

CHIEF JUSTICES' CONFERENCE – 2009
[AUGUST 14-15, 2009]

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 17th and 18th April, 2008.**

RESOLVED

That

- a] Action Taken Reports furnished by the High Courts and the Department of Justice, Ministry of Law and Justice, Government of India, are perused.
 - b] Wherever required, the Chief Justices will take up the matter at the highest level of the State Governments for providing adequate funds for the implementation of the Resolutions.
- 2] Steps required to be taken for reduction/elimination of arrears and ensure speedy trial within a reasonable period.**

RESOLVED

That

- a] The High Courts will make scientific and rational analysis as regards accumulation of arrears and devise

a roadmap for itself and jurisdictional courts to arrest arrears of cases taking into account average institution, pendency and disposal of cases and to ensure speedy trial within a reasonable period of time.

b] The following Resolutions passed in the Chief Justices' Conference, 2008, are reiterated:

[i] The High Courts will make efforts to set-up at least one Family Court in each district, besides additional Family Courts, wherever required.

[ii] 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."

3] Augmenting the infrastructure of subordinate courts.

RESOLVED

That

a] The High Courts shall take assistance of an expert in accounts for the purpose of preparation of the Scheme and total expenditure required therefor and thereafter submit a proposal to the State Governments.

b] The Chief Justices will also take into consideration "the National Judicial Infrastructure Plan" , with such modifications as may be required, while taking up the cause with the State Governments.

- c] The Chief Justices of the High Courts shall take up the matter with the State Governments on the aspect of supply of electricity to subordinate courts during working hours and to impress upon the State Governments to ensure that no power cuts be allowed during courts working hours and generator sets, as back-up supply for electricity, be installed in the court complexes, especially in rural areas having acute power shortage. In order to ascertain the areas in the States facing acute power shortage, the Chief Justices of the High Courts will submit a proposal to the State Governments after receiving a report in that regard from the Judge in-charge of the district concerned.
- d] The matter be also taken up at the Joint Conference of Chief Ministers and Chief Justices to be held on August 16, 2009.
- 4] Progress made in setting up and functioning of evening/morning courts in subordinate courts.**

RESOLVED

That

The Chief Justices of the States, where morning/evening courts in subordinate courts have not so far been set-up, will take up the matter with their respective State Governments to implement the

Resolutions passed in the Chief Justices' Conferences in the years 2007 and 2008, and such courts be set-up at the earliest, wherever found feasible, to deal with cases involving petty offences, including traffic, municipal offences and cases arising out of Section 138 of the Negotiable Instruments Act, 1881.

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

RESOLVED

That

- a] The Vigilance Cells will be under the direct control of the Chief Justices of the High Courts.
- b] All complaints, in the first instance, will be placed before the Chief Justice of the High Court, who will refer the same to the Vigilance Officer of that Court. The Vigilance Officer, upon inquiry, will submit a report to the Chief Justice in that regard. In case an inquiry is to be proceeded with for the purpose of imposing minor/major penalty, the complaint will be referred to a Committee of Hon'ble Judges, to be nominated by the Chief Justice of the High Court, which may also include the Hon'ble Judge, in-charge of the place where the delinquent officer is discharging his functions. The cases relating to major penalties

only, such as compulsory retirement, dismissal or removal, be placed before the Full Court of the High Court. Complaints and inquiries be disposed of as early as possible, but not later than one year.

- 6] Progress made in setting-up of Fast Track Courts of Magistrates and Fast Track Civil Courts.**
- 7] Establishment of Gram Nyayalayas.**

RESOLVED

That

- a] The matter regarding continuation of Fast Track Courts of Sessions beyond 31st March, 2010, be taken up with the Central Government.
- b] The Chief Justices of the High Courts may constitute a committee of Judges to assess the number of Gram Nyayalayas and places where they are required to be located for the purpose of Gram Nyayalayas in the first instance.
- c] For the purpose of setting up of Gram Nyayalayas at the grass root level in rural areas, the Central Government be impressed not to insist upon matching grant to be allocated by the State Governments and the matter in this regard be taken up at the Joint Conference of Chief Ministers and Chief Justices to be held on August 16, 2009.

