

**DEMAND NO.3**  
**ADMINISTRATION OF JUSTICE**  
**POLICY NOTE 2007-2008**

**1. Introduction**

The Constitution recognises the Judiciary as the third important pillar of our democracy and it is the avowed policy of this Government to ensure provision of adequate infrastructure facilities for the judiciary to enable it to function freely and fairly.

**2. Organisational Hierarchy of the Judiciary**

The Supreme Court of India in New Delhi is the apex court of our country. It has control over all the High Courts functioning in the States. The hierarchy of Judiciary at State level is indicated in Annexure –I to this note.

In addition, the following courts/offices are also functioning under various special provisions of law.

- (i) Official Assignee, High Court at Chennai.
- (ii) Administrator General and Official Trustee at

Chennai.

- (iii) Labour courts at Chennai(3 in Chennai),  
Madurai, Coimbatore, Tirunelveli, Cuddalore,  
Salem, Tiruchirappalli and Vellore.
- (iv) Industrial Tribunal at Chennai.
- (v) Family Courts at Chennai, Madurai, Coimbatore  
and Salem.
- (vi) Special Courts for trial of Economic Offences at  
Chennai and Madurai.
- (vii) Special Courts for protection of civil rights.
- (viii) Designated courts under TADA Act.
- (ix). Special Courts for trial of Essential Commodities  
Act cases and Narcotic Drugs and  
Psychotropic Substances Act cases.
- (x). Special courts for exclusive trial of C.B.I. cases,

at Chennai, Coimbatore and Madurai.

- (xi). Special Courts for exclusive trial of bomb blast cases at Chennai and Coimbatore.
- (xii). Special Court for the trial of cases on communal clashes at Madurai.
- (xiii). Mahila Courts (Magalir Neethimandram) at Chennai, Coimbatore, Madurai, Thiruchirappalli, Tirunelveli, Salem, Perambalur and Cuddalore and
- (xiv). Fast Track Courts (49 Nos.)

### **3. The Strength of the Courts**

The present strength of the courts in Chennai city is given in Annexure-II and that of the courts in the Districts is given in Annexure-III to this note.

#### **4. Allocation of Resources**

The total budget outlay for the Judiciary under Demand No:3 is of the order of Rs.213.00 crores in B.E. 2006-07. This has been raised to be Rs.270 crores in 2007-08. The increase in allocation is due to creation of posts and other infrastructure created during the year 2006-07 and which are to continue during the year 2007-08.

#### **5. Classification of Expenditure**

The expenditure on Principal seat of the High Court at Madras and Madurai Bench of Madras High Court at Madurai is classified as "CHARGED" and the expenditure on the remaining part of the Judiciary is classified as "VOTED".

#### **6. Principal Seat of the High Court at Madras**

6.1. The High Court, the Highest Court of Justice in the State, has an approved strength of 49 Honourable Judges. The present strength of Honourable Judges of the High Court (Both Principal Seat at Madras and the Madurai Bench of Madras High Court at Madurai) is however forty six.

6.2. The High Court exercises Writ jurisdiction and Original jurisdiction in Civil matters, along with appellate jurisdiction both in Civil and Criminal matters. On the original side, the High Court tries suits above the value of ten lakh rupees arising within the city of Chennai. The distribution of work among the Honourable Judges is done by the Honourable Chief Justice. The High Court also exercises extended jurisdiction over the Union Territory of Puducherry, and the expenditure on Officers and Staff attending to work relating to Union Territory of Puducherry in the High Court is initially incurred by the Government of Tamil Nadu, and is reimbursed subsequently by the Government of Puducherry.

6.3. The Registrar General, with association of Registrar (Vigilance), Registrar (Judicial), Registrar (Administration) and Registrar (Management) is the administrative head of the High Court. The Registrars are assisted by the Masters, Deputy Registrars, Assistant Registrars, a Chief Accounts Officer and Sub-Assistant Registrars. Besides dispensing Justice, the High Court exercises full administrative control over the entire Subordinate Judiciary in the State.

