

Speech of Selvi J Jayalalithaa, Hon'ble Chief Minister of Tamil Nadu at the Joint Conference of the Chief Ministers of the States and Chief Justices of the High Courts at New Delhi on 7.4.2013 – read out by Thiru K.P. Munusamy, Minister for Municipal Administration, Rural Development, Law, Courts and Prisons.

Hon'ble Prime Minister,
Hon'ble Chief Justice of India,
Hon'ble Union Ministers,
Hon'ble Chief Ministers,
Hon'ble Chief Justices of High Courts,

India functions as a vibrant democracy today because of the foresight and progressive vision of our great leaders who gave to us the Constitution of India, a document that is the foundation of our democratic polity. This foundation rests securely on the three pillars of our State – the Legislature, the Executive and the Judiciary. The doctrine of separation of powers ensures that each pillar functions not in isolation but in a conscious and constant interplay. This interplay ensures that the Constitutional promise of justice, liberty and equality reaches all the citizens of our country. In the vicissitudes of our democratic journey in these last 65 years, the faith we have reposed in the judicial system has been handsomely rewarded through many landmark verdicts. We, in Tamil Nadu, are keenly aware of this. The relentless battle which I fought for more than two decades and through several fora to win for Tamil Nadu its rights over the Cauvery waters finally culminated in the Hon'ble Supreme Court's direction to notify the Final Order of the Cauvery Water Disputes Tribunal in the Gazette of the Government of India.

This Conference of Chief Ministers and Chief Justices presents us with an opportunity to consider the various imperatives facing the country in the delivery of justice in line with the expectations of the people, particularly the poor, the marginalized and the vulnerable. Our common goal is to ensure the speedy trial of cases, making litigation affordable to the poor and providing sufficient legal fora to finalise and resolve disputes. We have a sacred duty to ensure that our system of justice is second to none in the world in terms of being trustworthy, transparent and timely.

My Government has consistently ensured that the maximum possible resources are made available to the judicial system to speed

up the process of dispensation of justice in terms of infrastructure, staff and other resources. In the State Budget for the year 2013-14, a sum of Rs. 695 crores has been provided for the Judiciary. In the past two years a sum of Rs. 162.13 crores has been sanctioned for improving the infrastructure required by the judiciary, including construction of court buildings, residential quarters and provision of other infrastructure. Tamil Nadu can proudly declare that out of 857 Subordinate courts functioning in the State, nearly 87.28% are located in their own buildings and only 12.72% are located in rented premises. A sum of Rs.222.44 crores is required for completing the construction of the remaining court buildings. While the State Government has been making adequate provision of funds for the construction of new buildings, I am constrained to point out that the flow of funds from the Central Government has been very paltry. In fact, under the Centrally Sponsored scheme for judicial infrastructure, no funds were released to Tamil Nadu in the years 2010-11 and 2011-12. It was only after repeated follow up that a sum of Rs.19.53 crores was released to the State in the year 2012-13. I strongly urge the Government of India to significantly step up the allocation of funds to Tamil Nadu to a level of Rs.70 crores per annum from the year 2013-2014, to enable TamilNadu to construct own buildings for all courts in the State by the year 2016.

We are also conscious of the fact that for a growing population there is a need to constitute more Courts. In the last two financial years, my Government has ordered the constitution of 105 new courts in all, including 60 Special Courts for land acquisition and motor vehicles accident compensation; 33 Family and Mahila courts; 12 Judicial Magistrate Courts and District Munsif Courts. In addition the Government has ordered the sanction of 90 evening courts over and above the 56 evening courts which are already functioning. I assure this august gathering that my Government will not hesitate to create more Courts according to need.

The creation of more Courts brings with it the need to recruit more judges. Tamil Nadu is committed to fulfilling the Supreme Court's prescription to increase the availability of lower court judges by at least 10 per cent. Accordingly, in Tamil Nadu we have recruited 167 civil judges in the year 2012. This has drastically brought down the number of vacancies in the lower judiciary. A similar recruitment of judges will take place in the year 2013 also.

It is not just sufficient to merely increase the number of posts in the Subordinate judiciary. It is also necessary to enhance their performance by providing them with staff and technical support. Towards this end, 35 posts of Court Managers have been sanctioned by the State Government for assisting in the National Court Management System (NCMS). Consequently, the National Judicial

Data Grid will be operational in all the districts of the State within the next one month. Further, under the e-Courts Mission Mode Project, 799 Courts have been provided with hardware items such as, computers, servers, UPS, mono laser printers, dot matrix printers, scanners, etc. The State Government has also sanctioned a total sum of Rs.53.84 lakhs in 2012-13, for the maintenance of computers and software being used in the Madras High Court. I have announced that all the prisons in the State and all the criminal courts would also be provided with video conferencing facilities to do away with the need for production of accused for remand hearings. The Registrar General, Madras High Court, mentioned that 12.5 lakh cases are pending now. My Government will take all steps to ensure that the necessary infrastructure and manpower are provided to the judiciary for the speedier and efficient trial of cases.

I have always been passionate about securing the goal of true gender equity in Tamil Nadu. As a result of my efforts, Tamil Nadu is undoubtedly today the leading State in attaining the goal of equality before law for women and has emerged as a State where women feel safe and secure. I recall on this occasion that I had already pioneered the setting up of All Women Police Stations in India more than 20 years ago in 1992. Today, there are All Women Police Stations in every Police sub-division in Tamil Nadu. In 2002, I moved a separate legislation viz., the Tamil Nadu Prohibition of Harassment of Women in the Tamil Nadu Legislature, which passed an enactment under which the punishment in cases of sexual harassment was made more severe. The burden of proof to prove innocence was transferred to the accused in cases of death or suicide resulting from sexual harassment.

