

**Minutes of the Joint Conference of the
Chief Ministers of the States and the
Chief Justices of the High Courts
held on 5th April 2015
at
Vigyan Bhawan, New Delhi**

Preliminary:

The Joint Conference of the Chief Ministers of the States and the Chief Justices of the High Courts was held on 5th April 2015. The Inaugural Session was addressed by Hon'ble the Prime Minister of India, Hon'ble the Chief Justice of India and by Hon'ble Minister of Law and Justice. Vote of thanks was delivered by the Secretary, Department of Justice. The working session was chaired by Hon'ble the Chief Justice of India. Hon'ble Minister of Law and Justice, Hon'ble Shri Justice T.S. Thakur and Hon'ble Shri Justice A.R. Dave, senior most Judges of the Supreme Court were assisting Hon'ble the Chief Justice of India for conducting the Sessions of the Joint Conference.

Inaugural Session

Shri D.V. Sadananda Gowda, Hon'ble Minister of Law and Justice made his welcome address for the inaugural session. During his address, he stated that the clear mandate of the Government for development and good governance has heightened expectations of performance from all organs of the State. For the justice sector, the priorities are pendency reduction, filling vacancies, creation of good

infrastructure and Information and Communication Technology (ICT) enablement of courts. He gave details of the various steps taken by the Central Government on these issues in recent years and applauded the comprehensive National Court Management Systems (NCMS) Scheme of the Hon'ble Supreme Court. He recalled the recommendations of the 14th Finance Commission for the justice sector and urged State Governments to implement them.

Hon'ble Shri H.L. Dattu, Chief Justice of India made His Lordship's address during the inaugural session. His Lordship welcomed the support of the Union Government for improvement of infrastructure in the justice sector and called upon the State Governments to work together with the High Courts for elimination of arrears of cases and improvements in the justice delivery system. His Lordship also made emphasis for both the Judiciary and the Executive to strive to strengthen their dialogue. As the problems faced by the Judiciary are complex, His Lordship said that the judiciary and the executive are required to work together. His Lordship also referred about the tireless discussions of two days between the Chief Justices of the High Courts preceding this Joint Conference and stated that the Arrears Committees are being constituted in each High Court, holding of additional Lok Adalats, Special Courts for cases of women and other marginalised sections of the society are being explored. His Lordship made an emphasis that to materialise all these, support of the executive is essential. Since judiciary is in better position to understand its own needs, Chief Justices of some of the High Courts have presented comprehensive papers on the issues faced by the Judiciary. It is said that at present, while deciding the budgetary allocations for the justice sector, State

Governments must consult the judiciary and must respect the demands made for the funds and also enable the judiciary to have re-appropriation of funds allotted to them.

Hon'ble Prime Minister, Shri Narendra Modi made his inaugural address. During his inaugural address, it was said that the Judiciary should be both competent and empowered to deliver justice to the common man. The State Governments must facilitate setting up of adequate judicial infrastructure, in terms of manpower, building etc. The Judiciary must ensure that it should be steadfast and independent at all times. The Judiciary has built up an enormous faith and reputation among the people of India, and should evolve its own in-built systems for self-assessment, so that it can live up to the high expectations placed on it by the people. Good infrastructure for the Judiciary was a priority for the Government, and an amount of Rs. 9749 crore had been earmarked for strengthening the Judiciary under the 14th Finance Commission. The Hon'ble Prime Minister made an emphasis on use of more technology to bring about a qualitative change in the Judiciary. While he was expressing concern about the human resources, he also impressed upon the need for physical infrastructure. The Hon'ble Prime Minister hoped that the Conference would suggest some fresh proposals and ideas to be carried out. The Hon'ble Prime Minister also stressed the importance of Lok Adalats and Family Courts. He also called for a comprehensive review of the Tribunals to assess their efficacy and effectiveness. The Hon'ble Prime Minister while laying emphasis on the judicial fraternity to prepare themselves for emerging areas of litigation such as maritime law and cyber crime, he also emphasised the need to have

the knowledge of forensic science. The Hon'ble Prime Minister said that he is committed to remove the obsolete laws. A Committee has been formed wherein 700 laws have been identified and 1700 laws are in the process of being abolished.

