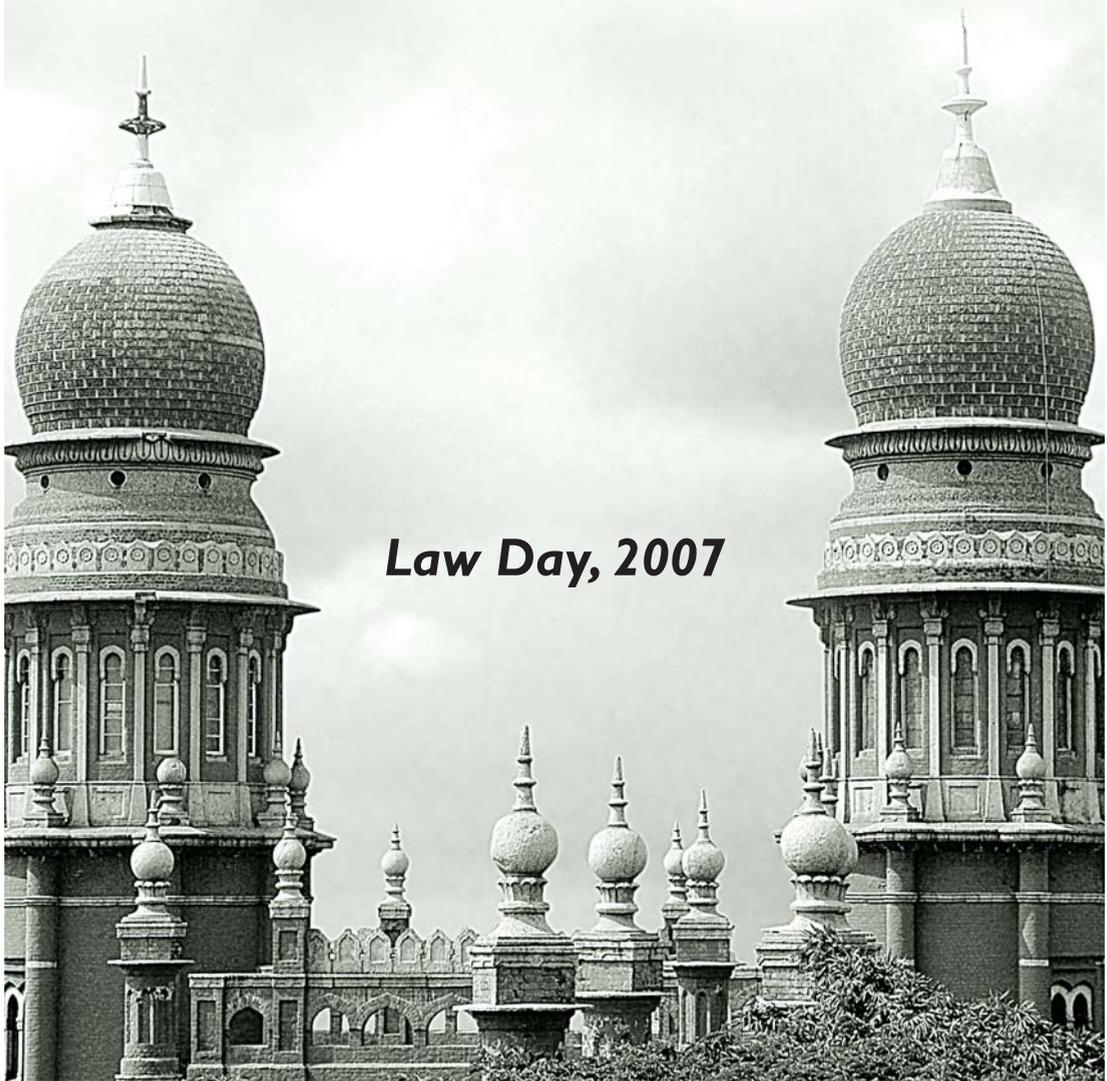


# High Court, Madras

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A REPORT

*Law Day, 2007*



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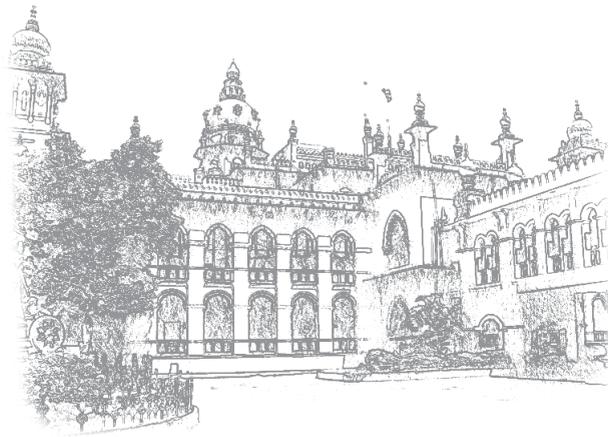






*Judges' portal of entrance – Sama Neethi Chozhan shows the way*





## *Preface*

*A* celebration of any event conjures up in one's mind as an occasion for speeches, festoon and frolic. The Law Day, on 26<sup>th</sup> November, 1949, when we gave to ourselves the constitutional document ought, on the other hand, to serve as a constant reminder to us to fashion our actions solemnly and without pomp, to secure to our people the lofty values etched in the preamble of the Constitution.

Judiciary is indisputably the bulwark for bringing to fruition the society's aspirations guaranteed in the solemn instrument. People are beginning to lose faith in the institutions that ought to nurture them. We have done rather well, but we have not carried the message to the people effectively enough. The eternal obsession about docket explosion is always seen disjunctively to the huge population of over a billion. The arrears of cases un-disposed are discussed without reference to the relatively low numbers of Courts and Judges or the high per capita rate of disposals by Judges. The declaration of holidays of Courts are vilified without minding the time necessary to study cases and laws. The happy countenance of a lawyer or a judge masks the strain that he wears constantly, being the recipient of litigant's eternal woes arising out of the conflict situation that he faces.



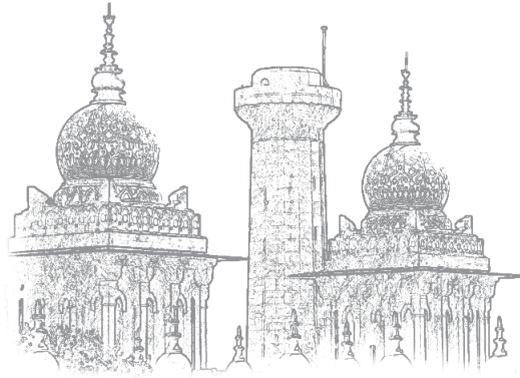
What better would there be than to document our actions through a report, which will mirror the lucubrations of the black-gowned folk that flock the Courts? Our activities as lawyers, judges and staff running the legal and judicial systems traverse beyond the confines of our Court premises. Legal aid through Lok Adalats, Mediations and Arbitrations have given a new dimension to our relevance and usefulness to the society.

This report takes you through the list of judges, the role of lawyers, the aesthetics of the court halls, the statistical details of Court Management, the programmes of continuous legal education and the diverse fields of legal aid activities. A sense of confidence in the system of Courts in our roles as lawyers and judges is essential to maintain the fabric of ordered liberty for a free people. Good governance shall be the watchword. Transparency and accountability shall be the guiding principles. Tools of information technology shall provide the speed and smoothness in providing unction to the cogwheel of legal progress.

This trumpet is not a boast. It sounds the arrival of a fresh moment of reckoning of the performance audit of our legal system.

\* \* \* \* \*





## *List of Judges*

### **Hon'ble Judges of High Court of Madras as on 26.11.2007**

Hon'ble Thiru. Justice Ajit Prakash Shah, Chief Justice

Hon'ble Thiru. Justice S.J. Mukhopadhaya

Hon'ble Thiru. Justice Prafulla Kumar Misra

Hon'ble Thiru. Justice P.D. Dinakaran

Hon'ble Thiru. Justice Elipe Dharma Rao

Hon'ble Thiru. Justice F.M. Ibrahim Kalifulla

Hon'ble Thiru. Justice D. Murugesan

Hon'ble Thiru. Justice K. Raviraja Pandian

Hon'ble Tmt. Justice Prabha Sridevan

Hon'ble Thiru. Justice M. Chockalingam

Hon'ble Thiru. Justice C. Nagappan

Hon'ble Thiru. Justice A. Kulasekaran

Hon'ble Tmt. Justice R. Banumathi

Hon'ble Thiru. Justice S. Ashok Kumar

Hon'ble Thiru. Justice S.K. Krishnan

Hon'ble Thiru. Justice S.R. Singaravelu

Hon'ble Thiru. Justice K. Mohan Ram



Hon'ble Thiru. Justice P. Jyothimani
Hon'ble Thiru. Justice R. Regupathi
Hon'ble Tmt. Justice Chitra Venkataraman
Hon'ble Thiru. Justice K.N. Basha
Hon'ble Thiru. Justice P.P.S. Janarthana Raja
Hon'ble Thiru. Justice N. Paul Vasanthakumar
Hon'ble Selvi Justice K. Suguna
Hon'ble Thiru. Justice M. Jaichandren
Hon'ble Thiru. Justice S. Rajeswaran
Hon'ble Thiru. Justice V. Dhanapalan
Hon'ble Thiru. Justice R. Sudhakar
Hon'ble Thiru. Justice A.C.Arumugaperumal Adityan
Hon'ble Thiru. Justice P. Murgesen
Hon'ble Thiru. Justice S. Tamilvanan
Hon'ble Thiru. Justice M. Jeyapaul
Hon'ble Thiru. Justice K. Venkataraman
Hon'ble Thiru. Justice K. Chandru
Hon'ble Thiru. Justice V. Ramasubramanian
Hon'ble Thiru. Justice S. Manikumar
Hon'ble Thiru. Justice A. Selvam
Hon'ble Thiru. Justice P.R. Shivakumar
Hon'ble Thiru. Justice G. Rajasuria
Hon'ble Thiru. Justice T. Sudanthiram
Hon'ble Thiru. Justice S. Nagamuthu
Hon'ble Thiru. Justice S. Palanivelu
Hon'ble Thiru. Justice K.K. Sasidharan
Hon'ble Thiru. Justice M. Venugopal
Hon'ble Thiru. Justice V. Periya Karuppiah

\* \* \* \* \*





## *History of the High Court*

*T*he history of this Chartered High Court, is both glorious and fairly long. The time has now come for us to re-visit the historical past, as the values for which this Institution stood, have now come to be doubted. Therefore, a journey into the historical past, is both a necessity of time and one expected to produce sweet memories.

The history of the Courts of Law in Madras, fall into four periods, viz., (1) from 1600 to 1800, which saw the establishment of various courts under different Charters; (2) from 1801, when the Supreme Court of Madras was established and several Courts merged into it, upto its abolition in 1861; (3) from 1862, when the High Court of Judicature at Madras was established by Letters Patent issued under the Indian High Courts Act, 1861, to the day of independence; and (4) the period post independence.

The history of the establishment of various Courts under different Royal Charters, during the period from 1600 to 1800, can be encapsulated as follows:-



## **CHARTER OF QUEEN ELIZABETH I**

Dated: 31.12.1600

This is the earliest Royal Charter, by which, the East India Company was conferred with the authority to punish offenders.

## **CHARTER OF KING JAMES I**

Dated: 31.05.1609 and 04.02.1622

These Charters confirmed the authority conferred upon the East India company under the earliest Charter of 1600.

## **1640**

Fort St. George was established on the coromandel coast by the East India Company with the permission granted by the local Naik. Immediately, a Court known as, 'Choultry Court' came into existence, to try petty cases, both civil and criminal. The native "Adigar" or Governor of the Town sitting at the Choultry or Town House presided over the Choultry Court. A native, by name, "Kanappa" functioned as the Presiding Officer of the Choultry Court from 1644 to 1648. But this Court was reluctant to try complicated cases involving English subjects. Therefore, those cases were always remitted to England.

## **CHARTER OF CHARLES II**

Dated : 03.04.1661.

This Charter authorised the Agent or Governor in Council to decide both civil and criminal matters, according to the laws of England.

## **CHARTER OF CHARLES II**

Dated: 27.03.1669 and 16.12.1674.

These Charters were on the same lines as the Charter dated 03.04.1661.



## **MARCH 1678**

Governor Strynsham Master felt that the Choultry Court was inadequate to deal with the subjects and hence, he established the first Court of Judicature at Madras and the first trial by Jury was held on 16.04.1678.

## **CHARTER OF KING CHARLES II**

Dated: 09.08.1683

Since qualifications had not been prescribed for persons, who were appointed to preside over any of the Courts till then, this Charter provided for the appointment of a Judge-Advocate, who was a person learned in civil laws. But the cases were to be decided by the Court of Judicature comprising of the Judge-Advocate and two Merchants, who were expected to decide cases according to equity and good conscience. Sir John Biggs was appointed as the first Judge-Advocate and was sworn in as such, on 28.07.1687.

## **CHARTER OF KING JAMES II of 1686**

By this Charter and by the Charter issued by East India Company on 30.12.1687, a Mayor's Court was established in 1688 and it was empowered to try all causes, civil and criminal.

## **1690**

A new Court of Judicature was erected with the Governor acting as Judge-Advocate (pending regular appointment from England) and a native, by name, Alingal Pillai was appointed as one of the Judges of the Court of Judicature.

## **CHARTER OF KING GEORGE I**

Dated: 24.09.1726.

Under this Charter, a Court of Record with a Mayor and nine Aldermen was constituted to try civil suits and also to grant Probate and Letters of Administration.



## **ACT OF 1793**

By this Act, a Cutchery Court was established to try all civil suits involving natives, but it was closed on 31.05.1798.

## **LETTERS PATENT OF KING GEORGE III**

Dated: 20.02.1798.

Under these Letters Patent, the Court of Recorder of Madraspatnam was established on 01.11.1798 and Sir Thomas Strange was appointed as the Recorder of this Court. Sir Thomas Strange was called to the Bar in 1785 and after six years, he was made the Chief Justice of Nova Scotia at the age of 35. He was later recalled to England and Knighted and sent to Madras as Recorder.

## **LETTERS PATENT OF KING GEORGE III**

Dated: 26.12.1800.

A Supreme Court of Judicature at Madras was erected by this Letters Patent, on 04.09.1801 and the Recorders Court got extinguished. It was the Supreme Court of Madras, which later became the High Court of Judicature at Madras.

## **REGULATIONS 1802**

By these Regulations issued by the Governor-in-Council, the following Courts were established:-

1. Zilla Courts for trial of Civil suits in the Districts.
  2. Provincial Courts of Appeal from Zilla Courts
- These Courts were abolished in the year 1843.



- |                      |  |
|----------------------|--|
| 3. Sudder Adawlut    | or the Chief Court of Civil Judicature for the trial of Appeals from the Provincial Courts of Appeal |
| 4. Courts of Circuit | for the trial of persons charged with crimes. These Courts were abolished in 1843.                   |
| 5. Foujdary Adawlut  | or Chief Criminal Court.   |

### **06.08.1861**

The British Parliament passed the Indian High Courts Act, which conferred powers upon the British Crown to establish High Courts at Calcutta, Madras and Bombay by issuing Letters Patent. Under Section 8 of the said Act, the Supreme Court of Madras and the Sudder and Foujdary Adawluts were abolished with the establishment of the High Court.

### **LETTERS PATENT OF QUEEN VICTORIA**

Dated: 26.06.1862.

By the Letters Patent issued by Queen Victoria, the High Court of Judicature at Madras was established, as a Court of Law and Equity, of Oyer and Terminer and General Gaol Delivery, of Ecclesiastical jurisdiction and of Admiralty.

### **15.08.1862**

The High Court of Judicature at Madras was formally declared open. By sheer coincidence or of providence, it was on the very same 15<sup>th</sup> day of August, that India attained Independence, 85 years after High Court coming into existence.

### **1888**

The construction of the High Court Buildings (in its present place) began. It was completed and inaugurated on 12.07.1892.



After the completion of construction of the High Court Buildings, a function was organised, on the 12<sup>th</sup> day of July 1892, for formally handing over possession of the buildings to the Hon'ble Chief Justice. His Excellency, the Governor of Madras, Rt. Hon'ble Beilby Baron Wenlock, handed over the key of the building to the then Chief Justice, Sir Arthur Collins. The extract from the speeches of His Excellency, the Governor of Madras and the Honourable Chief Justice, which had gone into history, as a piece of literature, reads as follows:-

***And now, My Lord, Chief Justice, I have pleasure in handing you the key, as a token that the building has been entrusted to your hands by the Government, in full confidence that the administration of justice will be carried on with the ability and integrity that has always marked the Madras High Court. To you, My Lord, and to the other gentlemen who hold with you the high position of Judges of the High Court, and to those gentlemen who occupy themselves in the Honourable and Learned profession of the law, in all your hands the administration of justice may be safely left, and we may look forward, for many years to come, with the full knowledge and full satisfaction that the best years of your lives will be devoted to carrying on one of the noblest of works, the uninterrupted administration of justice.”***

Accepting the key the Honourable the Chief Justice, Sir Arthur Collins said in solemn gaiety:

***.....”My Lord, so long as this High Court is an independent Court, with Judges who fear no man, and who administer the law, according to the rules of law, equity and good conscience, with the jurisdiction it has exercised for so many years in tact, I believe it will continue to have and to deserve the confidence of the public .....***



***In conclusion, I fervently hope that long after you and I, Your Excellency, have passed away, to that undiscovered country, of which, we know so little, there may always continue to be found, men of ability and courage, who will administer the law in these Courts, without distinction of class, creed or race;”***

True to the expectations reflected in the above speeches, the Madras High Court acquired a very high reputation, for the quality, both of its Bench and its Bar. The great Judges and Barristers, both English and native, who served in this great Court have passed into their long account, but their contributions to the building up of this Institution, are reflected in the many volumes of their luminous decisions and arguments, contained in the Law Reports. Sir T.Muthuswami Iyer had the distinction of being the First Indian Judge of the Madras High Court, in whose memory, a marble statue was installed by Justice Arthur Collins, the Fourth Chief Justice of the Madras High Court. Sir C.Madhavan Nair elevated to the Judicial Committee of the Privy Council, Justice M.Pathanjali Sastri, who went on to become the Chief Justice of India, Sir V.Bashyam Ayyangar, who had the distinction of serving as the first Indian Advocate-General of a High Court, to name a few, were all men of eminence, who walked along the corridors of this Court, leaving behind a tradition to cherish.

