

**CHIEF JUSTICES' CONFERENCE - 2013**  
**[APRIL 05-06, 2013]**

**MINUTES**

1. **Confirmation of Minutes of Resolutions adopted in Chief Justices' Conference held on August 14<sup>th</sup> -15<sup>th</sup> , 2009.**

Minutes of the Resolutions adopted in the Chief Justices' Conference held on August 14<sup>th</sup> -15<sup>th</sup> , 2009, are read and confirmed.

2. **Progress on implementation of the Resolutions adopted in the previous Chief Justices' Conference held on 14<sup>th</sup> - 15<sup>th</sup> August, 2009.**
  - A. **Morning/Evening Courts functioning under the recommendation of the 13<sup>th</sup> Finance Commission.**

Action Taken Reports furnished by the High Courts and the Department of Justice, Ministry of Law and Justice, Government of India were perused and it was noticed that not much progress had been achieved.

The issue regarding continuation of Morning/Evening Courts was deliberated upon and it was decided that Morning/Evening Courts may continue, subject to the decision to be taken by the High Courts, considering the geographical conditions. The Chief Justices shall take up the matter, wherever required, for increasing the strength of Judges to man these Courts.

3. **Implementation of National Court Management Systems;**
  15. **Vision statements of High Courts and District Courts: akin to Five-year plan and annual plans for infrastructure, computerization, citizen centric services, etc.**

**RESOLVED**

That

3. The National Court Management Systems established in the year 2012 to enhance the quality, responsiveness and timeliness of Courts, be implemented on uniform basis.

The High Courts shall constitute sub-Committees on the lines of NCMS at the State level, which may provide inputs and suggestions to the NCMS for formulation and effective implementation of national policy/plan.

15. RESOLVED

That

The High Courts shall prepare vision statements for High Court and District Courts keeping in mind the model prepared by the Madhya Pradesh High Court relating to the Five-year and Annual Plans for --

- [i] Infrastructure, computerization and citizen centric services;
- [ii] Human Resources Development (HRD) strategy including recruitment and training of Judges, Court staff and Court Managers;
- [iii] Requirement of Forensic Science Laboratories, including Laboratories for DNA test centres in each State;
- [iv] Setting measurable performance standards;
- [v] A system for monitoring and enhancing performance parameters;
- [vi] Measures for enhancing user friendliness of the Judicial system;
- [vii] Special care be taken for differently abled persons while preparing the construction plan for Court complexes and facilities be provided for them, even in toilets; and
- [viii] Competent and adequate officers be appointed for the purpose of investigation and prosecution at the stages, before and after filing of the charge-sheet,

keeping scope for revision in the light of the final suggestion and recommendations that may be approved by the National Court Management Systems.

4. **Creation of new posts of Judicial Officers at all levels along with support staff and requisite infrastructure to narrow down judge-population ratio; and**
8. **Filling up of vacancies at all levels.**

**RESOLVED**

That

In order to narrow down Judge-population ratio, the Chief Justices will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure in terms of the judgements of the Hon'ble Supreme Court in the cases of All India Judges' Association's case [2002 (4) S.C.C. 247], Brij Mohan Lal vs. Union of India Ors. [2012 (6) S.C.C. 502] and letter dated 21<sup>st</sup> February, 2013, written by Hon'ble the Chief Justice of India to Hon'ble the Prime Minister of India, in order to provide effective, efficient and efficacious dispensation of justice.

In the matter of appointment and training of new recruits, the decision rendered by the Supreme Court in the All India Judges' Association case be strictly followed and appropriate amendments be effected to the Recruitment Rules, wherever necessary.

The High Courts may take into account the requirement of staff and infrastructure while preparing the proposals for creating new posts of Judicial Officers.

The Resolutions adopted in the Chief Justices' Conference, 2006, to the effect that "Chief Justices will make recommendations for appointment to High Courts at least six months before the occurrence of vacancy", and Resolution adopted in the Chief Justices' Conference, 2009, to the effect that "The Chief Justices of the High Courts will make recommendations for appointments to High Courts at least six months before the occurrence of vacancy in order to avoid delay in filling up the said vacancy." are reiterated.

