



HIGH COURT OF JAMMU & KASHMIR



**Follow-up Action on the Resolutions
Adopted in the Chief Justice's
Conference-2016
by**

*HIGH COURT
OF
JAMMU AND KASHMIR*



REDUCTION OF ARREARS AND SPEEDY TRIAL

- Categorization of cases into different tracks.
- Additional Incentives to Judicial Officers for Disposal of Cases which are more than 5 years old within 3 months.
- Mechanism for Court Management put in place with

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REDUCTION OF ARREARS AND SPEEDY TRIAL

- ✓ State Court Management Committee headed by Hon'ble Judge of the High Court.
- ✓ Subcommittee at the District level headed by Pr. Dist and Sessions Judge with concerned Chief Judicial Magistrate as its member.
- ✓ A permanent Secretariat of the State Court Management at the High Court headed by Registrar Vigilance and having Registrars Judicial of both the wings.

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REDUCTION OF ARREARS AND SPEEDY TRIAL

- ✓ Weekly work done statements are called from Subordinate Courts to ensure speedy reduction of old cases and to effectively monitor the working of Courts.
- ✓ Administrative directions are frequently passed on wherever the delays are found.
- ✓ There is a special monitoring mechanism for disposal of cases relating to Juveniles and data regarding the disposal is being called weekly and then monthly from the subordinate Courts.

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TRIAL COURTS AND IST APPELLATE SUBORDINATE COURTS RULES

- ❑ Civil and Criminal trials and appeals have been categorized into different tracks and the cases falling in any particular track are to be disposed off within stipulated time.



DIVISION OF CIVIL SUITS INTO TRACKS

- ❑ Track1:May include suits for maintenance, divorce and child custody cases, grant of letters of administration and succession certificate and simple suits for rent or for eviction.
- ❑ Track2:May include money suits and suits based solely on negotiable instruments.

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DIVISION OF CIVIL SUITS INTO TRACKS

- Track3:May include suits concerning partition and like property disputes and matters relating intellectual property rights.
- Track4:May include any other matter.



TIME PERIOD PRESCRIBED FOR DIFFERENT TRACKS (CIVIL)

□ High Court has provided that all efforts shall be taken for complete disposal of suits falling under different tracks within:-

✓ Track 1: 9 months.

✓ Track 2: 12 months.

✓ Track 3: 24 months.

✓ Track 4: 24 months.

From the date of institution of the suit.



DIVISION OF CRIMINAL TRIALS INTO TRACKS

- ❑ Track1: Capital Punishment, rape and cases involving sexual offences for Dowry deaths.
- ❑ Track2: Cases where the accused is not granted bail and is in jail if the case doesn't fall under Track1.
- ❑ Track3: Cases which effect a large number of persons such as cases of mass cheating, economic offences, illicit liquor tragedy and food adulteration cases.

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DIVISION OF CRIMINAL TRIALS INTO TRACKS

- Track4: Offences which are tried by special courts such as POTA, TADA, NDPS, Prevention of corruption Act.

- Track5: All other offences.



TIME PERIOD PRESCRIBED FOR DIFFERENT TRACKS (CRIMINAL)

- ❑ High Court has provided that all efforts shall be taken for complete disposal of the case falling under different tracks within :-
 - ✓ Track 1... 9 months.
 - ✓ Track 2... 12 months.
 - ✓ Track 3... 12 months.
 - ✓ Track 4... 15 months.
 - ✓ Track 5... 15 months
- From the date of institution of the Case.



DIVISION OF CASES INTO DIFFERENT TRACKS IN HIGH COURT.

□ HIGHCOURT CASE FLOW MANAGEMENT RULES:-

The High Court at the Stage of Admission or Issuing Notice before Admission Categorized the writ petition other than the writ of Habeas Corpus into three categories depending upon the urgency with which the matter needs to be dealt with:

- ✓ Fast Track 6 months.

- ✓ Normal Track 1 year.

- ✓ Slow Track 2 years.



REFORMS IN COURT PROCEDURES AND PROCESSES

- ❑ The High Court constituted two committees on Civil and Criminal side to recommend the changes in court procedures and processes.
- ❑ Both the reports are with the Government to amend the laws in light of the recommendations.

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REFORMS IN COURT PROCEDURES AND PROCESSES

- Task of amendments in Civil and Criminal Rules for guidance of the Subordinate Courts is under process to attune them with the modern times and technology.
- Task of amendment in High Court Rules to facilitate e-Filing, online delivery of certified copies of Judgments, Orders and other documents is under process.



JUDICIAL REFORMS

- ❑ Apart from steps taken to cut the delay through effective Court Management and Process Re-engineering, High Court of Jammu and Kashmir has taken a number of initiatives in the direction of judicial reforms:
 - ✓ Jammu and Kashmir Civil Procedure Alternate Dispute Resolution and Mediation Rules 2009.
 - ✓ ADR Centres set up at each District Headquarter and in both wings of the High Court.

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JUDICIAL REFORMS

- ✓ Right to Information Rules.
- ✓ Strict monitoring of compliance of procedural provisions by the Subordinate Courts cutting the delay through administrative visits and surprise visits by the Administrative Judge concerned and Registrar Vigilance.