One may wonder why and what this nostalgia is all about? This question can be answered aptly by quoting from Justice Dr.P.V.Rajamannar, the first Permanent Chief Justice of Madras High Court for about 13 years (from 1948 to 1961), who said the following on the occasion of the centenary celebrations of the High Court:-

*“What is this High Court? It is certainly not this magnificent building. As a matter of fact, this building was occupied only seventy years ago; and some of you will recollect that during the last war, the High Court was functioning in the premises of a Convent in Theogaroyanagar. The High Court, in the larger sense is not merely a collection of judges; it is an institution of which the Bench and the Bar, and I would add, the public, are all integral parts, with its own traditions and ideals which have inspired them and standards which have been maintained.*



*What are the special traditions of the Madras High Court which have been built up during the last hundred years? To my mind they are the following:- Legal erudition and acumen of a very high order; remarkable intellectual subtlety, and an extensive and exhaustive knowledge of case law not only Indian but also foreign. Of Course, there are other traditions which it shares with all the High Courts, of fairness and impartiality, independence and freedom from bias.”*

At the time when the High Court was first established in 1862, it was to consist of a Chief Justice and five Puisne Judges. After the enactment of the High Courts Act, 1911, the maximum number of Judges of the High Court was fixed as 20. Today, the sanctioned strength of the Judges in the Madras High Court is 32 permanent Judges and 17 Additional Judges, which includes 12 Judges for the Madurai Bench.

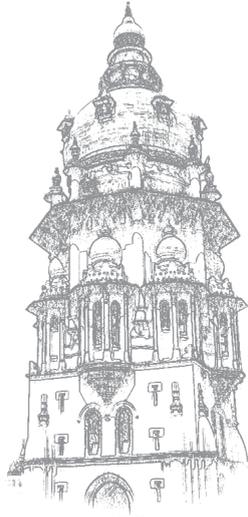
As another milestone in the history of this High Court, a permanent Bench of the High Court was constituted at Madurai with a maximum strength of 12 Judges and the Bench was inaugurated on the 24<sup>th</sup> day of July, 2004, by the then Chief Justice of India Hon’ble Mr.Justice R.C.Lahoti.

We have traveled a distance of about 145 years and what more can we say except quoting what S.T.Coleridge said:

***“If men could learn from history, what lessons it might teach us! But passion and party blind our eyes and the light which experience gives is a lantern on the stern, which shines only on the waves behind us”***

\* \* \* \* \*





## *The Lawyers' Associations*

*I*n the matter of providing solidity to the beautiful edifice of Madras High Court buildings, the quartet of lawyers' associations constitutes the foundation. The foursome unquestionably is the Madras Bar Association, the Madras High Court Advocates Association, the Law Association and the Women Lawyers' Association. Each has a story to tell; the birth of each one fulfilled a historic necessity at the respective hour.

### ***The birth of lawyer as a professional***

It is everybody's knowledge that our judicial system of administration of justice through courts is a colonial vestige. At its inception in 1802 the legal profession was under the control of Government of Madras. Contrary to the commonly held opinion that English barristers in the initial lawyers had lucrative practice, some of them did not even possess the means to return to England. As early as 1816 the Government took measures to institute some form of legal education at the college of Fort St. George. In 1855 the Presidency college introduced lectures on law. With the establishment of separate university in Madras, legal education in India had come a full circle.



### ***The establishment of the Madras Bar and Vakils Association***

The admission of English barristers was a major turning point in the development of profession in India. Two strands of the lawyers' profession – English and Indian, began to interact. When the High court of Madras was established in 1862 under its Letters Patent, three classes of lawyers existed. They were advocates who were barristers and attorneys who were solicitors; Vakils were non barristers. Of lesser learning, there emerged a sub-class, the pleaders. The Advocates were permitted to practice both on the original and appellate sides but Vakils were restricted to the appellate side only.

In 1865, the advocates assembled under the banner of a professional organization called as Madras Bar. The first meeting was held on 14th March 1865. It became a powerful institution whose opinions could not be ignored either by the government or by the judges. It provided a meeting place and served as a medium to express the concerns of barristers. With legal scholarship honed through university law education, the Vakils won their first victory when they wrested through a Full Bench decision in 1876 the right to practice under both jurisdictions of the Madras Courts. The Vakils learnt their art of cross-examination from the barristers, gained their ability to sift through a mass of evidence and learnt to present their arguments in English language. Leadership remained in the hands of a small number of Vakils and when they realized that they were a force to reckon with, they formed themselves into an association in 1882 but it did not survive long. 22 Vakils came together later on 1st March 1889 and founded an organization known as the Madras High Court Vakils Association. Its first President was Raja T. Rama Rao. Between 1889 and 1920 out of 9 persons who occupied their positions as Presidents, seven became either Advocate Generals or Judges of High Court or both. The Vakils Association is today MHAA.

### ***The Bar Association in its incipient years***

The Association played three major roles – (1) as a professional watch guard, it regulated the conduct of members and participated in all proceedings, instituted in the High court against Vakils; (2) it submitted memorials and made representations to public regarding appointments and judicial service and (3) as an advisory body the



association gave opinion in several matters. Shri Kulandaivelu, a member of the Association and a senior lawyer chronicles the steady growth of the Bar Association from the time when the then Advocate General Norton presided over its first meeting to the stage when during the Second World War the association shifted from its present building to 18A, Rajabhadar Street, T.Nagar. All its members were barristers from England. The General Body of the association decided on 25.1.1965 to celebrate the centenary of its formation and a Committee formed by M/s. M.K. Nambiar, A. Ramachandran and S. Chellasamy drew up a trust to manage the centenary library. The Bar library has grown over the years and the cerebral fodder that it offers makes it as one of the most alluring places in the High Court campus.

### ***The professional traits of the Bar members***

The Barristers were fierce professionals. They were not merely elitists dining in high profile parties. If Shri. V.L.Ethraj was a suave criminal lawyer with lucrative practice and a philanthropist, Shri. V.G.Row, a Barrister and himself a son of a Judge Panduranga Row was a champion of the underdog. Later partnering with Shri. A.Ramachandran in the renowned law firm M/s Row and Reddy, they took up a principled advocacy to appear only for the labour. Shri. A.Ramachandran was a very vocal member among lawyers who took up cudgels against Justice Byers who came under cloud for shooting from his revolver into a crowd that caused accidentally the death of an innocent boy. He was the first to propose the name of Shri. M.R.Narayanaswamy a non-Barrister to occupy the post of President of the Association. Students of constitutional history will know how a Barrister from Chennai, Shri. M.K.Nambiar fought valiant battles before the Supreme Court for upholding the most cherished right to life in cases decided in 1952 in *A.K.Gopalan Vs Union* and *V.G. Row Vs Union*. Govind Swaminathan, yet another Barrister, Crown Prosecutor and later on Advocate General had as sweet a tongue as he was a forthright champion for the junior lawyers. He would not allow the junior most lawyers to be snubbed unjustly in his presence in the court. The State Government always had its Advocate General in Supreme Court for every important case. Some of the members of the bar association have been outstanding statesmen and politicians. Shri. R.Venkatraman, rose to the highest civilian office as the President of India. M/s C.R. Pattabiraman, Mohan Kumaramangalam, P.Chidambaram and Rangarajan



Kumaramangalam have all been active practitioners and they have all made significant contributions as outstanding parliamentarians and ministers in the Union Cabinet. The Madras Bar has lent its luminance to the legal firmament by sending up outstanding products to New Delhi. M/s K. Parasaran and G. Ramaswamy have been the Attorney Generals of India. M/s V.P. Raman and K.K. Venugopal have been the Solicitor Generals of India. Each had a distinct style and they coursed their journeys in their respective ascendant professional graphs by their sheer brilliance.

### ***The tradition among MHAA members***

There have been fiery contenders in court and outside court amongst Advocates Association members. Shri. Vasanth Pai fought for litigants and was himself a party litigant in several matters of public interest, even from the days when the genre of PIL was still not known. M/s K.T. Pal Pandian, N.T. Vanamamalai and K.V. Sankaran were just not lawyers. They had firm convictions about sturdiness of lawyers as professionals and they had been responsible for directing the associations by their sagacious counsel and guidance during some of the most critical times affecting the dignity of the profession. Shri. K.V. Sankaran was the President of MHAA when the association organized a massive protest against the police brutality against Shri. Ayyadurai, a junior member of the bar at Madurai, in what was then called as Thiruparamkundram episode. Shri. K.T. Pal Pandian would join protests of lawyers against police excesses or for any just cause and he had also the rare courage to go back to the restive lawyers and urge them to resume work, if he found the continuation of boycott was operating against the interests of lawyers themselves or the litigant public. Shri. N.T. Vanamamalai was known as a fighter- champion for the down trodden and the working class, which was akin to his political convictions. He fought the case successfully and secured compensation for the riot victims of sikhs, post Indira Gandhi assassination in the case in *R. Gandhi Vs State of Tamil Nadu*.

### ***The Law Association***

The stalwarts of the bar were not just among the members of the Madras Bar Association and the Advocates Association alone. The inauguration of the separate court house for the Small Causes and City Civil Court sparked off a necessity to form a separate branch and after a meeting held under the Chairmanship of Diwan Bahadur P.M Sivagnana Mudaliar on 15.10.31, the Law Association was



formed on 1.2.1932. M/s. Ibrahim Sahib, S.Balasingam Sathya Nadar and Vijayarangam have all been outstanding lawyers and office bearers of the association. Of them Shri. Vijayarangam held the post as President of the law association for nearly 2½ decades, the post he held unopposed.

### ***Women Lawyers' Association***

The first woman lawyer in Madras High Court was Ms.B.Ananda Bai in the early 1920s but it took 40 more years when their numbers grew to quite a handful and they formed themselves as an Association in 1963. The founder President and Secretary were Ms.Lakshmi Panikar and Ms.Lakshmi Swaminathan respectively. The association was started at where the locker room of MHAA is now situated. It was only in the year 1973 that the present hall in the additional law chambers was allotted to the association. Successive Chief Justices M/s A.S. Anand, K.G.Balakrishnan and B. Subashan Reddy have taken kindly to improve the library facilities of the association. The senior counsel of the bar have also made substantial donations. From amongst them have been all the three lady judges, Justices M/s Prabha Sridevan, Chitra Venkatraman and K. Suguna, who are presently adorning the High court and there have been two designated senior counsel.

### ***The Madras Law Clerks' Association.***

Founded in 1913, the Law clerks' Association houses the sturdy lieutenants to the Lawyer community. Shri. M.A. Sadanand would say, if advocates are the generals in the war of Justice, their clerks are the lieutenants who plan and execute the first forays in the war and undertake the immense leg work that is involved in bringing the parties before the court through endless paper work in the court office.

### ***Association's interface with legislature and executive***

The Associations have always offered their opinions on various bills introduced in the provincial and central legislatures. Recently, when the Civil Procedure Code was sought to be amended in 1999, the Bar Association gave to the government constructive criticism and offered suggestions for improving the text of law. The changes were put on hold when a better text emerged in 2002 and with Supreme Court's decision in the *Salem Bar Association Case-II*, the legislative changes have



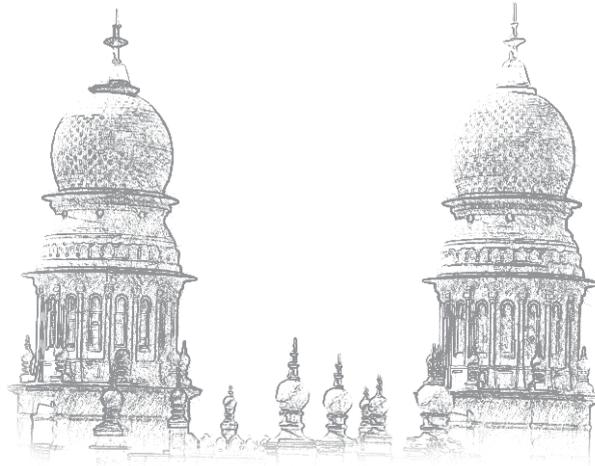
brought about significant improvements in the procedural law. The Criminal Procedure Code Amendment by Act 2005 brought to fore several unworkable and unjust procedures and after the submission of a memorial by the Advocates Association, the amendment has been stalled with promise of re-look by the government.

***An ever genial atmosphere***

The Association premises are the places to be, for the best of times in life. Lawyers are praised and sullied, elevations of judgeship are offered and rejected or refused, the newspaper items are discussed and dissected, birthdays celebrated and marriage invitations distributed, lunches and dinners served and relished, resolutions passed and rejected. Amidst their din and jostling crowd, there is great camaraderie.

\* \* \* \* \*





## *Preservation of Heritage Buildings and Beautification*

*T*he High Court of Judicature at Madras, one of the three High Courts in India established at the Presidency Towns, by Letters Patent granted by Her Majesty Queen Victoria, bearing date 26th June 1862, is the highest Court in the State of Tamil Nadu, exercising Original Civil Jurisdiction over the City of Madras and Appellate Jurisdiction over the entire State in Civil and Criminal matters and Special Original Jurisdiction for the issue of writs under the Constitution of India.

The present edifice came up only in 1892. Before it came into existence, a building at Marina Yard opposite to Beach Railway Station and located adjacent to the Customs House, was the seat of the Supreme Court of Madras from 1817 to 1862 and of the High Court from 1862 to 1892. Thereafter, the Collectorate of Madras functioned in the said building for a century, but people used to refer to it only as old High Court Buildings. But, unfortunately that building could not be preserved as a heritage building and was demolished. Therefore, the need to preserve at least the present High Court buildings, which is about 115 years old, for posterity, is compelling.



For any tourist, a visit to Chennai is incomplete without a visit to the High Court buildings. The construction of the High Court buildings commenced in October 1888. The original plan and estimates were prepared by Mr.J.W.Brassington, Consulting Architect to Government. But they were revised by Mr.H.Irwin, C.I.E., Consulting Architect . Though the original cost was estimated at Rs.9,45,000/-, the construction was completed at a revised cost of Rs.12,98,163/- in July 1892. All the decorative items of work in the building were executed by the teachers of the School of Arts. The special feature of the building is the Tower of the Light House which is about 175 feet high. A panoramic view of the entire city is presented from the top of this Tower. The building was constructed in Indo-Saracenic style.

The construction of the building was completed in July 1892 and it was formally inaugurated on the 12<sup>th</sup> day of July 1892 with the then Governor of Madras His Excellency Rt. Hon'ble Beilby Baron Wenlock , handing over the key to the then Chief Justice Hon'ble Sir Arthur Collins. In a colourful ceremony, the building was declared open by the Chief Secretary to Government by the command of the Governor. The Chief Justice was accompanied by his colleagues on the Bench, Justice T.Muthuswami Iyer, Justice Parker, Justice Wilkinson and Justice Best.

The design of the Court Halls, the separate corridors for the Judges and lawyers, the Central dome, the artistic interiors of the Court halls, the aesthetically carved chairs and tables that adorn the Court Halls, the wood work in and around the entire building, all show great craftsmanship of the 19<sup>th</sup> century. The artistic iron grill put up in the second floor of the building indicates the year of construction of the building. It has withstood the onslaught of weather for over a century.

Though at the time of its construction, the High Court had only a Chief Justice and four companion Judges, with a small staff strength, a vast expanse of land was acquired for locating the High Court. This has enabled the construction of several additional buildings over the past 100 years. The fact that even after such construction, there is enough lung space left in the campus, shows that those responsible for preparing the plan, had a foresight for the possible future expansion.

Realising the heritage value of the building, the Hon'ble Chief Justice constituted a heritage committee consisting of Hon'ble Judges, Hon'ble Ministers, Officials and



other Senior Advocates to suggest measures to preserve and protect the aesthetic and heritage value of the buildings and the campus. The Committee suggests measures to be taken for preservation, maintenance and restoration of the heritage value of the buildings and the Public Works Department carries out the necessary repair works in the premises with the prior approval of the Committee.

### **BEAUTIFICATION**

Cleanliness is next to Godliness. The heritage of a building can be best preserved, only if the environment is kept clean and well maintained. Therefore, a Committee for Environment and Car Park, was constituted, for the purpose of providing a clean environment in the High Court premises and also to provide facilities for parking of cars inside the High Court premises. The Committee has taken the following steps:-

- (a) The Corporation of Chennai, made to provide big and small dust bins inside the High Court premises.
- (b) Steps taken to provide greenery, by involving the Advocates and the staff .
- (c) Fourteen water coolers provided for drinking water facility.
- (d) An eco-friendly public toilet constructed with the help of Rotary Club of Madras.
- (e) Police Shelters put up at various places to provide assistance to the public.
- (f) Police Department permitted to build a new and modern police station inside the campus.
- (g) A contingent of police personnel deputed for regulating traffic flow inside the premises.
- (h) The Government of Puducherry has sanctioned a grant of Rs.1.73 crores for improving car parking facilities inside the premises.
- (i) Bharat Sanchar Nigam Limited has undertaken to replace old cables and to install new telephone booths.



Over the years, the records and files pouring in to the High Court have increased manifold, creating a problem with regard to storage space. In order to ease the congestion, a technique called “5 S” was introduced, for eliminating unnecessary records and files. This resulted in the recovery of several rooms in the Administrative Block, which are now put to better use.

Unfortunately, the buildings in use, are not really disabled-friendly. Therefore, ramps and lifts for the disabled have been conceived. As part of environmental need, steps are being taken to install energy saving lighting equipments in a phased manner in the High Court.

All attempts at preservation of the heritage building and their beautification are made with utmost earnestness, to make the High Court buildings a truly exotic place to pursue our calling with noble zeal.

