

**MINUTES OF THE 4<sup>TH</sup> ZONAL ADMINISTRATIVE CONFERENCE OF THE  
DISTRICT JUDICIARY, DISTRICT AND POLICE ADMINISTRATION OF  
THE NORTH ASSAM DIVISION AT TEZPUR, SONITPUR.**

The meeting was attended by Hon'ble the Chief Justice, Gauhati High Court, Hon'ble Portfolio Judges of the concerned Districts, Legal Remembrancer & Secretary to the Government of Assam, Judicial Department, District Judges of the concerned Districts, Deputy Commissioners, Superintendents of Police, Chief Judicial Magistrates of the respective Districts, Member Secretary, Assam State Legal Services Authority and the Officers of the Registry of the Gauhati High Court.

In the first session of the conference, attended by all the stakeholders of the five (5) districts comprising of Sonitpur, Lakhimpur, Dhemaji, Darrang and Udalguri deliberated upon the following agenda:

- **Meeting of the Monitoring Committees:**
  
- **Appointment of the Public Prosecutors, Assistant Public Prosecutors, Government Pleaders and Assistant Government Pleaders:**
  
- **Withdrawal of Cases:**
  
- **Custody and Disposal of valuables as well as Narcotic Drugs and Psychotropic Substance:**
  
- **Infrastructure pertaining to District Judiciary:**
  
- **General problems faced by the Judicial Administration, General Administration and Police Administration towards each other and suggestion thereof:**

At the beginning of the conference, Hon'ble the Chief Justice welcomed all the participants.

## **AGENDA 1: MONITORING MEETING OF THE VARIOUS COMMITTEES.**

The meeting reviewed the performance and outcome of the various Monitoring Committees constituted at District level.

The District Judges of the participating districts apprised that the monthly meetings are held regularly in the district with the Deputy Commissioners and the Superintendents of Police as per the directions of the Hon'ble High Court contained in Notification No. 24 dated 24.04.2013.

The District Judge, Dhemaji stated that request has been made to the Superintendent of Police and Joint Director of Health Services to submit the phone numbers and addresses of the Investigating Officers and Medical Officers who have been transferred from the District so as to enable the Courts to take steps for service of summons upon them.

District Judge Lakhimpur suggested that, as there are certain cases relating to Forests and Customs, hence, Officers of the Forest Department, Customs Department, etc. should be allowed to be invited to attend the Monthly Monitoring Meeting. It was also stated that, execution of process in certain pending cases are delayed where the accused persons are inhabitants of bordering state of Arunachal Pradesh.

Hon'ble the Chief Justice agreed to the suggestion put forward by the District Judge, Lakhimpur.

Hon'ble the Chief Justice requested the Superintendent of Police, Lakhimpur to take up the issue and coordinate with his counterpart in the state of Arunachal Pradesh so that processes could be served upon the accused persons.

District Judge, Darrang stated that they are facing difficulty in execution of process upon the accused persons involved in heinous crimes who are residing in the *char area*, because most of them have gone to Karnataka or outside the state.

Registrar General apprised that much delay is also caused in service of summons upon the Army and other paramilitary personnel who are witnesses in criminal cases and referred to the resolution adopted in the 3<sup>rd</sup> Zonal Administrative Conference.

Hon'ble the Chief Justice requested the District Judges to invite the Army Officials of the respective districts to the Monitoring Committee meetings.



District Judge, Darrang stated that request had been made to the Joint Director of Health Services to provide the phone numbers of Medical Officers and to ensure that full name of the Medical Officer be given in capital letter in post mortem reports as well as in medical reports instead of putting initials.

## **AGENDA 2: APPOINTMENT OF PUBLIC PROSECUTORS, ASSISTANT PUBLIC PROSECUTORS, GOVT. PLEADERS AND ASSTT. GOVT. PLEADERS.**

The District Judge, Sonitpur apprised that the post of the Govt. pleader is lying vacant and the same is intimated to the LR- Commissioner & Secretary, Judicial Dept., Govt. of Assam.

District Judge, Udalguri stated that for filling up of one post of Special Public Prosecutor, a list is forwarded to the Deputy Commissioner.

Registrar General apprised the stakeholders about the decision of the Hon'ble Gauhati High Court in W.P.C. 4299/2006, where the District Judge, in case of necessity, can also initiate the process and recommend the panel of Advocates in consultation with the District Magistrate.

In the meeting, a request was made to all the District Judges to collect the list of advocates within 7 (seven) days and forward the same to Deputy Commissioners, who after verifying their character and antecedent within 10-15 days will forward the list so as to reach LR- Commissioner & Secretary, Judicial Dept., Govt. of Assam before 15<sup>th</sup> December, 2017.

