

125158/2019/NM

No. N- 17/11/2017-NM
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House, 26 Mansingh Road,
New Delhi-110011
Dated: 28.02.2019

Subject:- **Minutes of the Eleventh Meeting of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms held on 19.02.2019.**

The Eleventh Meeting of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms was held under the chairmanship of Hon'ble Minister of Law and Justice on 19th February, 2019 in Vigyan Bhawan Annexe, New Delhi. Please find enclosed herewith the minutes of the Meeting for kind information and perusal.

(G. R. Raghavender)

Joint Secretary to the Government of India
Telefax: 23072142

1. Hon'ble Minister of State, Ministry of Home Affairs, North Block, New Delhi.
2. Hon'ble Chairman, Department related Parliamentary Standing Committee on Personnel, Public Grievance, Law and Justice, Rajya Sabha Secretariat, New Delhi.
3. Hon'ble Minister of Law & Courts, Andhra Pradesh, 1st Floor, Building-I, Velagapudi, Hyderabad (A.P)
4. Ld. Attorney General for India, N-234-A, Greater Kailash-I, New Delhi.
5. Ld. Solicitor General of India, Chamber No. 25A, Second Floor, Supreme Court, New Delhi.
6. Prof. (Dr.) N. R. Madhava Menon, Rema Madhava, Maniyasseri Temple West, Maravanthuruthu, P.O. Vaikom, Kottayam District, Kerala – 686608.
7. Secretary, Legislative Department, Ministry of Law and Justice, 4th Floor, Shastri Bhawan, New Delhi.
8. Secretary, Department of Legal Affairs, Ministry of Law and Justice, 4th Floor, A- Wing, Shastri Bhawan, New Delhi.
9. Secretary General, Supreme Court of India, Bhagwan Das Road, New Delhi.
10. Director, National Judicial Academy, P.O. Suraj Nagar, Bhopal-462044 (M.P)
11. Chairman, Bar Council of India, 21, Rouse Avenue Institutional Area, New Delhi.
12. Secretary, Department of Law and Justice, Parliamentary Affairs, Civil Secretariat (Room No.G-7), Government of Jammu & Kashmir, Jammu.
13. Law Commission of India, 4th Floor, B Wing, Lok Nayak Bhawan, Khan Market, New Delhi.

o/c

Copy to:

1. PS to Hon'ble Minister of Law and Justice
2. PS to Hon'ble Minister of State for Law and Justice
3. PSO to Secretary (Justice)
4. JS (Sh. Sadanand Vasant Date) — VSR 28/2/19
5. JS (Sh. Rajinder Kumar Kashyap) — VSR 28/2/19
6. JS (Ms. Sushma Taishete) — VSR 28/2/19
7. JS (Sh. Daniel Richards), Ministry of Home Affairs

(G. R. Raghavender)

o/c

Minutes of the Eleventh Meeting of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms held on 19th February, 2019.

The Eleventh meeting of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms was held on 19th February, 2019 in Committee Room – A, Vigyan Bhawan Annexe, New Delhi under the Chairmanship of Shri Ravi Shankar Prasad, Minister of Law & Justice and Electronics & Information Technology. The list of the participants is attached at **Annexure-I**.

2. Secretary (Justice) welcomed the members of the Advisory Council. He thanked the members of the Council for sparing their valuable time for attending the meeting to deliberate on important matters on Justice Delivery System of the country. He informed that the meeting of the Advisory Council was convened after quite some time as the last meeting was held on 18th October, 2016. He gave a brief account of the progress made since the last meeting. The vacancy in subordinate courts has been dropped since last few years, but still it is very high which is more than 5,000 out of the total sanctioned strength of about 22,833. He explained about the new initiatives undertaken by the Department which include Tele Law, Pro-Bono and Nyaya Mitra. He informed that the Hon'ble Minister has during the day launched the Tele Law mobile app and dashboard and Nyaya Bandu app (Pro Bono Legal Service) mobile application.

3. He further informed that the construction projects of court halls and residential units under the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary are now being monitored online through geo-tagging which was launched in June, 2018. BSNL project is being implemented under eCourts for WAN connectivity in far flung areas of the country. Electronic Case

Management Tools have been provided to Judges under NJDG to monitor and manage their cases.

4. It was realised that a considerable progress has been made in Justice Sector through the efforts of the Department under the direction of Hon'ble Minister but the public is not aware of such initiatives. Hence, the Department has published posters, banners, audio jingles and other publicity material and has circulated to all States for wide publicity. Short film is also being made.

5. Secretary (Justice) further explained about the points covered in the Agenda of the meeting, namely, Pendency Reduction, Ease of Doing Business, Use of IT under eCourts and amendments in laws for better justice delivery. He also informed that the minutes of the last meeting and the Action Taken Note thereon have been circulated and placed in the folder of the Members, alongwith Agenda of the meeting. He then requested Hon'ble Minister of Law and Justice to address the meeting.

