

Minutes of Seventh Meeting of Advisory Council of the National Mission for Justice Delivery and Legal Reforms held on 21st January, 2015

The seventh meeting of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms was held on 21st January, 2015 at Jaisalmer House, New Delhi under the Chairpersonship of Shri Sadanand Gowda, Hon'ble Minister of Law and Justice. The list of participants is attached.

Secretary, Department of Justice welcomed the Hon'ble Minister and members of the Advisory Council and thanked them for their valuable guidance and continued support to the National Mission. She mentioned that the National Mission since its inception has been working ceaselessly towards achieving its goals by focusing on infrastructural development of courts, increasing strength of judges and judicial officers, identification of areas prone to excessive litigation and pursuing a string of other policy measures to address the problem of pendency and delays in courts. She also highlighted some of the key initiatives pursued by the National Mission since the last meeting of the Advisory Council in August, 2014 which include providing inputs to the Home Ministry on the preparation of a blueprint on fast tracking of the criminal justice system; circulation of a note on legislative, policy and judicial developments for expeditious disposal of cases to the High Courts by the Honourable Minister of Law and Justice and co-ordination with Department of Industrial Policy and Promotion for improving India's performance on the '*enforcement of contracts*' parameter. She then requested the Hon'ble Minister of Law and Justice to make his opening remarks.

Hon'ble Minister of Law and Justice in his address stated that the new government has taken several initiatives to facilitate ease of doing business in the country. These initiatives are intrinsically linked to the improvement of the investment climate in the country and for the success of 'Make in India' campaign launched by the Hon'ble Prime Minister. Judiciary is one of the important stakeholder and its support is crucial for timely enforcement of contracts in the country. He informed the members that it has been suggested to the High Courts of Bombay and Delhi to consider setting up of specialized fast track courts/tribunals to deal with commercial cases at the subordinate level. Other measures being considered are encouraging the use of ADR mechanisms for resolution of commercial disputes, besides initiating legislative and policy measures to fix timelines for disposal of cases. The Government is committed to providing the necessary support and assistance to the judiciary for this purpose.

Minister of Law and Justice informed the members that the Constitution Amendment Bill and National Judicial Appointments Commission (NJAC) Bill which were passed by the Parliament in August, 2014 have been ratified by the requisite number of States and have also received assent of the President. These would be put into implementation after the rules and regulations for this purpose are in place. Minister of Law and Justice observed that enhancement of strength of judges/judicial officer in High Courts and Subordinate Courts is essential for overall improvement of the judicial system. However he raised concern on the huge number of posts of judges/judicial officers lying vacant in High Courts and Subordinate Courts. He stated that filling up these vacancies is a matter of priority across the country.

While referring to the figures related to the available judicial infrastructure including court rooms/court halls available for the actual working strength of the judiciary, the Minister observed that adequate infrastructure is available for the current judicial manpower and there are about 2,250 additional court rooms under construction in States and UTs. These

substantial additions to judicial infrastructure will take care of immediate increases in the working strength of judges in district and subordinate courts on account of filling up of vacancies. He further informed that e-courts mission mode project has made significant progress and 93% of courts out of the total 14,249 subordinate courts covered under Phase-I have been computerized.

The Minister of Law and Justice mentioned that the Government is keen on the promotion of ADR mechanisms as a tool to tackle the pendency problem and ensure speedy disposal of cases. He informed the members that the Government has approved the proposal to amend the Arbitration and Conciliation Act. The bill for amendment of the Act will be introduced in the Parliament in the next session. The amendments are aimed at improving the legal framework relating to arbitration to ensure that the arbitration process is expeditious and effective.

The Minister also mentioned that steps have also been initiated to reduce pendency in the areas that are prone to excessive litigation. He stated that proposal to amend the Negotiable Instruments Act to introduce measures to resolve cases arising under Section 138 through ADR mechanisms is currently under consideration. Similarly the draft Road Transport and Safety Bill, 2014 prepared by the Ministry of Road Transport will introduce provisions for reduction in traffic challan cases and resolution of traffic cases without resorting to litigation as well as expeditious disposal of motor accident claim cases.

