RESOLUTIONS ADOPTED IN THE
CHIEF JUSTICES’ CONFERENCE, 2016
[22ND & 23RD APRIL, 2016]

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[1] PROGRESS ON IMPLEMENTATION OF THE
RESOLUTIONS ADOPTED IN THE PREVIOUS CHIEF
JUSTICES’ CONFERENCE HELD ON APRIL 3 – 4, 2015.

The progress made by the High Courts for the implementation of the resolutions adopted in the Conference of Chief Justices held on 3 and 4 April 2015 is reviewed and noted.

The Conference resolved that the Chief Justices will set up a Cell or Committee for monitoring the implementation of the resolutions passed in the Chief Justices' Conferences. Each High Court shall create a mechanism for submitting progress reports to the Supreme Court on the implementation of the resolutions by periodically updating feedback formats. The Conference resolves to affirm the desirability of creating a mini Secretariat for tracking the progress made in implementing the resolutions which have been agreed upon.
[2] INFRASTRUCTURE IN SUBORDINATE COURTS:

PART A

(i) Augmenting the infrastructure of subordinate courts

(ii) Use of renewable energy for court complexes

(iii) Differently-abled friendly complexes

(iv) Need for mechanism for review of infrastructure development

The progress made in augmenting the infrastructure of state judiciaries was reviewed. The Conference has noted

(i) the deficit between the need for and the availability of infrastructure, particularly in the District Judiciary;

(ii) delays in the completion of projects;

(iii) the urgent need for enhancing the availability of judicial infrastructure including courts (with adequate facilities for all stakeholders) and residential accommodation for the Judges of the District Judiciary;

(iv) the desirability of adopting environment friendly measures in existing and prospective court complexes, such as renewable energy and rain water harvesting;

(v) the need to provide facilities for promoting access to the differently-abled; and
(vi) the necessity of ensuring proper and timely utilization of funds so as to obviate the surrendering of funds allocated for judicial infrastructure in various states,

Resolved that

The Chief Justices must adopt proactive steps to:

(a) identify the infrastructural needs of the State Judiciary by developing suitable five year and annual action plans for the future;

(b) ensure the completion of under construction projects pending for three or more years on a mission mode basis;

(c) ensure timely completion of projects for the construction of court complexes and residential accommodation, particularly for Judges in the District Judiciary;

(d) constitute a Committee of three Judges of the High Court of which Chief Secretary and the Secretaries of the Departments of Finance, Public Works and Law be co-opted as Members to closely monitor the timely completion of projects and to facilitate a proper coordination between the officials at the district level and the decision-making authorities of the State
Government including the Chief Secretaries, and Secretaries in the Departments of Finance, Public Works and Law;

(e) constitute, at the district level, Committees consisting of the District Judges and Portfolio Judges in-charge of the districts;

(f) create a mechanism for monthly reporting and monitoring of work and the proper utilization of allocated funds to ensure the proper and complete utilisation of funds. On-line updation of progress made in creating and upgrading of infrastructure by all High Courts be adopted.

PART – B

(i) Creation of new posts/revision of cadre strength at all levels along with supporting staff and requisite infrastructure

(ii) Filling up of existing and additional vacancies

(iii) Vesting of power to the High Courts for selection and appointment of Judicial Magistrates in the State

Having reviewed the data emanating from the State judiciaries in regard to:

(i) sanctioning and creation of new posts;
(ii) revision of cadre strength at all levels;

(iii) availability of supporting staff with requisite infrastructure;

(iv) position of vacancies of Judges and of supporting staff in the state judiciaries; and

(v) recruitment at the induction level of Judicial Magistrates by the High Courts themselves in some States and through Public Service Commissions in others,

Resolved that

(i) the Chief Justices shall take effective steps in coordination with the State Governments

   (a) to ensure an increase in the cadre strength of the district judiciary commensurate with the needs of their states and in compliance with the judgment of the Supreme Court in *Brij Mohan Lal Vs Union of India* (2002) 5 SCC 1;