Secretary, Department of Justice delivered the Vote of Thanks at the Inaugural Session.

Working Session

Hon'ble the Chief Justice of India chaired the Working Session of the Conference, for which 18 agenda items were circulated in advance as the basis for discussions. These included infrastructure and manpower for courts, judicial reforms, ICT enablement of courts, reduction of arrears and expeditious case disposal, role of justice system in ease of doing business, implementation of recommendations of the 14th Finance Commission for the justice sector, drawing up a National Vision and Mission Plan for 2015-2020. It also included strengthening of legal aid services, judicial academies, juvenile justice system, alternative disputes resolution mechanisms and service conditions of sitting and retired Chief Justices/Judges. The Agenda Items are at Annexure-1.

Hon'ble the Chief Justice of India began the discussion by stating that this was an important event as there will be dialogue between the Chief Justices of 24 High Courts and the Chief Ministers of the States and Union Territories. His Lordship stated that since some Chief Ministers have indicated their proposed early departures, the discussion would be taken up State-wise with both the Chief

Ministers and Chief Justices of each State/High Court making their points one after the other.

Chief Ministers and Chief Justices gave an update on the issues discussed and resolutions passed in the Joint Conference of Chief Ministers and Chief Justices held in April 2013 and spoke about the situation obtaining in their own States. Many of the Chief Justices confirmed existence of good coordination with Chief Ministers, while some expressed the need for closer coordination between them to address issues relating to infrastructure, manpower and facilities. Some Chief Ministers expressed the need for the Judiciary to focus on cheque bouncing cases, motor vehicle challans and arbitration matters and to have a mechanism for pre-trial conference in order to reduce pendency. Some of the Chief Ministers also made their requests for having Hindi and other regional languages, like Tamil, for usage in proceedings in the High Courts. There were also some requests by others for audio-video recording of court proceedings.

During the discussion, there were some specific demands by some Chief Justices relating to paucity of infrastructure and manpower. The Chief Justice of Bombay High Court sought the assistance in settling the issue of rental in order to have the Central Telegraph Office for expansion of the High Court. Hon'ble Minister of Law and Justice requested him to send a proposal so that he could take it up with the Minister of Communications and Information Technology.

The Chief Justice of Karnataka High Court brought to the fore about the space constraint in the Karnataka High Court as well as the need for expansion of the subordinate judiciary since there was a demand of 200 posts of Judicial Officers, but only 60 posts have been

approved. The Chief Justice further added that there are 3000 vacancies of staff at different levels in various courts.

The Chief Justice of Allahabad High Court summarised the shortage of Judicial Officers and staff in subordinate courts, leading to a precarious situation wherein justice dispensation system in the State is at peril. The Chief Justice further informed that against pending proposals for appointment of 13, 982 Judicial Officers, the State is functioning with just 1900 Judicial Officers. About the infrastructure of the High Court and Subordinate Judiciary, it is stated by the Chief Justice that some 9 projects involving an amount of Rs. 149 crore for the High Court and some projects involving an amount of Rs. 914 crore for the District Judiciary are pending sanction of the State Government as there has been no response for those proposals till date. However, in the Conference, there was no representation on behalf of the State of Uttar Pradesh to clarify the issues put forth by the Chief Justice of the Allahabad High Court.

The Chief Justice of Rajasthan High Court stated that despite the demand for having 384 courts, only 39 courts were sanctioned. The shortage of Judicial Officers exists in the State though request for sanction was made. It is stated that in Ajmer district for the past 20 years not a single new court has been established. As such the problem in Rajasthan is severe in view of the fact that courts are distantly placed which is depriving the people of their right to have access to justice nearby to their homes.

The Chief Justice of the Calcutta High Court highlighted the lack of action on various proposals for staff, funds for digitisation and court

infrastructure. The Chief Justice also added that even maintenance of ICT infrastructure is not in place due to not having annual maintenance contracts by the State Government. The Chief Justice of the Meghalaya High Court also expressed the same problem. The Chief Justice of the Rajasthan High Court stated that demand for upgradation of computers and appointment of Court managers has been pending sanction for approval since long time, The Chief Justice of the Allahabad High Court also had similar problems in Uttar Pradesh. Some other Chief Justices also pointed out lack of maintenance of computers even though tripartite MOUs have been signed requiring State Governments to take care of replacement and maintenance of computer infrastructure.