Further, he informed the members that the Government is also taking effective measures to reduce government litigation. He mentioned that all States have framed their litigation policies. A National Litigation Policy was earlier drafted by the Department of Legal Affairs with major emphasis on effective handling of government litigation but this draft could not be formalised. The Department of Legal Affairs has now reformulated the National Litigation Policy with broadened objectives and scope and the same is going to be placed before the Cabinet soon for its approval. He mentioned that the revised policy aims to curb unnecessary and avoidable litigations by taking appropriate steps at the pre-litigation stage, operationalise mechanisms to reduce filing of cases against the Government and to make the Government an efficient and responsible litigant.

With these opening remarks he requested Secretary, Justice to take up the agenda for discussion.

Agenda 1: Confirmation of minutes of the meeting held on 26th August, 2014

The minutes of the sixth meeting of Advisory Council were confirmed.

Prof. Madhav Menon raised his concern over large number of under-trial prisoners languishing in jails. He mentioned that it is the function of the Legal Services Authorities to collect the data regularly from the jail authorities and assist the judiciary to take necessary action to release the under-trials. He emphasized the need for the utilization of the services of legal aid clinics in law schools especially the National law Schools by Legal Services Authorities for this purpose. The Hon'ble Minister welcoming his suggestion observed that after the recent direction of the Supreme Court in *Bhim Singh vs. Union of India* steps have been taken for release of under-trial prisoners. However he highlighted that currently there is a problem with availability of accurate data on court cases and under-trials, which acts as a major constraint.

Intervening in the discussion the Attorney General suggested that there is a need to cast a duty by law on every District & Session Judge to collect complete information relating to under-trial prisoners in his/her jurisdiction on a regular basis and share the same with the High Court and Government. Agreeing with the suggestion, the Chairman Law Commission of India stated that currently a software is installed in Tihar Jail for collection and monitoring of data, but it is necessary to develop a system for constant monitoring of the status related to the under-trial prisoners in the manner suggested by the Attorney General. The Chairman, Parliamentary Standing Committee noted that every District Judge is also the Chairman of the District Legal Services Authority. He suggested that District Legal Services Authority should collect the data of the prison population within its jurisdiction and share it with the State and National Legal Services Authority on a regular basis. The National Legal Services Authority should create a web-site and provide this data. This can solve the current problem with respect to availability of the data on under-trial prisoners. The Secretary General, Supreme Court mentioned that if jails and judiciary are integrated by use of technology, timely sharing of the data will become much easier.

Secretary, Justice observed that as per the information collected in the course of the implementation of the directions of the Supreme Court in the *Bhim Singh* case not many under-trial prisoners are eligible to be released under the provision of Section 436A Code of Criminal Procedure. The Chairman Law Commission said that this is because of the limited scope of operation of Section 436A. He expressed the need to re-consider the condition related to completion of period of 50 percent of imprisonment as provided in Section 436A and the types of offences to which this provision is applicable. He further noted that the action being taken under the *Bhim Singh* case and the data collected under it should not be a one-time exercise. Instead, we need an institutionalised mechanism to monitor this on a continuing basis.

The Attorney General stressed upon the need for review of the scope and applicability of Section 436A. In his opinion, if necessary, the requirement of completion of 50 percent period may be reduced. He also emphasized the need to amend the Code of Criminal Procedure to cast a duty on the court at the stage of framing of charge to scrutinize the charge-sheet and ensure that there are credible materials available prime-facie to support the Sections under which the charges are framed against the accused. The Chairman Law Commission mentioned that the Commission is currently undertaking a comprehensive review of the Criminal Justice System and it is examining Section 436A and related issues. The Commission will shortly provide its recommendations in this regard. Minister of Law and Justice requested the Chairman Law Commission to prepare their report on the subject at the earliest keeping in view the grave concerns raised by the members. He requested the members to give their suggestions to the Department of Justice in this regard which will be referred to the Law Commission for their consideration.