5. **Strengthening programmes, curriculum and functioning of National Judicial Academy/State Judicial Academies. Need of research to improve quality of judgments at the levels of subordinate courts and High Courts.**

RESOLVED

That

The National Judicial Academy may devise a module in consultation with a Management Institute of repute to train the faculty of State Judicial Academies, who will impart training to Judicial Officers to enhance their managerial skills.

The High Courts may consider sending Judicial Officers in batches to IIMs for the purpose of imparting training on managerial skills.

6. **Strengthening computerization of the Courts by taking over management and maintenance of hardware and computer peripherals. Promoting e-filing and video conferencing. Provision of Funds from State Governments for computerization.**

RESOLVED

That

The Chief Justices shall take steps for implementation of the National Policy prepared by the E-Committee.

The Chief Justices, wherever required, shall take up the matter with the State Governments regarding signing of Memorandum of Understanding on the issue of computerization. Till such time such MoUs are executed, the National Informatics Centre [NIC] shall continue to function.

7. **Creating mechanism to ensure timely proposals for creation, furnishing, maintenance and development of infrastructure of Court buildings and residences; having standard approved building plans for faster clearance of proposals; mechanism for the use of funds received; devising procedure to check quality control while the structures are under construction, etc.**

**RESOLVED**

That

The Chief Justices will take into consideration the "National Judicial Infrastructure Plan", with such modifications as may be required, while taking up the cause with the State Governments, till the Standard Building Plans recommended by NCMS for Court complexes and residential quarters throughout the Country at the Taluk and District levels are approved.

The mechanism created by the Hon'ble Supreme Court in I.A. No.279 of 2010 in Writ Petition (C) No.1022 of 1989 of District and State Committees be made a permanent feature and the Chief Justices of High Courts shall actively utilize the said mechanism for ensuring timely proposals for creation, furnishing, maintenance and development of infrastructure of Court buildings and residences.

Funds being provided by the Central Government for infrastructure, should be released immediately without waiting for contribution from the State Government, which may come later on.

The High Courts may consider exploring the possibility of using solar energy in the Court complexes, wherever feasible, in the day time, in addition to, or in lieu of the provision for diesel generator sets or inverters for power back-up.

**9. Norms for revising the strength of Judges in High Courts.**

The following Resolutions adopted in the Chief Justices' Conferences in 2007 and 2008, are reiterated:

**2007**

3(b). "As far as the issue of increase in the judge strength in the High Courts is concerned, the existing norms should be revised because the increase in judge strength, linked with disposal of cases, does not bring about the desired effect. The increase in the judge strength in the High Court should be dependent only upon the pendency of cases as well as the trend of institution of fresh cases in the High Court.

**2008**

7. 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."

The following interim recommendations by NCMS entitled "Proposed Policy on Calculating Requisite Judge-strength for High Courts" for calculating the requirement of number of Judges and submitted to the

Hon'ble Chief Justice of India for further taking up the matter with the Central Government are accepted as an interim measure:

"Meanwhile, in view of the extreme shortage of judges and in order to remedy the anomaly of the distinction between permanent and additional judges, NCMS has proposed immediate action for the expansion of High Court judge strength as follows:

[1] Merge categories of permanent and additional judges with immediate effect in all High Courts;

[2] Expand the total national sanctioned strength of High Court judges by 25% to be allocated to each High Court based on judge-case ratio as discussed above. The implementation may be completed within a three year period.

[3] In the next five year period, the strength of High Court judges should be expanded by 50% from the current strength to catch up on the past failure to expand.

[4] Necessary infrastructure and selection measures should be initiated in a planned way consequent to the above."

The above may be acted upon till NCMS Advisory Committee makes final recommendations on the policy to be adopted for revising the strength of the Judges in the High Courts.

10. **Delegation of powers by State Governments to Principal District Judges for creation of temporary posts of staff, whenever average pendency in a Court increases.**

RESOLVED

That

The Chief Justices shall request the respective State Governments to delegate the power to create temporary posts of staff to the High Courts

whenever average pendency in a subordinate Court increases. The selection for the temporary posts shall be made by the High Court, but the appointments will be made by the Principal District Judges, unless otherwise provided by the Rules.