## **7. Madurai Bench of Madras High Court at Madurai**

As per the Notification issued by His Excellency the President of India in G.S.R.No.446(E),

Dated : 06-07-2004 "THE MADRAS HIGH COURT (ESTABLISHMENT OF A PERMANENT BENCH AT MADURAI) ORDER 2004", the Madurai Bench of Madras High Court at Madurai started functioning with effect from 24.7.2004 with Jurisdiction over the districts of Madurai, Dindigul, Pudukottai, Thanjavur, Tiruchirappalli, Karur, Sivaganga, Ramanathapuram, Virudhunagar, Tirunelveli, Tuticorin, Kanniyakumari and Theni. At present the Madurai Bench of Madras High Court at Madurai is functioning with a strength of 12 Honourable Judges. It exercises jurisdiction in all matters dealt with by the Principal seat at Madras High Court except the matters relating to original jurisdiction.

## **8. Set up of Civil Courts in Tamil Nadu**

### **8.1 Chennai City**

#### **(a) City Civil Court, Chennai**

There are 31 Judicial Officers, consisting of 12 in the cadre of District Judge (including one Magalir Neethimandram Judge) 18 in the cadre of Civil Judge (Senior Division) and the Registrar in the cadre of Civil Judge (Junior Division) who is incharge of Administration. The territorial jurisdiction of the City Civil Court extends over the whole of the City of Chennai. By Act 1 of 2004, the Tamil Nadu Civil Courts Act, 1873 and the Chennai

City Civil Court Act, 1892 were amended, revising the pecuniary jurisdiction of the Assistant Judge to an upper limit of Rs.5.00 lakhs and that of Principal Judge of City Civil Court to awards exceeding Rs.5.00 lakhs but not exceeding Rs.10.00 lakhs. The cases where value exceeds Rs.10.00 lakhs, have to be instituted in the Principal Seat of High Court at Madras. The City Civil Court is also functioning as the Sessions Court for the Chennai Sessions Division. An Additional City Civil Court functions for the exclusive trial of cases under the Prevention of Corruption Act,1988. There is a Special Court functioning for exclusive trial of cases under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997. The estimated expenditure for the year 2007-08 in respect of the City Civil Courts is Rs.712 lakhs.

**(b) Court of Small Causes, Chennai**

The Court is presided over by the Chief Judge in the cadre of a District Judge. There are also 8 Judges in the cadre of Civil Judges ( Senior Division) and 8 Judges in the cadre of Civil Judges (Junior Division) including a Registrar who is in-charge of the Administration. The Registrar also attends to judicial functions such as disposal of certain execution petitions. The Chief Judge and other Judges of the Court of Small Causes exercise Small Causes powers under the Presidency Small Cause

Courts Act, 1882. The fifth and sixth Judges are exclusively functioning as Tribunals for the trial of cases under the Motor Vehicles Act, The Chief Judge and second, third and fourth Judges have also been empowered to try cases under the Motor Vehicles Act. The tenth to fourteenth Judges are functioning as Rent Controllers for the city of Chennai. The Chief Judge the second to fourth, seventh and eighth Judges are empowered to hear rent control appeals. The estimated expenditure on the Small Causes Court for the year 2007-08 is Rs.347 lakhs.

## **8.2 Mofussil**

### **(a) District Courts**

There are 27 District Courts in the State. A separate District and Sessions Court at Thiruvallur in Thiruvallur District has started functioning with effect from 3.11.2006. The District Judges are also the Sessions Judges of the respective Divisions. They also function as Special Tribunals under certain special enactments such as the Employees State Insurance Act, the Estate Abolition Act, and the Motor Vehicles Act. By Act 1 of 2004, the Tamil Nadu Civil Courts Act, 1873 and the Chennai City Civil Court Act 1892 have been amended

revising the pecuniary jurisdiction of the Civil Courts in the mofussil. The jurisdiction of the Courts in the mofussil has been reorganised as under:

<b><i>District Munsif Court</i></b>	<b><i>Sub Court</i></b>	<b><i>District Court</i></b>
Enhanced from Rs.30,000/- (Rupees Thirty thousand only) to Rs.1,00,000/- (Rupees One lakh only)	Exceeding Rs.1,00,000/- (Rupees One lakh only) but not exceeding Rs. 5,00,000/- (Rupees Five lakhs only)	Above Rs.5,00,000/- (Rupees five lakhs only) without any limit.

The appellate Jurisdiction of the District Munsif Court and Sub Court lies with District Courts. The District Judges are inspecting the Subordinate Civil Courts in their respective Divisions.