\* \* \* \* \*





## *Museum*

*A*s one of the three Chartered High Courts of the Country, the High Court of Judicature at Madras, has a glorious past. Various Judicial Institutions came to be established at various points of time right from the Great Charter of the year 1600, issued by King George III. The Supreme Court of Judicature at Madras erected on 04.09.1801, gave place to the High Court of Judicature at Madras, established by Letters Patent issued in exercise of the power conferred under the Indian High Courts Act, 1861. The High Court of Madras was actually opened on 15<sup>th</sup> August, 1862.

Though the High Court has such a great heritage, it was not perhaps presented and showcased for posterity. This was realised by Justice Markandey Katju, when he assumed Office as the Chief Justice of the Madras High Court on 29-11-2004. Therefore, he constituted a Committee for preparing a Blue Print and working out the modalities for the formation of the Museum in the High Court.

With the technical advice and guidance from the School of Planning and Architecture, Anna University and the Director and Curators of the Madras Government Museum, the High Court Museum was established in a short span of about 3 months and it was inaugurated by the then Chief Justice of India, Honourable



Mr. Justice Y.K.Sabharwal, on the 9<sup>th</sup> day of April, 2005.

Some of the objects of attraction in the Museum, which would take the viewer back to the 18<sup>th</sup>, 19<sup>th</sup> and the early 20<sup>th</sup> Century, are as follows:-

- i. The Charter of the Mayor's Court, 1753;
- ii. The Charter of the Recorder's Court, 1798;
- iii. The Charter of the Supreme Court of Madras, 1800;
- iv. Copy of the Letters Patent of 1862 and amended Letters Patent of 1865;
- v. The Portraits/Photographs of —

Mr. Justice Sir Thomas Andrew Strange - The First Chief Justice of the Supreme Court of Madras from 1801 to 1817.

Mr. Justice C.H. Scotland - The Last Chief Justice of the Supreme Court of Madras from 1861 to 1862 and First Chief Justice of Madras High Court from 1862 to 1871.

Mr. Justice Walter Morgan - Chief Justice of Allahabad High Court from 1866 to 1871 and Second Chief Justice of Madras High Court from 1871 to 1879.

Mr. Justice Arthur Collins - Fourth Chief Justice of Madras High Court from 1885 to 1899, during whose tenure the present High Court Buildings were constructed and declared open and at whose initiative, the marble statue of Justice Sir T.Muthuswami Iyer was installed.

- vi. The Photographs of old High Court Buildings at the Customs House (where the Supreme Court of Madras functioned from 1817 to 1862 and the High Court of Madras functioned from 1862 to 1892);
- vii. The group Photographs taken at the time of Opening Ceremony of the present High Court Buildings on 12<sup>th</sup> July 1892;
- viii. The Photographs of the High Court taken in 1899;



- ix. The extract of the speeches delivered by His Excellency the Governor of Madras Rt. Hon'ble Beilby Baron Wenlock and the Hon'ble Chief Justice Sir Arthur Collins, at the opening ceremony of the High Court Buildings;
- x. The Plaster of Paris bust of the First Indian Judge, Justice Sir T.Muthuswami Iyer (1878-1895); and
- xi. The Plaster of Paris bust of Justice P.V.Rajamannar, the First Indian Permanent Chief Justice from 1948 to 1961.

The history of the Madras High Court is replete with several interesting cases, whose memories still linger in the minds of the citizens of this metropolis. The records relating to some of these cases are also exhibited in glass show-cases in the Museum. They are :-

- i. The records relating to a child custody case, C.S.No.424 of 1912 and the appeal arising out of the same, O.S.A.No.40 of 1913, involving Dr.Annie Besant and one of the greatest Philosophers of the 20<sup>th</sup> Century, J.Krishnamurthi (affectionately called by his admirers as, "JK");
- ii. The suit registers of the 19<sup>th</sup> Century maintained by the Subordinate Court at Ootacamund;
- iii. Seals and Badges used in Subordinate Courts during pre-independence days and the documents written in cadjan leaves filed as exhibits;
- iv. The Judgement in Criminal Appeal Nos.491 and 492 of 1908 relating to the great freedom fighter, V.O.Chidambaram Pillai, who first established a Swadeshi Steam Navigation Company and who was prosecuted and sentenced for sedition;
- v. The Judgement delivered in the famous Lakshmikanthan murder case, in which, the matinee idols of yesteryears M.K.Thiagaraja Bhagavathar and N.S.Krishnan were implicated; and
- vi. The plaint in the first suit filed in the year 1862 in the High Court with the judgement rendered therein and reported in Madras High Court Reports.



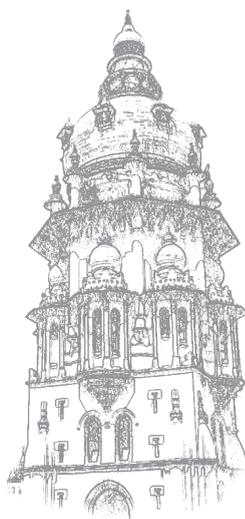
The Museum also contains a Model Court Hall of the pre-independence days, with the ornamental chairs of the Honourable Judges, the clerks' tables, horse shoe table for the Advocates and the ornamental chairs, brass table lamps used in those days and the decorative lamps fitted in Courts and the witness box and seat for the public.

A visit to the Museum would certainly take one back to the historical past and send a reminder that “lives of great men all remind us, we can make our lives sublime, and departing, leaving behind us foot prints on the sands of time”.

\* \* \* \* \*



# Evening Courts



In the Conference of Chief Justices of High Courts, held at New Delhi in April, 2007, it was resolved to introduce Evening Courts, in order to reduce pendency. In pursuance of the said resolution, the High Court of Madras forwarded a proposal to the Government of Tamil Nadu for sanctioning 80 Evening Courts to be presided over by serving Judicial Magistrates, with supporting staff of the same courts, on rotation basis to deal with cases involving petty offences.

Accordingly, the Government issued orders in G.O.Ms.No.910, Home (Courts-II) Department, dated 15.06.2007 sanctioning 56 Evening Courts as follows:-

<b>Chennai</b>		
1. Number of Metropolitan Magistrates in the cadre of Civil Judge (Senior Division) -		7
2. Number of Metropolitan Magistrates in the cadre of Civil Judge (Junior Division) -		17
<b>Name of the Districts</b>	<b>Headquarters</b>	<b>No. of Judicial Magistrates.</b>
3. Coimbatore	Coimbatore	8
4. Madurai	Madurai	7
5. Salem	Salem	6
6. Tiruchirappalli	Tiruchirappalli	6
7. Tirunelveli	Tirunelveli	5
		<b>56</b>



Out of the 56 Evening Courts so sanctioned by the Government Order, 33 (12 Courts in 6 Corporation limits and 21 in District Headquarters) have already become functional. Their details are :-

***In Corporation limits:-***

Chennai	-	5 Courts (i.e., 3 Courts in Egmore, 1 Court in Saidapet and 1 Court in George Town),
Coimbatore	-	2 Courts,
Tirunelveli	-	2 Courts,
Madurai	-	1 Court,
Salem	-	1 Court and
Tiruchirappalli	-	1 Court

***In District headquarters (1 Court at each place)***

1. Kancheepuram District at Chengalpattu
2. Cuddalore
3. Dharmapuri at Krishnagiri
4. Dindigul
5. Erode
6. Kanniyakumari at Nagercoil
7. Karur
8. Nagapattinam
9. Namakkal
10. Perambalur
11. Pudukkottai
12. Ramanathapuram



13. Sivagangai
14. Thanjavur
15. Theni
16. Thoothukudi
17. Tiruvannamalai
18. Vellore
19. Villupuram
20. Virudhunagar District at Srivilliputhur
21. Tiruvallur

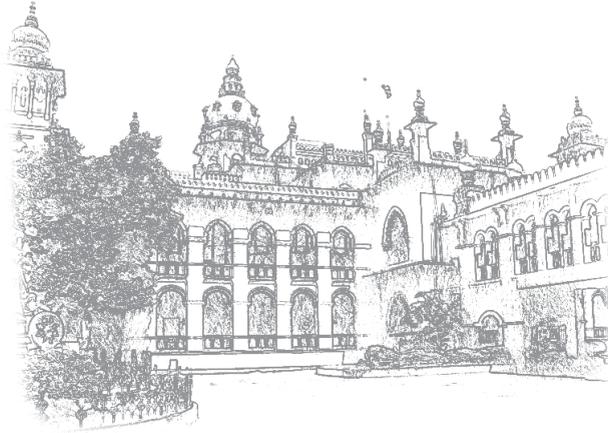
These Evening Courts have produced excellent results, as can be seen from the following Consolidated Statement for the period from July to September 2007

<i>Sl.No.</i>	<i>Name of the District</i>	<i>No. of Courts</i>	<i>No. of cases Disposed</i>	<i>Fine amount collected</i>
1	Chennai	5 Courts	1992	2,87,868
2	Coimbatore	2 Courts	3368	11,63,940
3	Madurai	1 Court	936	3,16,000
4	Tiruchirapalli	1 Court	1938	8,92,175
5	Salem	1 Court	1910	8,82,825
6	Tirunelveli	2 Courts	2978	8,11,915
	<b>Total (July to September)</b>	<b>12 Courts</b>	<b>13122</b>	<b>43,54,723</b>

The creation of Evening Courts is a milestone in the history of Judiciary and it has proved to be a valuable tool in achieving timely justice and reducing pendency.

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## *Family Courts and Children Centre*

The Family Courts Act was enacted in the year 1984 and it came into force in the State of Tamil Nadu on 02.10.1986. Under Section 3 (1) of the Act, the State Government is obliged to establish a Family Court for every area in the State comprising a City or Town, whose population exceeds one million. The State Government is also entitled to establish Family Courts in other areas, if the State deems it necessary.

So far, six Family Courts have been constituted in the State of Tamil Nadu, whose details are as follows:-

<b><i>Name of the Place</i></b>	<b><i>Date of Constitution</i></b>
i. Principal Family Court, Chennai.	03.10.1988
ii. I Additional Family Court, Chennai.	10.04.1990
iii. II Additional Family Court, Chennai.	07.12.1994
iv. Family Court, Madurai.	08.09.1994
v. Family Court, Coimbatore.	26.02.1995
vi. Family Court, Salem.	21.01.1996



The High Court in ROC No.3234/2002/FI dated 10.10.2002, accepted the proposal of the Government of Tamil Nadu for the constitution of Family Courts in each District in the State of Tamil Nadu. Since the same may take some time, the High Court, in its letter in ROC No.3234/2002/FI dated 20.01.2003, has requested the Government to establish Family Courts at five places viz., Chennai, Trichy, Tirunelveli, Vellore and Periyakulam (Madurai District) immediately, giving priority over others and the matter is pending with the Government.

Family Courts are not like any other courts, where cases could be heard and disposed of in an impersonal manner. By their very nature and object of establishment, these courts are expected to dispense justice with a personal touch, since they deal with families which form the foundation of the society at large. Keeping in mind the specialised nature of services rendered by the Family courts, a lot of welfare measures have been taken to upgrade the infrastructure in these courts. Some of the facilities now available in the Family Courts at Chennai are :-

### ***1.Children Centre***

It was not an uncommon sight 2 years ago, to see infants and children accompanying the parents to the Family courts, witnessing ugly scenes, to their chagrin. Today, they are disassociated completely from the court room atmosphere and lodged at the Children Centre where they have the facility of spending their time playfully. This Centre serves 3 purposes, namely

- (a) The children are not traumatised by the happenings in court
- (b) The parent who gets visitation rights, can use the centre to have the company of the child and
- (c) Children who are grown up and who suffer in silence on account of the broken relationship between the parents, are provided counselling by trained psychologists.



## **2.Mahila Lok Adalats**

Women who are victims of domestic violence and who do not have the wherewithal to fight a litigation, are provided with free legal aid and attempts at reconciliation are made through Mahila Lok Adalats.

## **3.Nursing Mother's Room**

The Children Centre has an ante-room where babies and infants could be fed by their mothers. Thus the privacy of these litigants are protected.

## **4.Counselling Rooms**

The services of trained family Counsellors are made available in a separate room, where the spouses are encouraged and helped to sort out their differences so that the disputes could be settled amicably.

There are also Special Counselling Rooms for Children, where the views of the children are found out in child custody cases, by specially trained persons.

## **5.Video Conferencing**

Revolutionising the entire concept of court proceedings, especially in matrimonial disputes, the facility of video conferencing was introduced, perhaps as the first of its kind in the whole of India, in the Family Court at Chennai.

A young couple, both Software Professionals, had presented a petition for divorce by mutual consent. But during the statutory waiting period, the wife shifted to Australia and the husband to U.S.A. upon securing employments. Under the conventional method, both of them would have had to appear personally to provide testimony and the same would have easily cost them a couple of lakhs of rupees, if not their employment itself. But their evidence was recorded through video conferencing after confirming their identities through their blood relatives and divorce was granted. The order granting divorce was also sent through e-mail and the entire process lasted just 15 minutes.



## ***6.Facility for payment of maintenance amounts***

In co-ordination with the State Bank of India, facilities have been created for the opening of Savings Bank accounts for the women, in whose favour, orders for alimony are passed by the Family courts. The amounts paid by the husbands in execution proceedings are transferred to the respective accounts of those women. They are also provided with ATM cards to enable them to withdraw the amounts at their convenience. So far about Rs.1.5 crore has been disbursed in this manner and the monthly disbursements work out to about Rs. 12 lakhs.

A healthy atmosphere is now created in the Family court, so that the wounds of family life do not get aggravated, but healed.

\* \* \* \* \*





## *Juvenile Homes*

*I*t was a matter of common knowledge that the functioning of Juvenile Homes in the State was not satisfactory. On the direction of the Chief Justice of Madras High Court, one of the Hon'ble Judges conducted a surprise inspection of the Juvenile Home at Madurai and submitted a report on 01.06.2006. The report registers the poor condition of the buildings and abysmally low quality of food and clothing, apart from the inadequate payment of salaries to various staff and the functioning of Juvenile Justice Board with grossly inadequate infrastructure.

The report was treated by the High Court as a writ petition in W.P.No.17207 of 2006. Finding that the provisions of the Tamil Nadu Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules framed there under were not fully implemented, the Court appointed a State Level Committee to suggest long term solutions. A Committee of Experts was constituted to examine the conditions in different Children Homes (Juvenile Homes), Special Homes in the State, Observation Homes and Shelter Homes, the working of Juvenile Justice Boards, Juvenile Courts, the role of the police, their respective related matters and to make comprehensive



recommendations for improving the conditions of the inmates of the Home and their rehabilitation.

The Expert Committee was constituted with Mr. Justice N.V. Balasubramanian, retired Judge of the Madras High Court as its Chairman and a Child Psychologist, a Child Specialist, the Director of Tamil Nadu State Judicial Academy, the Secretary to Government of the Social Welfare Department and the Commissioner of Social Defence as its Members.

Based on the report of the Judge, further directions were issued on 19-10-2006 to the Government to carry out necessary works in Madurai Home within eight weeks.

With the permission of High Court, the Expert Committee constituted five Regional Committees under the Chairpersonship of the Senior District Judge of the Region with four other members to function under the overall control of the Committee of Experts to make inspections and study all Child Care Institutions, including the Observation Home under the Madurai Children Aid Society, which was the subject matter of the writ petition. The Expert Committee submitted an exhaustive report after a study of the functioning of Juvenile Justice system in the State with its recommendations in the form of 12 issues and considering each and every one of the issues, the First Bench of the Madras High Court issued various directions on 16.08.2007. The issues submitted by the Expert Committee and the consequential directions issued by the Court are as under:

***(1) Revamping Academic and Vocational Programmes -***

The State Government was directed to introduce yoga, meditation and other facilities in the Child Care Institutions in all the Districts by availing the services of NGOs, including “Art of Living”, “Brahmakumaris” and “Ramakrishna Mutt”.

The State Government was directed to take a decision on the recommendations of Expert Committee for allotment of additional funds for revamping Academic and Vocational Programmes in the Child Care Institutions within a period of three months.



***(2) Buildings to match needs and functions of Institutions -***

The State Government informed the court that they had constituted an Expert Committee to evolve a common building design for all the Child Care Institutions in consultation with the Public Works Department and that the process was expected to be completed within three months.

***(3) Fine Tuning of Probation Services, creation of Child Protection Services and appointment of Voluntary Probation Officers -***

The Court directed the State Government to appoint at least one Probation Officer in each District for all the Child Care Institutions within a period of six months. The proposal of the Government to finalise the appointment of 8 Voluntary Probation Officers under the amended Section 62 of the Tamil Nadu Juvenile Justice (Care and Protection of Children) Act,2000 within two months time, was taken on record by the court.

***(4) Role of Police, Juvenile Aid Police Units -***

The State Government submitted before the court that the Government proposed to introduce a training programme for police officials within six months in association with UNICEF and NISD Funds.

***(5) Children whose parents are not traceable or whose parentage is not known***

The Government has accepted the suggestion of the Expert Committee that a Committee of professionals will be formed and the case files will be reviewed and the mentorship programme being implemented in one of the city institutions will be extended to other institutions also.

***(6) Enhancing Grants sanctioned to NGOs for the maintenance of children -***

As per the recommendations of the Expert Committee, the Government has increased the grants given to the NGOs from Rs.225/- to Rs.450/- per child per month.



**(7) Differently abled Children**

The Government assured the court that the Commissioner, Commission for Disabled, would prepare a separate scheme in respect of disabled children in the Child Care Institute and present it within three months.

**(8) Appointment of professionals, Strengthening of Juvenile Guidance Bureau, and Developing a system of Voluntary Counsellors -**

The Government has been directed to enlist the services of counsellors, psychologists, psychiatrists, social workers and medical personnel in each District on an honorarium within three months.

Regarding constitution of Juvenile Guidance Bureau, the Government has submitted that already such Bureau was established in 8 Districts and in the remaining 22 Districts, the Government will identify the appropriate NGOs to act as Juvenile Guidance Bureau and report the same to the Court within six months.