## **AGENDA 3: WITHDRAWAL OF CASES**

The LR- Commissioner & Secretary, Judicial Dept., Govt. of Assam informed in the meeting that the matter has been taken up with the Chief Secretary, Govt. of Assam for constitution of a committee as per the request made by the Hon'ble Gauhati High Court. It was requested that the category of cases which needs to be withdrawn should be intimated to the Government so that the same can be considered by the committee proposed to be constituted.



Hon'ble the Chief Justice directed the Registrar General for taking up the matter with the Government.

**AGENDA 4: CUSTODY AND DISPOSAL OF THE VALUABLES AS WELL AS, NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCE.**

The District Judges of the participating districts informed the meeting that seized Narcotic Drugs and Psychotropic substances have been destroyed as per the guidelines laid down by the Hon'ble Supreme Court of India in Mohanlal's Case.

It was stated in the meeting that there are no separate malkhana for storage of Narcotic Drugs and Psychotropic substances in the districts.

The Deputy Commissioners of the participating districts were requested to ensure necessary arrangement in this regard.

**AGENDA 5: COMPLETION OF INVESTIGATION AND SUBMISSION OF CHARGE SHEET WITH STATUTORY TIME**

The Addl. S.P. (H.Q), Sonitpur, Tezpur stated that directions have already been issued to all the O/Cs to file charge sheet within 60 days and 90 days and IOs are directed to submit report for non-submitting charge sheet within 60 days and 90 days in respective cases.

The DIG, Northern Range, Assam informed that due to acute shortage of IO, the charge sheets in some of the cases could not be filed within 60/90 days. However, he assured that he will take necessary steps to ensure submission of charge sheet within 60 days and 90 days under his Range.

The Chief Judicial Magistrate, Udalguri informed that in every remand, at the time of producing the accused, progress report of investigation is called for from the IOs for regular monitoring of the cases.

S.P., Udalguri has submitted that as most of the IOs are engaged in insurgency and law & order duty, as such there are occasional failures in sticking to the mandate of submission of charge sheet within 60/90 days.

Hon'ble the Chief Justice laid emphasis on the importance as well as the necessity of filing of charge sheets within 60/90 days, as the case may be.

## **AGENDA 6: INFRASTRUCTURE PERTAINING TO DISTRICT JUDICIARY**

District Judge, Sonitpur informed in the meeting that he has taken up with the Deputy Commissioner, Biswanath for allotment of a plot of land for construction of a new Court building.

Deputy Commissioner, Biswanath apprised that 3 (three) plots of land are already identified within the town area which will be taken up in a Board Meeting in the 1<sup>st</sup> week of December, 2017, and thereafter the same will be handed over to the Judicial Department.

District Judge, Udalguri informed that administrative approval for construction of the new Court building has been accorded by the Government and the tender has been floated by the PWD in his regard.

District Judge, Dhemaji informed that there is shortage of Court rooms in the existing Court building as two Officers are currently functioning from the rooms which were earmarked for malkhana and library.

Joint Registrar (PMP), Gauhati High Court informed that Government has given administrative approval on 12.06.2017 for construction of an Additional three storied Court building and PWD has already floated tender in this regard.

Regarding shortage of quarters in the district of Dhemaji it was informed that administrative approval for construction of Grade II Quarters at Dhemaji has been accorded on 12.06.2017, and tendering is under process by the PWD.

Hon'ble the Chief Justice during the course of the discussion inquired about the cleanliness of the District Court building Lakhimpur and apprised that Government had already sanctioned an amount of Rs. 70 Lakhs for repair and renovation of the building and requested the District Judge for best utilization of the fund.

District Judge, Darrang informed in the meeting that the construction of two Grade-III residential quarters have stopped midway. The Superintending Engineer, PWD building was requested to take up the matter and to ensure completion of the building at the earliest.

The participating District Judges informed that an Executive Engineer (Electrical Wing) should be allowed to participate in the meeting of the District Level Infrastructure Development Monitoring Committee, to which the Hon'ble Chief Justice agreed.

**AGENDA 7: GENERAL PROBLEMS FACED BY THE JUDICIAL ADMINISTRATION, GENERAL ADMINISTRATION AND POLICE ADMINISTRATION TOWARDS EACH OTHER AND SUGGESTION THEREOF.**

Deputy Commissioner, Sonitpur apprised that the post mortem examinations are conducted only at Kanaklata Civil Hospital, even though there are sufficient facilities available for conducting the same at Tezpur Medical College and requested the intervention of the Hon'ble High Court in this matter. The Chief Justice assured that he will look into the matter.

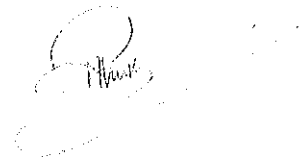
The District Judges of Lakhimpur and Udalguri informed that the District Jails are overcrowded and needs to be shifted to another place and in this regard District Judge, Lakhimpur informed that proposal had already been sent to the Deputy Commissioner Lakhimpur for construction of a new Jail.