**11. Uniformity of nomenclatures of cases.**

RESOLVED

That

It is agreed, in principle, that there should be uniformity of nomenclature of cases to be employed by the High Courts and E-Committee be requested to work out and finalize the modalities and where required, provide the equivalent nomenclature to be included along with the uniform nomenclature.

**12. Strengthening and popularising of A.D.R. Systems, Lok Adalat, Mediation and Conciliation.**

**B. The posts of Law Secretary, Legal Remembrancer and Secretary, Legal Services Authority shall be manned by Principal District Judges or District Judges instead of IAS Officers.**

RESOLVED

That

A.D.R. mechanism be strengthened for the purpose of optimum utilization by sensitizing and training Judges and advocates. Awareness programmes be conducted regularly which will go a long way in also arresting the backlog of cases in Courts.

State Legal Services Authority shall have the overall control and supervision of the Mediation Centres and the Mediation Monitoring

Committees at the High Court level will function in accordance with the directions given by the MCPC.

For the purpose of appointment as a Mediator, an Advocate with five years', instead of ten years' standing, could be considered.

Steps be taken for setting up Mediation centres/A.D.R. Centres at the district level, where they are yet to be set up. Para-legal volunteers in the rural areas, and in particular women, be drawn from the community to man the centres,

Adequate fund for mediation be made available by the State Government.

Permanent posts of various staff in the State Legal Services Authority and the District Legal Services Authority be created by the State Government.

The post of Law Secretary, Legal Remembrancer and Member Secretary of the State Legal Services Authority must be manned by Principal District Judges or District Judges instead of IAS officers and steps be taken with the concerned State Governments to implement the same expeditiously, but preferably within three months from date.

The post of Secretary of District Legal Services Authority be created by the various State Governments at the District level, to be occupied by the judicial officers.

13. **Fast tracking of matters relating to offences against women, children, differently abled persons, senior citizens and marginalized sections of society.**

RESOLVED

That

The Chief Justices will take steps to fast track cases relating to offences against women, children, differently-abled persons, senior citizens and marginalized sections of society, as also giving precedence to these cases in the High Courts on the lines of the decision taken by Hon'ble the Chief Justice of India. Cases relating to Motor Accident Claims be also accorded priority.

The Chief Justices will take requisite steps in terms of the letter dated 5<sup>th</sup> January, 2013, addressed by Hon'ble the Chief Justice of India, to set up Fast-Track Courts, wherever necessary, to deal exclusively with cases against women.

**14. Strengthening of Juvenile Justice System.**

The following Resolution adopted in the Chief Justices' Conference, 2009, is reiterated:

“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.”

In addition, the need to set up Child Welfare Committees in all districts is also emphasized to meet the needs of children in need of care and protection in order to give full effect to the provisions of the above Act.

It was further resolved that Juvenile Justice Committees, as had been set up in the Delhi High Court, under the guidance of the Chief Justice and senior judges and others concerned with the welfare of juveniles and the working of the Juvenile Justice (Care and Protection of Children) Act, 2000, be set up in all the High Courts to monitor the implementation of the provisions of the Act in their true spirit.

It was noticed that the State Governments had not taken serious steps to establish and set-up the various Homes, referred to in the Juvenile Justice (Care and Protection of Children) Act, 2000, as amended in 2006 and the Juvenile Justice (Care and Protection of Children) Rules, 2007. It was noticed that the conditions in the Remand/Observation Homes and Shelter Homes are not up to the standard and a lot of improvement was required to make these facilities meaningful, as envisaged under the above Act and Rules. It was also noticed that After-care Homes for adolescents passing into adulthood and, in particular girls, have not been taken up seriously by the concerned Authorities. The Chief Justices shall take up the matter with the State Governments for improving the conditions of the various Homes, referred to in the above Act and the Rules, and to provide for permanent staff to run the said establishments, as it was reported by some of the Chief Justices that many of the employees of the Homes had been working on an ad-hoc basis, even for as many as fifteen years. The Chief Justices were requested to take up the matter with the State Authorities to ensure that

services of such persons, who have been working on ad-hoc basis, are regularised, if necessary, by creation of posts.