During the course of discussion, Hon'ble Shri Justice Thakur enquired from the Chief Minister of Madhya Pradesh about the States' responsibility in maintaining the ICT infrastructure. The Chief Minister of Madhya Pradesh responded by saying that maintenance of ICT infrastructure is the responsibility of the State Governments. Then, Hon'ble Shri Justice Thakur asked all State Governments to take care of ICT infrastructure in courts by them.

The Chief Justice of the Uttarakhand High Court pointed out three issues. First, in pursuance of the resolution passed in Chief Justices' Conference, 2013, Uttarakhand High Court resolved to take the initiative of providing solar power energy to two district courts viz. Almora and Udam Singh Nagar. The plan was that the Government of India will spend 90% and 10% will be borne by the State Government or other beneficiaries. Now, it appears that the Government of India had backed out of the project. The Chief

Justice requested the Central Government through Hon'ble Minister of Law and Justice, Government of India to stick to the original plan of 90% financial aid. Second, there are 13 districts in the State, out of which 10 are fully hill districts. Judicial officers are often posted in the hill districts but they are reluctant to work in remote hill areas because they cannot carry their families there due to insufficient facilities of accommodation, education for children, roads, electricity, medical, etc. and in such situation, they have to leave behind their families if they are posted in those remote hill areas. Thus, the High Court came out with two base camps at Dehradun and Haldwani. The High Court had proposed 16 residential units each at Dehradun and Haldwani. Now, the Uttarakhand Government says that it could make available only single room facility like hostel facility which is not suffice for a family to live in. Third is the issue of enhancement of medical reimbursement of the Judges. The limit of the Chief Justice as Head of the Department is one lakh which can be enhanced to five lakhs. The Chief Minister of Uttarakhand demanded an additional fund of Rs. 550 crore for infrastructure of the Judiciary in the State. Hon'ble Shri Justice Thakur and Hon'ble Minister of Law and Justice advised the use of additional devolution of funds to be provided by the 14th Finance Commission to the State to take care of additional infrastructure needs as per the proposals of the Department of Justice for the Justice Sector.

The Chief Justice of the Madhya Pradesh High Court made an alternative suggestion for direct transfer of 14th Finance Commission funds budgeted for the Judiciary from the Central exchequer to the High Court under a tripartite mechanism with the State

Government, operated through a Bank. The suggestion was not explored further after the intervention of the Secretary, Department of Justice, explaining the transfer mechanism and primary responsibility of the State Government for judicial infrastructure as stated in the Supreme Court Judgments also. The State Governments were asked to explore the possibility of additional financial autonomy to the Judiciary within the budgeted funds for the justice sector.

The Chief Justices of Assam, Bihar, Goa, Madhya Pradesh, Tamil Nadu, Karnataka, Punjab & Haryana High Courts asked for augmentation of infrastructure for Court Complexes and residential quarters for Judicial Officers. The Chief Minister of Bihar stated that the weightage given by the 14th Finance Commission to certain factors has gone against the State so much so that the share of divisible pool of funds going to Bihar has come down from 10.9% to 9.6%. Hon'ble Shri Justice Thakur stated that funds are no doubt a problem, but spending only 0.6% of the State Budget on Judiciary will not result in access to justice, which is a fundamental right. Hence, States must give more funds to the justice sector. The Chief Ministers of Himachal Pradesh and Jammu & Kashmir requested the Central Government to provide additional financial assistance to their hilly States because of their peculiar problems. Hon'ble Shri Justice Thakur emphasised the need to ensure sufficient funds are made available for the reconstruction of courts and residences in the State of Jammu & Kashmir aftermath to the floods.

The Chief Minister of Assam highlighted the problem of non-availability of sitting or retired Judges for manning the Foreigners

Tribunals. The Chief Justice of Gauhati High Court also informed that as per the Judgment of the Supreme Court, even lawyers can now be appointed to man the Foreigners Tribunals and a Committee was constituted to process the matter expeditiously.