Prof. Menon expressed his concern on the low utilization of the funds provided to States under the award of Thirteenth Finance Commission. Secretary, Justice mentioned that the Department has been pushing for the utilization of the available funds, however there are constraints on the part of States and High Courts in this regard. The Chairman, Parliamentary Standing Committee inquired about the major constraints leading to the lack of utilization of the funds. Secretary, Justice informed that a sum of Rs. 2500 crore was earmarked for creation of the morning-evening shift courts. However, this could not be implemented in the most States. Secretary General, Supreme Court observed that there was lack of proper coordination between the State Governments and the High Courts. He mentioned that there were instances where the State Governments denied the release of

funds on technical grounds. Secretary, Justice, mentioned that it needs to be ensured that the experience of the Thirteenth Finance Commission is not repeated for the grants which may be available under the Fourteenth Finance Commission. Minister of Law and Justice requested the Secretary, Justice to write to the States and High Courts to know about their concerns and priorities to ensure that a proper action-plan is in place for the utilization of the grants of the Fourteenth Finance Commission, once the information is available.

The Chairman, Parliamentary Standing Committee suggested that the Minister of Law and Justice may convene a meeting with his counterparts in the States to seek their co-operation in implementing the agenda for judicial reforms and to assist the States having lack of financial resources to implement the same. He also stressed upon the need for continuing with fast track courts at subordinate judiciary for at least next five years to ensure timely disposal of cases. Minister of Law and Justice mentioned that with the completion of the e-Courts project timely collection of data and increased integration of judicial system with the aid of technology will be possible.

Agenda 2: Action Taken Report on the minutes of the meeting held on 26th August, 2014 and overview of progress of initiatives of the National Mission.

Joint Secretary (Mission Director), Department of Justice gave a brief overview of the major initiatives and achievements of the National Mission in the past three years. He informed that a major step in bringing about structural change in the procedure for judicial appointments in the higher judiciary has been undertaken with the enactment of the law on National Judicial Appointments Commission. Major changes in the Government's litigation policy have been introduced with the formulation of National and State Litigation Policies with the objective to curb government litigation. High Courts have taken cognizance of the state litigation policies and their implementation is insisted upon when grievances against governmental agencies are brought before the courts.

The Mission Director stated that the Supreme Court has established the National Court Management System (NCMS) to inter-alia introduce necessary reforms in court and case management systems, to introduce common nomenclature for classification of cases and to standardise the norms and facilities for court complexes. Under NCMS, several sub-committees, headed by senior judges of the High Courts, were constituted. Majority of the sub-committees have submitted their reports, which are currently under consideration. The rules and procedures in High Courts are also undergoing change. The Supreme Court eCommittee has requested the Law Commission to look into the process engineering of courts from the point of view of automation of court processes. To curtail the delay caused in the service of the court process necessary amendments were brought in Civil Procedure Code to allow service of process by electronic means, by courier, fax etc. Most of the High Courts have amended their rules. The concept of one time payment of process fee has gained acceptance and is being implemented / contemplated by several High Courts.

Available data shows that sufficient court halls are available although there is a need for improvement in standards. The Mission has requested the High Courts to prepare their Court Development Plan (CDP) both in terms of infrastructure and manpower requirement. There has been substantial increase in the number of judicial posts in the recent past. The initial data for year ending 2014 indicates that the sanctioned strength may go beyond 20,000. However, the working strength is likely to be around 16,000.

Some of the major bottlenecks in this area as pointed out by High Courts are non-availability of qualified personnel to fill up the judicial posts especially those of Additional

District and Sessions Judges through direct recruitment, lack of coordination between the Public Service Commission, State Government and High Courts. National Mission has also been communicating with the National and State Judicial Academies to develop a specialized curriculum for the training of judges for expeditious disposal of cases.

Agenda 3: Establishment of Additional Courts:

The Mission Director stated that the Supreme Court has taken cognizance of this matter in the *Imtiyaz Ahmed* case. As per the direction of Supreme Court, Law Commission of India has suggested Rate of Disposal Method for calculating the requirements for additional courts. State Governments and High Courts have been asked to file their response in the matter. The recommendations of the Law Commission were also circulated by the Department of Justice to the State Governments and High Courts requesting their views on the matter. The response received from the State Governments and High Courts has been incorporated in the agenda notes. Secretary General, Supreme Court elaborated that NCMS has agreed with all the recommendations of the Law Commission except the one relating to creation of morning/evening courts. Mission Director further stated that acceptance of recommendations of Law Commission will create an institutional mechanism for increasing the judge strength in the subordinate judiciary through the Court Development Plans.