6. Hon'ble Minister of Law and Justice welcomed all participants and stressed for need to focusing on major issues, namely, Reduction in pendency of cases, Infrastructure Development, adequate manpower for Subordinate Judiciary, Court procedure, and comprehensive review of Criminal Justice System. He said that hearing of cases is not within the mandate of Government and it can create enabling environment and infrastructure. The Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary is being implemented since 1993-94 under which more than Rs. 6670.00 crore have been provided to the States, out of which over 48% of funds has been released during last 4 ½ years. The number of court halls has increased to 18,796 and the number of residential units for judicial officers has also increased to 16,662. In addition, almost 1400 obsolete and redundant laws have been repealed thereby improving the legal ecosystem.

7. Hon'ble Minister informed that a record number of appointments of Judges have been made in Supreme Court and High Courts. He mentioned that the earlier average yearly appointments were around 70-80, but in 2016 no less than 126 appointments were made. 115 appointments were made last year and over 10 Judges have already been appointed in 2019. Hon'ble Minister, however, expressed his concern about appointment of Judicial Officers in subordinate judiciary, in which the Central Government has no role. He also asked the views of the members of the Council on the National Judicial Service. He informed that not all the High Courts have agreed to the proposal.

8. Hon'ble Minister also expressed his concern over pendency of 10 year old cases. He expressed his intention to request the High Courts to focus on such old cases. He also expressed his concern over large number of cases under MV Act and NI Act which are clogging the judicial system. The Judiciary can reduce substantial percentage of cases, if these cases are quickly disposed of. He also pointed out the problem of civil cases and civil appeals in High Courts which take many years. Under-trial women prisoners, who have spent over 25% of their maximum prison sentence, if convicted could be given bail under Section 436A. He requested the members to offer their views and suggestions.

9. The following suggestions were made by the members of the Council:

Shri K. K. Venugopal, Ld. Attorney General of India

- In order to concentrate on speedy justice to the poor and needy people, every court should have a panel of pro-bono lawyers. High Courts too should have such panel of pro-bono lawyers.
- Similar to United States, retired judges with known integrity and capability can be given the work dealing pending cases. Necessary

amendments to relevant provisions of the CPC could be initiated. These retired judges may be taken at trial stage, appellate court and High Court level.

- Capable Law graduates who want to join judiciary should be given adequate training and appointed after following due procedure of exam, interview, etc.
- The Bar Council of India (BCI) should also start continuing education programme by giving training to young lawyers with experience to enable them to join judiciary.
- Prof. Madhava Menon, who is an eminent personality on legal education, may be involved in the process.

Shri Tushar Mehta, Ld. Solicitor General of India

- There is a need for preparing a list of good pro-bono lawyers as at present only inexperienced lawyers come forward and the result is not good.
- As 25% of pending cases at present are not live cases, young lawyers may be engaged to examine these cases to be taken up in coordination of the Registry of the Court to address cases which are not live, infructuous, petty and which cannot survive.

Prof. (Dr.) Madhava Menon

- Earlier, there have been several recommendations made by the Advisory Council relating to reforms of the Criminal Justice System. It would be appropriate to list out all such recommendations for taking further action.

- Section 436 A of CrPC must be implemented so that no under-trial languishes in jail beyond the specified period (Section 436 A) if not granted bail.
- The Chapter on Plea Bargaining in CrPC (Chapter 21 A) should be implemented in letter and spirit. A Task Force may be constituted to examine the reasons for non-implementation and to give recommendation.
- Steps may be taken to implement AIJS.

Shri Sanjeev S. Kalgaonkar, Secretary General, Supreme Court

- Out of 2.60 crore cases in subordinate courts, about 46% cases are pending for appearance as per NJDG data. 23% more cases are relating to summoning. In addition, 50.42 lakhs cases are of petty offences. There is a need to take urgent steps in this regard in order to reduce pendency.
10. In his concluding remarks, Hon'ble Minister thanked the members of the Advisory Council for their valuable suggestions. He requested Attorney General to give a framework on pro-bono lawyers.
 11. Based on the suggestions came during the meeting, a Statement is prepared and attached as **Annexure-II** indicating the actions to be taken on the suggestions and by whom before the next meeting of the Advisory Council.
 12. The meeting ended with a vote of thanks to the Chair.

Annexure – IList of participants of Eleventh Meeting of Advisory Council of the National Mission for Justice Delivery and Legal Reforms held on 19th February, 2019.