   (b) to ensure compliance with the time schedule and directions laid down in the judgment of the Supreme Court in *Malik Mazhar Sultan & Anr. Vs U P Public Service Commission & Ors.* (2006) 9 SCC 507.
(ii) the Chief Justices shall, in particular, ensure that the Selection and Appointment Committees in the High Courts periodically monitor the process of filling up of vacancies in the District Judiciary; and

(iii) the Chief Justices constitute, where such Cells have not been constituted, Special Cells in the High Courts with an officer in the rank of Registrar for assisting the Selection and Appointment Committee in complying with the time schedule;

(iv) urgent steps be taken by the High Courts to ensure that posts of administrative staff in the District Judiciary are filled up at the earliest, and if found to be feasible, by centralizing the process of recruitment;

(v) an on-line portal be developed for continuous monitoring of vacancies.

**Resolved further** that it be left to each High Court to determine, having regard to the needs and exigencies of the State and upon a review of the existing procedure for selection, whether any alteration is required to be made in current procedure followed for the appointment of Judicial Magistrates in the states.
[3] FILLING UP OF VACANCIES IN THE HIGH COURTS

The position of vacancies in the High Courts was reviewed together with the steps taken towards the appointment of Judges. Considering the urgent need to make judicial appointments in the High Courts to effectively address the problem of arrears in criminal and civil cases,

Resolved that the Chief Justices take proactive steps to initiate the process of appointment of Judges in their High Courts by forwarding their recommendations in respect of current vacancies and for vacancies anticipated over a period of the next six months.

Resolved further that, keeping in view the large pendency of civil and criminal cases, especially criminal appeals where convicts are in jail and having due regard to the recommendation made by the 17th Law Commission of India in 2003, the Chief Justices will actively have regard to the provisions of Article 224A of the Constitution as a source for enhancing the strength of Judges to deal with the backlog of cases for a period of two years or the age of sixty five years, whichever is later until a five plus zero pendency is achieved.

The Conference has noted that:

(i) after the conclusion of the tenure of the 13th Finance Commission and the resolution passed in the previous Conference of Chief Justices in April 2015, morning and evening courts have been discontinued in all but three states (Delhi, Telengana and Andhra Pradesh, Tamil Nadu);

(ii) only 9.5% of the budget allocated for morning and evening courts by the 13th Finance Commission was utilised.

Upon reviewing the performance, including the disposal of cases by morning and evening courts and the potential of enhancing their effectiveness by utilizing the services of retired judicial personnel,

Resolved that the Chief Justices may, where it is considered feasible:

(i) appropriately consider the restructuring of the Scheme of morning, evening and holiday courts by utilizing the services of retired judicial officers as well;

(ii) ensure, where feasible, the utilisation of these courts for the timely disposal of cases relating to petty offences, such as traffic cases and legal aid cases.
[5] MONITORING MECHANISM FOR TRACKING THE PROGRESS OF CASES OF UNDER-TRIAL PRISONERS

The data collected from the High Courts has been reviewed and the areas of concern that emerge are:

(i) 63% of jail inmates are under-trial prisoners;

(ii) 226 cases relating to under-trial prisoners are pending for more than ten years and 52 under-trial prisoners are in jail for more than ten years;

(iii) over 18,000 cases of under-trial prisoners are pending for more than three years of which 80% cases are concentrated in seven states; and

(iv) 33 % of positions of jail staff are vacant thereby affecting the conditions of incarceration of persons who remain in jail and contributing to pitiable jail conditions.

Having considered the available data and while reiterating the obligation of the Judiciary to secure the efficacious disposal of pending cases and to ensure proper conditions in jail by engaging with the jail administration,

Resolved that
(i) the disposal of cases pending for over ten years in relation to under-trials shall be taken up on a mission-mode basis;

(ii) top priority shall be assigned to cases pending for over three years;

(iii) High Courts shall evolve a mechanism for regular and periodic identification of under-trial prisoners completing more than half of their maximum possible sentences;

(iv) data available on the National Judicial Data Grid shall be utilized to monitor the cases of under-trials, for generating monthly reports and to progressively reduce the pendency of oldest cases;

(v) State Governments should be proactively prevailed upon to fill up vacancies in the sanctioned strength of jail staff; and

(vi) State Governments shall ensure proper connectivity by video conferencing between courts and jails.