Intervening in the discussion, Chairman, Law Commission raised his concern on the issue of vacancies in the subordinate judiciary. He stated that the major problem of vacancies in the subordinate judiciary is on account of lack of suitable candidates. He informed the members that there was a proposal in the Chief Ministers and Chief Justices Conference for creation of All India Judicial Service. It was informed that there is divergence of opinion among State Governments and High Courts on this matter. At this juncture, Prof. Menon suggested campus recruitment for the subordinate judiciary. He cited the example of Karnataka High Court agreeing to allow the fifth year LL.B students to appear for judicial service exams and be recruited as Civil Judge Junior Division subject to their results being out by the time of joining. The Mission Director observed that the vacancies can be filled up adequately by following such a process, however, the High Courts and State Governments would have to amend the recruitment rules for subordinate judiciary.

The Vice Chairman, Bar Council of India observed that candidates should have practiced for at least one year before they are appointed to judicial posts. He also raised his concern on the lack of proper infrastructure for the bar. Secretary Justice observed that while preparing a blueprint for infrastructure of courts the needs of all the stakeholders like litigants, judiciary and lawyers should be considered. She felt that common blueprint for courts being worked out by NCMS should take into account these basic requirements. Minister of Law and Justice acknowledged the concerns expressed by Vice Chairman, Bar Council and agreed with the suggestion made by Secretary, Justice.

Chairman, Parliamentary Standing Committee raised the issue regarding enhancement of court fees and suggested to make it more rational at all levels in judiciary. He felt that increased revenues collected through court fee can be utilized for higher expenditure on judiciary.

Agenda 4: Scope of pre-trial hearing under existing procedural laws

Mission Director initiated the discussion by stating that pre-trial conference is an important mechanism for the speedy disposal of both civil and criminal cases. He stated that

the Hon'ble Minister has suggested formulation of indicative time frame for disposal of various type of cases so that it acts as a broad parameter for judges / judicial officers to determine whether the trial is being prolonged beyond reasonable time frame. He mentioned that there are certain provisions in both civil and criminal procedures which can be used to satisfy the objectives of a pre-trial hearing. He requested the Law Commission to separately incorporate additional provisions on pre-trial hearing in the Criminal Procedure Code as the Commission is already reviewing the same in the context of criminal justice reforms.

Chairman, Law Commission mentioned that the Commission has prepared its report and a draft Bill on creation of commercial courts. The Bill includes extensive recommendations to expedite speedy trial of civil and commercial cases. He mentioned that the report suggests adopting simplified procedures for timely completion of the trial of these cases. Pre-trial hearings have been dealt with extensively in this report as the system of pre-trial hearing is an important component of the case management process.

Minister of State for Home Affairs desired further details on how pre-trial conference can expedite of conclusion of commercial litigation. Chairman, Law Commission explained that with reference to commercial courts it is necessary to introduce proper case management tools which include holding pre-trial conference between parties to fix dates and a calendar to enable monitoring of time-schedule. This provides opportunity to the court to follow strict time frames for disposal of these cases. In some jurisdictions like United Kingdom there are elaborate procedures for pre-trial conference which are laid down in relevant statutes. This facilitates speedy disposal of these cases. He stated that these practices if adopted by commercial courts will provide them the opportunity to exercise greater control over case and the trial procedure including witness examination.

Prof. Menon observed that pre-trial conference can be used for the speedy disposal of both civil and criminal matters. He stated that pre-trial conference will help in speedy trial of cases and minimize the work load of courts. He noted that the Civil Procedure Code and Criminal Procedure Code do not come in the way of holding of pre-trial conferences but at the same time there are no positive provisions that make it mandatory for the courts to use pre-trial conference. He suggested that the Law Commission should add a new chapter on pre-trial. Law Commission Chairman informed that the Commission has already recommended adding a new Order on Case Management in CPC in its report. He further informed that the Commission has also examined the best practices followed globally for speedy trial such as summary judgement procedures. Prof Menon requested the Bar Council of India to hold discussion with bar associations and lawyers and state their position on this issue. In response to this, Vice Chairman, Bar Council of India stated that he would consult the bar associations on this issue and will send their views within two months.

