

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

UNSTARRED QUESTION NO:2748
ANSWERED ON:23.07.2009
CHIEF JUSTICE CONFERENCE
Lagadapati Shri Rajagopal

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

- (a) whether a conference of Chief Justice was held recently;
- (b) if so, the details thereof;
- (c) the main recommendations/resolution passed in the conference; and
- (d) the reaction of the Government thereto?

Answer

MINISTER OF LAW & JUSTICE(DR. M. VEEKAPFA MOILY)

(a)to(c): No Conference of Chief Justices was held recently. However, the last Chief Justices` Conference was held in New Delhi under the chairmanship of the Chief Justice of India on April 17-18, 2008. Issues discussed and Resolutions passed, in brief, are given at Annexure-I.

(d) : Most of the Resolutions passed in the Conference concern the High Courts. However, action taken on the Resolutions concerning the Department of Justice is given at Annexure-II.

ANNEXURE-I

Annexure referred to in Parts (a) to (c) of Lok Sabha Unstarred Qn.No.2748 due for answer on 23.7.2009

POINTS DISCUSSED AND RESOLUTIONS ADOPTED IN THE CHIEF JUSTICES CONFERENCE HELD ON APRIL 17-18,2008

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

The Conference resolved that High Courts will take necessary steps required at their end for implementation of the resolutions passed in Chief Justices` Conference - 2007, 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 and wherever necessary, the Chief Justices will take-up the matter at the 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.

The Conference resolved that the High Courts will take immediate steps / make efforts to fill up vacancies of Judicial Officers, set up at least one Family Court in each district, set up additional courts of special judges exclusively for trial of corruption cases and set up 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`.

The Conference 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.

The Conference 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. (i) Preparation of budgets of High Courts and Subordinate Courts and (ii) Financial Autonomy to the High Courts.

The Conference resolved that the High Courts will impress upon State Governments to suitably increase the allocation of funds so as

to meet the budgetary demands of the High Courts and Subordinate Courts and that budgets be prepared on a scientific basis and wherever required the Chief Justices of High Courts be delegated full powers to appropriate and re-appropriate within the allocated budget.

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

The Conference 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.

The Conference resolved that the strength of Judges in the High Courts be delinked from disposal, and, fixed on the basis of pendency of cases and 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.

The Conference 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.

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

The Conference resolved that 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. The Conference also resolved that efforts be made to include mediation and conciliation in the curriculum of Law colleges.

10. Strengthening of training of Judicial Officers.

The Conference resolved that the training of Judicial Officers be strengthened.

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

The Conference emphasised on the need to strictly follow the Judgement of Hon`ble Supreme Court dated 11th March, 2008 in Criminal Appeal No.472 of 2008 - Divine Retreat Centre Vs. State of Kerala & ors.

12. Progress made in modernisation and computerisation of Justice Delivery System.

The Conference resolved that adequate steps be taken for modernization and 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.

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

The Conference 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.

14. Formation of All India Judicial Service.

The Conference 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 Chief Justice of India, within eight weeks.

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

The Conference resolved that wherever required vigilance cells in High Courts be strengthened and vigilance cells headed by a senior District Judge be set up for each region to monitor and watch the activities of the ministerial staff of Subordinate Courts.

16. Strengthening of legal aid mechanism.

The Conference resolved that only competent and motivated lawyers be engaged by legal service authorities.

17. 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.

The Conference resolved that Monitoring Committees be set up in accordance with the resolutions passed in the Conferences of Chief Ministers of States and Chief Justices in 2006 and 2007, if they had not been set up already

18. Consideration of recommendations of Malimath Committee for increasing the working days of High Courts.

The Conference resolved that High Courts will consider either extending working hours up to Five and a half hours or suitably increasing the working days, High Court Judges be requested to work during vacation on voluntary basis and that they will not go for holidaying on working days.

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

This item was discussed but no resolution was passed.

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

The Conference resolved to reiterate the resolution passed in this matter in its previous Conference.

ANNEXURE-II

Annexure referred to in Part (d) of Lok Sabha Unstarred On.No.2743 due for answer on 23.7.2009

ACTION TAKEN NOTES ON THE RESOLUTIONS PASSED IN THE CHIEF JUSTICES' CONFERENCE 2008 PERTAINING TO THE DEPARTMENT OF JUSTICE

Para-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.

Action Taken Note:

The Centrally sponsored scheme for the development of infrastructure facilities of the judiciary is being implemented by the Department of Justice to augment the resources of the State Govts. The Scheme covers construction of Court buildings including construction of computer rooms, and residential accommodations for the judges/judicial officers covering High Courts and subordinate Courts.

The expenditure of the Scheme is shared by the central govt and state govts. on 50:50 basis. The Department of Justice is providing funds to the States on need basis and subject to the availability of funds as per allocations made by Planning Commission. This is an ongoing process.

Para-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.

Action Taken Note:

Both the recommendations of the resolution are under consideration.

Para-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.

Action Taken Note:

Department of Justice proposes to support a pilot project of the Mediation and Conciliation Committee of the Supreme Court under the Plan Scheme 'Study of Judicial Reforms' which has been approved for implementation in March 2009. The Scheme propose to develop a training programme and implement a pilot project for training of advocates and judicial officers for grooming them as mediators for Mediation and Conciliation as a tool of ADR mechanism.

Para-10: Strengthening of training of Judicial Officers.

RESOLVED that

The training of Judicial Officers be strengthened.

Action Taken Note:

National Judicial Academy, Bhopal has been requested to send their views on the training of judges and judicial officers and how it is

being strengthened.

Para-13: Progress made in modernization and Computerisation of Justice Delivery System.

RESOLVED that

equate 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

Action Taken Note:

The Central Government has taken up comprehensive computerization of courts in the Country covering all District and Subordinate Courts in the country, up-gradation of IT infrastructure in superior courts and electronically linking the lowest courts to the apex court. The Scheme has been taken up for implementation as a Mission Mode Project. Phase-I of the project is currently under implementation.

National Informatics Centre is the implementing agency of the project. Under the project 13,365 judicial officers have been provided with laptops and 12,599 laser printers have been supplied to the courts. Internet connectivity has been provided at 486 District Courts and 1272 Taluka Court complexes. In addition, internet connections have also been provided at the home offices of 10744 judicial officers. 56,720 judicial officers and Court staff have been trained in the use of ICT tools. ICT hardware has been delivered at 9 High Courts and installation is being carried out. LAN survey of the High Courts is also under process. The application software is being tested at certain pilot locations. Provision of Video Conferencing facility in the courts shall be taken up for implementation in subsequent phases of the project.

Para-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.

Action Taken Note:

The matter regarding formation of All India Judicial Service has been under consideration of the Government. Since it is common to Union and the States, views/comments of the State Governments and the High Courts were called. Some State Governments and High Courts have responded. Most of the High Courts did not favour formation of >T ADS as it will dilute the powers of the Higher judiciary.

Further, the above resolution intended that the High Courts would consider entrusting recruitment up-to 25% posts in Higher Judicial Service and send their respective views to Hon`ble the Chief Justice of India. Department of Justice has not been made aware of further developments, if any.

Para-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.

Action Taken Note:

Matter is under consideration.