The Chief Minister of Andhra Pradesh spoke about the difficulties coming in the way of having a separate High Court after bifurcation of the State. Hon'ble the Chief Justice of India and Hon'ble Minister of Law and Justice stated that the matter is *sub-judice* and no further discussion is required on that subject.

The Chief Minister of Haryana stated that the Haryana Vidhan Sabha had passed resolutions on 14.3.2002 and 15.12.2005 for the bifurcation of the Punjab & Haryana High Court and creation of a separate High Court for the State of Haryana. He wished this demand may be fulfilled now. It is further stated that there is a need for a Bench of the High Court in South Western Haryana in order to avoid travelling long distances by litigants to seek justice. The Chief Minister further demanded to increase the ratio of Judges belonging to Haryana in the Punjab & Haryana High Court. Hon'ble the Chief Justice of India stated that the matters will be looked into. The Chief Minister added that proceedings of the Courts should be made available through live webcast/telecast in the interest of transparency and use of Hindi should be allowed in the proceedings. The Chief Justice of Punjab & Haryana High Court stated that the matter regarding sanctioning of funds for additional court rooms and Judges' chambers has been pending with the Ministry of Home Affairs and Ministry of Finance of the Union Government for long, and requested the Hon'ble Minister of Law and Justice to look into the issues on priority basis. The Chief Justice also sought urgent

appointment of additional public prosecutors, particularly from the State of Punjab, so that additional sanctioned strength of Judicial Officers can be utilised better for speedy dispensation of justice. The Hon'ble Minister of law and Justice responded on the issue of delays in the Ministry of Home Affairs and Ministry of Finance of the Union Government and sought for the details so that it could be taken up appropriately.

The Chief Minister of Tamil Nadu asked for the use of Tamil in proceedings in the Madras High Court. Aware of the stand of the Government of India and the Supreme Court based on their Full Court meeting, he requested both to reconsider their stand. Law Minister of Gujarat similarly requested for use of Gujarati in the proceedings in the Gujarat High Court.

A number of issues relating to staff and facilities for judges were also raised. The Chief Justice of the Tripura High Court stated that draft Rules for State Judicial Service has not been cleared by the State Government since very long. Not a single public prosecutor has been appointed by the State Government. The Chief Justice of the Jammu & Kashmir High Court raised the issue of pending appointment of a full time Member Secretary of the State Legal Service Authority and pending approval of staff for the Judiciary due to which daily wage workers at very low salaries of Rs 4000 per month have been employed as a temporary measure. The Law Minister of Jammu & Kashmir stated that since appointment of a full time Member Secretary belonging to the District Judiciary requires an amendment, the matter is being processed. As regards temporary workers, he stated that there are more than 60,000 temporary workers in the State and a uniform decision needs to be

taken. The Chief Justice of Madras High Court stated that a proposal for constitution of additional 178 courts has been pending with the State Government since 2008, apart from the lack of adequate staff for the High Court. The Chief Justices of the Madras High Court and the Allahabad High Court raised issues relating to security of judicial officers and demanded installation of CCTV cameras and metal detectors in the court premises.

The Chief Justice of Allahabad High Court specifically brought to the notice of the August gathering that State Government has not provided security in courts, due to which Central paramilitary forces have been requisitioned, which is not proper, as providing security to the court premises is not the job of Central paramilitary forces. No post of Class III and IV staff has been filled up, leading to a situation that he has had to outsource the task from Tata Consultancy Services. For want of staff assistance to the functioning of the courts, the services of the persons when provided by the lawyers may lead to a situation of compromising with the justice delivery system. A coordination mechanism had been established, but it is dysfunctional.

The Chief Minister of Madhya Pradesh and the Chief Justice of the Madhya Pradesh High Court spoke about for having an excellent consultation mechanism in the form of a Nodal Agency established at the Chief Ministers' office for coordination between the State Governments and High Courts and whenever necessary, concerned Ministers and Secretaries of State Governments and representatives of the High Courts are called in and all proposals/matters initiated by the High Courts are discussed and

sorted out at once instead of moving the files from one Ministry to another or one department to another.

