with the directions given by the Supreme Court of India from time to time.
2. RESOLVED that the retired Chief Justices and Judges of the High Courts need to be provided with facilities such as Secretary/Driver/Orderly and protocol assistance for travelling and medical treatment and shall identify modalities for providing the same.
3. RESOLVED that the State/UT Governments shall examine and consider the proposal for providing medical facilities to the retired Judges of the High Courts residing within their jurisdiction on par with the sitting Judges of the High Courts.

(E) Additional Resolutions

1. RESOLVED that the resolutions passed in the Chief Justices' Conferences shall receive the personal attention of Chief Ministers/Law Ministers/Finance Ministers in the States/UTs and any positive decision for implementation shall be monitored at that level. Similarly, in the Central Government as also in the Union Territories, the resolutions shall be dealt with at the highest level.
2. RESOLVED that the State Governments shall ensure consistently with their financial resources, release of matching grants under Centrally-sponsored Schemes for judicial reforms and in the event of their financial inability to do so convince the Central Government for the need for dispensing with the requirement of matching grant.
3. RESOLVED that the State Governments shall examine the need for dispensing with the process of appointment to judicial services being conducted by Public Service Commissions on such proposal being received from the respective High Courts.