

**MINUTES OF THE 3RD ZONAL ADMINISTRATIVE CONFERENCE OF THE DISTRICT
JUDICIARY, DISTRICT AND POLICE ADMINISTRATION OF THE UPPER ASSAM
DIVISION AND NAGAON & MORIGAON DISTRICTS OF CENTRAL ASSAM
DIVISION HELD ON 13-05-2017 AT JORHAT.**

The meeting was attended by Hon'ble the Chief Justice, Gauhati High Court, Hon'ble Judge-in-charge, Administrative Department, Hon'ble Portfolio Judges of the concerned Districts, Legal Remembrancer & Secretary to the Government of Assam, Judicial Department, Commissioners of Upper Assam & Central Assam Division, 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 seven (7) districts comprising of Jorhat, Golaghat, Sivasagar, Dibrugarh, Tinsukia, Nagaon and Morigaon deliberated upon the following agenda:

- **Meeting of the Monitoring Committees:**
- **Appointment of 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.

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AGENDA 1: MONITORING MEETING OF THE VARIOUS COMMITTEES:

The meeting discussed the performance of various Monitoring Committees constituted at District Level.

In course of discussion, the performance and outcome of Monthly Meeting required to be held in the chamber of the District Judge to be attended by the Deputy Commissioner and Superintendent of Police as per direction of the Hon'ble High Court as well as High Court Notification No. 24 dated 24.04.2013 was deliberated upon. District Judges and Deputy Commissioners from the participating districts pointed out that the meetings have been held regularly. However, it was pointed out that the minutes of such meetings were not being regularly sent to the High Court as mandated under Clause D(VI) of the Notification no.24.

District Judges were requested to ensure that the minutes of the meeting of the Districts is uploaded in the District Court Websites regularly.

It was highlighted by the District Judge Morigaon that the services of summons on Army and Paramilitary personnel have been a major cause of concern. The meeting was informed that pursuant to resolution adopted in the second zonal conference, a meeting between the Hon'ble the Chief Justice and Brigadier Administration of HQ 3 Corps, HQ 4 corps and HQ 101 Area was convened in the High court on 16-12-2016 to resolve the issue relating to service of summons on army personnel. Minutes of the said meeting, is available in the Gauhati High Court web site. Pursuant thereto steps like providing a standard format with correct manner of addressing the summons will be provided by the army and the same would be circulated in the Districts.

The respective District Judges may invite the representative of the Army or Para military force stationed in their areas, as special invitee and liason with them for service of summons on the Army and other paramilitary forces personnel who are witness in criminal cases. Likewise, the Joint Director, Health of respective Districts too could be invited in such meetings

to discuss various issues pertaining to post mortem reports, summons on medical officers etc.

It has also been pointed out by the District Judge, Tinsukia that charge-sheet in most of the cases were still being submitted without furnishing the full names and mobile numbers of the Investigating Officer resulting in delay in service of summons and in disposal of the cases. It has been pointed out by the Superintendent of Police, Tinsukia that the mobile numbers of Investigation Officers could be incorporated in the charge-sheet but the Medical Officers were reluctant to share their personal mobile numbers for the purpose of the charge-sheet. District Judge, Sivasagar informed that the new charge-sheets were being submitted with the mobile numbers of the Investigating Officer and other witnesses.

The Superintendents of Police should ensure that full names and addresses of the Official witnesses such as Doctors, Police Officers are given in the charge-sheet. For the time being, mobile numbers of Investigating officer and other official witnesses be reflected in the charge-sheet and the Medical Officers who are reluctant to provide their mobile numbers need not be insisted upon.

Justice Hrishikesh Roy pointed out that pursuant to the earlier administrative conference, details of Police Officers with phone numbers was to be uploaded in the website of Police administration and since the same is yet to be given effect to, High Court is to take a follow up action in this regard.

AGENDA 2: APPOINTMENT OF PUBLIC PROSECUTORS, ASSISTANT PUBLIC PROSECUTORS, GOVERNMENT PLEADERS AND ASSISTANT GOVERNMENT PLEADERS:

District Judge, Tinsukia informed the conference about the shortage of prosecutors in the Court at Margherita and further informed that proposal for appointment of prosecutors was sent to the Government in the month of November,



2016. The District Judge, Golaghat informed that public prosecutors are also required for the Sub-Divisional Courts at Bokakhat. The Deputy Commissioner, Golaghat apprised that the proposal has already been sent to the government. The LR and Secretary to the Government of Assam, Judicial Department apprised that steps have been taken in this regard.