At this juncton, Mission Director observed that the provisions in the Code of Criminal Procedure for compounding of offences and plea bargaining are not being used in the absence of specific provision for pre trial conference. He requested the Law Commission to consider incorporating the concept of pre trial conference in the Criminal Procedure Code. Chairman, Law Commission informed that that they are already looking into this issue and will be releasing their interim reports. He noted that plea bargaining is only for petty cases and very few cases are compounded. He observed that one of the reasons for minimum use of plea bargaining provision is the fear of conviction stigma. Commission is therefore examining the possibility of revamping plea bargaining provisions. Mission Director suggested the use of plea bargaining for charge bargaining as well. This suggestion was endorsed by Prof. Menon and Attorney General.

Agenda 5: Timely enforcement of commercial contracts

Mission Director stated that the Hon'ble Minister of Law and Justice in his opening remarks has stressed upon the need for improving the ease of doing business in India which is a priority area for the Government. The Make in India campaign launched by the Prime Minister aims to bring about an economic transformation by focusing on increased investments and manufacturing in the country. In order to achieve this, a conducive policy, regulatory and judicial environment is required to be created that allows businesses to grow and commercial arrangements to be effected with ease. Timely enforcement of contracts is one of the indicators used to assess the ease of doing business in an economy. Therefore, he noted that availability of appropriate dispute resolution mechanism processes for the enforcement of commercial contracts in a timely and cost effective manner is crucial for improving the country's position on ease of doing business index. He mentioned that at present one of the major challenges faced in enforcing contracts in India is the time taken in the litigation process coupled with high costs. Further, delays in the enforcement of judgments passed by the courts also present a roadblock. Addressing these issues in a timely manner is in line with the strategic goals of the National Mission of reducing delays and arrears in the system, re-engineering of procedures and promotion of alternative methods of dispute resolution. The rules framed by some of the High Courts such as Delhi and Bombay already contain provisions necessary for dealing with the commercial cases. Further the Law Commission is working on the enactment which will provide commercial benches at the High Courts as well as for commercial courts at the subordinate level. The facilities such as e-filing and e-payment of courts fees are already in place in some High Courts. The second phase of the eCourts project proposes to extend these facilities to the subordinate courts level. These developments have been brought to the notice of Department of Industrial Policy & Promotion (DIPP).

Chairman, Law Commission informed that the Commission has finalized its recommendations relating to creation of commercial division in five High Courts of Bombay, Calcutta, Delhi, Madras and Himachal Pradesh having original civil jurisdiction and the report will be submitted to the Minister shortly. He mentioned that the proposal of the Law Commission includes specialized commercial division in these High Courts and in other areas commercial courts can be established in consultation of the Chief Justice of the respective High Court and State Government. He however, mentioned that merely designating a court as commercial court will not be sufficient because current procedural law has become outdated and therefore by using the current procedures it may not be possible to expedite the disposal of the commercial disputes. He explained that the Law Commission has examined the procedures used in United Kingdom, Singapore and other major jurisdictions related to disposal of commercial matters and has suggested adopting rules and procedures which are favourable to effective functioning of such courts. He mentioned that the Commission has also made recommendations with respect to the infrastructural requirements of commercial courts; extensive amendments to be introduced to the Code of Civil Procedure to be applicable to commercial disputes being dealt by commercial courts; and increase in the pecuniary jurisdictions of High Courts having original civil jurisdiction. He further mentioned that there are three more aspects that need to be taken care of, namely, ensuring that these commercial courts are presided over by judges having expertise to deal with commercial disputes, adoption of simplified procedures and timely compliance of decisions by parties.

Chairman, Parliamentary Standing Committee inquired whether the Law Commission agrees with the position that appeals arising from the decisions of tribunals should be heard

by High Courts. Chairman, Law Commission explained that as per their recommendation writ petitions or any other judicial proceedings filed from a decision of a tribunal dealing with specialized commercial disputes may be referred to the commercial division in High Courts, where such commercial divisions are setup. Chairman, Parliamentary Standing Committee informed the members that the committee is currently examining the terms and conditions of appointment and benefits of presiding officers of tribunals. He requested the members to provide them valuable suggestions in this regard. The Attorney General mentioned that the practice of appointment of retired judges to preside over various tribunals requires reconsideration and suggested that amendments should be brought in the respective Acts to the effect that tribunals should be presided by any persons who are experts in the relevant fields. Chairman, Law Commission agreed with this suggestion and mentioned that this will make the tribunals function more effectively. The Secretary, Legal Affairs observed that this trend of having retired judges in tribunals was on account of jurisprudence developed by the apex judiciary.

