

## **BRIEF NOTE ON THE BEST PRACTICES ADOPTED BY THE HIGH COURT OF MEGHALAYA ON THE JUDICIAL SIDE**

The most part of Meghalaya comes under the Sixth Schedule to the Constitution of India, which is a kind of mini Constitution governing the administration of tribal areas of the north-eastern part of our country, aimed at granting some kind of autonomy to the tribal populace so that they could be guided by their customary laws and practices and not be pushed to conform to a modern system of governance where they might not be able to negotiate their own liberal political space and to grow according to their own genius. It provides for administration of certain tribal areas as autonomous entities.

Article 244 of the Constitution of India provides for Administration of scheduled Areas and Tribal Areas. The Constitution of India makes special provisions for the administration of the tribal dominated areas in four states viz. Assam, Meghalaya, Tripura and Mizoram. As per article 244 and 6th Schedule, these areas are called “Tribal Areas “, which are technically different from the Scheduled Areas under fifth schedule. Presently, the State of Meghalaya has three such Councils, namely, Khasi Hills Autonomous District Council, Jaintia Hills Autonomous District Council and Garo Hills Autonomous District Council.

Needless to say, litigation within the tribal areas and party or parties involved are tribals. A good number of cases filed in the High Court also concerned tribal issues. These cases needs to be dealt with in line with the traditional customs and usages. Keeping in view the objectives of the Sixth Schedule and the need to dispense justice in consonance with the traditional customs and usages in the State, a dedicated Bench was constituted in the High Court of Meghalaya for taking up these matters.

Other best practices adopted in the High Court of Meghalaya includes the following:

1. Identification and listing of cases which can be grouped as batch cases including cases filed under Article 226 of the Constitution of India year wise, First Appeals, Second Appeals ,Criminal Petitions (filed under Section 482 of the Code of Criminal Procedure), Civil Revision Petitions, Tax matters, Transfer Petitions, matters under the Arbitration and Conciliation Act, Company Petitions, Civil Contempt Petitions, Criminal Appeals, Commercial Appeals, matters relating to the Recovery of Debts and Bankruptcy Act, 1993 including from the Debts Recovery Tribunal, the Debts Recovery Appellate Tribunal, the National Company Law Tribunal and the National Company Law Appellate Tribunal and also under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, etc. which are taken up by duly constituted Benches respectively,
2. Priority is given in taking up cases pending for more than five years,
3. Holding of virtual Court during the COVID .19 pandemic,
4. Uploading of orders and judgments on a daily basis,
5. Monitoring of the cases taken up and disposed of in the High Court on a daily, weekly and monthly basis,
6. Creation of a separate High Court of Meghalaya Mobile Application providing for Cause list, Display Board, Filing/Defect, Case and Copying Status, Certify Copy, Judgment /Orders and Free Text Search, viewing of Case status with their respective case number or Petitioner/Respondent names etc.

## **BRIEF NOTE ON THE BEST PRACTICES ADOPTED BY THE HIGH COURT OF MEGHALAYA ON THE ADMINISTRATIVE SIDE**

The High Court enjoys full autonomy of working. The day to day administrative functions of the High Court are carried out by the Registry comprising of the Registrar General, Registrars, Joint Registrars, Deputy Registrars, Assistant Registrars and other officers who act under the direct orders and supervision of the Hon'ble the Chief Justice and the Hon'ble Administrative Judges. It can appoint its administration staff and determine their salaries and allowances, and conditions of service. Some of the best practices/ICT initiatives of the High Court include the following:

1. Circulars, Notifications and Rules issued by the High Court of Meghalaya are regularly uploaded in the High Court website.
2. File Tracking Software is being developed by the technical team. This will help track the administrative files in the High Court.