**(9) Juvenile Justice Boards and the appointment of social workers as well as other personnel -**

The Government has undertaken to lay down the criteria for appointment of social workers and other members of a Juvenile Justice Board and Child Care Institutions within three months and also to take decisions on the recommendation of the Expert Committee for appointing Special Magistrates for the Juvenile Justice Boards and Child Care Institutions. The Government was also directed to provide Typewriters/Computers and Photocopying Machines to all the Juvenile Justice Boards in every District within six months, and to appoint one Stenographer/Typist and one Clerk to the Juvenile Justice Boards depending on the pendency of cases before each Board.

**(10) To improve competency of the staff and to develop a Training Academy -**

The Government has assured that the Social Welfare Department would introduce the training and orientation programmes within 3 months.



***(11) Provide adequate budget for maintenance -***

The State Government was directed by the Court to take a decision within 6 months, on the recommendation of the Expert Committee to increase the provision for maintenance of buildings and other equipments of the Child Care Institutions at least by 3 times.

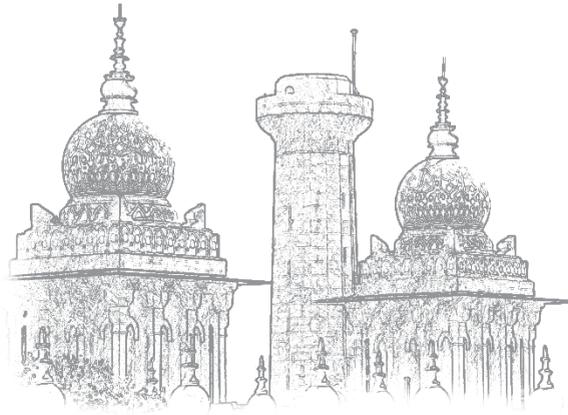
***(12) To ensure minimum standards, including clothing, bed, toilet and other facilities and to enhance the health care system -***

The Government was directed by the Court to complete the process of framing of the Rules under the Amended Juvenile Justice (Care and Protection of Children) Act, 2006 and publish the Rules as expeditiously as possible within six months.

This is a refreshing example of how by the exercise of its extraordinary jurisdiction under the Constitution of India, the High Court of Madras has been able to take effective steps to improve the conditions of Juvenile Homes in the State of Tamil Nadu.

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## *Lok Adalat*

*A*s per the constitutional goal of achieving social, economic and political justice, access to justice through fair process and within reasonable time is of utmost importance. The mounting arrears in Courts, inordinate delay in the administration of justice and expensive litigation have all the tendency of eroding public trust and confidence in the judicial system, especially when the institution is acknowledged as the most important pillar of our democracy.

Incidentally, it was the much avowed concept of searching for simple, quick and accessible dispute resolution system that has resulted in the Alternative Dispute Resolution Mechanism, which has attained popularity in recent times. The system of settling disputes by Lok Adalat has become a well recognised method and is called "Peoples Court". In Tamil Nadu, Lok Adalats are conducted since 1986. The Lok Adalats are now conducted under the supervision of the Tamil Nadu Legal Services Authority, a statutory body constituted under the Legal Services Authorities Act, 1987 as per the mandate of the Constitution of India under Article 39-A. The State Legal Services Authority was constituted in Tamil Nadu in 1997 with the Hon'ble Chief Justice of the High Court of Madras as its Patron-in-Chief with a Senior Judge of the High Court as its Executive Chairman and the Member Secretary appointed from the Cadre of a District Judge to administer its day to day functions.



Specialised Lok Adalats have been continually constituted for Motor Accident cases, Debts Recovery Tribunal cases, Labour Court cases, Family Court cases, Family Court Appeals in the High Court, Nationalised and Scheduled Bank cases, Taxation Appellate Tribunal cases, Pension cases, High Court Land Acquisition Appeals, Electricity Board cases, Electricity Appeals (High Court), Metro Water cases, Port Trust cases, Workmen Compensation cases and Slum Clearance Board cases. From 1986, so far 32,922 Adalats have been conducted in District and Taluk levels and 3,30,403 cases were settled with amounts totalling to Rs.1,341 crores awarded.

The reports and statistics from various districts show that Lok Adalats are very popular and settlements are arrived at both post litigation and pre-litigation stages.

The High Court Legal Services Committee has been organising Lok Adalats twice a week. Apart from Motor Accident Appeals, other categories of cases like Writs, Matrimonial Appeals, Land Acquisition cases etc. are also taken up and settled in Lok Adalat. In the Madurai Bench of Madras High Court a Maha Lok Adalat was conducted in 2006, in which thousands of people participated and enormous number of cases were settled and the Hon'ble sitting Judges of the High Court have also participated in the settlement process.

A continuous Lok Adalat has been established in the Principal seat of the High Court, Madras. Four retired Judges of the High Court of Madras, Justice Thiru K.Govindarajan, Justice Thiru Malai Subramanian, Justice Thiru A.Ramamurthi and Justice Thiru R.Balasubramaniam have been appointed to preside over the continuous Lok Adalat and cases are posted before them. A separate daily cause list for the Lok Adalat is printed and circulated. The Lok Adalat sittings, which are very informal and which are not bogged down by extensive procedural wrangles, are being held in Court Hall Nos. 13 and 14. Lok Adalats are also organised periodically in districts, presided over by the sitting Judges of the High Court. Since a large number of cases are getting disposed and the results are encouraging, a Lok Adalat Committee has been constituted which has decided to organise Lok Adalats in district headquarters, presided over by the respective portfolio judges. The Tamil Nadu State Legal Services Authority has been regularly organising Lok Adalat for Motor Accident Claims cases in the Court of Small Causes, Chennai. At present, the Lok Adalat is conducted twice a month.



## **FILM ON LOK ADALAT**

A short film on “Lok Adalat” highlighting its benefits has been produced and released by the Tamil Nadu State Legal Services Authority on 01.03.2004. The film is screened in all the Workshops and functions. The film highlights the spirit of amicable settlement of disputes. The demand for the film is such that on request made by the Kerala State Legal Services Authority, the Tamil Nadu State Legal Services Authority has provided Beta copy of the film for dubbing into Malayalam.

## **PENSION ADALAT**

The State Legal Services Authority is also conducting pension counselling by a retired Director of Pension and after a preliminary scrutiny, the matter is placed before the Pension Adalat, which settles the disputes relating to the retired persons. Such Pension Adalats are conducted once in a fortnight by the State Authority presided over by retired Judges of the High Court, apart from a retired I.A.S., officer and a lawyer as its members. So far 134 Pension Adalats have been conducted and 305 retired pensioners were benefited.

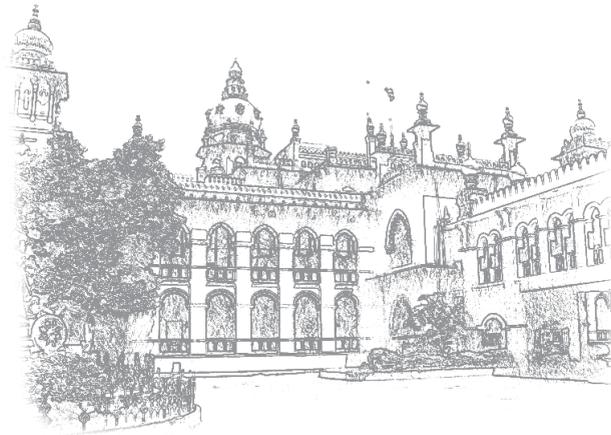
## **PRISON ADALAT**

The Prison Adalat is predominantly meant for settlement of cases of under-trials. It was started on 15.08.2000 in Chennai Central Prison. It was followed by Prison Adalats at Madurai, Trichy, Vellore, Cuddalore and Salem. In Vellore, separate Prison Adalats were conducted for male and female prisoners. These Adalats are held by the Chief Metropolitan Magistrate or the Chief Judicial Magistrate in Central Jails on regular basis. The cases of under-trial prisoners who are involved in petty offences, punishable upto three years, are being disposed of by the Prison Adalats. So far, 1919 Prison Adalats have been conducted and 11029 cases were disposed of.

Lok Adalats have become true repositories of public confidence and trust as the results have shown. The Tamil Nadu experience is treated as a role model for the rest of the country.

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## Mediation Centre

*S*tressing the need for settlement of disputes through mediation, Mahatma Gandhi said,

*“I realised the true function of a lawyer was to unite parties driven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby - not even money, certainly not my soul.”*

In the recent years, mediation has become the fastest growing Alternative Dispute Resolution method, handling a range of conflicts from personal and family disputes to commercial conflicts, including complex issues. It is favoured because it is free of negative characteristics of the adversarial system and demonstrates a reasonably fair success rate in resolving conflicts comparatively swiftly and inexpensively.

After the amendment to Section 89 of the Code of Civil Procedure, it is obligatory for the Courts to formulate the terms of settlement and after seeking observation



from the parties, refer the same for arbitration, conciliation, judicial settlement including settlement through Lok Adalat or mediation. The High Court of Madras has constituted Tamil Nadu Mediation and Conciliation Centre, the first of its kind in the country during the tenure of the Hon'ble Mr. Justice Markandey Katju, as the Chief Justice of Madras High Court. The Centre was constituted on 09.04.2005. The Centre trains lawyers and former Judges as mediators and administers a Scheme, while dealing with the cases referred by Courts for mediation. The Madras High Court has strengthened the Centre with strong infrastructure support. The functioning of the Centre at Madras High Court and its efficiency have been recognised through out the country and a team from the Madras High Court Mediation Centre has trained mediators for the High Courts of Delhi and Allahabad, to enable them to set up similar Mediation Centres.

Workshops were organised in the Districts of Coimbatore, Thanjavur, Tiruchirappalli, Salem, Namakkal, Karur, Nagapattinam, Cuddalore, Thiruvannamalai, Chengalpattu and Tirunelveli. Mr. Firdosh Ali Khan, popularly known as Karachiwala, an eminent Mediator with vast experience for more than 30 years was invited and he gave inspiring lectures and guidance to the Judicial Officers and Advocates who evinced interest to get trained as mediators.

The Tamil Nadu Mediation and Conciliation Centre gives intensive training on mediation to the selected Advocates sent through the Bar Associations of various districts. Mediation Centres have been opened so far in 10 districts and the Centre is taking steps to follow the same in other districts also.

In seven districts, namely, Coimbatore, Thanjavur, Tiruchirappalli, Salem, Namakkal, Karur and Nagapattinam, mediations are conducted every month and 1014 cases have been settled and an aggregate of Rs. 14 crores have been awarded through this consensual process.

The Centre is contemplating similar workshops at Madurai and Theni this year itself. From 2006 to 27.10.2007, 1122 Mediations were conducted and totally 5125 cases were taken up for settlement. In City Civil Court, Chennai from 09.08.2006 to 28.09.2007, 275 cases were taken up for Mediation and 64 cases were settled.



Some of the important features of the Tamil Nadu Mediation and Conciliation Centre are:

- (1) It is institutionalised and made as part of the Court system.
- (2) The Chief Justice of the High Court is its Patron.
- (3) A team of Judges headed by a senior Judge supervises the Centre.
- (4) The Organising Committee from the Bar administers the programmes.
- (5) Persons enlisted as mediators are trained in batches of 35 trainees; the period of training is three days; the training includes the study of the theory of mediation, practical demonstration, simulated exercises, role-plays etc. After such initial training, the trainee acts as a co-mediator and thereafter, as mediator. An advanced training programme is conducted by the Centre before certification is issued as Accredited Mediator.
- (6) The High Court has provided space for the Centre by allotment of two rooms for its functioning, apart from permitting the Centre to use the Court Halls after court hours.
- (7) The Court has provided full-time staff for administration, record-keeping, accounts, service of notices etc.
- (8) At present, the services offered by the mediators is pro bono. But after the successful completion of mediation, it is left open to the parties, to make any voluntary contributions to the centre. The Court has also made provision for the Centre in its budget.
- (9) The daily cause list of the High Court also carries the details of cases listed for mediation along with other particulars including the names of parties and their advocates and mediators.
- (10) The parties come along with their lawyers for mediation, who play a positive role in the process.
- (11) The first batch of mediators were trained in June, 2005. The trainers were Ms. Geetha Ravindra, Director, Dispute Resolution Services, Supreme Court of Virginia, USA and Mr. David Michael, Director, Consensus Works, Washington, USA and the training was conducted at the State Judicial Academy in Chennai.



- (12) From June, 2005, the High Court commenced referrals of cases to the Centre.
- (13) In September, 2005, 35 Mediators for the Madurai Bench of the Madras High Court were selected and the Centre was inaugurated by Mr.Justice Shivraj Patil, former Judge, Supreme Court of India.
- (14) The District Mediation programme was started by the Chief Justice, himself visiting almost all the Districts and addressing large gatherings of Judges and lawyers to explain the importance and benefits of mediation.
- (15) Two Hon'ble Judges of Delhi High Court, viz., Mr.Justice Manmohan Sarin and Mr.Justice A.K.Sikri visited the Centre at Chennai and studied its working and thereafter, the trainers from the Tamil Nadu Centre have given training to the lawyers of the Delhi High Court. In May 2006 Trainers from the Tamil Nadu Centre helped to train the second batch of mediators for the Delhi High Court.
- (16) On 04.09.2006, the President of India, Dr.A.P.J. Abdul Kalam, participated in the function of the First Anniversary of the Centre and also inaugurated the District Mediation Programme.
- (17) An All India Training Programme for Mediators was held on 28<sup>th</sup> September,2006 at Chennai with the assistance of Ms.Geetha Ravindra. 15 Mediators from different parts of the country, including two Hon'ble Judges of the Delhi High Court participated.
- (18) One of the biggest cases ever handled successfully by the Mediation Centre is that of Standard Motors Ltd., a company which was wound up in 1994. In a matter of five months, an agreement was worked out in mediation, by which on a mutually accepted formula, the claims of 2196 workers or their legal representatives, financial institutions and secured creditors were settled. The total amount involved was Rs.70 crores, out of which Rs.40 crores was handed over by the Chief Justice to the workers, their families and the secured creditors.
- (19) In October, 2006, a Three-member Committee of the Tamil Nadu Centre, led by its Organising Secretary, trained the first batch of 35 mediators for the High Court at Allahabad.



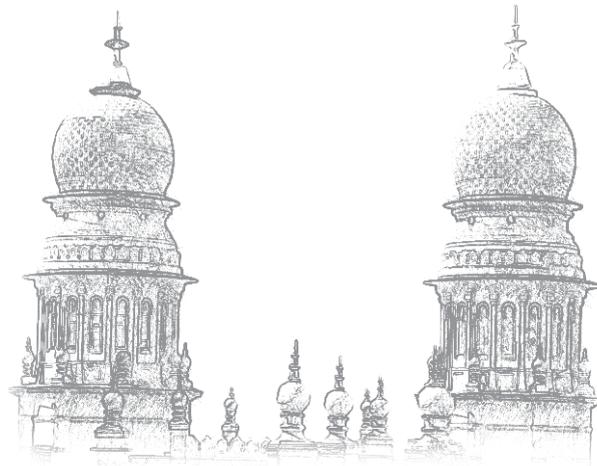
(20) In March, 2007, a special mediation cell was created for handling cases between banks and creditors and it functions on every Saturday.

(21) On 28<sup>th</sup> July, 2007, the Hon'ble Chief Justice of India awarded Certificates as Accredited Mediators to the first batch of mediators of the High Court numbering 40.

The statistics of cases handled by Tamil Nadu Mediation and Conciliation Centre show that many of the complicated cases referred to it, were resolved between the parties due to the earnest efforts of the talented mediators. The High Court Mediation and Conciliation Centre, the first of its kind in the country, has made significant strides in disputes resolution and lessened the burden of the heavy load from the shoulders of the judiciary.

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## *Legal Literacy Camps*

*T*he concept of legal literacy lies in creating awareness among the people, of their legal rights. The object enshrined in Article 39-A of the Constitution of India that justice should not be denied to any of the citizens on the ground of their economic and other disabilities, will be meaningful only when the citizens are aware of their rights conferred under law.

Legal literacy programmes are conducted by the Tamil Nadu State Legal Service Authority under the supervision of the High Court by creating Counselling units, Centres for Women and conducting camps including micro legal literacy camps.

### **(i) COUNSELLING**

171 Constituent units of the Tamil Nadu State Legal Services Authority are having counselling centres with retired Judicial Officers. In the District level and Taluk level, panel lawyers are deputed as counsellors. On failure of such counselling, legal assistance is provided.

### **(ii) CENTRE FOR WOMEN**

There are 52 Centres created to deal exclusively with the legal issues concerning



women. In the city of Chennai there are three centres for women and the active participation of women-lawyers in these centres is a shot in the arm for its vibrant activity.

### **(iii) LEGAL LITERACY AND AWARENESS CAMPS**

The Tamil Nadu State Legal Services Authority chooses villages where legal literacy camps are conducted by the Judicial Officers, Advocates and NGOs. The grievances of the villagers in the form of petitions are received and forwarded to the nearest Legal Services Committee for effective action for redressal.

### **(iv) MICRO-LEGAL LITERACY CAMPS**

The Scheme which is intended to reach the people at the gross root level was launched on 27.07.2007. A team consisting of 6 persons which includes one Judicial officer, two panel lawyers, a lawyer from the area where such Micro-Legal Literacy Camp is being organised, a social worker and an educationist are to visit places like Jails, Hospitals, Festival places, Religious places, Schools, Colleges, Labour Colonies, Market places, pilgrim centres, Hutments and Slums on Saturdays and Sundays and on every public holidays. The team members are capable of disseminating legal literacy to the people at the gross root level. 361 camps have been conducted so far.

### **(v) LEGAL LITERACY THROUGH FOLK ARTS AND MUSIC**

As part of the legal literacy and awareness programme, the traditional folk art of *Villuppattu* performed by Kalaimamani Subbu Arumugam is used in the electronic media from 2002. The *Villuppattu* rendition in the legal literacy camps, add colour to the campaign. Lyrics in the form of folk songs on various laws and about Lok Adalat sung by popular playback singers like Padmashri K.J. Yesudoss, Mrs. Vani Jayaram, Mr. Unnikrishnan, 'Mahanadhi' Shobana and 'Sirkali' Siva Chidambaram have been recorded and played at the venue of legal literacy programmes from 2003. Further, video and audio cassettes on law were released on 02.08.2003 for public use.