[6] IMPLEMENTATION OF INFORMATION AND COMMUNICATION TECHNOLOGY

i. Establishment of E-courts;

ii. Updation on National Judicial Data Grid;
iii. **Uniform nomenclature**;

iv. **Cadre of technical manpower**;

v. **E-filing and Video Conferencing**;

vi. **Scanning & digitization**.

The progress made by High Courts in adopting information technology was reviewed. The Conference noted that

(i) connectivity is one of the most serious challenges which the Judiciary is facing in the area of ICT implementation and if it is not resolved soon, efforts on ICT implementation may not bear desired fruit for litigants and public;

(ii) although it has been made part of the 14th Finance Commission by recommending Rs 479.68 crores for technical manpower support, most of the State Governments are yet to come forward to start provisioning resources for technical manpower support for the Courts, which is hindering the sustenance of the project activities;

(iii) one of the major challenges being faced in the implementation and sustenance of the project is the lack of support from a number of State Governments which have not acceded to the repeated requests of High Courts to sanction posts of technical manpower, provisioning funds for
Annual Maintenance Contracts (AMCs) or upgradation of the hardware provided in Phase I of the eCourts Project;

(iv) as per figures shared by the High Courts, as on 1 January 2016, as against 2.62 crore pending cases, only 2.06 crore cases are shown pending on NJDG. This difference is mainly due to lack or failure of connectivity at many Court Complexes, gap in the updation of case filing/disposal at many Court Complexes etc;

(v) financial resource provisioning required for maintenance of the equipment beyond warranty period and also for the consumables required for D G Sets, Printers etc. is also becoming difficult in certain States leading to issues in continuity of Project activities and services to the litigants, lawyers and public;

(vi) there are instances where not all the important fields of the Case Information System are updated by the concerned Court Officials. As this data entry is the primary source for ultimate case information and statistics being disseminated through National eCourts portal and National Judicial Data Grid, it is very vital to ensure accurate, complete and regular data entry of cases and its progress in the Case Information Software.
Resolved that

(i) Chief Justices should actively take up projects for scanning and digitization of case files in the High Courts and the District Judiciary;

(ii) a Conference on scanning and digitization be organized by the Allahabad High Court at the recently inaugurated Centre for Information Technology at which the representatives of the Computer Committees of High Courts and the staff thereto may be deputed for exchange of experiences and sharing of best practices by all High Courts which have already embarked upon the project for digitization;

(iii) a webpage in the name of Indian Courts and IT be created by NJA containing all the schemes of the High Courts in order to enable all the High Courts to upload their experiences and results in order that best practices can be shared;

(iv) a uniform nomenclature for all cases registered in the High Courts be adopted on priority under the auspices of the National Court Management System (NCMS) since this process is interlinked with the development and standardization of Case Information Software (CIS) for the High Courts.
(v) the National Judicial Academy be requested to undertake a study of different practices and procedures in court proceedings and the need for unification of such procedures and practices in the High Courts.

(vi) The State Governments be moved with the highest priority to:

(a) resolve issues of connectivity;

(b) provide technical manpower support, by provisioning resources for courts made available in the 14th Finance Commission;

(c) immediately resolve issues pertaining to sanctioning of posts for technical manpower, provide funds for annual maintenance contracts and upgradation of hardware;

(d) provision for adequate financial resources for maintenance of equipments and for consumables;

(vii) ensure accurate, complete and regular data entry by court officials at all levels.
[7] ELECTRONIC EVIDENCE: RULES, DIRECTIONS/GUIDELINES – A REVIEW

Considering the need for formulating uniform Rules, Directions and Guidelines governing the reception of electronic evidence,

Resolved that the Chief Justices of the High Courts of Delhi and Punjab and Haryana shall jointly constitute a Committee to frame Draft Rules to serve as models for adoption by the High Courts. The Committee shall present its report to NCMS for finalization.