Justice Manojit Bhuyan informed the conference regarding the procedure for appointment of Public Prosecutor for the District Courts as laid down in the Code of Criminal Procedure and also the direction of the Hon'ble Gauhati High Court in WP(C) 4299 of 2006 in this respect. The conference requested the District Judges to initiate the process to prepare panel of Advocates for appointment as Prosecutors in case of necessity.

The LR and Secretary to the Government of Assam, Judicial Department was requested to send the details of the proposals for appointment of public prosecutors in the District Courts which were pending with the Government to the High Court.

The District Judge, Morigaon requested for appointment of prosecutors to exclusively deal with POCSO cases. The Registrar (Judicial), Gauhati High court informed that the Government of Assam vide Notification No. JDJ.220/2013/62 dated 3.8.2013 had already temporarily designated as the Public Prosecutors of the Districts to be Special Prosecutors under section 32 of the POCSO Act till regular appointments were made. It was further informed that the Gauhati High court has already requested the Legal Remembrancer and Secretary to the Government of Assam, Legislative Department to take up the matter with the Government of Assam to appoint independent Public Prosecutors under section 32 of the POCSO Act.

AGENDA 3: WITHDRAWAL OF CASES:

Justice Ujjal Bhuyan apprised the conference about the initiative taken by the Government of Assam at the request of the Hon'ble the Chief Justice with regard to constitution of State Level and District Level Committees for withdrawal of certain category of cases in the line of steps taken by the Government of Rajasthan and Chattisgarh.



AGENDA 4: CUSTODY AND DISPOSAL OF VALUABLES AS WELL AS NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCE:

The meeting discussed the judgment of Hon'ble Supreme Court in Criminal Appeal NO.652 of 2012 (Union of India vs. Mohanlal) as well as Govt. Notification No.GSR 38(E) dated 16.1.2015 in respect of seizure and sampling, storage of seized NDP substances, disposal of drugs in disposed as well as in pending NDPS cases and constitution of the Drug Disposal Committees in the Districts.

It was highlighted in the meeting that there is shortage of space in the in the Districts for storage of the seized drugs and storage facility for NDPS as per specification contained in the judgment of Hon'ble the Supreme Court is not available.

District Judges were requested to take up with the District Administration for identifying places for separate Malkhana for storing seized drugs in the NDPS cases.

Registrar (Judicial), Gauhati High court informed that reports received from police administration showed that there was delay in destruction of seized contraband in those cases which are pending trial, the ground being that applications seeking permission to destroy was pending before the respective courts. Registrar (Judicial) informed that permission for destruction in such cases has to be given by the respective Drug Disposal Committees of the Districts.

The Superintendents of Police were requested to follow the directions of the Hon'ble Supreme Court in Criminal Appeal NO.652 of 2012 (Union of India vs. Mohanlal) as well as Govt. Notification No.GSR 38(E) dated 16.1.2015 and ensure compliance.

AGENDA 5: COMPLETION OF INVESTIGATION AND COMPLETION OF CHARGE-SHEET WITHIN THE STATUTORY TIME:

Hon'ble the Chief Justice reiterated the concern about the non submission of charge-sheet within the statutory period. The Superintendent of Police, Morigaon informed that delay in submission of charge-sheet was mainly due to non receipt of



FSL report and the same was also due to acute shortage of manpower in the police stations. The Superintendent of Police, Morigaon further informed that in order to monitor the issue of timely submission of charge-sheets separate Committees comprising of different police officers have been constituted for different areas.

Hon'ble the Chief Justice apprised the conference that in appropriate cases the provisions contained in section 173 (8) of the Code of Criminal Procedure may be resorted to, for submission of supplementary charge-sheet.

The Superintendent of Police, Nagaon informed that provisions contained in section 173 (8) of the Code of Criminal Procedure was being resorted to, in important cases.

Justice Hrishikesh Roy laid emphasis on the public perception in respect of the functioning of the judiciary and police administration and stressed upon the stakeholders to ensure accountability and to address this aspect with sincerity so that the public trust and confidence is reposed in the functioning of criminal justice delivery system.

AGENDA 6: INFRASTRUCTURE

a) BUILDING

Justice Hrishikesh Roy emphasized the importance of holding regular meeting of the District Level Infrastructure Development Monitoring Committee.

District Judge, Tinsukia informed that some of the proposals were pending since 2012. District Judge, Sivasagar informed that proposal for acquisition of land for construction of Court complex at Nazira was pending with the government. Registrar General, Gauhati High court apprised that in pursuance to a meeting held on 25.6.2015 with the then Chief Minister, Assam and the then Chief Justice (Acting) 7 Bighas of land was identified and was approved by the Gauhati High court for construction of Courts at Nazira and the Judicial Department, Government of Assam has to pursue the matter with the Revenue Department.