### **(vi) BOOKLETS IN TAMIL**

The Tamil Nadu State Legal Service Authority has released a booklet in Tamil



in the form of questions and answers captioned as “SATTAPPANIGAL MUTHAL KAIYEDU”.

In addition, booklets in Tamil on various laws which are relevant to the common man in his day to day life have been released. They are:

- (a) Consumer Protection Act.
- (b) Protection for Women under Indian Penal Code.
- (c) Protection for Women under Various other Laws.
- (d) Rights of arrested persons.
- (e) Dissolution of Muslim Marriage.
- (f) Hindu Marriage Act.
- (g) Child Marriage Restraint Act.
- (h) Protection of Civil Rights Act, 1955.
- (i) The Hindu Minority and Guardianship Act, 1956.
- (j) The Child Labour (Prohibition and Regulation) Act, 1956.
- (k) The Guardian and Wards Act, 1890.
- (l) Motor Accident Cases and ways and means to get Compensation.
- (m) Legal position regarding maintenance rights.
- (n) The Constitution and activities of the Tamil Nadu State Legal Services Authority.
- (o) Benefits under various Welfare Schemes and ways and means of getting the same.

Legal literacy sets the stage for the next level of activity for the Tamil Nadu Legal Services Authority, namely the conduct of Legal Aid Clinics that renders legal assistance to the needy people at their door steps. On 23.04.2006, Hon'ble Thiru Justice A.R.Lakshmanan, former Judge of the Supreme Court launched a Scheme of legal



assistance and advice through telephones. Two lawyers are nominated to handle the Help Line from 10.00 am to 2.00 PM and 2.00 pm to 6.00 pm.

Further, the Legal Services Authority is also extending its valuable assistance in association with the Department of Social Defence to the victims of human trafficking. Seminars are conducted to find out the means of helping the unfortunate victims. The members of the Judiciary, Executive, Police have participated in these seminars. A report by the Director of the Tamil Nadu Judicial Academy was treated as a writ petition in W.P.No.36807 of 2006 by the Hon'ble First Bench of the High Court, Madras and directions were issued to take stock of the situation in the Vigilance Homes and other Protective Homes including the nature of buildings, accommodation and rehabilitation measures. As per the direction, a Legal Aid Clinic was opened in the Vigilance Home. Likewise, legal assistance is rendered to the under trial prisoners and prisoners in Central Prisons, Sub Jails and Special Cells for Women.

Ignorantia juris non-excusat. If that be so, legal literacy gives the guarantee against such ignorance!

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## *Legal Aid to People Living with Hiv/ Aids*

*I*ndian Courts have recognized the right to live with dignity as an essential component of right to life, and have given shape to this, in innovative decisions. The rights of HIV/AIDS persons to live with dignity, their right not to be discriminated in every aspect of life like education, employment, housing etc, their right of access to medicare and their right of access to Courts through legal aid as envisaged in Article 39A of the Constitution, are bound to be recognized and transformed into reality.

Our High Court has responded in a very positive way to the challenges posed by high incidence of HIV/AIDS affliction. In any interaction with people living with HIV/AIDS one realizes that many of the problems faced by them are aggravated by their reluctance to access Courts for obtaining redress. The first step towards meeting



the challenge was to make them understand that the legal system would provide support and solutions and would not be a barrier.

To address the grievances of women living with HIV/AIDS, the Tamil Nadu Aids Control Society and the Tamil Nadu State Legal Services Authority planned a joint strategy. A group of lawyers from the panel of the District Legal Services Authority was formed to interact with the people living with HIV/AIDS (PLHAs) at Namakkal. Namakkal was chosen because it was identified as a high-prevalence district. It was found that more than 50% of the afflicted people who are women and children, had legal problems. They had to fight against the stigma attached to their condition and other issues of discrimination. They faced denial of property rights, custody rights and maintenance rights.

TNSACS partnered with TNSLSA and opened a legal aid clinic as a pilot project. This was meant to infuse in the minds of the women, confidence in the legal system and also to resolve their problems. At the inauguration programme in April 2006 at Namakkal, it was heart-rending to see the women living with HIV/AIDS coming forward to speak about their struggles and their challenges. It was evident from what they narrated that they had to face many hurdles at home and outside, to come this far. They were visibly moved when the Hon'ble Chief Justice shook hands with them and they truly experienced that the hand of justice had not ostracized them, after all.

The legal aid clinic was opened in the Government General Hospital premises at Namakkal. A lawyer attends to the clinic twice a week to provide legal assistance. The response to the clinic has been very encouraging. Legal Assistance was given to one Tmt.V of K village, and on counseling her husband's brothers executed a registered partition deed and property worth of Rs. 3,00,000/- (Rupees Three Lakh Only) was given to Tmt. V. Likewise, Tmt.S w/o Su of E village was benefited from her father-in-law who executed a registered partition deed and 35 cents of land worth of Rs.75,000/ and cash of Rs.10,000/- for construction of house was given to her through Legal Aid Clinic. In the Legal Aid Clinic at Namakkal so far 66 applications have been received in various categories in which 8 cases were already settled, 23 cases pending with various courts and 35 cases are referred to other departments for early action.



<b>Case details regarding Legal Aid Clinic at Namakkal</b>					
<b>Case details</b>	<b>No. of Petitions received</b>	<b>No. of Cases settled</b>	<b>No. of Cases Pending</b>	<b>No. of Cases referred to other department/ Committee</b>	<b>Total</b>
Request for Patta	12	-	-	12	-
Request for Widow Pension	10	-	-	10	-
Request for Job	1	-	-	1	-
Property dispute	23	5	13	5	13
Financial dispute	4	2	2	-	2
Stigma/Discrimination	-	-	-	-	-
Maintenance case	4	1	3	-	3
Dowry harassment	-	-	-	-	-
Others	12	-	5	7	5
<b>Total</b>	<b>66</b>	<b>8</b>	<b>23</b>	<b>35</b>	<b>23</b>

Legal awareness camps are also periodically conducted among the people living with HIV/AIDS in the District of Namakkal. The volunteers from network groups are sensitized as they have close proximity with people living with HIV/AIDS, and through them also the message is spread and in turn legal aid is extended to them. The Chairman and the Secretary of the District Legal Services Authority, Namakkal visit the legal aid clinic periodically. A meeting was convened 18.9.2007 where NGOs, PLHAs, and Resident Medical Officer met to charter the future course of action.

In view of the good response to the legal Aid clinic at Namakkal, similar clinics are planned to be set up at Dindigul, Madurai, Tiruchirapalli, Tirunelveli and Cuddalore. On 18-11-2007 a legal aid clinic was inaugurated at Dindigul. On this occasion a

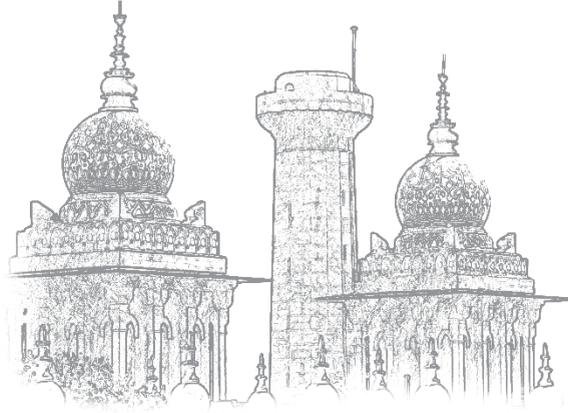


handbook illustrating the legal rights of people living with HIV/AIDS was released by the Hon'ble Chief Justice. The programme was telecast by the Doordarshan Pothigai channel, to make the public know that the PLHAs are no longer isolated, but protected in the safe hands of the judiciary.

These measures are taken by our High Court and TNSLSA to reach the marginalized, in fulfillment of the Constitutional promise of equality to all and equal access to justice.

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## *Neethi Mandra Seithigal (Court News)*

*W*ith persistent efforts from Madras High Court, the Doordharshan has allotted a slot for Court News titled “Neethi Mandra Seithigal”, in its Podhigai Channel between 7.30 to 8.00 am every Sunday. The purpose of the programme is to highlight important decisions rendered by the High Court on issues of social and topical relevance. Interesting anecdotes involving Judges, both British and Indian, who have adorned the Madras High Court are also presented in these programmes. Discussions with eminent persons on various legal topics, such as procedures followed in the trial of criminal cases and civil cases, fundamental rights, human rights violations, rights of women against atrocities and harassment etc. will be featured regularly. The programme is telecast on Sundays at prime time targeted to obtain large viewership. The feed back from the people, especially from villages, is reported to be excellent.

The Tamil Nadu State Legal Services Authority has reached out on diverse topics through programmes that have included :

- (i) Panel discussions on important legal issues like atrocities against women, child labour etc.
- (ii) Group discussions on various issues like the constitutional guarantees including the fundamental rights, with particular reference to the right to life etc.



- (iii) Speeches by eminent lawyers and judges on topics of social relevance and importance.
- (iv) Court news including court related events, notifications and circulars, latest judgements of the Supreme Court of India, and the High Courts and not leaving out of reckoning important judgements of the Subordinate courts.
- (v) Legal Aid Programmes.

The first telecast was on the 30<sup>th</sup> September, 2007 at 7.30 am with *Arimuga Nigazhchi* (Introductory Programme) with a brief explanation about the ambit and scope of the programme by the Hon'ble Chief Justice A.P.Shah, and few of the Hon'ble Judges, followed by video footage on the architectural elegance of the Madras High Court buildings and its Museum.

The purpose of this programme is not merely to inform people of the development of law through the various judgements but also to provide information about the various services available in the High Court and other Courts in the State.

Among electronic media, television occupies the centre stage. The information explosion that takes place through television, is invaluable, depending on its content. By using this medium of communication effectively and meaningfully, our programme "Neethi Mandra Seithigal" seeks to bring the court room to the viewer's dining room.

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## *Tamil Nadu State Judicial Academy*

*T*he Judiciary is the prime pillar of Democracy. Courts are the sanctuary of Human Rights and Judges are its protectors. Quality and timely Justice are the need of the hour, as otherwise there is a danger of the institution, lagging behind the expectation of people. This expectation is legitimate as delay by itself may at times result in denial of Justice. Hence there is a need for quality and responsive Justice which can be achieved through continuous Judicial Education and training.

The Law Commission of India in its 54<sup>th</sup> Report (1973) recommended the setting up of a National Academy for Judicial Training. The 117<sup>th</sup> report of the Law Commission of India (1986) also devoted one full chapter titled 'Training of Judicial Officers' to justify the need for judicial training. The Supreme Court in the All India Judges Association case (AIR 1992 SC165), while acknowledging the need for an integrated, professionally organized, independent judicial system in the country, had asked the Government to take steps to establish an All India Judicial Service and to organize Judicial Training Academies at the State and Central levels. The National Judicial Pay Commission report (November 1999) calls for judicial education through appropriate



means. With the enormous development of access to knowledge in technology, management and communication tools accompanying the growth of study in law, behavioral sciences and human rights, there is a compelling reason for a re-think on the need and scope of judicial training even for the judicial officers who are already specialists in the judicial wing of our democratic society.

Keeping in mind the recommendations of the Law Commission and the judicial pronouncement of the Apex court, the Tamilnadu State Judicial Academy was established and it was declared open by the Hon'ble Chief Justice of India. It started functioning from 23.04.2001 with the following mission, namely—

- To fulfill effectively, all training needs of judicial officers and ministerial staff of the Judicial Department.
- To undertake appropriate research and consultancy projects, which will also be useful in improving the quality of our training programmes.
- To co-ordinate with National Judicial Academy and to get the benefit of sharing of knowledge and information.
- To update the recruitment rules, procedures and training, so as to ensure, quality of Judges.
- To help design, conceptualize and integrate if need be, and to conduct training programmes for the stake holders of the Judicial systems ie. Police Officers, Advocates and Revenue Officials.
- To emerge as the Centre for information storage, analysis and dissemination in the areas of Case/ Court Management so as to ensure speedy justice.
- To introduce Information and Communication Technology to all Judicial Officers.

### **COMPUTER TRAINING**

The Judicial Academy, in association with Universities and Colleges conducted Computer training programme covering MS-Word, Access, Excel, Power point and



E-mail and Internet covering all the judicial officers of the 29 districts of the State, in a short span of 3 months in zero budget.

## **DECENTRALISED DISTRICT LEVEL CONTINUING EDUCATION PROGRAMME**

The district level workshops are conducted throughout the year, with a view to evolve delay reduction strategies, access issues, judging skills related to quality improvement, justice delivery to weaker sections and aspects of judicial administration.

### ***Stakeholders training programme***

Judiciary cannot function in isolation, when the criminal justice system is accusatorial in nature. The major stake holder in an accusatorial system is the police. The result of a judicial trial depends upon the quality of investigation. Keeping that in view, a Orientation programme was organized on investigation skills for the Puducherry police.

NGO's who are the main stakeholders in rehabilitating victims of trafficking were called for the training programme and infact a victim girl was called to highlight the plight of the victim girls when they are kept in protective asylum without taking steps to reintegrate them along with their family members.

In a programme on child rights and child labour related enactments the inspectors and labour officers who register the cases, the doctors who issue age certificates to the children, the parents who justify the child labour on the ground of poverty and the child who was a victim of child labour (but subsequently relieved) were called together to achieve cross domain expertise and all the stakeholders felt that they were greatly benefited.

### ***Social Context Judging – Training Programme***

With the object of providing insight in to the “Social Context” of trafficked victims, victims of child labour and physically challenged people, the following programmes were conducted by Judicial Academy and the outcome was the positive change in the attitude of Judges who learnt the skill of appreciating the “social context” of the cases.



- Sensitization programme for judicial officers on Combatting Trafficking of Women & Children at Madurai
- Workshop on HIV/AIDS & The Law
- Workshop on Bio-diversity Conservation and Sustainable Development
- Workshop on Legal Capacity and Guardianship

### ***Induction Training Programme***

The personality, role and responsibility of a Judge is unique in the justice delivery system. When the lawyers are recruited as judges, they bring their own ideas, bias and prejudices. In order to make them fit in to the judicial system, they have to be trained in art of conducting the cases, identifying the issues, marshaling the evidence and judiciously applying the mind to decide. Therefore an Induction Training Programme was conducted for ten newly recruited District Judges for one month (07.06.2006 to 07.07.2006).

### ***Inservice Training Programme***

For those Judges who continue in service, Refresher Programme / In service programme is conducted with a view :

- to improve their knowledge and bring it up to date
- to hone their skills
- to enhance positive judicial attitude
- to reinforce the ethical convictions
- to motivate them to achieve excellence as Judges.

### ***Colloborative Programme with other Institutions***

- The expertise available in other Departments is often shared and Judicial Academy conducted several programmes in coordination with the other institutions.

### **Address by Foreign Judges**

Hon'ble Justices across the world were invited to the Judicial Academy and our



Judges had the privilege of interacting with them and acquiring multiple focus on socially important issues.

- Sharing of U.K. Experience on “Enhancing Efficiency and Accountability of the Judiciary” by Rt. Hon’ble Sir Igor, Judge, President of Queen’s Bench Division, England and Wales on 09.03.2006
- Workshop on HIV/AIDS and law by Justices Hon’ble Sir Michael Kirby, Judge, Australia and Hon’ble Sir Edwin Camaroon, Judge, Supreme Court, South Africa on 06.01.07
- Applying Constitutional provisions in trial courts by Mr. Justice Zakeria Mohamed, Judge, South Africa on 06.06.07.
- Programme on Wednesbury Principle by Prof.Christopher Forsyth, Director of the centre for public Law University of Cambridge on 20.09.07

### ***Colloborative Programme with National Judicial Academy***

Tamil Nadu State Judicial Academy along with the National Judicial Academy organised a three day Southern Regional workshop between Nov 2-4, 2007, covering 135 Judges of the subordinate judiciary from Tamilnadu, A.P., Karnataka and Kerala on “Tools and Techniques for enhancing Timely Justice”. Hon’ble Justices of the Supreme Court ie. Hon’ble Thiru Justice S.B.Sinha, Hon’ble Thiru Justice R.V. Raveendran, Hon’ble Thiru Justice V.S. Sirpurkar and Hon’ble Thiru Justice P. Sathasivam accepted the invitation and participated in the programme. The Chief Justice, Chairman, Members of the Governing body, Justices from Madras, Karnataka, Andhra, Delhi and Gujarat High Court participated and offered their valuable suggestions. The Former chief Justice of India Hon’ble Thiru Justice J.S. Verma ,Former Chief Justice of Kerala and Karnataka Hon’ble Thiru Justice V.S. Malimath, and Prof. Dr.N.R. Madhav Menon, presented their views. The Hon’ble Chief Justice of India gave the valedictory address highlighting the need for trial court judges to protect the fundamental rights of the common man.

### ***FUTURE PLANS***

#### ***Legal Research Cell***

There is a proposal to establish a Legal Research Cell.



## **Memory Bank**

The Project of Memory Bank is aimed at encouraging the judicial officers from any part of Tamil Nadu to raise any query on any legal topic and on any legal issues. The Judicial Academy will respond to their queries promptly.