The Chief Justices of the Manipur, Sikkim and Delhi High Courts and the Chief Ministers of these States also stated that they have an excellent coordination mechanism among them to discuss and to resolve all pending issues. The Chief Justice of the Madras High Court raised the issue of lack of a permanent Law Secretary and the lack of sufficient staff to serve the additional Judges to be appointed as a consequence of increase in Judges' strength.

The Hon'ble Chief Justice of India suggested that the demands from the Chief Justices need to be attended to expeditiously for the development of the Judiciary. Therefore, it was resolved that the Chief Justices and Chief Ministers shall institute a mechanism for regular interaction among themselves to resolve issues, particularly those relating to infrastructure and manpower needs and facilities for the Judiciary.

The Chief Justice of the Delhi High Court raised the issue of increasing post-retiral benefits for the Judges of the High Courts. Hon'ble Shri Justice Thakur added that in the just concluded Chief Justices' Conference, the issue of post-retiral benefits for the Judges was discussed and it was resolved to request Hon'ble the Chief Justice of India to constitute a Committee to make a uniform proposal for such benefits. He suggested that it may be resolved that Hon'ble the Chief Justice of India be requested to constitute a Committee for recommending uniform minimum post-retiral facilities for the Judges.

Concluding Remarks by Hon'ble Minister of Law and Justice

Shri D.V. Sadananda Gowda, Hon'ble Minister of Law and Justice made the concluding remarks. In his concluding remarks, it is stated that it was heartening to observe that, except for 5 or 6 cases, a good coordination mechanism already exists between the State Governments and the High Courts. Most of the Chief Ministers have stated that they can resolve issues with their respective High Courts by having mutual discussions. Since it has been resolved that such a mechanism when established in all the States, he felt assured that the problems will be addressed with the required promptitude. He felt that continued discussion between the Judiciary and State Governments is highly advisable, and meaningful results can emanate from such discussions. He also offered to make himself available for discussions with the Chief Ministers as well as the Chief Justices of the High Courts to carry forward the efforts to provide litigant friendly environment in courts and to eliminate the long pending arrears of cases in courts.

The Hon'ble Minister of Law and Justice made the following three requests to the State Governments:

- (1) Sought the views of the State Governments on the recommendation of the Law Commission of India to establish commercial Benches in the High Courts and commercial courts at the district level.
- (2) After the 42nd Amendment to the Constitution of India, the States alone have the power to repeal certain obsolete laws. This exercise needs to be initiated as per the request of the Secretary,

Legislative Department, so that unwanted and obsolete laws can be weeded out from the Statute Book.

(3) Statistics and other information requested from the High Courts and the State Governments in order to reply to Parliament questions and to fulfil assurances given to Parliament, need to be expedited. He also requested that courts in the jurisdiction of all the High Courts need to ensure that complete case data is uplinked to the National Judicial Data Grid.

Hon'ble Minister of Law and Justice reiterated the commitment of the Union Government to improve the ease of doing business. He said that the judiciary had risen up to the occasion by commencing the establishment of commercial courts at High Court as well as district court levels. He stated that significant investment had been made by the Central Government in the justice sector. The country today has more court halls than the total number of functioning courts, but this is not evenly spread. Almost 96% of the district and subordinate courts have been computerised and are providing case information to litigants and lawyers online through the district court websites. With the increased devolution of funds to the States by the 14th Finance Commission, he urged the Chief Ministers to implement the State-wise and activity-wise recommendations of the 14th Finance Commission involving expenditure of Rs.9749 crore to improve the justice delivery system. He stated that only 20% of the allocated funds to the States under the 13th Finance Commission award for the justice sector was utilised by the State Governments; efforts need to be made to make full utilisation of the funds allocated to Justice Sector as per the 14th Finance Commission.

Thanking all the participants for very fruitful discussions, he hoped that deliberations held during this Joint Conference have given a new direction for all to see that they will have far reaching effect in the coming days.

Conclusions:

Although discussion did not take place agenda item-wise but it led to the conclusions on most of the agenda items as summarized below. The Chief Justices Conference held on 3rd and 4th April, 2015 also passed resolutions on some of the common agenda items for the Joint Conference and which are mentioned in square brackets.

Minutes For The Agenda Items:

1. Progress on implementation of Resolutions passed in the previous Conference of Chief Ministers and Chief Justices held on April 07, 2013.