The recent episode in New Delhi of the rape and death of a young woman which shocked the collective conscience of the nation, **impelled me to announce a fresh set of strong measures for the protection of women. I announced a bold and innovative 'Thirteen Point Action Plan'. Accordingly,**

1. Cases relating to sexual violence against women would be treated as grave crimes and investigation carried out as far as possible by women police personnel and be directly supervised by Deputy Superintendents of Police.
2. The review of investigation of these crimes will be regularly done by SPs and DIGs from the date of registration till the case is concluded.
3. Zonal IGs of Police will review all cases of sexual violence, which are under investigation and pending before the Courts, and submit reports to the Additional Director General of Police (Law and Order) within a period of 15 days.

4. The Goondas Act will be amended to enable taking action against the perpetrators of sexual crimes.
5. Fast Track Mahila Courts will be set up in all the Districts to quickly conclude cases relating to sexual violence and crimes against women.
6. Women Advocates will be appointed as Government Prosecutors in these courts.
7. Steps would be taken to ensure that cases relating to violence against women are heard on a daily basis and concluded expeditiously.
8. The Union Government will be requested to make necessary amendments in the relevant laws to award deterrent and stringent punishment to sexual offenders.
9. Special Training Sessions on the provisions of laws for the protection of women and proper methods of investigating sexual crimes will be imparted in the Police Training Institutions.
10. The Tamil Nadu Government will bear the entire medical expenses of women subjected to sexual violence and extend necessary assistance for their rehabilitation.
11. An unified Helpline for Women would be set up.
12. The Government has made it mandatory to install CCTV cameras in public buildings. This would also aid in indentifying persons indulging in crimes against women.
13. Police personnel in plain clothes will be deployed to monitor public places frequented by women and tough action would be taken against persons found harassing women.

Tamil Nadu is probably the only State in the country which has ordered the constitution of 42 Mahila Courts to be located in all the 32 districts of the State. Just as special courts are being sanctioned for protecting the welfare of women there is a need to remove the gender bias loaded against women in Society. **And for this, it is necessary that the judiciary is also suitably sensitised. I have urged the Tamil Nadu State Judicial Academy to provide training on various aspects relating to gender issues periodically.**

I am happy to note that juvenile justice is now receiving the importance that it deserves. The Juvenile Justice System in India is governed by the Juvenile Justice Act and relates to the care, protection and rehabilitation of the juvenile who is in conflict with the law. **During 2012, my Government has set up a Juvenile Justice Board under section 4 of the Act in every District of the State. In addition, District Child Protection Societies have**

been formed in all the Districts of the State under the Integrated Child Protection Scheme (ICPS) and 1507 child care institutions have been registered under section 34 of the Act. My Government has also constituted the Tamil Nadu Commission for Protection of Child Rights.

Of late, there is a perceptible tension and intolerance, noticeable in Society, which threatens to make it more confrontationalist and belligerent. In order to curb this trend, we must strengthen alternate dispute resolution mechanisms. My Government has sanctioned an Alternate Dispute Resolution Centre in the High Court premises, which has been constructed at a cost of Rs.4.20 crores. Construction of 29 more Centres in the District Headquarters has also been sanctioned. The system of Lok Adalats and Mega Lok Adalats, another alternate dispute resolution mechanism, has been strengthened in an exemplary manner. In Tamil Nadu, 78,291 cases have been settled by these Lok Adalats during the year 2012. A sum of Rs.701.34 crores has been awarded to the affected parties.

Tamil Nadu will walk the extra mile to strengthen the Lok Adalat System and promote alternate dispute resolution centres. This is evidenced by the fact that the State has already sanctioned Rs.43.41 crores for this purpose in the last two financial years alone. My Government has also specially sanctioned funds for training in mediation to be imparted to judicial officers, advocates and mediators. I am happy to inform this gathering that the sanctioned posts of Secretary in the District Legal Service Authorities have been filled up and so also the posts in the State Legal Service Authority. I also wish to thank the Chief Justice of India for having chosen Chennai as the venue for the All India Meeting of State Legal Service Authorities to be held later this month.

I would like to take this opportunity to strongly reiterate a longstanding request of the people of my State. Article 348(2) of the Constitution read with Section 7 of the Official Languages Act, 1963, clearly envisages the usage of the State official language in judgments, decrees and proceedings of the High Court with the prior concurrence of the President. This practice is already being adopted in four States. However, our repeated requests to authorise the use of Tamil in the High Court of Madras have not been responded to favourably. A recent communication received in January, 2013, from the Department of Official Languages, Ministry of Home Affairs, Government of India, has indicated that the request of the State was considered by the Full Court of the Supreme Court of India in the meeting held on 11.10.2012 and that the Full Court, after due deliberations, reiterated its earlier Resolutions adopted on 07.05.1997 and 15.10.1999 **not** to approve the proposal. If we are to take the administration of justice genuinely closer to the people,

then it is absolutely imperative that the local language is used in the High Court, as is already being done in the State Government and in the State Legislature. I urge the Government of India and the Supreme Court to reconsider their stand in this matter and fulfill the long standing aspiration and demand of the State to authorize the use of Tamil in the High Court of Madras.

Pointing to the centrality of the legal system, the famous political theorist, Hannah Arendt said "No civilization would ever have been possible without a framework of stability, to provide the wherein for the flux of change. Foremost among the stabilizing factors, more enduring than customs, manners and traditions, are the legal systems that regulate our life in the world and our daily affairs with each other." Economic growth can be inclusive only if it is tempered by equity and social justice. Equity and social justice can be brought about only by the Rule of Law and speedy administration of justice. I am sure that the purposeful deliberations at this Conference will lead us on the right path, so as to be able to give justice, liberty and equality to all our citizens, as guaranteed to them by the Constitution of India."

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