**(b) Subordinate Judge Courts (Civil Judge-Senior**

**Division)**

The Subordinate Judges, now redesignated as Civil Judges (Senior Division) are having pecuniary jurisdiction in all Civil Proceedings wherein the amount of value of subject matter exceeds Rupees one lakh, but does not exceed Rupees five lakhs. The Jurisdiction is

defined under the Civil Courts Act. The Civil Judges (Senior Division) are also exercising appellate powers in respect of appeals arising from and out of the decisions of the District Munsifs functioning in their respective territorial jurisdiction upto the value of Rupees one lakh. The Civil Judges (Senior Division) also function as Assistant Sessions Judges and Sub-Courts also function as Motor Accident Claims Tribunals. There are a total 107 Sub-Courts functioning in the State.

**(c) District Munsif Courts (Civil Judge-Junior Division)**

The District Munsifs, now redesignated as Civil Judges (Junior Division) exercise pecuniary jurisdiction upto Rs.One lakh. Each District Munsif's Court has a defined territorial jurisdiction. They are exercising Small Causes jurisdiction also upto Rs.20,000/-apart from being Rent Controllers of their respective areas. There are 160 District Munsif Courts in all, functioning in the State.

**(d) District Munsif-cum-Judicial Magistrate Courts**

The litigant public of certain parts of the State have been experiencing difficulties in having their civil grievances redressed, and they have to resort to Civil Courts outside their area, due to the absence of Civil Courts in their locality. With a view to mitigate their

difficulties, the District Munsif cum Judicial Magistrate Courts now try both civil and criminal cases. The total number of District Munsif-cum-Judicial Magistrate Courts in the State is 65. The estimated expenditure in respect of all District Courts, Sub-Courts and District Munsif Courts in the mofussil for the year 2007-08 is Rs.11,200 lakhs.

#### **(e) Labour Courts**

There are 10 Labour Courts functioning in the State, three in Chennai and one each at Madurai, Coimbatore, Vellore, Salem, Tiruchirappalli, Cuddalore and Tirunelveli. There is also an Industrial Tribunal in Chennai having Statewide jurisdiction. The Presiding Officers of the Labour Courts and the Industrial Tribunal are in the cadre of District Judges. The Labour Courts adjudicate the labour disputes referred to them by the Government and also the claim petitions filed by parties. All the Presiding Officers of the Labour Courts and the Industrial Tribunal are touring officers, and they hold Camp Courts for adjudicating Labour disputes and claim petitions in their respective jurisdiction. The estimated expenditure in respect of the Labour Courts and the Industrial Tribunal, Chennai for the year 2007-2008 is Rs.308 lakhs.

## **9. Set up of Criminal Courts in Tamil Nadu**

### **9.1. Chennai City**

There are 24 Metropolitan Magistrate Courts functioning in the City of Chennai including the Court of Chief Metropolitan Magistrate and the Court of Additional Chief Metropolitan Magistrate. The Chief Metropolitan Magistrate, One Additional Chief Metropolitan Magistrate and the second, third, fourth, tenth and eleventh Metropolitan Magistrates are in the cadre of Civil Judge (Senior Division). All other Metropolitan Magistrates are in the cadre of Civil Judge (Junior Division). The Metropolitan Magistrates are exercising jurisdiction with reference to the specific police stations in the city of Chennai. The estimated expenditure in respect of Metropolitan Magistrate Courts in Chennai city for the year 2007-2008 is Rs.582 lakhs.

### **9.2. Mofussil**

#### **(a) Chief Judicial Magistrate Courts**

There are 27 Chief Judicial Magistrates in the State. A separate Chief Judicial Magistrate's Court at Tiruvallur in Tiruvallur District has started functioning

w.e.f. 3.11.2006. The Chief Judicial Magistrates are also conferred with the powers of any Assistant Sessions Judge in certain category of cases. They inspect the Court of Judicial Magistrates in their respective Districts.

### **(b) Judicial Magistrate Courts**

A Judicial Magistrate Court is functioning in almost all the taluks. There are 181 Judicial Magistrate Courts in the State. The estimated expenditure on the Criminal Courts in the Mofussil for the year 2007-2008 is Rs.4,828 lakhs.

## **10. Special Courts functioning in Tamil Nadu**

### **10.1. Special Courts for trying cases relating to the atrocities against the Scheduled Castes/Scheduled Tribes**

There are four Additional Sessions Courts for trial of cases registered under Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989 and Protection of Civil Rights Act, having Jurisdiction over fourteen districts. The details of the Court along with their jurisdiction is enclosed as Annexure IV to this note. In respect of the remaining districts, the concerned Principal

Sessions Court will try the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and protection of Civil Rights Act. The expenditure in respect of these Special Courts is estimated at Rs.84 lakhs for the year 2007-08.