While perusing the progress report circulated by the Department of Justice it was observed that considerable progress has been made on the resolutions adopted in the Joint Conference held on April 07, 2013.

2. Progress made in development of the infrastructure of subordinate courts:

The discussions indicated that the Central Government has been providing funds for infrastructure of subordinate courts in the ratio of 75:25 (90:10 for North-Eastern States). However, with the additional devolution of funds by the 14th Finance Commission to

States from the year 2015-16 onwards, the responsibility of States will increase. There was unanimity during the discussion that the Chief Justices of High Courts and Chief Ministers of corresponding States shall institute a mechanism for regular interaction to resolve issues relating to infrastructure.

3. Undertaking judicial reforms through National Court Management System (NCMS):

The contribution of NCMS to judicial reforms was recognized [It has been resolved in the Chief Justices' Conference, 2015 that the State Court Management System Committees shall endeavour to evolve workable solution for clearance of arrears including establishment of additional courts and for laying down standards for infrastructure of courts and residential accommodation for Judges of the High Courts and Judicial Officers. These will in turn hold NCMS Committee to evolve uniform standards at the macro level for speedy and cost effective elimination and arrears in a mission mode].

4. Progress in the ICT enablement of Courts:

It was noted that 95% of the targeted computerization of District and Subordinate Courts under Phase I and the eCourts Project has been completed by March 2015. The Central Government is in the process of approving Phase II of the Project at a cost of Rs.1670 crore to ensure universal computerization and enhancement of ICT enablement of courts. It was noted, however, that the responsibility for replacement and maintenance of computer hardware and technical manpower remains with the State Governments. In accordance with the recommendations of the 14th Finance

Commission, funds for provision of technical manpower in courts and for scanning and digitization of case records will also be provided by the State Government from the additional devolution of funds to States. State Governments must, therefore, budget for adequate funds so that benefits of eCourts Project such as online availability of cause lists, case status and judgments are released for all courts in the country. [The Chief Justices' Conference, 2015 also resolved that the State Government must be impressed upon to provide financial assistance for replacement of hardware, including having adequate technical manpower].

The National Judicial Data Grid (NJDG) receives case data for more than 13,000 courts already. Efforts are now required to make available case data of all balance courts on NJDG, particularly from the States of Delhi, Gujarat and Madhya Pradesh where data migration is underway. For policy purposes, efforts are required to have a uniform nomenclature of cases across the country for better monitoring of areas more susceptible to litigation and monitoring of arrears of cases of different types for efforts aimed at pendency reduction.

5. Steps required for reduction of arrears and ensuring speedy trial:

Steps required to reduce pendency of cases was discussed at length, including suggestion that the provisions of law (CPC, CrPC) requiring expeditious disposal of matters and limiting the number of adjournments should be scrupulously followed by the courts. It was observed that arrears can be reduced only if adequate infrastructure and manpower is available and steps are taken to identify areas

prone to excessive litigation. For example, the proposed amendments to the Negotiable Instruments Act, 1881, the Motor Vehicles Act, 1988 and the Arbitration and Conciliation Act, 1996 will facilitate reduction of arrears, as would the Process Re-engineering exercise being undertaken by the High Courts and the eCommittee of the Supreme Court to simplify rules and procedures used in courts. [The Chief Justices' Conference, 2015 has resolved that each High Court shall establish Arrears Committee and prepare an action plan to clear backlog of cases pending for more than five years, and will endeavour to evolve a uniform nomenclature for all categories of cases in coordination with the eCommittee for the entire country. For statistical purposes, the High Court will count the main cases only towards pendency and arrears. Interlocutory applications will continue to be separately numbered in original proceeding before the High Court exercising original jurisdiction].

6. Ease of doing business:

As mentioned by the Minister of Law & Justice, establishment of commercial courts is inherent in the powers of the High Courts. The recommendations made by Law Commission of India for enactment of a Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015 are being examined by the Central Government in consultation with the State Governments. State Governments were requested to provide their views urgently. Sensitisation of Judges through training programmes will enable the justice sector to increase its contribution to the ease of doing business. ICT enablement of courts will also help in further

transparency and access to case data, thereby improving the ease of doing business.