In order to provide a feel of what the Academy has done so far, we give below the List of the Programmes conducted during 2006-2007 :-

<b>2006</b>			
<b>S.No.</b>	<b>Courses conducted</b>	<b>Period</b>	<b>No.of participants</b>
●	Refresher Course for District Judges (El) - Batch -I	30th January 2006 to 1st February 2006	19
●	Crash Course For The Judges of The City Civil Court, Chennai	21st & 22nd January 2006	27
●	Workshop on Bio-diversity Conservation and Sustainable Development at Chennai	28.01.2006	29
●	Refresher Course for District Judges (El) - Batch - II	06.02.06 to 08.02.06	25
●	Crash Course at Nagapattinam, Crash Course at Pondicherry	4th February 2006	
●	Refresher Course for Civil Judges (Jr.Div. _/J.M.F.C. (Batch-I)	13th February 2006 to 17th February 2006	30
●	Workshop on Bio-diversity Conservation and Sustainable Development at Coimbatore	25.02.2006 at Coimbatore	30



●	Seminar on “Intercountry Adoption and Laws relating to Adoption”	25.02.2006	51
●	Refresher Course for Civil Judges (Jr.Div._/J.M.F.C. (Batch-II)	27th February 2006 to 3rd March 2006	30
●	Sharing Of U.K.Experience On “Enhancing Efficiency And Accountability Of The Judiciary” by RT. HON’BLE SIR IGOR JUDGE,President of Queen’s Bench Division,England and Wales	09.03.2006	68
●	Refresher Course on ‘Amendments To The Provisions Of C.P.C. By Virtue Of Act 22 Of 2002 (w.e.f. 01.07.2002)’	29.03.2006	110
●	Training on Alternate Dispute Resolution mechanisms and Section 89 C.P.C.	13th to 14th March 2006	25
●	Workshop on Bio-diversity Conservation and Sustainable Development at Madurai	25.03.2006	30
●	Training on Alternate Dispute Resolution mechanisms and Section 89 C.P.C.	27th to 28th March 2006	30
●	Training on Alternate Dispute Resolution mechanisms and Section 89 C.P.C.	17th to 18 <sup>th</sup> April 2006	25
●	Computer training for the Judicial Officers at Chennai & Chengalpattu (Madras University) Batch I	15 <sup>th</sup> to 19 <sup>th</sup> May 2006	70



●	Computer training for the Judicial Officers at Chennai & Chengalpattu (Madras University) Batch II	22-26 <sup>th</sup> May 2006	70
●	Computer training for the Judicial Officers at Coimbatore, Erode, Thanjavur (Bharathiyar University)	22-26 <sup>th</sup> May 2006	113
●	Computer training for the Judicial Officers at Karur, Nagapattinam, Perambalur, Pudukottai, Trichy (Bharadhidasan University, Coimbatore)	22-26 <sup>th</sup> May 2006	88
●	Computer training programme for the staff of the Judicial Academy and High Court	23.05.2006 to 28.05.2006	25
●	Staff Training Programme at Cuddalore	03.06.2006 & 04.06.2006	All the staff members
●	Computer Training for Hon'ble High Court Judges at National Informatic Centre	05.06.2006 to 09.06.2006	
●	Staff Training Programme at Chengalpattu	10.06.2006 & 11.06.2006	All the staff members
●	Induction Training for the directly recruited District judges	07.06.2006 to 07.07.2006	10
●	'Child Rights and Child Labour Related Enactments' (14 CJMs) in association with Labour Department	22.06.2006 & 23.06.2006	35
●	Computer training for the Judicial Officers at Kanniyakumari, Tuticorin, Tirunelveli, Villupuram, Cuddalore	28.06.2006 to 01.08.2006.	155



●	Computer training for the Judicial Officers at Madurai & Dindigul	28.06.2006 to 02.07.2006	56
●	Computer training for the Judicial Officers at Sivagangai, Theni, Virudhunagar, Ramnad	05.07.2006 to 09.07.2006	62
●	Computer training for the Judicial Officers at Vellore, Tiruvannamalai	05.07.2006 to 09.07.2006.	80
●	Computer training for the Judicial Officers at Pondicherry, Salem & Namakkal	12.07.2006 to 16.07.2006	12
●	Decentralised workshops at Madurai, Theni, Tirunelveli, Chennai (Phase I)	15.07.2006	177
●	Computer training for the Judicial Officers at Niligiris	19.07.2006 to 23.07.2006	7
●	Decentralised workshops at Virudhunagar, Dindigul, Ramnad, Kanniyakumari, Tuticorin, Sivaganga (Phase I)	22.07.2006	101
●	Staff training programme at Salem & Dindigul	23.07.2006	All the staff members
●	Decentralised workshops at Coimbatore, Niligiris, Salem & Namakkal (Phase I)	29.07.2006	95
●	Decentralised workshops at Pudukottai, Thanjavur, Nagapattinam (Phase I)	05.08.2006	65



●	Decentralised workshops at Chengalapattu, Cuddalore, Villupuram (Phase I)	05.08.2006	113
●	Decentralised workshops at Erode (phase I)	12.08.2006	36
●	Decentralised workshops at Pondicherry, Tiruvannamalai, Dharmapuri, Vellore (Phase I)	26.08.2006	98
●	Decentralised workshops at Madurai & Theni, Karur, Tirunelveli, Cuddalore (Phase II)	09.09.2006	129
●	Sensitization programme for Judicial Officers on Combatting Trafficking of Women & Children at Chennai	09.12.2006	106
●	Sensitization programme for Judicial Officers on Combatting Trafficking of Women & Children at Madurai	10.12.2006	130
●	Orientation Programme for the P.As. to the Hon'ble Judges	13.12.2006 20.12.2006	20
●	Decentralised workshop at Erode (Phase II)	27.12.2006	36



**PROGRAMMES - 2007 ( Upto Nov '07)**

<b>S.No.</b>	<b>Courses conducted</b>	<b>Period</b>	<b>No.of participants</b>
●	Workshop on HIV/AIDS & The Law	06.01.07	45
●	Workshop on Bio-diversity Conservation and Sustainable Development	04.02.07	30
●	Workshop on Court and Case Management	10.02.07 & 11.02.07	40
●	Workshop on Intellectual Property	17.02.07 & 18.02.07	37
●	Practice / Direction regarding appointment of commissioners	16.03.07	15
●	5s Practitioners certification programme Batch I	18.03.07 & 19.03.07	21
●	District Level Continuing Education Workshop for Coimbatore & Nilgiris	20,21,22.04.07	50
●	5s Practitioners Certification Programme	30.4.07 & 01.05.07	30
●	5s Practitioners Certification Programme	11.05.07	68 (41+27)
●	Applying Constitutional provisions in trial courts by Mr.Justice Zakeria Mohamed, South Africa	09.06.2007	50



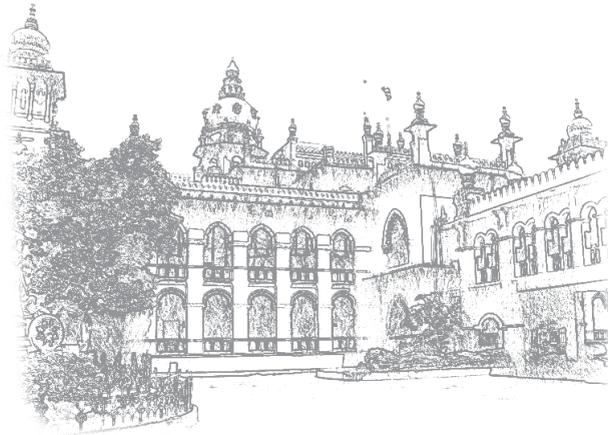
●	5s Practitioner Certification programme	12.06.2007	16
●	5s Practitioner Certification programme	13.06.07	25
●	District Level Continuing Education Workshop for Salem and Namakkal	15,16 &17.06.2007	43
●	District Level Continuing Education Workshop for Trichy and Perambalur	22, 23 & 24.06.07	37
●	Workshop on Legal capacity and guardianship	30.06.07 & 01.07.07	50
●	District Level Continuing Education Workshop for Erode and Karur	06.07.07 to 08.07.07	41
●	Human Rights and Refugee Protection in India	14.07.07 & 15.07.07	38
●	5s Practitioner Certification programme (Officers & staff of Madras High Court)	29.07.07	30
●	District Continuing Education Workshop for Chennai officers	03.08.2007 to 05.08.2007	85
●	District Continuing Education Workshop for Thanjavur Officers	10.08.2007 to 12.08.2007	35
●	5s Practitioner Certification programme (District Judges)	18.08.2007 to 19.08.2007	25
●	District Continuing Education Workshop for Cuddalore Officers at Neyveli	31.08.2007 to 02.09.2007	22



●	District Continuing Education Workshop for Kancheepuram, Ramanathapuram and Virudhunagar at Chennai	07.09.2007 to 09.09.2007	47
●	District Continuing Education Workshop for Villupuram officers	21.09.2007 to 23.09.2007	
●	Programme on Wednesbury Principle by Prof.Christopher Forsyth, Director of the Centre for Public Law University of Cambridge (High Court Judges)	20.09.2007	14
●	Refresher Training Programme for Presidents & Members of District Consumer Forums of A.P., Karnataka, Tamil nadu	27.09.2007 to 29.09.2007	28
●	Training Programme On Section 161, 164 Of Cr.P.C & Section 27 of Indian Evidence Act	29.09.2007 & 30.09.2007	48
●	District Continuing Education Workshop for Pondicherry officers	05.09.2007 to 07.09.2007	18
●	Southern Regional workshop on Techniques and Tools for enhancing Timely justice	02.11.2007 to 04.11.2007	133

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## *Case Flow Management*

*C*ase Flow Management is but the management of the time and events involved in the movement of cases from the stage of “filing” to the stage of “disposal”. Just as every obstruction in the flow of traffic leads to congestion on roads, every obstruction in the flow of cases, leads to court congestion. Case flow management has helped bring about substantial procedural, operational and cultural changes in the judicial systems of Australia and other developed countries.

In *Salem Advocate Bar Association -vs- Union of India* (2003 (1) SCC 49), the Supreme Court directed the constitution of a Committee for devising a model case management formulae. Accordingly, a committee headed by Justice M.Jagannadha Rao was constituted. The committee submitted a report in 3 parts. Part-III of the said report (actually named as Report-3) deals with the Model Case Flow Management Rules and in the second *Salem Advocate Bar Association* case (2005 (6) SCC 344), the Supreme court extracted those model rules and dealt with them and expressed the hope that the High Courts would examine the model rules and either adopt them or finalise a set of fresh the rules expeditiously.

Therefore, taking cue from the directive issued by the Apex court, a Committee was constituted in our High Court, for framing Rules. Based on the recommendations of the said Committee the Tamil Nadu (Case Flow Management in Subordinate Courts) Rules 2007, were issued.



Primarily, these Rules deal broadly with—

- (i) categorisation of cases into different tracks, depending upon their nature, with each track having a time limit for its disposal
- (ii) service of summons and notices in an effective manner so as to avoid delay in completion of service
- (iii) fixation of time limits for filing counter statements, objections, written statements etc.,
- (iv) grouping of cases under 2 lists, namely List-I and List-II, with a view to ensure that the court time is devoted wholly to the cases in List-I which have become ripe for trial/arguments and allowing the cases under List-II to be dealt with by the Court Officers till they could get included in List-I
- (v) the disposal of interlocutory applications and
- (vi) the attempts to be made for referring cases to Alternative Dispute Resolution mechanisms contemplated under section 89 C.P.C.

In order to give an inkling of what these rules contain, it is necessary to highlight some of the provisions of these rules.

### **CLASSIFICATION OF SUITS/PROCEEDINGS**

**Rule 3** categorises suits and other proceedings into 4 Tracks namely Track-I, Track-II, Track-III and Track-IV. Cases falling under Track-I are expected to be disposed of within a period of 9 months. Cases falling under Track-II are expected to be disposed of within a period of 12 months. Cases falling under Track-III and IV are expected to be disposed of within a period of 24 months. The cases grouped under these Tracks are as follows:-

#### **Track-I cases**

- (1) Maintenance cases



- (2) Child custody cases
- (3) Adoption Cases
- (4) O.Ps. Relating to Letters of Administration and Succession Certificates
- (5) Rent control O.Ps
- (6) Money suits including Small Causes Suits and Recovery of Rent
- (7) Mental Health O.Ps
- (8) Transfer O.Ps.
- (9) O.Ps by indigent person
- (10) E.S.I O.Ps.

#### ***Track-II Cases***

- (1) Execution cases, except certain types
- (2) All matrimonial cases
- (3) Ejectment suits
- (4) All injunction suits
- (5) Motor Accident Claims.
- (6) Land Acquisition O.P.s.
- (7) State Financial Corporation O.P.s.
- (8) Arbitration O.P.s.
- (9) O.P.s under Public Premises Act
- (10) Civil Miscellaneous Appeals
- (11) Rent Control Appeals



### ***Trace-II and Track-IV cases:-***

- (1) Partition suits
- (2) suits seeking Declaratory reliefs
- (3) Suits for specific performance
- (4) Suits for possession
- (5) Appeals other than C.M.As and R.C.As.
- (6) Suits for damages
- (7) Easementary suits
- (8) Cases relating to Trade Marks & Passing Off,  
Copyrights, Patents
- (9) Cases relating to Intellectual Property rights
- (10) Trust property cases
- (11) Insolvency cases
- (12) Suits for Accounts
- (13) All categories of execution proceedings  
other than those covered under Track-II.

### ***SERVICE OF SUMMONS AND FILING OF STATEMENTS/COUNTERS:-***

The delay in the service of summons is sought to be avoided by prescribing under rule 4, that all notices/summons could be served on-

- Government Pleaders, if the proceedings are against the Government;
- Standing Counsel, if the proceedings are against statutory Corporations;

The rule permits e-Service of summons through internet, wherever possible.



The rule also mandates that the process fee should be paid within 3 days, failing which, the case may be posted for dismissal.

E-Service is also permitted through Internet/ E-mail/ Fax, subject to proof of such service to the satisfaction of the Court.

A time limit is fixed for filing counters/objections/written statements and the same is proposed to be indicated in the Notice/summon form itself.

### **GROUPING OF CASES**

Rule 5 contemplates the grouping of all cases under 2 lists namely List-I and List-II. List-I will consist of cases ripe for arguments/trial and List-II will consist of cases at the stage of calling. By providing for the cases coming under List-II to be attended to by the Court Officers, the judicial time is better utilised in concentrating only on List-I cases.

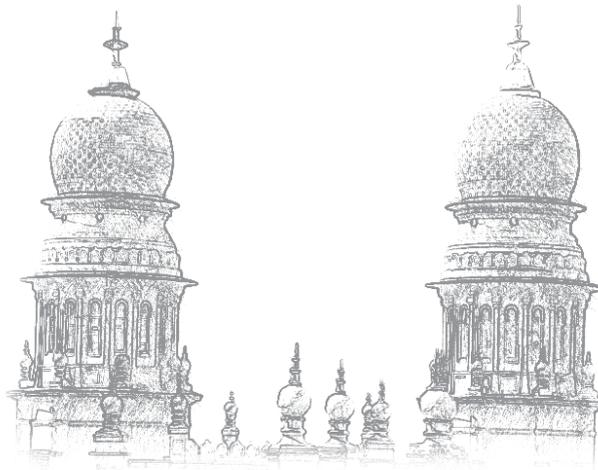
### **REFERENCE TO ADR**

Rule 7 provides for the exploration of the possibility of settlement of disputes through alternative dispute redressal mechanisms such as Arbitration, Mediation, Conciliation and Lok Adalat.

Therefore as observed by the Supreme court, our High Court has taken a step forward, to provide to the litigating public, a fair, speedy and inexpensive justice.

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## *Space Management (Varma Report)*

*W*ith the accumulation of machines, materials, papers, files, registers and folders, over the past several decades, the space available for the conduct of the business, the space available for movement of men and materials and the space available for storage, had shrunk. Therefore the services of a Consultant by name Mr.Hemendra K.Varma, Director, 5S Institute of India, were engaged by the High Court to conduct a survey and submit his report for effective management of space and its optimum utilisation.

Mr.Varma conducted a survey in February, 2007 and presented his report to the Honourable Chief Justice and the same was placed before the Environment Committee.

Based on the recommendations of the Consultant, a series of training programmes were conducted for the staff of High Court. The duration of the programmes, varied from half day to two days. While the two-day programmes were conducted for the Officers of the High Court, one-day programmes and half-a-day programmes were for the staff. There are also plans to conduct programmes of a duration of 45 minutes for the staff in the cadre of Assistant Section Officers and below them.

A two-day programme for the Judicial Officers was also held in August 2007 and



another programme for the Judicial Officers is scheduled to be held in December, 2007.

As seen from the module adopted by the Consultant, the objective of the programme is to inculcate a 5-S Mantra in the minds of the judicial officers and the staff. This 5-S Mantra is—

SEGREGATE

SET IN ORDER/SYSTEMATIC ARRANGEMENT

SUPER-CLEAN/SHINE

STANDARDISE

SELF DISCIPLINE/SUSTENANCE

As a first step towards implementation of the Varma Report, the unusable and unused articles like Xerox machines, Typewriters, Roneo Machines, Pedestal Fans, Table Fans, Fire Extinguishers, Damaged Furniture and broken Computer Parts, Old Registers , Old Files, High Court Old Card Calendars, Cause lists, Typed Materials, Notice papers, Old bills, Railway Receipts, old material objects in the disposed of criminal appeals and old furniture were removed/destroyed. This resulted in an increase in the space available and it also made the environment clean. Thus the first “S” namely, Sorting/Segregating was carried out.

As the second step, the culture of “keeping everything in place” and “providing place for everything” was imbibed in the staff. The staff were trained to index the files, label them and keep them in place, so that their location remains static and their identification becomes easy. Thus the second “S” namely ‘SET IN ORDER’ was sought to be achieved.

As the next step, the staff were made to realise the importance of a clean environment. A clean work place enhances the image of the person who works in the place. A person who spends a few minutes in the morning and a few minutes in the evening everyday, for cleaning up his table, ultimately saves a lot of time and improves the working atmosphere around him. Thus, the third “S”, namely, SUPER CLEAN/ SHINE was introduced.

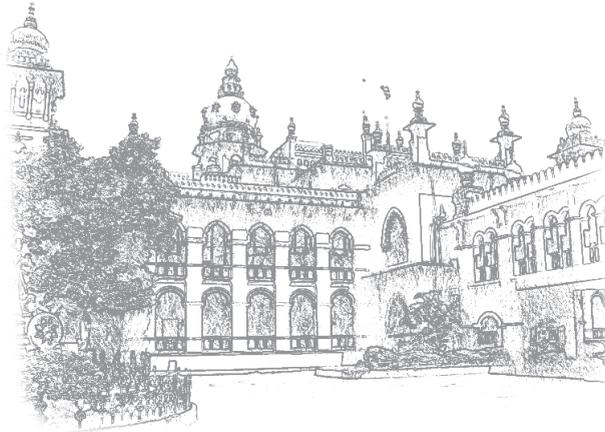


The first three steps are best achieved, by a process of standardisation and self discipline. It is not enough if the above steps are reserved to be observed on the Ayudha Pooja Day. It is not intended to be an annual event but an everyday event. This sense of responsibility and a sense of belonging were sought to be achieved through the fourth and fifth “S”, namely STANDARDISATION AND SELF DISCIPLINE.