STRENGTHENING OF LEGAL AID SERVICES

☐ LOK ADALATS

- ✓ Regular Lok Adalats or Mobile Lok Adalats and National Lok Adalats are being held regularly in the state at High Court, District and Tehsil Level. In the State from Jan. 2016 till Aug.
- ✓ 321 Lok Adalats which includes National Lok Adalats and regular Lok Adalats have been held in the State so far and 9353 cases have been disposed off.

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STRENGTHENING OF LEGAL AID SERVICES

Mediation:

- ✓ Mediation Awareness Programmes at each District court Complex during the year 2016- 17 are being organized throughout the State. So far 10 such awareness programmes have been held in the State.

- ✓ To supervise and to monitor the Mediation activities at Taluka, District and High Court Level, a calendar has been prepared to review the activities by the Mediation Monitoring Committee at their respective levels.

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STRENGTHENING OF LEGAL AID SERVICES

- ✓ Mediation Monitoring Committee identifies the cases which are fit for Mediation.
- ✓ Mediation Monitoring Committee of J&K High Court has issued a direction that at every Tehsil there shall be at least two Mediation Programmes in a year.

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STRENGTHENING OF LEGAL AID SERVICES

- ❑ Compliance with NALSA Regulations on Legal Aid Clinics, 2011 and the Free and Competent Legal Services Regulations, 2010:
 - ✓ In J&K so far 184 Legal Aid Clinics have been established manned by PLV's on rotation basis. SLSA has so far engaged 729 PLV's out of which 303 PLV's have been trained.
 - ✓ Monitoring Committees have been constituted by J&K SLSA in terms of Section 10 of Free and Competent Legal Services Regulations 2010 as per Order dated: 11.12.2014.

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STRENGTHENING OF LEGAL AID SERVICES

- ❑ Provision of minimum training and sensitization for panel advocates:
- ✓ J&K SLSA has drawn up a calendar for conducting the regular training of panel Lawyers in each District and chairperson's of DLSAs have been requested to arrange the training programmes successfully. The first training programme is being held from 16th of Sept.2016 onwards for Jammu Province.

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STRENGTHENING OF LEGAL AID SERVICES

❑ LEGAL SERVICES IN JAILS:

- ✓ In J&K State there are 14 Jails including 2 Sub-Jails and Legal Aid Clinics have been established in these Jails and are manned by PLV's.
- ✓ Chairperson of DLSAs are ensuring adequate frequency of visits of Panel Advocates/Retainer Lawyers and PLVs (preferably, everyday) to Jails.

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STRENGTHENING OF LEGAL AID SERVICES

- ✓ Legal awareness programmes are conducted in Jails and Juvenile homes;
- ✓ Optimal utilisation of para legal volunteers in training of prisoners together with periodic refresher courses.

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STRENGTHENING OF LEGAL AID SERVICES

- Regular meetings of Monitoring Committees to review the cases of under-trial prisoners who are:-
 - ✓ Entitled to be released on bail u/s 436 A Cr. P.C
 - ✓ Who have been granted bail but could not be released due to non-furnishing of bail bond.

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STRENGTHENING OF LEGAL AID SERVICES

- ✓ Involved in Criminal Compoundable offence, and recommend suitable action to be taken by the DLSAs.
- ✓ Suitable amendments to SLSA Regulations to enhance the fees payable to panel lawyers along lines suggested by NALSA: The fee proposed by the NALSA has been fully adopted by J&K SLSA.



INFRASTRUCTURE OF SUBORDINATE COURTS

- ❑ Committee of three Hon'ble Judges constituted.

- ❑ Chief Secretary, Secretaries of Finance, Public Works and Law Departments co-opted as members.



STRENGTHENING OF JUVENILE JUSTICE SYSTEM

- Number of Observation homes established under Section 47(1)=2
- Number of Child Welfare Committees in districts constituted under Section 27(1)=22
- Number of districts in the State where no CWC is operating=0
- Number of Children's Homes established under Section 50 and maintained by the State Government=37



STRENGTHENING OF JUVENILE JUSTICE SYSTEM

- Total Number of Full-Time working Staff in all the Children's Homes in the State=04/Home
- Total Number of Full-Time Vacant Staff for Children's Homes=0
- Total Number of Part-Time Working Staff for Children's Homes=10/Home



STRATEGY FOR UTILIZATION OF GRANT UNDER 14th FINANCE COMMISSION

- ❑ To take policy decisions for utilization of Grant sanctioned under the 14th Finance Commission a dedicated cell comprising of two Hon'ble Judges has been constituted.
- ❑ The cell is being assisted by the Registrar General and the Chief Accounts Officer of the High Court.



QUALITY LEGAL EDUCATION PROGRAMME

- Setting up of National Law School At Srinagar.
 - Setting up of National Law School at Jammu.
 - Committee of two Hon'ble Judges constituted.
 - Vice Chancellors of respective Central Universities involved in the establishment of these Law Schools.
- The matter is being with the Government and the process is expected to mature very soon.



COMMERCIAL COURTS

- Proposal for creation of two model Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015 was taken up with the Government in June 2016 but the Government has not responded well so far because the said Act is not applicable to the State of Jammu and Kashmir.



HIGH COURT OF JAMMU & KASHMIR



THANK YOU