[8] DELAY AND ARREARS COMMITTEE:

i. Constitution and working of Arrears Committee;

ii. Reduction of arrears and ensuring speedy trial;

iii. Making Five plus Zero a reality.

The reports submitted by the Delay and Arrears Committees of various High Courts have indicated a need to prioritize areas of immediate concern in the disposal of pending cases. The Conference notes that:

(i) the pendency of cases in the High Court has been stagnant for over three years;

(ii) 43% of the pendency is of cases of over five years;
(iii) concentration of 'five years plus' cases in a few High Courts;

(iv) stagnant pendency figures of five years plus cases (33.50 % in 2015) in district courts;

(v) concentration of cases in (iv) above in a few States. Accordingly,

Resolved that

(i) all High Courts shall assign top most priority for disposal of cases which are pending for more than five years;

(ii) High Courts where arrears of cases pending for more than five years are concentrated shall facilitate their disposal in mission mode;

(iii) High Courts shall progressively thereafter set a target of disposing of cases pending for more than four years;

(iv) while prioritizing the disposal of cases pending in the district courts for more than five years, additional incentives for the Judges of the district judiciary be considered where feasible; and

(v) efforts be made for strengthening case-flow management rules.
[9] NATIONAL JUDICIAL ACADEMY AND STATE JUDICIAL ACADEMIES – INTEGRATION TO ENSURE QUALITY, RESPONSIVENESS AND TIMELINESS

Emphasizing the need for integrating the work of the National Judicial Academy (NJA) with State Judicial Academies (SJAs) and towards realising the benefits of synergy between the institution at the national level and the academies in the States,

Resolved that

(i) integration of the work of networking and close cooperation between NJA and the SJAs should be pursued to optimise the utilisation of existing infrastructure facilities across the country;

(ii) web casts of NJA programmes should progressively be made available for all SJAs;

(iii) a web portal be developed at which NJA as well as the SJAs can contribute;

(iv) a National Judicial Academic Council (NJAC) be set up.

Its constitution shall be as follows:

Chief Justice of India – Chairperson
Two senior most Judges of the Supreme Court – Members
President of the Governing Body/Chairman of the Committee/Judges In-charge of State Judicial Academies – Members
Secretary, Department of Justice, Government of India – Member
Any other Judge/Jurist Academician/Person – Nominee of the Chief Justice of India
Director, National Judicial Academy, Bhopal – Member-Secretary

The Council shall oversee the academic programmes of NJA and SJAs. The Council shall devise uniform and integrated training programmes on judicial education.

The function of the Councils would be to:-

(i) Promote the cause of judicial education
(ii) Devise the academic calendar for NJA
(iii) Prescribe and approve academic calendars for SJAs
(iv) Promote the growth and availability of resources required for judicial training and education
(v) Coordinate & monitor the functioning of NJA & SJAs
(vi) Suggest methods for improving judicial education facilities and cooperation among NJA and SJAs.
NJA and SJAs will submit annual academic calendars of their respective academies to the Council for finalization. The annual calendars of SJAs be prepared in a manner that to the extent practicable, the distribution of subjects be divided in the ratio of 80 : 20 between pan India subjects and state specific subjects (the proportion shall be 50:50 for the States of Nagaland, Mizoram, Meghalaya, Arunachal Pradesh and Manipur).

[10] (I) STRENGTHENING THE LEGAL AID PROGRAMS -

- Alternative Dispute Resolution System;
- Lok Adalat;
- Mediation

(ii) REVIEW OF THE WORKING OF PARA LEGAL VOLUNTEERS

The Conference has noted the concerns raised in the letter dated 4th April, 2016, of the Union Minister of Law and Justice and the observations of the Parliamentary Consultative Committee. With a view to strengthen the availability of legal services and enhance the efficacy of legal aid,

Resolved that
The Chief Justices in their capacity as Patrons-in-Chief of SLSAs shall take necessary steps to ensure the following:

(a) compliance with NALSA Regulations on Legal Aid Clinics, 2011 and the Free and Compulsory Legal Services Regulations, 2010;