With the enthusiasm shown by the staff in falling in line with this project, the High Court is progressing towards an effective space management era.

\* \* \* \* \*





## *Additional Masters and Additional Judges*

*T*he courts in developed countries have already started applying concepts of management to achieve better results. Space Management, Time Management and Case Flow Management in courts, have yielded the desired effect on litigation, the litigants and the lawyers.

Therefore, while applying the techniques of Time Management, it was found that in civil suits and other original proceedings pending on the Original side of the Madras High Court, a great deal of judicial time was being wasted, when the Hon'ble Judges themselves were made to record evidence of witnesses. In many cases, the oral evidence ran to several pages and the recording of the same consumed several court hours/days.

Under the circumstances, it was decided that the recording of the evidence might be entrusted to some Retired District Judges to be designated as Additional Masters so that they could record evidence and then place the papers before the Court, only for hearing arguments. It was also decided that these Additional Masters would be paid their last drawn salary less pension, so that the financial implication on the exchequer might not be heavy. It was also decided to draw the support staff from the regular establishment of the High Court and no additional staff was recruited for this purpose.



Similarly, the calling work in the City Civil Court and the Court of Small Causes, Chennai consumes lots of time. In many cases, the entire forenoon session is spent on calling work, leaving the Judicial Officers completely exhausted to carry on any core judicial work in the afternoon. Recording of evidence also consumes a major portion of Court hours. Consequently, the disposal of the main cases is not at the desired pace. Hence, it was decided that the calling work and the work of recording evidence may be taken away from the regular Courts and entrusted to the Additional Judges to be appointed. As in the case of Additional Masters appointed in the High Court, these Additional Judges are also selected from among retired District Judges and the support staff are drawn only from the regular establishments of these Courts. A proposal in this regard was submitted to the Government for sanctioning four posts of Additional Masters for the High Court and four Additional Judges for City Civil Court, Chennai. Accepting the proposal, the Government issued G.O. (Ms). No.802 Home (Cts.IA) Department dated 5.6.2007 sanctioning four posts of Additional Masters in the High Court, four posts of Additional Judges for City Civil Court, Madras and two Additional Judges for the Court of Small Causes, Chennai. In pursuance of the said order, the High Court has appointed two Additional Masters for the High Court and three Additional Judges for City Civil Court Chennai and they are functioning w.e.f. 08.08.2007.

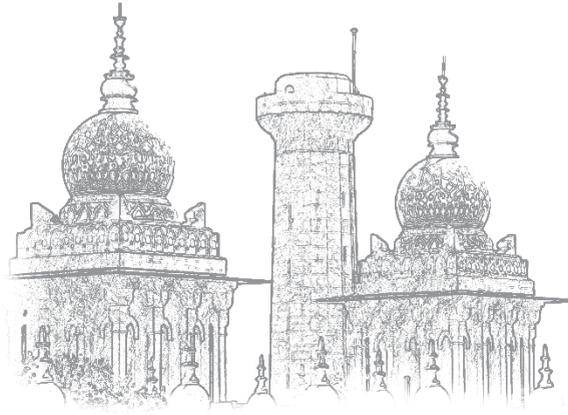
The 2 Additional Masters appointed in the High Court work continuously during the High Court sitting hours and the cause list of the High Court also contains the cases listed before the Additional Masters every day. The evidence before the Additional Masters are recorded in the Computer and the copies of evidence are furnished to the parties without much delay. So far, 118 cases were sent for recording evidence before the Additional Master I, and as on 31-10-2007, the Additional Master-I has completed recording evidence in 25 cases fully. These cases have been sent back to the Court for arguments. In respect of 18 cases, the recording of evidence is in progress.

Like wise, 109 cases were posted before the Additional Master II, out of which, recording of evidence has been completed in 15 and papers sent back to Court. In 17 cases the recording of evidence is in progress.

All this exercise has meant that, the cases ripe for arguments have increased. A steady flow has been ensured and the goal of effective time management is not a far cry.

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## *Digital Display Boards and Information Centre*

*A*s on date, the strength of Judges in the High Court of Judicature at Madras is 45, of whom, 11 are now seated in the Madurai Bench and the remaining 34 seated in the Principal Bench. At any given point of time, there are at least 7 Division Benches (comprising of two Judges each) and 20 Benches of Judges sitting singly, in the Principal seat and there are 2 Division Benches and 7 Judges sitting single, at the Madurai Bench.

In the Principal Bench at Chennai, the location of the Court Halls is widely distributed from the N.S.C. Bose Road end on the north, to the North Fort Road on the south, in two buildings (Main and Annexure Buildings) connected by a long corridor. These buildings comprise of two/three floors and the Lawyers and litigants were finding it increasingly difficult to follow up the movement of cases on the board (cause list) of each of the Benches. With nearly 500 Lawyers' chambers, City Civil Courts, Small Causes Courts, Labour Courts, Family Courts, Administrative Tribunals and Special Courts located within the same campus, it is literally the proverbial 'run for the money', for the Lawyers. Except providing exasperation and a little amount of physical exertion (if not a good exercise), to the Lawyers, the location of each of the Court halls, in



different corners of different buildings in different floors, proved to be nightmarish to the elderly and the physically weak.

Therefore, a Digital Display System was conceived as a solution for the problem, so that a Lawyer or a litigant could know the movement of cases on the Board of any particular Bench, at any point of time, with minimal physical movement. Accordingly, the Digital Display Board project, on the same lines as in the Supreme Court of India, was implemented at a cost of around Rs.54.00 Lakhs and it was inaugurated on 4<sup>th</sup> day of March 2007.

In the Principal Bench of the High Court at Chennai, one Digital Display Board has been installed outside each of the 31 Court halls. Apart from the installation of a total of 31 Digital Display Boards outside 31 Court halls, there are also Composite Display Boards erected at six prominent places. Similarly, in the Madurai Bench of the High Court, 12 Boards have been installed outside 12 Court Halls and two Main Displays have been installed in other prominent places.

These Digital Display Boards serve two purposes, viz.,

(a) they save time and energy for the Lawyers and litigants, by enabling them to find out, without running from one Court to another, if their case on Board before a Judge is likely to reach its turn, and if so, approximately when; and

(b) they reduce crowding in Courts, since the Lawyers and litigants, whose cases have little chance of reaching their turn for hearing, need not come and wait in the Court hall.

Every Digital Display Board provides three items of information, viz.,

(a) the serial number of the case on board before the particular Bench, which is being argued at that point of time;

(b) the status of the case last heard; and

(c) the movement of cases before the other Benches.



Steps are also now being taken to host the information available in the Digital Display Boards, on the Internet. Thus a milestone has been reached by the High Court, in improving the logistic support to the lawyers and the litigants.

### ***Information Centre***

The Information Centre was opened in the High Court premises on 23-4-2006. This Centre provides to the Advocates and the Litigants, all information regarding the names of the parties, status of the case, etc. The Information Centre is connected through intranet network with the server installed at the National Informatics Centre.

There are three counters at the Centre (at Chennai) where information is provided both orally and through print outs. Till 3-9-2007, even the print outs were provided free of cost. But thereafter, a nominal fee of Rs.5/- per case, is charged for the print outs. However, oral information is provided free of cost.

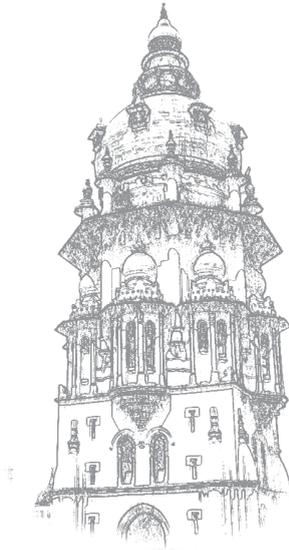
Even the status of the cases on the file of the Supreme Court of India are accessed through internet and provided in the form of print outs to Advocates and Litigants.

The total number of queries answered by the centre in the form of print outs from 23.4.2006 to 2.9.2007 was 3,03,979 (free queries). After the introduction of a fee of Rs.5/- per case for print outs, with effect from 3.9.2007 till date, around 9,269 queries have been answered in the form of print outs.

In the Madurai Bench of the Madras High Court, the Information Centre is handled by one employee. About 27,256 queries have been answered till date free of cost.

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## *Computerisation in High Court*

*T*he year 1996, ushered in the “Computer Age” in Courts. It was in that year, that the National Informatics Centre supplied systems to the High Court as part of its project of computerisation of the Courts all over the country. The same year saw the preparation of Cause lists with the help of computers.

In April 1997, a Computer system was provided in the Official Residence of the Honourable Chief Justice. In September, 1997, 3 HCL computer systems and 3 (6 MP) Laser Jet Printers and VSAT were purchased.

The year 2000, proved to be another milestone in the history of computerisation of Courts. It was in that year that 40 Personal Computers were purchased and provided in the Home Offices of all the Honourable Judges. In the same year, Dial up internet connection was also provided to all the Honourable Judges.

It was from the year 2000 that Daily cause lists came to be hosted in the Internet for the use of Advocates and the Litigant public. At present, the number of hits on the Internet, are more than 7000 per day on working days.



Judgements pronounced by the Honourable Judges and marked for 'Internet' are being hosted in Internet through NIC Server, New Delhi.

Computerisation of Bail Section and issuance of Certified Copies of Bail Orders through computers, commenced in the year 2001. The P.A. Section of the High Court, (where the Personal Assistants to the Honourable Judges work) was provided with 63 Computers and peripherals and 1 Lipi printer. As a result of the computerisation of the P.A. Section, all the judgements pronounced from the year 2002, are available in Digital Format.

All final orders/judgements in all types of cases such as writ petitions, writ appeals, civil revision petitions, first appeals, second appeals, miscellaneous appeals, miscellaneous petitions, letters patent appeals, criminal revisions, criminal appeals and criminal original petitions, are now issued through computers, replacing the manual system of typewriting. This has resulted in several distinct advantages, which are as follows:—

- (1) Duplication/multiplication of work, is totally avoided. Now, whenever copy applications are made, the Copyist section need not go through the entire process of typing the whole judgment all over, but can just take print out of the judgment, with a single tap of the key ;
- (2) Any number of copies are made available at less cost, less effort and less time; and
- (3) The chance of typographical mistakes are reduced to a considerable extent.

In the year 2003, efforts to computerise all the City Civil Courts in Chennai commenced. In the year 2004, the Madurai Bench of Madras High Court was computerised.

In the year 2006, grouping of cases and formatting through Coding Sheets began, both in the Principal Bench and in the Madurai Bench, paving the way for similar and identical cases to be grouped and disposed of together. In the same year, a Website of the High Court was also launched. Reported judgements of the High Court are now posted in the website. Till date, more than about 10,000 judgements have been posted.



More than 1,000 users visit the Madras High Court Judgement Site every day.

Again in 2006, an Information Centre was opened in the High Court. This Information Centre provides access to information to any member of the public, through a Touch Screen System. About 19,605 case enquiries were received at the Information Centre during a month. As on date, about 900 queries are received at the Information Centre of the Principal Bench.

Today, the Madras High Court has 598 systems, 14 servers and peripherals, 2 dedicated optic fibre lines in Principal bench and 1 Optic fibre line in Madurai Bench. The details regarding approximately 14,00,000 cases, both pending and disposed of, are available on the systems. In order to make the functioning of the High Court transparent and litigant-friendly, the access to information is provided at three levels, viz.,

- (a) information on the Website of the High Court;
- (b) information through I.V.R.S. (Interactive Voice Response System) and
- (c) information through a Kiosk located in the High Court campus.

Therefore, all information is now available to a litigant at just the click of the mouse on the website or the dial of the phone to access the IVRS. The dependency of a litigant upon his Advocate, Advocate's Clerk and other emissaries, for information, is now minimised. A litigant, who is literate, both legally and on the computer, can now visit the website of the High Court and find out before hand, if there are any precedents to the problem that he may have. This pre-litigation information would go a long way in-

- (a) reducing avoidable litigation
- (b) providing consistency in approach and
- (c) increasing the speed and efficacy of dispensation of justice.

As the next phase in the computerisation of courts, a e-court project was inaugurated in 2007, by the Chief Justice of the Madras High Court and Laptop



computers were distributed to all Judicial officers in the State. It was done as part of the National Project on Strategic Plan for Implementation of Information and Communication Technology in Indian Judiciary, approved by the Chief Justice of India on 4-8-2005. When implemented fully, it will facilitate—

- intra-court and inter court communication
- video conferencing in District Courts
- e-filing of cases and
- connectivity with Police and Prison departments.

This will go a long way in improving the efficiency of the system and make it more user friendly.

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## *Filling up of Vacancies and Establishment of Subordinate Courts*

*T*he Judges-population ratio in India has been among the lowest in the world. The malady is accentuated by the fact that even the existing vacancies are not filled up, as and when they occur. However, the gestation period is gradually coming down, as the statistics would reveal:

Sanctioned Strength	49
Number of sitting Judges as on 26.11.05	22

*Judges newly appointed between 26.11.05 and 26.11.07*

<b>Date</b>	<b>Number of Judges sworn in</b>
10.12.2005	17
31.07.2006	5
18.09.2006	2
22.03.2007	4
12.11.2007	3



Number of Judges holding office as on 26.11.07	45
Number of vacancies of Judges to be filled up	4

The Hon'ble Chief Justice has forwarded a proposal to the Government of India to increase the strength of Judges of the High Court of Madras from 49 to 69, taking into consideration the large volume of cases pending.

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## Subordinate Judiciary

754 Courts are functioning at 168 stations in the State of Tamil Nadu as on 26.11.07 and the category wise details are as under :-

S.No.	Category	No. of Courts
1.	District Judges	94
2.	Fast Track Courts	49
3.	Sub Courts	177
4.	District Munsif Courts	170
5.	Judicial Magistrate Courts	198
6.	District Munsif-cum-Judicial Magistrate Courts	66
	<b>TOTAL</b>	<b>754</b>

Number of new Courts constituted:-

S.No.	Cadre	2005	2006
1.	District Judge	-	-
2.	Civil Judge (Senior Division)	1	2
3.	Civil Judge (Junior Division)	-	2

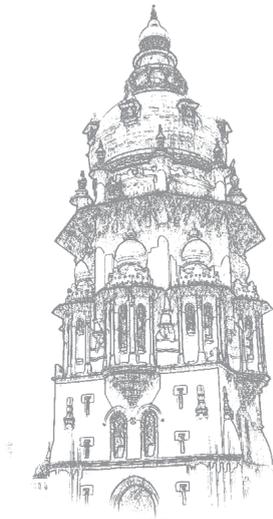


*New Courts sanctioned in 2007:-*

<b>S.No.</b>	<b>Cadre</b>	
1.	District Judge	9
2.	Civil Judge (Senior Division)	7
3.	Civil Judge (Junior Division)	68
<b>TOTAL</b>		<b>84</b>

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## *Infrastructure Development*

*T*he watchword for all progress is the right focus on infrastructure. How do you paint, if you do not have canvas and pastel? Judges, Lawyers and their law books obtain relevance only through bricks, cement and mortar that go to make the court halls. A sound financial outlay on infrastructure and its expenditure indeed guarantee for high quality of justice.

<b>S.No.</b>	<b>Name of the Place</b>	<b>Cost Estimate in Rs.</b>
1.	Additional Law chambers for Advocates, inaugurated by Hon'ble The Chief Justice of India on 28.04.2002	24.94 Crores
2.	Tamil Nadu State Legal Services Authority Building at Chennai, inaugurated by Hon'ble The Chief Justice of India on 08.02.2004	1.85 Crores
3.	Additional Library Block in High Court, inaugurated by Hon'ble The Chief Justice on 18.06.2004	2.52 Crores



4.	Tamil Nadu State Judicial Academy Building at Chennai, declared open by Hon'ble The Chief Justice of India on 25.07.2004	4.50 Crores
5.	Provision of infrastructural facilities for Tamil Nadu Mediation and Conciliation Centre at High Court, Madras, which was inaugurated on 09.04.2005 by Hon'ble The Chief Justice of India	10.76 lakhs

#### **PROPOSALS FOR CONSTRUCTION OF BUILDINGS SANCTIONED**

<b>S.No.</b>	<b>Name of the Place</b>	<b>Cost Estimate in Rs.</b>
1.	Construction of Puducherry Block at Madras High Court complex for provision of 13 Court Halls with attached Chambers, Office, Library, etc., funds provided by the Government of Puducherry.	18.78 Crores
2.	Law Officers' building at High Court campus	2.03 Crores
3.	Improvement of the environmental conditions such as, parking, landscaping, ornamental lights, toilets, etc. at Madras High Court campus, funds provided by Puducherry Government	1.73 Crores
4.	Construction of High Court Guest House within the Tamil Nadu State Judicial Academy premises at Chennai	1.00 Crore
5.	Façade lighting at High Court Madras Grant-in-aid by XII Finance Commission	50.00 lakhs
6.	Provision of ramp and 2 additional lifts for disabled	51.70 lakhs



## **MADURAI BENCH**

\* Inaugurated on 24.07.2004 by Hon'ble The Chief Justice of India.

\* Total area of the premises :- 40.86 hectares (100.93 acres)

Construction of Court buildings and residences for Hon'ble

Judges and other amenities provided

Rs.56.73 crores.