7. Recommendations of the 14th Finance Commission:

The 14th Finance Commission has endorsed the proposal of the Department of Justice for support to the justice sector and urged the State Governments to use the additional devolution of funds by the Commission to implement the recommendations. Category-wise, State-wise details of the activities required to be implemented are attached at Annex 2. Although Chief Ministers of some States raised doubts about the effective increase in devolution of funds from the divisible pool, all State Governments were urged to allocate funds for these activities in the justice sector which are necessary to reduce pendency as well as make courts more litigant friendly.

8. Increase in strength and filling up of vacancies in the High Courts.

Some of the Chief Justices discussed the difficulties in getting adequate infrastructure in the form of court rooms and chambers for the increased Judges' strength in High Courts as well as increasing the sanctioned strength and filling up of vacancies of Judicial Officers. Therefore, it was unanimously decided that the proposed mechanism for regular interaction between Chief Justices and Chief Ministers shall also include issues relating to manpower needs and facilities for the judiciary.

9. Strengthening of legal aid service:

There was unanimity in the Conference that the system of Lok Adalats has functioned well in the efforts to reduce pendency and should be encouraged so that the number of cases in the courts as well as litigation is reduced. Consensus emerged that these efforts should continue with increased vigour at all levels and courts should cater to all subject matters of litigation. Section 6 of the Legal Services Authority Act, 1987 states that in the discharge of its functions under the Act, the National Legal Service Authority shall wherever appropriate act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

10. Strengthening Of Juvenile Justice System:

Some of the Chief Ministers and the Law Ministers of the States highlighted the different steps taken by their respective Governments in strengthening of juvenile justice system.

Thus, during discussion it was revealed that considerable progress has been made by different States in strengthening juvenile justice system. However, it was reiterated that more concerted efforts need to be taken in this direction. [In the Chief Justices' Conference, 2015, it was resolved that the High Courts shall continue to take all steps necessary, including evolving ways to ensure greater sensitivity, to effectively deal with cases in the field of Juvenile Justice in their respective States. The High Courts should ensure that constitution of Juvenile Justice Boards and Child Welfare Committees are in place, that visits are regularly made to the

Juvenile Homes, Special Homes, Observation Homes, Shelter Homes and Rescue Centres etc. and that such homes are set up wherever they have not already been set up. It shall also be ensured that the requisite facilities are provided as per the Standards, Rules, Policies and Guidelines in all such Homes/Centres. The assistance of State Legal Services Authorities and District Legal Services Authorities shall also be taken in this regard.]

11. Strengthening Judicial Academies:

Although this issue was not discussed in detail, it may be noted that the 14th Finance Commission recommendations include setting up of Judicial Academies in Manipur, Meghalaya and Tripura.

12. National Vision and Mission:

The discussions showed a cohesive sense of purpose amongst all the High Courts and State Governments to improve the Justice Delivery System. [The Chief Justices' Conference, 2015 resolved that the National Vision and Mission – Justice for All – 2015-2020 presented by the group of Chief Justices be taken up by the High Courts as Guidelines for achievable standards. Each High Court can consider adopting for implementing any item with such modification, including amended parameters, as may be necessary. This would be in addition to any additional aims set up by individual High Courts. The Mission Papers shall also be sent to the National Court Management System Committee and State Court Management System Committees for evaluation and adoption to the extent the same is, in their opinion, feasible for strengthening the Indian Judiciary].

13. Salaries and Emoluments of the serving Chief Justices/Judges of the High Court:

This agenda item was not specifically taken up for discussion since the discussion was held State-wise and not agenda-wise.

However, in the Chief Justices' Conference, 2015, it has been resolved that [keeping in view constitutional office of the Chief Justices/Judges of the High Courts and the nature of their duties and the observations of Dr. B.R. Ambedkar, Chairman, Drafting Committee, in the Constituent Assembly of India on 12th October 1949, the Hon'ble the Chief Justice of India is requested to take up the matter with the Central Government to establish a National Judicial Pay Commission to consider pay, emoluments, perquisites, etc. of the Chief Justices/Judges of the High Courts and of the Supreme Court.]

