

PRESS RELEASE**A STEP TOWARDS ACCESS TO SPEEDY AND QUALITY JUSTICE**

In its mission to provide access to quality and timely justice the Government of Madhya Pradesh has recently amended Higher Judicial Service Rules 1994. In furtherance of its commitment to provide speedy justice the State Government has from time to time increased the sanctioned strength of H.J.S. level and presently there are 505 such sanctioned posts.

On the basis of recommendations of Shetty Commission, the Supreme Court in **All India Judges Association's** case directed for filling up 25% posts in H.J.S. cadre by direct recruitment from Bar. The State Government accordingly amended the H.J.S. Rules in June 2005, where 25% posts have been earmarked for being filled by direct recruitment from Bar.

WHY AMENDMENT IN THE RULES NECESSITATED:

The experience showed that sufficient number of deserving candidates are not available through direct recruitment from Bar. Noticeably, in 2010, 2012 and 2014 not a single post could be filled by direct recruitment against 33, 42 and 77 vacant posts, respectively. In the selection process conducted in 2015 only 9 candidates could be selected against 84 vacancies. Thus, during past 10 years, i.e. between 2006 to 2015, against aggregate 394 advertised posts in the H.J.S. Cadre, only 37 candidates could be selected from Bar.



As on today more than 90 A.D.J. Courts are lying vacant out of total sanctioned strength of 505 posts. This has led to increased average pendency of 1100 cases per Judge adding to delay in dispensation of justice. During 2014, at H.J.S. level a Judge has disposed of on an average 732 number of cases. Thus, availability of 75 more Judges could have facilitated in disposal of 55000 additional number of cases.

The primary reason for amendment was to ensure that no post of subordinate judiciary and more so of the level of Additional District Judge remain vacant for more than two consecutive selection process, which militates against the interest of the litigants. This change is necessary to deliver the right of the litigants to have access to speedy and quality justice as guaranteed to them under the Constitution.

HOW AMENDED RULES WILL WORK:

Under the amended Rules there is **no dilution of posts to be filled up by direct recruitment from Bar**. A strict time-frame has been provided for filling up the posts by direct recruitment from Bar. If such posts remain unfilled inspite of two consecutive selection processes (normally one selection process is conducted every year), the same are then to be filled strictly on the basis of merit from amongst the Civil Judges (Senior Division) having not less than 7 years of aggregate judicial services and if attained the age of 35 years. **Amended Rules do not compromise on quality**

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in the process of selection; and the selection of in-service Judges will not be as a matter of course. In that, if no suitable candidate is available, the post shall be kept unfilled. Further, stringent examination pattern has been evolved to ensure that best candidates are chosen, as in the case of Advocates.

The M.P. State in this respect has not followed the U.P. pattern whereunder posts remaining unfilled by direct recruitment process are automatically filled-up by promotion from Civil Judges.

MYTH ABOUT SELECTION PROCESS BEING NON-TRANSPARENT

The existing process for direct recruitment from Bar ensures fairness and transparency at every level. The selection process from the initial stage till declaration of results is carried out under the supervision and guidance of the **Committee of the High Court Judges**. Online Preliminary Examination is conducted with full security measures and the entire data is preserved on real time basis. Norms have been specified for steps to be taken at every level ensuring fairness and transparency in the examination. But, by the very nature of the process, it is required to be kept confidential.

The past experience of rejections because of cut off marks in *viva voce*, is no more valid after the judgment of the High Court dated.11/08/2015 in W.P. No.88/2015.



MOTIVATING ADVOCATES THROUGH TRAINING:

The High Court of Madhya Pradesh, during past couple of years has made sincere effort to motivate the advocates to join the stream of Judicial Service. From July 2014 to February 2015, four training programmes for the Advocates have been organized by the M.P. State Judicial Academy. Each batch consisted of 50 Advocates nominated by Madhya Pradesh State Bar Council. More programmes are scheduled to be held from September, 2015 to January, 2016 on the same lines.

This multi pronged approach has been adopted to deliver quality and timely justice to the litigants and enhance the Administration of justice in the State, in larger public interests.

Handwritten signature of Ved Prakash in black ink, with the date 07.09.15 written below it.

**(VED PRAKASH)
REGISTRAR GENERAL
HIGH COURT OF M.P.
JABALPUR
07.09.2015**