On the issue of video-recording of court proceedings the Secretary General, Supreme Court of India mentioned that the Hon'ble Court has recently dismissed the petitions seeking approval for video recording of judicial proceeding. The view was that our court system has not reached at the level where the video recording of court proceedings can be permitted. Chairman, Law Commission observed that a proposal may be considered to undertake audio-video recording on a pilot basis in some district courts because such a step can enhance transparency in the justice system. Joint Secretary (Justice-II) observed that the proposal to include audio-video recording in Phase-II of the e-Courts Project was placed before the e-Committee of Supreme Court in its meeting held on January 8, 2014 but it was decided with the approval of the Chief Justice of India that video recording should not be included in Phase-II of the eCourts Project. It was decided to write to the eCommittee to explore whether video recording can be taken up on a pilot basis in some district courts.

Agenda 6: Legislative Initiatives in the Areas prone to excessive litigation

Mission Director elaborated on the proposed legislative and policy changes to reduce pendency in areas prone to excessive litigation. He mentioned that certain legislations like the Negotiable Instruments Act, Motor Vehicles Act, Electricity Act are responsible for the bulk of litigation and it was felt that legislative and policy measures needed to be introduced to resolve these cases outside the formal justice system. Accordingly National Mission has been pursuing the matter with the concerned ministries and departments to introduce the necessary legislative and policy changes.

To this end, an Inter Ministerial Group (IMG) under the chairmanship of Secretary, Justice recommended amendments to the Negotiable Instruments Act, 1881 (N.I. Act) for referral these cases to ADR mechanisms for their speedy disposal. A draft Bill has been accordingly prepared by the Department of Financial Services, Ministry of Finance to introduce amendments to the N.I. Act and the Legal Services Authority Act in line with the recommendations of the IMG. Attorney General observed that proliferation of cases under N.I Act is matter of concern. He mentioned that as per the current system there is an imbalance as a drawer of a cheque has very little deterrence if his cheque is dishonoured. It is a liability for the creditor because to recover the amount he has to undergo long drawn litigation process. He suggested that as under the law there is presumption that when a cheque is issued it is for some consideration; therefore it can be proposed that the defaulter has to pay half of the amount before he is granted an opportunity to contest. The Chairman Law Commission was of the view that such a provision can be included in the civil

proceedings where such suits for recovery of the sum are filed in civil courts. The Secretary, Department of Legal Affairs informed that they had already given their inputs on the draft Bill to amend N.I. Act and the matter was now with the Legislative Department.

Additionally the National Mission has collaborated with the Ministry of Road Transport and Highways to bring necessary legislative changes to introduce alternative mechanisms for collection of fine for traffic offences and adoption of a simplified procedure for expeditious resolution of motor accident claim cases. The Ministry of Road Transport has formulated the Road Transport and Safety Bill, 2014 which has provisions for resolution of traffic challan cases without resorting to litigation. It has also streamlined procedure to achieve speedy disposal in motor accident claim cases.

The Chairman Law Commission observed that courts are currently unnecessarily burdened with petty offences such as traffic and police challan cases. It is necessary to take these petty cases out of the formal court system because they require very little judicial involvement. He mentioned that the Law Commission in its 245th Report has suggested the creation of special courts officiated by executive magistrates to deal with these cases so as to remove these cases from the purview of formal courts. Further he also suggested the need for introducing online collection of fines for traffic offences to reduce the number of these cases coming to courts.

The Attorney General expressed the view that system of pre-deposit could also be considered for arbitration cases. Chairman, Parliamentary Standing Committee suggested that amendments to Arbitration and Conciliation Act are extremely necessary and the legislative framework needs to be made at par with other major international jurisdictions to make India a hub of international arbitration. Chairman Law Commission observed that making India a hub of international arbitration will not happen till our system is brought in line with international standards and best practices. For example, currently under the Arbitration and Conciliation Act the grounds to challenge an international arbitration award are too broad. To make Indian law at par with the international practice there is a need to limit the grounds to challenge an international arbitration award.