8] Progress made in modernization and computerization of justice delivery system, establishment of E-courts and video conferencing facilities.

RESOLVED

That

- a] The Chief Justice of India be requested to nominate a Committee to consider the present status and progress made in modernization and computerization of courts and to submit recommendations.
- b] The note submitted by Hon'ble Mr. Justice P.K. Balasubramanyan, Chairman, E-Committee, be also placed before the Committee to be nominated by Hon'ble the Chief Justice of India.

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

RESOLVED

That

- a] The High Courts shall expedite adoption and implementation of the National Plan for Mediation with such modifications, as deemed necessary.

- b] More number of mediation centres be established at the district level.
- c] Hon'ble the Chief Justice of India be requested to nominate a Committee to consider the question of imparting training to the trainers and constituting a national panel of trainers for training the mediators. The Report submitted by Hon'ble Mr. Justice S.B. Sinha, former Judge, Supreme Court of India, be also placed before the said Committee.

10] Strengthening legal aid systems.

RESOLVED

That

- a] The Chief Justices of the High Courts will appoint a Committee of Judges to monitor the legal aid system.
- b] Only competent young advocates, who are motivated and have zeal to work for legal aid be appointed for legal aid work.

11] Financial autonomy to the High Courts.

RESOLVED

That

- a] Financial autonomy be given to the High Courts, especially in regard to utilization of funds for the

purpose of providing infrastructure, such as court complexes, inclusive of electricity back-up by way of generator sets, computerization and residential quarters, etc.

- b] The Chief Justices of the High Courts be delegated with powers to appropriate and re-appropriate funds, whenever required, within the budget allocated by the State Government for the judiciary of the State.
 - c] The matter be taken up at the Joint Conference of Chief Ministers and Chief Justices to be held on August 16, 2009.
 - d] The Chief Justices of the High Courts will take up the matter with respective State Governments to suitably increase the allocation of funds so that budgetary demands of the High Courts and subordinate courts could be met.
- 12] Holding of courts in jail by every Chief Metropolitan Magistrate or the Chief Judicial Magistrate or Metropolitan Magistrate/Judicial Magistrate of the area in which a district jail falls, on regular basis to take up the cases of those undertrial prisoners who are involved in petty offences punishable upto three years or are keen to confess their guilt.**

RESOLVED

That

- a] The Chief Justices of the High Courts will expedite the matter with the respective State Governments for the

purposes of holding of courts, in jail, of Chief Metropolitan Magistrate/Chief Judicial Magistrate or Metropolitan Magistrate/Judicial Magistrate, wherever possible, in terms of the Resolution passed in the Chief Justices' Conference in the year 2003.

- b] The Chief Metropolitan Magistrate/Chief Judicial Magistrate or Metropolitan Magistrate/Judicial Magistrate, shall discharge obligation keeping in view the principles of 'Plea Bargaining' as enshrined in Chapter XXI-A of the Code of Criminal Procedure, 1973, and confessions in petty cases.
- c] Advocate provided by the District Legal Services Committee/State Legal Services Authority be also deputed, wherever not deputed, in jail to work in the aid of under-trial prisoners for providing requisite services to them to present their case before the Chief Metropolitan Magistrate/Chief Judicial Magistrate or Metropolitan Magistrate/Judicial Magistrate, as the case may be.

13] Increase in the strength of Judges of the High Courts and Subordinate Courts.

RESOLVED

That

- a] The following Resolution passed in the Chief Justices' Conference, 2008, is reiterated:

“ 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. Vs. Uttar Pradesh Public Service Commission & Ors. for appointment of subordinate Judges.’

- b] The matter be taken up with the Central Government that 1/4th of the increased sanctioned strength in the High Courts be of additional Judges and remaining 3/4th will be of permanent Judges.
- c] The Chief Justices will make recommendation for increase in strength of Judges of the High Courts and subordinate courts, after taking into consideration the pendency of cases and other relevant criteria for calculating the requirement of number of judges.