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## **Infrastructure Development for the Subordinate Judiciary Tamil Nadu: - Court Buildings Constructed During 2004-2006**

<b>S.No.</b>	<b>Name of the Place</b>	<b>Cost Estimate in Rs.</b>
1.	Combined Court buildings and quarters for Judicial Officers at Srivilliputhur	9.82 Crores
2.	Construction of Court buildings, quarters for Judicial Officers and other amenities at Theni	6.80 Crores
3.	Construction of Court buildings for Fast Track Courts at Tiruvallur, Trichy and Tuticorin	44.24 lakhs
4.	Additional infrastructure provided for Fast Track Courts at Chennai and Coimbatore	6.98 lakhs



**PROPOSALS FOR CONSTRUCTION OF COURT BUILDINGS SANCTIONED  
IN 2007**

<b>S.No.</b>	<b>Name of the Place</b>	<b>Cost Estimate in Rs.</b>
1.	Construction of integrated Court buildings at Egmore	15.10. Crores
2.	Combined Court Buildings at Tambaram	2.82 crores
3.	Construction of Court building and quarters for Judicial Officers at Vedasandur	2.25 crores
4.	Construction of Court building at Kodaikanal	2.27 Crores
5.	Construction of Court buildings at Harur	1.41 Crores
6.	Construction of District Munsif Court and quarters for Judicial Officer at Panruti	2.28 Crores
7.	Renovation and improvement of Metropolitan Magistrate Courts at Egmore - Heritage Building	50.00 lakhs
8.	Façade lighting at District Court campus at Trichy. Grant-in-Aid by XII Finance Commission	65.00 lakhs

**PUDUCHERRY**

<b>S.No.</b>	<b>Name of the Place</b>	<b>Cost Estimate in Rs.</b>
1.	Construction of Civil Court complex	9.18 Crores
2.	Foundation stone laid for construction of Criminal Court Complex, Legal Services Authority building, etc.-	



**PROPOSALS FOR CONSTRUCTION OF COURT BUILDINGS SANCTIONED IN 2007 - 2008**

The Government of Tamil Nadu have announced on 23.03.07, on the Floor of the Assembly, during the Budget Session 2007-08, the allotment of a sum of Rs.300 crores for the construction of new Court buildings to be executed in a phased manner in the next 4 years, out of which, a sum of Rs.125 crores is earmarked for 2007-08 for construction at the following places :

<i>Sl. No. Places</i>	<i>Sl. No. Places</i>	<i>Sl. No. Places</i>
1 Cuddalore	7 Thoothukudi	13 Tiruvannamalai
2 Karur	8 Poonamallee	14 Vedaranyam
3 Namakkal	9 Arani	15 Kumbakonam
4 Aranthangi	10 Gudiyattam	16 Tiruppur
5 Paramakudi	11 Aruppukottai	17 Mettur
6 Sivaganga	12 Erode	

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**DISTRICT LEGAL SERVICES AUTHORITY BUILDINGS (SATTA UDHAVI MAIYAM)**

The District Legal Services Authority Buildings (Satta Udhavi Maiyam) at district headquarters at a total cost of Rs.3.63 crores were constructed with the funds provided by Hon'ble Members of Parliament and Legislative Assembly of respective constituencies at the following places :-

<i>S.No. District</i>	<i>S.No. District</i>	<i>S.No. District</i>
1 Chengalpattu	9 Nagapattinam	17 Tiruchirapalli
2 Coimbatore	10 The Nilgiris	18 Tirunelveli
3 Cuddalore	11 Pudukottai	19 Vellore
4 Krishnagiri	12 Ramanathapuram	20 Villupuram
5 Erode	13 Salem	21 Virudhunagar
6 Kanniyakumari	14 Sivaganga	@ Srivilliputhur
7 Karur	15 Theni	
8 Madurai	16 Thoothukudi	

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# Disposal of Cases

The performance of the Judiciary is judged both by the number of persons using the system and by the number of persons to whom it bears fruit. Litigation has been on the increase year after year and it can certainly be taken to be an indication of the faith that the people have come to repose on the judiciary. The strength of Judges in the Madras High Court was fixed at 20 in the year 1911, when the total number of cases filed into the High Court was not even one hundredth of what it is today. With a sanctioned strength of just 49 Judges as on date (the filling up of which in full has not so far become a reality), the volume of disposals truly reflects the pressure that has actually been taken on, by the Hon'ble Judges. The following is the statistics, for anyone to understand this.

## HIGH COURT OF JUDICATURE AT MADRAS

CONSOLIDATED STATEMENT SHOWING INSTITUTION, DISPOSALS & PENDENCY  
FROM 01.01.2005 TO 30.09.2007

### PRINCIPAL BENCH @ MADRAS

CATEGORY	2005			2006			2007 (TILL 30.09.2007)			
	OPENING	INSTITUTION	DISPOSALS	PENDENCY	INSTITUTION	DISPOSALS	PENDENCY	INSTITUTION	DISPOSALS	PENDENCY
Main Cases (Appellate Side)	119586	96933	74572	139023	101100	80646	159791	76465	69347	166973
Main Cases (Original Side)	12674	4800	3069	14405	4386	3926	14865	4091	3539	15417
Total Main Cases	132260	101733	77641	153428	105486	84572	174656	80556	72886	182390
Misc.Petitions (Appellate Side)	119338	81612	61733	138001	72820	63165	147632	59272	48224	158787
Misc.Petitions (Original Side)	16269	8212	5485	18996	8645	7419	20222	9758	6860	23120
Total Misc. Cases	135607	89824	67218	156997	81465	70584	167854	69030	55084	181907
<b>GRAND TOTAL</b>	<b>267867</b>	<b>191557</b>	<b>144859</b>	<b>310425</b>	<b>186951</b>	<b>155156</b>	<b>342510</b>	<b>149586</b>	<b>127970</b>	<b>364297</b>

### MADURAI BENCH

Main Cases	26730	30733	20728	36695	30736	25847	40962	24920	27595	38221
Misc. Cases	7732	30300	21488	16431	30763	23684	23486	23100	22646	23829
TOTAL	34462	61033	42216	53126	61499	49531	64448	48020	50241	62050
<b>GRAND TOTAL (PRL.BENCH &amp; MADURAI)</b>	<b>302329</b>	<b>252590</b>	<b>187075</b>	<b>363551</b>	<b>248450</b>	<b>204687</b>	<b>406958</b>	<b>197606</b>	<b>178211</b>	<b>426347</b>



The statistics regarding the institution, disposals and pendency of cases in the Subordinate Courts in Tamil Nadu and Puducherry are as follows:

STATEMENT SHOWING INSTITUTION, DISPOSAL & PENDENCY OF CIVIL & CRIMINAL CASES OF SUBORDINATE COURTS IN THE STATE OF TAMILNADU FROM 01.01.2005 TO 30.09.2007

**SUBORDINATE COURTS IN TAMILNADU**

Sl.No	YEAR	CIVIL CASES		CRIMINAL CASES						TOTAL PENDENCY OF CIVIL & CRL. CASES
		OPENING	INSTITUTION	DISPOSALS	PENDENCY	OPENING	INSTITUTION	DISPOSAL	PENDENCY	
1	2005	383684	877678	837174	424188	351923	946483	866546	431860	<b>856048</b>
2	2006	424188	819020	799552	443656	431860	790174	808881	413153	<b>856809</b>
3	2007 (Till 30.09.2007)	443656	595663	551020	488299	413153	662883	647865	428171	<b>916470</b>

**SUBORDINATE COURTS IN PUDUCHERRY**

4	2005	7976	16122	12389	11709	6309	27085	26722	6669	<b>18378</b>
5	2006	11709	18640	17336	13013	6669	19068	17952	7785	<b>20798</b>
6	2007 (Till 30.09.2007)	13013	13697	12956	13754	7785	19993	20025	7753	<b>21507</b>





*Sharing a lighter moment at the High Court Museum—Dr. A.P.J. Abdul kalam, President of India flanked by the Chief Justice Sri A.P. Shah and Justice Dr. A.R. Lakshmanan, Judge, Supreme Court of India.*



*Dr. A.P.J. Abdul kalam, President of India, signing the visitors' book at the High Court Museum, with Chief Justice Sri. A.P. Shah.*



*Chief Justice of India Sri K.G. Balakrishnan, inaugurating the Counselling centre of the Family Court , Chennai, a dream project of Justice A.P. Shah.*



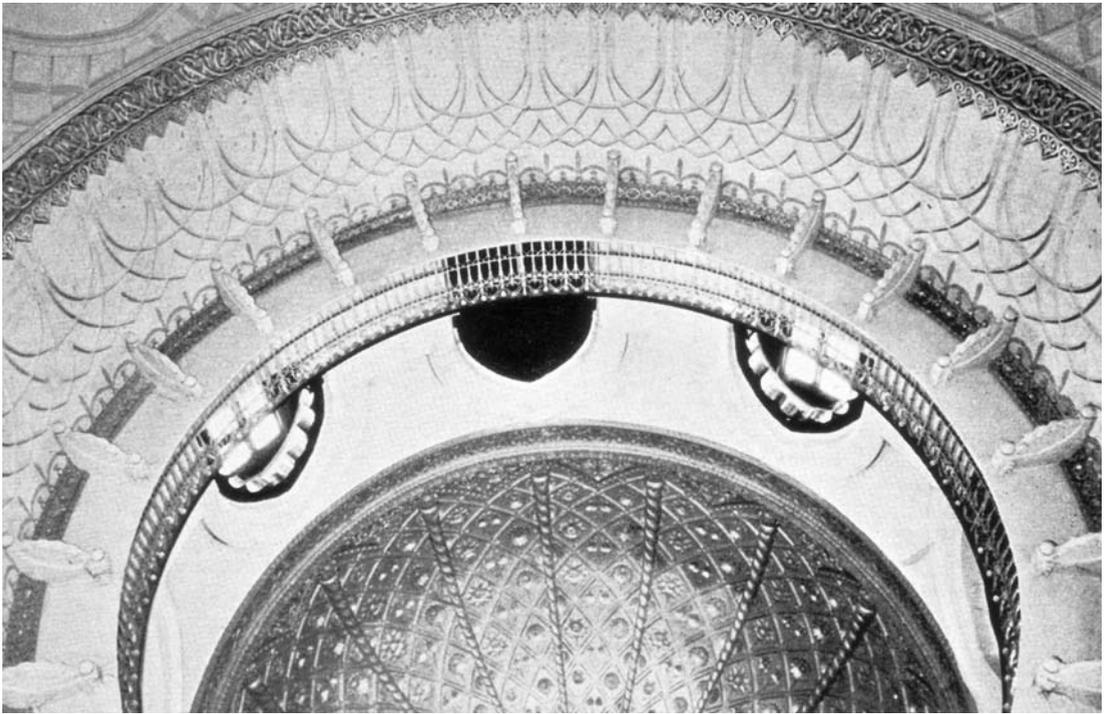
*Chief Justice of India Sri K.G. Balakrishnan, at the Foundation stone laying ceremony for Law Officers' Buildings, receiving a memento from Chief Justice Sri A.P. Shah*



*The Old High Court building at the First Line Beach*



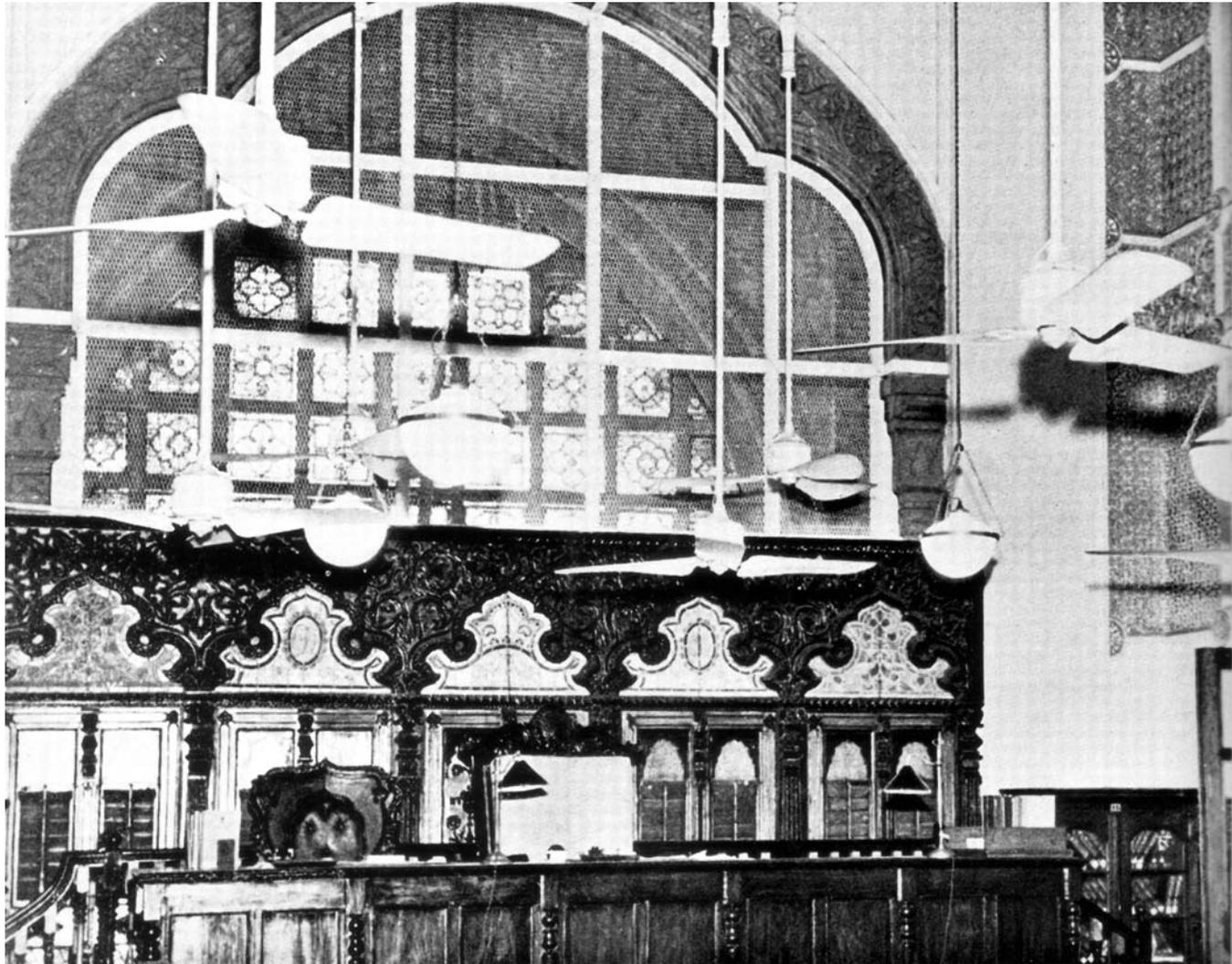
*The Gentlemen who left their foot prints at the High Court on the first day when the keys of the High Court buildings were symbolically handed over to the Chief Justice (12<sup>th</sup> July 1892)*



*The high dome of architectural excellence roofs the wooden benched quadrangle, the most happening place in the High Court premises*



*The tall Judges of law, with the tallest of men - Dr. S. Radhakrishnan, President of India (1962)*



*The First Court – 100 years cannot still dim its effulgence (1962)*



*Teak and mahogany, space and elegance – First Court, Madurai Bench*





*Expansive arms of Justice - Madurai High Court Buildings*



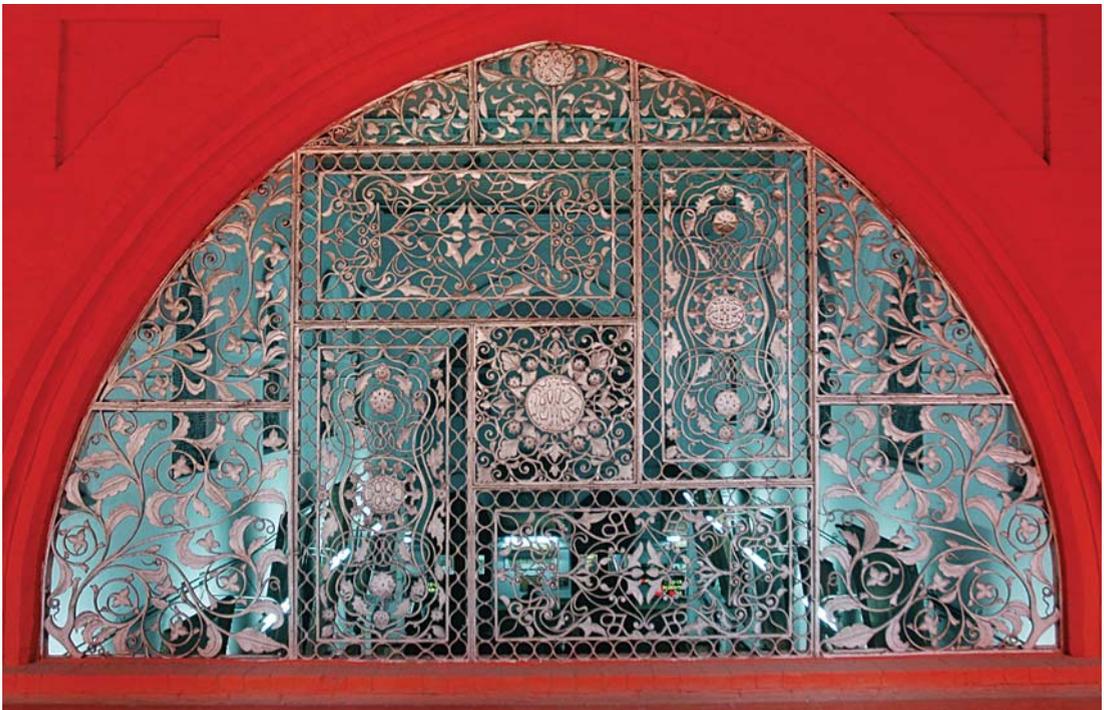
*Statue of Justice - below the haloed dome at the entrance of Madurai High Court Buildings*



*The court hall of 19<sup>th</sup> century frozen in time at the museum*



*Vibgyor encased in glassy beauty, endured through the century*



*These petals of flowers grilled in steel cannot wither*



Sir T. Muthuswami Iyer – the perfect icon immortalized in pearly white marble



*Dr Rajamannar Hall –His black bust flanked by portraits of eminent men of law attired in red gowns and white wigs – the place where many a scholarly speech were delivered.*



*Light House - now not for sailors at sea but for the sea of men and women seeking for the light of Justice*





*Domes and Minarets - the stoney reminders of old traditions*



*The First Court's resplendent regality*