

TALKING POINTS FOR HON'BLE MINISTER OF LAW AND JUSTICE
JOINT CONFERENCE OF
CHIEF MINISTERS AND CHIEF JUSTICES
5TH APRIL, 2015

It is indeed a matter of privilege for me to welcome the Hon'ble Prime Minister of India and the Hon'ble Chief Justice of India to the Joint Conference of Chief Ministers of the States and Chief Justices of High Courts. I also extend a very warm welcome to the Chief Ministers and Chief Justices who are present here to deliberate upon the issues relating to the administration of justice in the country.

The Joint Conference of Chief Ministers of States and Chief Justices of High Courts was last held on 7th April, 2013. A lot has happened during the intervening period of two years. The clear mandate of the Government for development and good governance has heightened expectations of performance from all organs of the State. This Conference provides a platform for interaction between two vital pillars of governance - the executive and the judiciary to work in tandem for ensuring timely, effective and affordable justice to all and to suggest ways and means for further strengthening the judicial and legal system of the country.

The Indian judiciary has played a key role in upholding the fundamental rights of the citizens as enshrined in our Constitution. However, ensuring justice to a population of over 1.2 billion people is a herculean task. It is more so in a developing economy with vast geographic, cultural and socio-economic differences between various regions of the country. This makes it all the more important for State Governments and High Courts to work jointly towards the effective administration of justice in their respective jurisdictions. The Department

of Justice in the Central Government supports this process by facilitating administration of justice in the country.

Our judicial system is under strain today due to 3 crore cases pending in the courts across the country, a quarter of which are over 5 years old. Increasing the number of courts and judges at all levels is the first step towards achieving timely delivery of justice. The Government and the judiciary are addressing this by increasing in the sanctioned strength of judges. However, filling vacancies remains a problem and needs to be addressed with the joint efforts of both the State Governments and High Courts.

Development of good judicial infrastructure is another priority area. The Central Government has been releasing funds for this purpose through a centrally sponsored scheme for infrastructure development and has just completed the first Phase of an ambitious eCourts Integrated Mission Mode Project for ICT enablement of courts.

I am pleased to report that these initiatives have resulted in availability of modern court complexes and residential buildings for judicial officers and the staff. Another more than 2500 modern court rooms are under construction across the country. The eCourts Project has resulted in more than 13000 district and subordinate courts being computerized, with online availability of cause lists, case status and orders and judgments of those courts. Amongst the Central Government Projects, more than 2.56 crore transactions have been recorded by the public accessing case data made available online through the eCourts Project since January 2015; next only to the agriculture sector projects. Data relating to more than 4.4 crore decided and pending cases and more than 94 lakh judgments is available on the National Judicial Data Grid, for the litigants to access through the district court website at their convenience. Looking at the positive

experiences from these initiatives, I earnestly call upon all the Chief Ministers to provide adequate technical manpower and financial support for maintenance of ICT infrastructure in courts in their States to enable them to continue to provide real time information to the public. The Government is working with the eCommittee of the Hon'ble Supreme Court of India to launch Phase II of the eCourts Project soon. I attended the meeting of Chairpersons of Computer Committees of High Courts last month when a number of issues were raised regarding the need for State Governments to cooperate in universal and effective ICT enablement of courts. Many specific issues have been submitted in this regard, which I will share with the State Governments and High Courts for early resolution in meetings I propose to hold with them in the coming months.

The Government is strongly committed to simplify legal procedures, weeding out redundant laws and significantly reducing Government litigation. We have taken steps to remove redundant laws from the statute book. States have already notified State Litigation Policies and the Central Government is in the process of doing so. Government has also supported process re-engineering by High Courts to simplify procedures.

Government has taken many steps to popularize alternate dispute resolution (ADR) and to create the necessary infrastructure to implement ADR mechanisms to resolve disputes without having to resort to litigation. More than Rs 350 crore has been released under the 13th Finance Commission to State Governments to set up ADR Centres and train mediators. We hope to amend the Arbitration and Conciliation Act, 1996 soon to make the arbitration process more investor-friendly, cost effective and suitable for expeditious disposal of cases. Our goal is to make India a hub of international commercial arbitration.

The World Bank Doing Business Report has placed India very low on the ease of doing business index. We need to remedy this situation and undertake measures that ensure that the world sees India as a country where transparent and speedy justice is possible. The Law Commission has recently recommended the enactment of an enabling law to be used for the timely and effective resolution of commercial disputes. I have written to all the High Courts and State Governments asking them for their views on the same.

Over the past few years a number of legislative changes have been introduced in the procedural laws governing civil and criminal trials. All of these changes have one common aim – preventing delays in the delivery of justice. The training and sensitization of judicial officers regarding these legislative changes and other policy measures aimed at expeditious delivery of justice is very important. About Rs 140 crore has been released under the 13th Finance Commission for training of Judicial Officers, and another about Rs 68 crore for training of public prosecutors.

Advocates are a vital component of the legal system. It is the Bar which is best placed to successfully advocate for citizens' rights and maintain the integrity and independence of the legal system. We must therefore think of ways in which the Government and the judiciary can engage with the Bar for improving their standards and practices, increasing transparency and working collectively towards the expeditious disposal of cases. The Judicial Academies can also play a useful role by imparting training and continuing legal education to all stakeholders in the justice delivery system, including members of the legal fraternity. This would include specialized training in areas such as criminal jurisprudence, commercial laws, intellectual property laws etc.

I applaud the comprehensive National Court Management System (NCMS) scheme formulated and notified by the Hon'ble Supreme Court. This scheme covers a broad range of issues which are integral to improving the functioning of the judicial system, including the preparation of a National Framework of Court Excellence for setting measurable standards for court performance, focusing on issues relating to quality, responsiveness and timeliness among many other aspects. We look forward to the implementation of the various policy plans formulated by NCMS, which will go a long way in improving existing court and case management policies.

Speedy and affordable delivery of justice is the legitimate expectation of the people and the collective responsibility of the different organs of the State. With this in view and after consultations with the High Courts and the State Governments, the Department of Justice proposed a substantial grant from the 14th Finance Commission for a slew of measures for the next five years. These have been accepted and item-wise, State-wise allocations have been given in the Report.

With these words, I once again extend a very warm welcome to the Hon'ble Prime Minister of India, Shri Narendra Modi Ji, the Hon'ble Chief Justice of India, Shri H.L. Dattu Ji and all the dignitaries present here for the Joint Conference.