14] Progress made in setting-up of permanent mechanism for implementation of Resolutions passed by the Chief Justices’ Conference and decisions taken at the Joint Conferences of Chief Ministers and Chief Justices.

RESOLVED

That

The matter be taken up at the Joint Conference of Chief Ministers and Chief Justices to be held on August 16, 2009.

15] Strengthening of training of Judicial Officers.**RESOLVED**

That

- a] The National Judicial Education Strategy prepared by the National Judicial Academy be adopted and operationalized by the High Courts.
- b] The Chief Justices of the High Courts will consider the desirability of nominating an Academician to the State Judicial Academies, after adjudging his eligibility and suitability to the post.

16] Increase in the ratio of appointments to High Courts from amongst Judicial Officers to fifty per cent of the Judges' strength of the concerned High Court instead of the present one-third.**RESOLVED**

Discussed.

17] Progress made in setting-up of Juvenile Justice Boards.**RESOLVED**

That

- a] The Resolution passed to the following effect in the Chief Justices' Conference, 2006, is reiterated:

“That High Courts will impress upon the State Governments to set up Juvenile Justice Boards, wherever not set-up. The Chief Justices may nominate a High Court Judge to oversee the condition and functioning of the remand/observation homes established under the Juvenile Justice (Care and Protection of Children) Act, 2000.”

- b] The Chief Justices of the High Courts will expedite the matter with the respective State Governments for setting up of Juvenile Justice Boards, wherever they have not yet been set up.
- c] The Chief Justices of the High Courts will nominate a Judge to make periodical visits to Juvenile Homes, wherever set up, and the learned Judge may suggest remedial measures for the betterment of the conditions of the juvenile homes and inmates.
- d] Hon’ble the Chief Justice of India is requested to take up the matter at the Joint Conference of Chief Ministers and Chief Justices to be held on August 16, 2009.

18] Strengthening of Lok Adalat System.

RESOLVED

That

- a] Steps be taken to further strengthen the Lok Adalats, it being an effective and efficient alternative mode of dispute settlement.

- b] More number of retired Judges be associated with the process of Lok Adalats for the purpose of increasing the rate of disposal of cases in Lok Adalats.
- c] Efforts be made to educate the people, especially the downtrodden, in respect of their rights by providing information on Doordarshan, local channels of the States and in any other manner.

19] Steps to be taken for filling up of vacancies in the High Courts and Subordinate Courts.

RESOLVED

That

- a] The Chief Justices of the High Courts will take requisite steps to fill up the vacancies in the High Courts and Subordinate Courts anticipating the occurrence thereof in order to avoid delay in filling up the said vacancies.
- b] The matter relating to creation of additional posts for Judicial Officers during the period they are on training be taken up at the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts to be held on August 16, 2009, and Hon'ble the Chief Justice of India be requested to form a Committee to make recommendations in this regard.

20] Formation of All India Judicial Service.**RESOLVED**

Discussed.

21] Any other matter with the permission of the Chair.

a] Suggestion received from Hon'ble the Acting Chief Justice of the Orissa High Court that Home Secretary be also included in the Committee for implementation of the Resolutions as he looks after the affairs of the High Courts for the purpose of allocation of funds and other allied matters.

RESOLVED

That

Requisite amendment be made in the mechanism constituted for the purpose.

b] Suggestion received from Hon'ble the Chief Justice of the Patna High Court to increase the number of working days from 210 days to 220 days.

RESOLVED

That

The Chief Justices of the High Courts will explore the possibility of increasing the number of working days

from 210 days to 220 days or increase the number of working hours by thirty minutes a day.

[A.K. PATNAIK]
CHIEF JUSTICE,
MADHYA PRADESH HIGH COURT

[A.P. SHAH]
CHIEF JUSTICE,
DELHI HIGH COURT

[H.L. GOKHALE]
CHIEF JUSTICE,
MADRAS HIGH COURT

New Delhi,
August 15, 2009.