District Judge, Morigaon informed that construction of 3 storied Court building could not be started because of less setbacks at the site proposed for the construction. The Deputy Commissioner, Morigaon informed that the existing road used by the learned lawyers could be closed and another alternative route could be given to them to sort out the issue of less setbacks. The Chief Justice requested that the issue be sorted out at the District level at the earliest so that construction work could begin without further delay.

Presiding Officer, Labour Court, Dibrugarh informed that the Labour Court and Industrial Tribunal at Dibrugarh were functioning from old rented building and the same needs to be shifted. The Chief Justice requested the Presiding Officer, Labour Court, Dibrugarh to send a proposal to the Gauhati High Court through the District Judge, Dibrugarh for consideration.

District Judge, Golaghat informed that on inspection of the ongoing construction site of the new Court building at Golaghat it was found that low quality bricks were used. Executive Engineer, PWD Building, Golaghat informed that though low quality bricks were supplied but it was not used. District Judge, Golaghat suggested that there should be proper and regular monitoring of the ongoing construction projects in the Districts by the PWD. Justice Hrishikesh Roy stated that when construction work begins, the Infrastructure Monitoring Committee in the Districts should meet frequently and monitor the timely progress and quality of construction works. Justice Ujjal Bhuyan informed the conference that in addition to the monitoring of such projects by the District Level Infrastructure Development Monitoring Committee, the services of the Court Managers can also be utilized by the District Judges.

The Superintending Engineer, PWD Building, Tezpur Division assured that he would personally visit the site at Golaghat and take stalk of the progress of the ongoing construction.

b) INFORMATION AND COMMUNICATION TECHNOLOGY:

District Judge, Sivasagar informed that there is no connectivity in the sub divisional courts at Sonari and Nazira as well as in the Sonari Jail. District Judge, Dibrugarh also stated that there was no connectivity for video conference in the district. Justice Suman Shyam apprised the conference that the issue relating to



connectivity had been taken up with the BSNL authorities in the meeting held at Gauhati High Court on 11.5.2017. In the meeting it was assured that the connectivity issue in the Districts and sub-division in the sites which are feasible would be sorted out shortly and that alternative technology would be suggested for the non feasible sites like Courts at Pathsala and Bilasipara and jails at Barpeta, Abhayapuri, Dhemaji, Sonari, Morigaon, Tinsukia and Guwahati.

Justice Suman Shyam urged the District Judges to activate the ICT Committees in the District by holding regular meetings and to invite the Superintendents of Police and the District BSNL officials as Special Invitees for full co-ordination and proper implantation of e-court projects like court –jail video conference facility, data transfer to National Judicial Data Grid etc. Justice Hrishikesh Roy suggested that when occasions so demand, joint meetings of the District Infrastructure and ICT Committees could be held to sort out common issues.

The District Judges requested to fill up the vacancy in respect of technical manpower in the District. Registrar (Administration), Gauhati High Court apprised that 34 vacant posts of Systems Officer and Systems Assistants are likely to be filled up by July, 2017.

AGENDA 7: GENERAL PROBLEM FACED BY THE JUDICIAL ADMINISTRATION, GENERAL ADMINISTRATION AND POLICE ADMINISTRATION TOWARDS EACH OTHER AND SUGGESTION THEREOF:-

The Superintendent of Police, Nagaon expressed the necessity for installation of CCTV cameras in the Court complex and periphery. Registrar General, Gauhati High court informed that as per direction of the Hon'ble Supreme Court for installation of CCTV cameras in the Court/ court complex in at least two District within 9th of August, 2017, the Gauhati High court has already identified the District Courts at Kamrup (M) and Nagaon as pilot project for installation of such cameras and requested the PWD to complete installation within the stipulated time.

It was also informed that the installation has already begun in the Courts at Kamrup (M). District Judge, Nagaon informed that estimate submitted by PWD,



Nagaon in this regard has already been counter signed and sent to the office of the Chief Engineer, PWD.

Chief Judicial Magistrate, Sivasagar informed that some shops and canteens have been unauthorisedly functioning in and around the Court campus and the same needs to be removed for proper security of the Court. The Registrar General, Gauhati High suggested that the matter be taken up by the District Judge, Sivasagar with the Deputy Commissioner, Sivasagar. The Additional Deputy Commissioner, Sivasagar informed that he would apprise the Deputy Commissioner, Sivasagar for taking appropriate steps.