(b) provision of minimum training and sensitization for panel advocates;

(c) ensuring that all jails are equipped with legal services clinics;

(d) legal awareness programmes are conducted in jails and juvenile homes;

(e) optimal utilisation of para legal volunteers in training of prisoners together with periodic refresher courses;

(f) regular training sessions for Judges and advocates;

(g) regular visits of panel lawyers to jails in coordination with jail authorities;

(h) regular meetings of Monitoring Committees;

(i) suitable amendments to SLSA Regulations to enhance the fees payable to panel lawyers along lines suggested by NALSA;
(j) appointment of whole time Secretaries of DLSAs.


The Conference noted the concerns of the Central Vigilance Commissioner and CBI of the delay in the disposal of cases. While taking note of these concerns, the Conference observes that trials in CBI cases are prolonged for a number of reasons including the unavailability of prosecutors or witnesses. In order to facilitate the expeditious trial of such cases,

Resolved that special courts constituted to deal with CBI cases shall exclusively deal with the cases assigned, and other work may be taken up only if CBI cases do not fully occupy the time of the court, to obviate a loss of productive judicial time.

Resolved further that in order to ensure expeditious disposal of cases pertaining to women, marginalized segments, senior citizens and differently-abled, steps be taken to
(a) prioritize the disposal of cases falling in these categories within the existing court system;

(b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases.

**Further resolved** that in order to formulate a uniform listing policy for the disposal of such cases, a Committee of Chief Justices is constituted to consist of Hon'ble Mr Justice A M Khanwilkar, Hon'ble Mr Justice Navin Sinha and Hon'ble Mr Justice R Subhash Reddy.

[12] (i) **STRENGTHENING THE JUVENILE JUSTICE SYSTEM;**

(II) **CONSTITUTION AND WORKING OF AUTHORITIES AND ESTABLISHMENT AND CONDITION OF VARIOUS HOMES REFERRED TO IN THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000.**

The Conference has noted the necessity for ensuring institutional support for juveniles in conflict of law and children in need of care and protection.

**Resolved** that:

(i) cases pending for a period in excess of one year be disposed of on priority by the JJBs;
(ii) Juvenile Justice Committees of the High Courts shall monitor the pendency and disposal of adoption cases and applications for declaring children free for adoption on a priority basis;

(iii) steps be taken to ensure that every district is equipped with a Child Protection Unit, Special Juvenile Police Unit, Observation Homes and Children Homes;

(iv) pending cases of orphaned, abandoned and surrendered children be monitored by the Juvenile Justice Committees of High Courts;

(v) training and refresher training be imparted to judicial officers;

(vi) vacancies in juvenile justice institutions be filled up on a mission mode basis in three months; and

(vii) State Legal Services Authorities should actively discharge their role.

[13]EFFECTIVE INTEGRATION OF NATIONAL COURT MANAGEMENT SYSTEMS AND STATE COURT MANAGEMENT SYSTEMS.

The Conference reiterates that the object is to institutionalize the response of the judicial system to existing challenges and to develop a rationalized approach thereto. Accordingly,
Resolved that

(i) periodical meetings be held of SCMSs in each High Court;

(ii) vision statements be prepared on the basis of the National Vision Statement formulated by the Committee of three Chief Justices in the Conference held in April 2015;

(iii) Secretaries be appointed to facilitate the work of SCMSs;

(iv) constitution of SCMSs be rationalized and a permanent secretariat be set up;

(v) District Sub Committees be constituted; and

(vi) SCMSs monitor the performance of respective courts in achieving a 'Five Plus Zero' pendency and to implement a pilot project on quality, timelines and efficacy of judicial decision-making.

[14] (i) FINANCIAL AUTONOMY TO THE HIGH COURTS;

(ii) UPWARD REVISION IN THE POWER OF RE-APPROPRIATION.

Discussed


Discussed
[16] UTILISATION OF GRANT SANCTIONED BY 14TH FINANCE COMMISSION UNDER DIFFERENT HEADS – A STRATEGY.