1. Shri Ravi Shankar Prasad, Hon'ble Minister of Law & Justice and Electronics & Information Technology, and Chairman of Advisory Council;
2. Shri K. K. Venugopal, Ld. Attorney General of India, and Member of Advisory Council;
3. Shri Tushar Mehta, Ld. Solicitor General for India, and Member of Advisory Council;
4. Shri Sanjeev S. Kalgaonkar, Secretary General, Supreme Court of India, and Member of Advisory Council;
5. Prof. N. R. Madhava Menon, Member of Advisory Council;
6. Dr. Alok Shrivastava, Secretary, Department of Justice, and Convenor of Advisory Council;
7. Dr. G. Narayana Raju, Secretary, Legislative Department, and Member of Advisory Council;
8. Shri G. R. Raghavender, Joint Secretary, Department of Justice, and Mission Director, NMJDLR;
9. Shri Sadanand Date, Joint Secretary, Department of Justice;
10. Shri Rajinder Kumar Kashyap, Joint Secretary, Department of Justice;
11. Shri Daniel Richards, Joint Secretary, Ministry of Home Affairs;
12. Shri C. K. Reejonia, Director, Department of Justice;
13. Shri Murlidhar Pandey, Director, Department of Justice;
14. Shri Shailesh Shrivastava, Director, Department of Justice;
15. Shri K. S. Jayachandran, Deputy Secretary, Department of Justice;
16. Shri K. Suresh Kumar, Deputy Secretary, Legislative Department;
17. Shri A. N. Saxena, Deputy Secretary, Department of Justice; &
18. Shri D. C. Pathak, Deputy Secretary, Department of Justice.

Annexure IIStatement indicating actions to be taken on the suggestions and by whom

S.No.	Suggestion	Actions to be taken and by whom
1	In order to concentrate on speedy justice to the poor and needy people, every court should have a panel of pro-bono lawyers. High Courts too should have such panel of pro-bono lawyers.	Ld. Attorney General to give a framework on pro-bono lawyers DoJ to take action accordingly. <u>Action: DoJ</u>
2	There is a need for preparing a list of good pro-bono lawyers as at present only inexperienced lawyers come forward and the result is not good.	<u>Action: DoJ</u>
3	Similar to United States, retired judges with known integrity and capability can be given the work dealing pending cases. Necessary amendments to relevant provisions of the CPC could be initiated. These retired judges may be taken at the trial stage, appellate court and High Court level.	DoJ to write to all High Courts and High Courts have to report action taken to DoJ. <u>Action: High Courts</u>
4	Capable Law graduates who want to join judiciary should be given adequate training and appointed after following due procedure of exam, interview, etc.	DoJ to write to all High Courts and High Courts have to report action taken to DoJ. <u>Action: High Courts</u>
5	Bar Council of India (BCI) should also	DoJ to write to Bar Council of

	<p>start continuing education programme by giving training to young lawyers with experience to enable them to join judiciary.</p> <p>Prof. Madhava Menon, who is an eminent personality on legal education, may be involved in the process.</p>	<p>India, National Judicial Academy and State Judicial Academies and who will report back to DoJ on action taken.</p> <p><u>Action: BCI/NJA/SJAs</u></p>
6	<p>As 25% of pending cases at present are not live cases, young lawyers may be engaged to examine these cases to be taken up in coordination of the Registry of the Court to address cases which are not live, infructuous, petty and which cannot survive.</p>	<p>DoJ to write to all High Courts.</p> <p><u>Action: High Courts</u></p>
7	<p>Earlier, there have been several recommendations made by the Advisory Council relating to reforms of the Criminal Justice System. It would be appropriate to list out all such recommendations for taking further action.</p>	<p>DoJ to list out all recommendations and take up the matter with relevant authorities like MHA, Law Commission, etc.</p> <p><u>Action: MHA/Law Commission</u></p>
8	<p>Section 436 A of CrPC must be implemented so that no under-trial languishes in jail beyond the specified period (Section 436 A) if not granted bail.</p>	<p>DoJ to write to all High Courts and High Courts have to report action taken to DoJ.</p> <p><u>Action: High Courts</u></p>

9	The Chapter on Plea Bargaining in CrPC (Chapter 21 A) should be implemented in letter and spirit. A Task Force may be constituted to examine the reasons for non-implementation and to give recommendation.	DoJ to write to all High Courts and BCI. <u>Action: High Courts/BCI</u>
10	Steps may be taken to implement AIJS.	<u>Action: DoJ</u>
11	Out of 2.60 crore cases in subordinate courts, about 46% cases are pending for appearance as per NJDG data. 23% more cases are relating to summoning. In addition, 50.42 lakhs cases are of petty offences. There is a need to take urgent steps in this regard in order to reduce pendency.	DoJ to write to all High Courts and High Courts have to report action taken to DoJ. <u>Action: High Courts</u>