Agenda 7: Strengthening judicial training for expeditious disposal of cases

The Mission Director mentioned that judicial education is an essential element of the human resource development strategy for the judiciary. He invited the Officiating Director, National Judicial Academy to provide her inputs on the subject of judicial education.

The Officiating Director, National Judicial Academy (NJA) gave an overview of the current training programmes being undertaken by the NJA and State Judicial Academies. She mentioned that the academies are undertaking regular programmes for High Court and Subordinate Court judges on various important matters including court and case management and use of information and communication technology to improve judicial functions. She further informed the members that the NJA also hosts regional level conferences to provide a platform for interaction among the judges from the region to share best practices.

Vice Chairman, Bar Council of India felt that although the judicial academies are engaged in providing training to the judiciary, there is very little facility available to the advocates for professional training. He mentioned that the infrastructure of judicial academies can be utilized to provide training to advocates as well. Secretary General, Supreme Court of India mentioned that a request can also be made to the judicial

academies to undertake the training programmes for the presiding officers of the tribunals because they also complement the formal justice system. Prof. Menon suggested that the facilities of the judicial academies can be improved to cater to the training requirement of all the stakeholders of the judicial system who are involved in the dispensation of justice and that there should be some combined training programme. The suggestion of Prof. Menon was supported by other members of the Advisory Council.

Mission Director mentioned that there is a need to have well qualified and experienced faculty in the judicial academies. He mentioned that such faculty should ideally be selected from amongst the judges and academia to provide a mix of practical and academic inputs to the trainees. Prof. Menon mentioned that currently all the judicial academies are starved of competent faculty members. He stressed the need to create a pool of trained judicial manpower who can be appointed as faculty with the various judicial academies. He stated that a proposal in this regard was discussed in 5th Meeting of the Advisory Council to introduce a Masters Program on Judicial Administration or Judicial Education and Training. He mentioned that this would help create a cadre of persons trained in judicial management, judicial administration, research and training who can be largely be drawn from the existing pool of judicial officers, bar members and academics. These trained persons can then be appointed either as faculty members in the Judicial Academies or as court managers in courts. He mentioned that he has prepared a detailed proposal in this regard which he will send to the National Mission for sharing the same with other stakeholders. The Secretary Justice noted that this was a very useful suggestion and requested the NJA to work on the same.

Concluding the discussion, the Hon'ble Minister of State for Home Affairs was requested to expedite necessary reforms in criminal justice system relating to investigation, prosecution and prisons which are under the purview of his Ministry. The Hon'ble Minister affirmed his resolve to take up these issues with all concerned. He expressed his gratitude to all the members for the fruitful deliberations during the meeting. The meeting ended with a word of thanks to the Chair.

List of participants of Seventh Meeting of Advisory Council of the National Mission for Justice Delivery and Legal Reforms held on 21st January, 2015

1. Shri Kiren Rijiju, Hon'ble Minister of State for Home Affairs
2. Dr. E.M. Sudarsana Natchiappan, Hon'ble Chairman, Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law & Justice
3. Justice (Retd.) Ajit Prakash Shah, Chairman, Law Commission of India
4. Shri Mukul Rohatgi, Ld. Attorney General of India
5. Prof. N.R. Madhava Menon, Jurist
6. Ms. Kusumjit Sidhu, Secretary, Department of Justice
7. Shri P.K. Malhotra, Secretary, Department of Legal Affairs
8. Shri V.S.R. Avadhani, Secretary General, Supreme Court of India
9. Shri Bhoje Gowda, Vice Chairman, Bar Council of India
10. Shri Anil Kumar Gulati, Joint Secretary (MD), Department of Justice
11. Shri Praveen Garg, Joint Secretary (J-I), Department of Justice
12. Shri Atul Kaushik, Joint Secretary (J-II), Department of Justice
13. Shri J.R. Sharma, Secretary, Bar Council of India
14. Dr. Geeta Oberoi, Acting Director, National Judicial Academy, Bhopal
15. Shri Narayan Reddy, Law Secretary, Government of Andhra Pradesh.