The Superintendent of Police, Morigaon informed that due to shortage of space in the hospitals, the police personnel who were deputed to guard the UTPs were not allowed to stay near the UTPs at the time of their treatment thereby giving rise to security concerns. It was suggested that feasibility of earmarking separate space for treatment of UTPs with security facilities in each of the hospitals be explored.

It was informed that the High Court would take up the matter with the Government of Assam.

Chief Judicial Magistrate, Nagaon informed that the condition of the District Jail, Nagaon required upgradation as the inmates were entitled to a better living condition inside the jail. Justice Hrishikesh Roy suggested that the District Administration should look into the matter and the Non Governmental organizations in the District too could be involved for this purpose.

District Judge, Sivasagar apprised the conference about the difficulties faced due to non availability of observation/shelter homes in the District. Registrar General, Gauhati High Court informed that the matter relating to construction of observation/shelter homes in the Districts of Assam are being monitored and taken up by the High Powered Committee headed by the Chief Secretary, constituted as per the direction of the Hon'ble High court and the LR and Secretary, Government of Assam, Judicial Department, being the convener of the meeting to take up the issue with the concerned department and ensure that meeting of High Powered Committee is held regularly.

The meeting ended with a vote of thanks by Justice Suman Shyam

POST- LUNCH SESSION:

This Session was exclusively for the District Judiciary.

The Registrar General, Gauhati High Court welcomed the participants for the second session. The Registrar General suggested that the monitoring meetings at the Districts held as per Notification No.52 be held regularly and minutes be uploaded in the District websites. It was also stressed upon to hold regular meeting of the District Infrastructure Committee and District Judges were requested to ensure that the plan and estimates were duly counter signed before being forwarded to the office of the Chief Engineer, PWD Building, Guwahati.

It was also informed that directions were being issued by the High court to dedicate two of the weekly meetings held each month as per Order No.24, to oversee the progress of the old pending cases. The District Judges to liason with the Superintendent of Police for implementation of the directions of the Hon'ble Supreme Court of India in Union of India vs Mohanlal.

It was also pointed out by the Registrar General that the District Judges should exercise their powers as heads of the Department under the Delegation of Financial Power Rules, 1999 and to apprise themselves of the contents of the Notifications issued by the Gauhati High court from time to time, empowering the District Judges and the Chief Judicial Magistrates to locally purchase various items for their establishments and desist from seeking approval for such purchases from the Gauhati High Court.

The Registrar General requested the District Judges to ensure that Notifications issued from time to time is maintained properly for ready reference.

District Judge, Sivsagar requested the High Court to circulate a handbook containing all the important circulars and notifications issued from time to time. Chief Judicial Magistrate, Sivsagar informed that he has a compilation of important circulars and notifications. Chief Judicial Magistrate, Sivsagar was requested to share the same with the High Court. The High Court will take steps to prepare a handbook of important circulars and Notifications for circulation in the District Courts.



District Judges were requested not to forward applications for appointment of staff on contingent basis as being head of the department as per SR 4(4) of the Fundamental Rules and Subsidiary Rules and Appendix-5 of the said Rules, they can make direct correspondence with the Government for engagement of contingent workers, subject to the approval of the Govt. of Assam. It was also indicated that some of the District Judges have obtained approval of the government for engagement of contingent workers by direct correspondence with the Govt. of Assam.

District Judges are requested to send Budget proposal to the High Court in the proper format along with filled up Form B-I (Annexure-I) and L-Form in the month of September itself, as per the Budget Manual.

The applications for reimbursement of medical bills should be accompanied by Bank Account Number and the Branch Name along with PPO. Most of the applications received by the High Court are without such information.

District Judges and Chief Judicial Magistrates were requested to maintain Registers containing the details of staff of their respective establishments which should also contain the details of creation of respective posts, the Notification No., date of sanction, date of joining, date of retirement etc. It was informed that the same was necessary to have a ready data for recruitment processes which is undertaken from time to time. It was informed that the same is also required at the time of procuring release of salary in respect of new employees when the file is processed by SIU, Finance.

Justice Ujjal Bhuyan called upon the judicial officers to effectively exercise their judicial and discretionary powers and also to take special care, keeping all aspects in mind, by providing child friendly atmosphere while recording the evidence of child witnesses.

Registrar General, Gauhati High Court apprised that the model plan and estimate for construction of vulnerable witness deposition centre in Court complexes in the State of Assam has already been approved by the High Court from the 14th Finance Commission.

The Conference ended with a vote of thanks from the District Judge, Jorhat.

Thanks
25-05-17