Deputy Commissioner, Lakhimpur apprised that though a plot of land was identified, however, it was not found suitable for construction of a District Jail.

During the course of the meeting, it was also stated by the Deputy Commissioner Lakhimpur that due to unavailability of a Juvenile Home at Lakhimpur, they are required to send the Juveniles to the Observation Home at Jorhat.

The session ended with a vote of thanks by Hon'ble the Chief Justice.

\*\*\*\*\*

A handwritten signature in black ink, appearing to be 'P. H. H.', is located in the lower right quadrant of the page. The signature is written in a cursive style and is positioned above a faint, illegible stamp or mark.

## **POST-LUNCH SESSION**

**This session was exclusively for the District Judiciary.**

The Registrar General, Gauhati High Court welcomed the participants to the session.

1. **Swachhata Action Plan:**

Registrar General requested all the District Judges to keep the Court building and residential quarters clean and take all necessary steps for destruction of old records and dispose of unused vehicles as per the relevant rules applicable for the purpose.

2. **Vision Document of the High Court and the District Courts:**

Registrar General informed that the High Court has decided to prepare a Vision document for the High Court as well as the District Courts and requested the District Judges to prepare a Vision Plan for the respective Districts for the year 2018.

3. **Digitization of District Courts' case records under 14<sup>th</sup> Finance Commission:**

Registrar General informed that the process of digitization is in progress in the Principal Seat, at Gauhati High Court. Registrar General requested all the District Judges to initiate the process of digitization within a short while and emphasized upon making arrangement of a room for the purpose, preferably near the record room. The District and Sessions Judge, Darrang informed that digitization work had already started in the district.

4. **Self inspection of the Courts by the Officers:**

Registrar General called upon the District Judges to inspect the Court under his jurisdiction periodically and to instruct all the Judicial Officers under his jurisdiction to inspect their respective Courts on a regular basis. In this regard, the Registrar General also made a reference to the relevant Rules in the Civil Rules and Orders whereby District Judges are required to submit report of Court inspection to the Gauhati High Court and requested all the District Judges to follow the same.

5. **Child Care Leave of the female Officers:**

Registrar (Vigilance) informed that at present there are total 141 female Judicial Officers in the Assam Judicial Service and in many districts there are more female Judicial Officers than their male counterpart and as per Government circular dated 31.07.2007, a female Judicial Officer having child below the age of 18 years can avail Child Care Leave (CCL) for a period of 721 days during her service career.

However, it has been observed that in some stations the Child Care Leave has been granted mechanically without taking into consideration the institutional requirements. It was informed by Registrar (Vigilance) that as per the relevant Government guidelines, CCL cannot be claimed as a matter of right and therefore, the District Judges were requested to exercise the discretion, at the time of granting CCL, balancing the institutional requirement and personal necessity of the concerned Officer.

6. **District Vigilance Cell:**

Registrar Vigilance informed that the monthly reports from the Vigilance Cell of all the five particular districts are received regularly by the High Court. It is observed that in some districts, Vigilance Cells are recommending/imposing punishment on the delinquent staff which is not in conformity with the Rules. It was informed that it is for the Disciplinary Authority (District Judge/Chief Judicial Magistrate) to initiate disciplinary proceedings as per the applicable Rules and also, in deserving cases, to impose penalty following the procedure prescribed in the relevant Rules. Vigilance Cell is not intended to be a substitute for the Disciplinary Authority.

7. **Continued utility of the staff beyond the age of 50 years:**

Hon'ble the Chief Justice emphasized upon identifying and weeding out of the staff, who has become deadwoods and called upon all the District Judges to initiate the process of assessment of continued utility of the staff beyond the age of 50 years and take appropriate action following the procedures prescribed in the relevant Rules.

District Judge, Sonitpur, informed that the process of identifying such staff had already been initiated in his district.

8. **Discharge of financial power in the event of DDO on leave:**

Registrar (Vigilance) pointed out that there were occasions when the Officer, to whom charge was handed over by the Officer functioning as DDO, refused to sign the salary bills of the staff.

Referring to Treasury Rule 56A, it was apprised that when the Officer discharging the function of DDO is transferred or is on long leave, the Officer to whom he/she hands over the charge can function as a DDO and sign the salary bills.



9. Digitization of the ACRs and Service books of the staff of the subordinate Courts:

Registrar General apprised that there were instances where manipulations were seen in the ACRs and Service books of the staff of the district courts and, therefore, it was suggested that digitization of Service book and ACRs of the staff of the district court is necessary. The Registrar General impressed upon the District Judges to initiate the process of digitization and informed that the High Court would provide high speed scanners to all the districts from the 14<sup>th</sup> Finance Commission's grants.

\*\*\*\*\*



Handwritten signature and date, possibly "11/11/11".