

**Speech of the Minister of Law & Justice in the Joint Conference of  
Chief Minister of States and Chief Justices of High Courts  
on 24<sup>th</sup> April 2016**

It is a pleasure and privilege to welcome the Hon'ble Prime Minister of India and the Hon'ble Chief Justice of India to this Joint Conference. I extend my warm welcome to the distinguished judges of the Supreme Court, Chief Ministers, Chief Justices of the High Courts and other dignitaries also who have joined us today to deliberate upon the pressing issues facing the justice delivery system in the country. The fact that this Conference is being held within a span of one year after the last Conference reflects the commitment of the government and the judiciary to move ahead at a faster pace towards providing timely, affordable and quality justice to the citizens of this great nation. I would like to thank the Hon'ble Chief Justice of India, Shri Justice T.S. Thakur for wholeheartedly supporting us in this initiative.

The High Courts and the State Governments have a major role to play in the development of judicial administration in the states. Recognising this fact, a landmark resolution was adopted in the last Conference wherein it was decided that the Chief Justices of the High Courts and the Chief Ministers of the States would institute a mechanism for regular interaction amongst themselves to resolve the issues relating to infrastructure and manpower needs and facilities for the judiciary. I am sure that in most of the states, such a mechanism has already been instituted and this Conference would provide us the perfect opportunity to deliberate upon ways and means to take this initiative forward.

As per information available with us, the Central Government and the State Governments have together spent on an average a sum of about Rs.2000 crore per annum during the last three years on development of judicial infrastructure. I am glad to inform this august gathering that the overall availability of the court halls now matches the working strength of around 16000 judges / judicial officers in the subordinate judiciary. With a number of projects in hand, we are aiming at 20,000 court halls in the near future to match the availability with sanctioned strength in every state.

While notable progress has been made on judicial infrastructure front, the same cannot be said about availability of judicial manpower. Despite, considerable increase in the sanctioned strength of the High Courts and the District Courts in the recent past, the persistence of a large number of vacancies of judges and judicial officers is an area of concern. I would urge the High Courts to adopt a pro-active approach in selection of the suitable candidates for various judicial positions.

As you are aware, the protracted nature of litigation in the country has an adverse impact on investor sentiments. In order to assuage these concerns and as part of the Government's continuous efforts to forge investor-friendly environment in the country, the government has initiated a number of steps, including setting up of Commercial Courts and amendments to Arbitration and Conciliation Act, 1996 and the Negotiable Instruments Act, 1881. These initiatives are intrinsically linked to speeding up the dispute resolution processes both within the formal court system as well as under alternative dispute resolution mechanisms.

Concerns regarding the inordinate delays in the conclusion of the criminal trials have been expressed by various Parliamentary Committees. The Government has over the years established expert committees to review the criminal justice system in order to make it more responsive to the needs of the society. Some of the recommendations of these Committees have been implemented and legislative provisions incorporated in the procedural laws. However, legislative reforms alone are not sufficient. Reforms in policing and investigative mechanisms are as important as reforms in court processes. Law Commission of India is now reviewing both substantive and procedural aspects of our criminal justice system. I have requested the Chairman, Law Commission to expedite their recommendations in this regard.

As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2014 there were about 2.82 lakh under-trial prisoners in the jails, which constituted two-third of the total inmates. I understand during the early years after our independence the under-trial prisoners constituted only one third of the total prisoners in jails. This situation prevails despite amendments in Criminal Procedure Code prescribing for release of under-trial prisoners on personal bond who have spent half of their maximum sentence. I would urge the State Governments and Chief Justices of the High Courts to take appropriate steps to ensure that this provision is implemented expeditiously.

The e-Court Integrated Mission Mode Project was launched with the objective of improving access to justice with the help of technology. Phase I of the eCourt project witnessed significant results which, *inter alia*, include ICT infrastructure up gradation of subordinate courts, launch of national e-court portal and constitution of process reengineering committees by the High Courts. Phase II, currently in progress, aims at

setting up of centralized filing centres, digitization of documents, adoption of document management systems, creation of e-filing and e-payment gateways. However, there is lack of awareness about the potential of eCourt Project among the judges as well as public at large. I would urge upon Chief Justices of the High Courts to not only sensitize the members of the judiciary to utilize full potential of technological advancements being made but at the same time disseminate necessary information about litigant friendly services being provided under the project to public at large.

At present the National Judicial Data Grid (NJDG) provides summary of pending and disposed cases at the District and Subordinate court level. However, in addition, periodic reports on the courts in a format that allows for the assessment of judicial productivity and congestion rates must also be published. Categorisation and assignment of cases through case management system will help to ensure that the old matters are disposed on priority basis. Grouping of cases need to be undertaken as ongoing continuous exercise so that cases arising out of the same subject matter and involving the same question of law can be assigned to one Judge. Improved categorization will enable courts to adhere to pre decided timelines. In this regard rules of High Courts could be suitably amended to incorporate these mechanisms.

Although several important and innovative initiatives are in place to improve upon the existing court processes, yet there is significant room for further work in this regard. The High Courts must take a strong leadership role in actively promoting a shift towards higher efficiency in the implementation of the project. Further research in the area of process simplification should also be encouraged to assess if the litigants are benefitting from various initiatives and to assess what else

could be done. ICT initiatives if successfully completed will ease the day to day management of courts processes and provide necessary tools to the higher judiciary for performance appraisal of subordinate courts.

The bar in India plays an important role in our judicial process including alternative dispute resolution mechanisms. We must continuously engage with the bar for improving their standards and practices as also for upgrading their professional skills through continued legal education. In this regard, I must appreciate the efforts of Bar Council of India in establishing first lawyers' academy at Kochi in Kerala. I hope other states would also facilitate their respective State Bar Councils in such an endeavour. It is also necessary that adequate facilities are provided for the members of the bar while designing the infrastructure for the courts. The Bar Council has also expressed keen interest in taking higher responsibilities under legal aid programmes. Keeping in mind the critical importance of co-operation from bar, I would urge upon the State Governments and the High Courts to actively engage the members of the State Bar Councils and Bar Associations in enlisting their support for the various programmes and initiatives towards reduction of pendency in courts.

The exercise of policy formulation on judicial reforms by the government as well as judiciary needs proper analysis and research based on reliable judicial statistics. With the computerization of the High Courts and District and Subordinate Courts, it has now become possible for the High Courts to disseminate necessary information on the functioning of justice delivery system. The government on its part has formulated a scheme on action research on judicial reforms encouraging law schools, judicial academies and management/ technical institutions to take up research projects to assess the effectiveness of judicial reform

measures and assess the feasibility of introducing new reforms. 18 research projects have been sanctioned under the scheme so far and I would request the Chief Justices to facilitate these research projects in their respective High Courts.

We have a comprehensive agenda of judicial reforms placed before us today which encompasses a broad range of topics all of which have a crucial bearing on timely delivery of justice - a goal that the government and judiciary are jointly working to accomplish. I look forward to constructive discussions in this regard. I would like to conclude by once again extending a warm welcome to all of you.

JAI HIND

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