In order to facilitate the adoption of a rational and scientific approach to the utilization of funds under the 14th Finance Commission,

Resolved that the following strategy be adopted by the High Courts:

(i) constitution of a Dedicated Cell for the utilization of funds. The composition of the Cell should consist of policy makers, experts in planning and budgeting, senior judicial officers and persons to be nominated by the Chief Justice. The Cell shall be assigned the task of:

(a) preparing perspectives/annual plans and time lines;
(b) drawing up budget estimates;
(c) monitoring and review of the implementation of each scheme;
(d) taking up the matter with the State Government to ensure release of funds.

(ii) submitting a request for funds from the State Government within time for financial years 2016-17 to 2019-2020;

(iii) ensuring that funds are spent in accordance with the budgetary allocation and speedy and effective utilization. For
this purpose, periodical meetings and reviews be conducted; and

(iv) monitoring of schemes and outcomes through special on-line portals and ICT tools. Progress made be reviewed in SCMS meetings and quarterly progress reports be forwarded to the Supreme Court for review by NCMS.

[17] ELEVATION TO THE HIGH COURT FROM INCOME TAX APPELLATE TRIBUNAL.

Resolved that the resolution passed in the Conference of Chief Justices of 2002 is reiterated.

[18] REVIEW OF THE QUALITY LEGAL EDUCATION PROGRAMME(S) IN THE STATES: TRENDS AND CHALLENGES.

In order to promote the spirit of quality legal education in all the states,

Resolved that:

(i) in States where there is no National Law University, the High Courts should actively take up the setting up of such a law school with the State Governments;
(ii) in other States, efforts be made to strengthen and support the existing law schools to enhance the quality of legal education.


(i) The following recommendation made in the report of the Committee of Chief Justices is accepted:

“Monthly payment for one Domestic Help should be made equivalent to the salary payable to a Class-IV employee of the High Court at the minimum of the scale (basic pay and dearness allowance). This shall continue during the lifetime of the Judge and a surviving spouse. The same payment must be made to a surviving spouse”.

(ii) The Draft Rules viz; “Domestic Help to former Chief Justices and former Judges of the High Court Rules, 2016” are approved, except Rule 10 which will be modified as follows:
“10. The High Court shall pay wages equivalent for one Domestic Help at the rate prescribed in Rule 9.”

(iii) The discussion on the rest of the report is deferred.

[20] ESTABLISHMENT OF COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS.

The need for setting up commercial courts was appreciated and discussed. The Conference resolved that additional infrastructure in terms of court complexes and judicial and other manpower would be required to make the concept meaningful.

[21] NATIONAL INITIATIVE FOR MODEL COURTS.

In the light of the proposal of setting up Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, the Commercial Courts can be developed as model courts.

VOTE OF THANKS was proposed by Hon'ble Mrs. Justice Manjula Chellur, Chief Justice, Calcutta High Court, who mentioned with a note of gratitude to Hon'ble Shri T.S. Thakur, Hon'ble the Chief Justice of India, Hon'ble Mr. Justice Anil R. Dave and Hon'ble Mr. Justice Jagdish Singh Khehar, Hon'ble Judges, Supreme Court of India. Appreciation was placed on record for the commendable and laudable efforts made by the Registry of the Supreme Court and all the Law Interns who were associated
with the Conference. The preparation of the ebooks which has been made for the first time has been highly appreciated.

Sd/-

[T.S. THAKUR]
CHIEF JUSTICE OF INDIA

Sd/-

[ANIL R. DAVE]
JUDGE, SUPREME COURT OF INDIA

Sd/-

[JAGDISH SINGH KHEHAR]
JUDGE, SUPREME COURT OF INDIA

Sd/-

[D.H. WAGHELA]
CHIEF JUSTICE, BOMBAY HIGH COURT

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[A.M. KHANWILKAR]
CHIEF JUSTICE, M.P. HIGH COURT

Sd/-

[DR. D.Y. CHANDRACHUD]
CHIEF JUSTICE, ALLAHABAD HIGH COURT

NEW DELHI
APRIL 23, 2016.

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