Particular notice was taken of the fact that the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, had not yet been implemented in the State of Jammu and Kashmir.

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 April 7, 2013.

16. **Problem regarding sudden closure of Courts or breakdown of work due to the death of a Judge, Bar member or other dignitary.**

RESOLVED

That

The High Courts may independently deal with the issue.

17. **Pattern of salaries and emoluments of High Court Judges.**  
18. **Augmenting of post-retiral benefits of Judges.**

Hon'ble the Chief Justice of India is requested to take up the following matters with the concerned authorities:

- [i] Regarding increase in the salary of the Judges of the High Courts so that the salaries of the Judges of the High Courts are higher than that of the Chief Secretaries of the State.
- [ii] Unavailed L.T.Cs. of the Judges of the High Court be carried-forward to the next year, even on retirement.

- [iii] Free units of electricity per month be enhanced from 10,000 units to 20,000 units and amendments be carried out in the High Court Judges Rules, 1956, accordingly.
- [iv] Daily Allowance be increased from Rs.600/- to Rs.2,000/- per day.
- [v] The retirement age of the Judges of the High Courts be enhanced to sixty-five years.
- [vi] As regards post-retiral benefits to the retired Judges of the High Courts, the scheme sanctioned by the State of Andhra Pradesh be adopted and followed in all the States, except where better benefits are already available.
- [vii] Retired High Court Judges and their spouses, during their lifetime, will be entitled to the same medical benefits on the same pattern as are available to sitting High Court Judges.
- [viii] For pensionary benefits, ten years' practice as an advocate be added as a qualifying service, for Judges elevated from the Bar.

Requisite amendment be carried out in the High Court Judges Rules, 1956, with regard to post retiral benefits as has been done in relation to the retired Judges of the Supreme Court in terms of the amendment carried out by Rule 3B of the Supreme Court Judges Rules, 1959.

**19. Any other Matter with the permission of the Chair.**

A letter written by the former Minister for Law and Justice, Shri Veerappa Moily on 15<sup>th</sup> March, 2011, regarding the disclosure of sensitive information with regard to some of the Intelligence Organisations of the Government, such as R&AW, was brought to the notice of the Hon'ble Chief Justices, who were requested to act in terms thereof. Among the suggestions was that, where necessary, proceedings could be held in-

camera and, in any event, the names of the officers concerned and the information relating to them should not be included in their judgements and should not also be published in the website. The Hon'ble Chief Justices were requested to inform the Members of the Subordinate Judiciary of such directions by way of appropriate circulars.

**Vote of Thanks by Hon'ble Shri Barin Ghosh, Chief Justice, Uttarakhand High Court**

The Chief Justices attending the Conference repose confidence in Hon'ble the Chief Justice of India and the Hon'ble Mr. Justices P. Sathasivam and G.S. Singhvi in the matter of guiding the Conference and propose a Vote of Thanks to all of them. Seconded by the Hon'ble Shri Mohit S. Shah, Chief Justice, Bombay High Court. The Vote of Thanks includes the Members of the Registry and the staff in attendance.

*Sd/-*  
**[ALTAMAS KABIR]**  
Chief Justice of India

*Sd/-*  
**[P. SATHASIVAM]**  
Judge,  
Supreme Court of India

*Sd/-*  
**[G.S. SINGHVI]**  
Judge,  
Supreme Court of India

*Sd/-*  
**[BARIN GHOSH]**  
Chief Justice,  
Uttarakhand High Court

*Sd/-*  
**[MOHIT S. SHAH]**  
Chief Justice,  
Bombay High Court

*Sd/-*  
**[REKHA M. DOSHI]**  
Chief Justice,  
Patna High Court

*Sd/-*  
**[A.K. MISHRA]**  
Chief Justice,  
Calcutta High Court

New Delhi,  
April 06, 2013.