14. Augmenting of post retiral benefits of High Courts Chief Justices/Judges:

The Chief Justice of India mentioned that it has been resolved in the Chief Justices' Conference, 2015 to constitute a Committee for recommending grant of minimum post retiral benefits to retired Chief Justices/Judges of the High Courts on a uniform basis.

15. Posting District Judges as Law Secretary, Legal Remembrancer and Secretary, Legal Service Authority:

During discussion it was revealed that problems regarding manning of these posts by District Judges instead of IAS officer are perhaps limited to the State of Jammu & Kashmir and the Union Territory of

Andaman & Nicobar Islands. It was felt that the respective State and Union Territory should urgently find a solution to the issue. This issue can also be referred to the proposed new mechanism between the Chief Ministers and Chief Justices.

16. Service Conditions for Judicial Officers:

Some States mentioned the urgent need of facilities and security for Judicial Officers and courts. It was felt that these issues must be urgently resolved and may be discussed in the proposed new mechanism between Chief Justices and Chief Ministers.

17. Financial autonomy for the Indian Judiciary:

This issue was discussed by various Chief Justices in terms of the need for availability of funds and flexibility to the High Courts to re-appropriate funds. [The Chief Justices' Conference, 2015 resolved that it be impressed upon the State Governments that the funds allocated to the respective State Governments should be made available to the High Courts expeditiously; and the High Courts be given financial autonomy and the Chief Justices empowered to re-appropriate the funds allocated to their respective High Courts.

AGENDA FOR THE CONFERENCE OF THE CHIEF MINISTERS OF
STATES AND CHIEF JUSTICES OF THE HIGH COURTS
[APRIL 5, 2015]

Sl. No.	Agenda Items
1.	Progress on implementation of Resolutions passed in the previous Conference of Chief Ministers and Chief Justices held on April 07, 2013.
2.	Progress made in development of the infrastructure of Subordinate Courts.
3.	Undertaking Judicial Reforms, through the following measures :- <ul style="list-style-type: none">- All-India Judicial Service- Uniform procedure for appointment of District Judges: Creation of a Judicial Service Commission to help the Chief Justices of the High Courts in conducting a common written examination for recruitment to the post of District Judges- National Court Management System (NCMS)- Policy and Legislative changes
4.	Progress in the ICT enablement of courts under the eCourts Mission Mode Project (MMP) :- <ul style="list-style-type: none">- Review of status of Phase I of eCourts MMP- Proposal for Phase II of eCourts MMP- Commitment of States towards meeting the expenditure

	<p>on scanning and digitization of case records, technical manpower, recurring expenditure on AMCs and power back-up</p> <ul style="list-style-type: none"> - National Judicial Data Grid
5.	<p>Steps required to be taken for reduction of arrears and ensuring speedy trial :-</p> <ul style="list-style-type: none"> - Court and case management - Review of Court processes through Process re-engineering - Pre-trial Conference - Fast Track Courts – Fast tracking of matters relating to heinous crimes like murder, rape, dacoity, kidnapping, human trafficking, dowry deaths, offences against women, children, differently-abled persons, senior citizens, marginalized sections of society and corruption cases.
6.	Ease of doing business – Role of the justice system.
7.	Recommendations of the 14 th Finance Commission.
8.	Increase in strength and filling up of vacancies in the High Courts.
9.	Strengthening of legal aid services including A.D.R. Systems, Lok Adalat, Mediation and Conciliation.
10.	Strengthening of Juvenile Justice System.
11.	Strengthening of Judicial Academies and introducing innovative methods for imparting training to judicial officers regarding their court functioning and judgment writing and training to lawyers.
12.	National Vision and Mission – Justice for All : 2015-2020

13.	Salaries and emoluments of the serving Chief Justices/Judges of the High Courts.
14.	Augmenting of post-retiral benefits of High Court Chief Justices/Judges.
15.	The post of Law Secretary, Legal Remembrancer and Secretary, Legal Services Authority shall be manned by Principal District Judges of District Judges or District Judges instead of IAS officers throughout the country.
16.	Service conditions for Judicial Officers including promotions and elevations.
17.	Financial Autonomy for the Indian Judiciary.
18.	Any other item with the permission of the Chair.