### **10.2 Special Courts to try Economic Offences**

There are three Special Courts, two at Chennai, viz. Additional Chief Metropolitan Magistrate E.O.-I & E.O.-II which are in the cadre of District Judge and (one Court) at Madurai is in the cadre of Civil Judge (Senior Division). The expenditure for these courts is estimated for 2007-2008 to be Rs. 59.62 lakhs.

### **10.3 Family Courts**

There are six Family Courts, three at Chennai, and one each at Madurai, Coimbatore and Salem. The expenditure for these Courts for 2007-08 is estimated to be Rs.205 lakhs. The Government have also decided to appoint 12 Marriage Counsellors, to the above Courts at the rate of 2 in each Court.

### **10.4 Special Courts**

Special Courts are constituted where there is a need to give special attention to offences under a

particular special Act or to try cases which are of a specialized nature from the point of view of law and order and also social reform and justice. Accordingly the following special courts are functioning in the State.

(i) Four Special Courts for trial of CBI cases - two in Chennai and one each in Madurai and Coimbatore.

(ii) An additional court in Chennai for the trial of cases under the Narcotic Drugs and Psychotropic Substances Act .

(iii) A Tribunal under Criminal Law Amendment Act 1908 is functioning in the High Court at Madras.

(iv) Special Courts for Sandalwood Offences in Tiruppathur.

(v) Railway Courts are functioning in Vellore, Cuddalore, Coimbatore, Salem, Madurai, Thanjavur, Tiruchirapalli and in Chennai at Egmore and Central Railway station for trying cases relating to ticketless travel and other offences under the Indian Railways Act.

(vi) Two Mobile Courts for trying traffic offences in Chennai.

(vii) Four Courts – 2 in Chennai one in Thiruchirappalli and one in Tirunelveli to try cases relating to the TADA Act.

(viii) Six special Courts at Chennai, Madurai, Coimbatore, Pudukkottai, Salem and Thanjavur for trying cases under the Essential Commodities Act.

(ix) Two Courts – One at Chennai and another at Coimbatore to try bomb blast cases. The Court in Chennai is also trying the cases relating to the Offences under POTA Act.

(x) A Sessions Court at Madurai for the trial of communal clash cases.

(xi) Eight Magalir Neethimandrangal exclusively for trying cases of crimes against women are functioning in Chennai, Coimbatore, Madurai, Tiruchirappalli, Tirunelveli, Salem, Perambalur and Cuddalore.

(xii) The Government have specified, with the concurrence of the High Court that all the Principal District & Sessions Courts in the State and Principal Judge, City Civil Court, Chennai as Human Rights Courts. On the directions from the High Court, the Government have appointed Special Public Prosecutors to handle these cases.

(xiii) A Special Court for trying offences under the Tamil Nadu Protection of interests of Depositors in Financial Establishments Act 1997 is functioning at Chennai.

(xiv) An additional Sessions Court for trial of cases relating to Vellai Ravi & Chera is functioning in Chennai.

### **10.5 Fast Track Courts**

On the recommendation of the XI Finance Commission and to clear the heavy backlog of cases, especially long pending Sessions Cases and other Criminal Cases in the Subordinate courts in the State, 49 Fast track Courts have been set up. The expenditure for these 49 Courts for the year 2007-08 is estimated at Rs.526 lakhs. The Government of India have agreed for the continuation of the Fast Track Courts for the upto the year 2010 with full central assistance.

**11. The Administrator General and Official Trustee, Chennai**

The Administrator General and Official Trustee, Chennai is an Officer in the cadre of a District Judge. He is assisted by the Deputy Administrator General and the Official Trustee in the cadre of Civil Judge (Junior Division). These two Officers are incharge of Trust properties and of Minors and Estates of deceased persons. They are performing duties assigned to them in accordance with the provisions contained in the Administrator General and Official Trustees Act. The expenditure in respect of the Office of the Administrator General and Official Trustee for the year 2007-2008 is estimated at Rs.60.41 lakhs.

**12. Tamil Law Journal**

The estimate of expenditure relating to establishment incharge of the publication of the bi-monthly Tamil Law Journal viz., "Theerpu Thirattu" (தீர்ப்புத்திரட்டு) for the year 2007-2008 is Rs.31.48 lakhs. The bi-monthly Law Journal (Tamil) is made available to the advocates and the public. It is priced at Rs. 32 per

copy.

### **13. Judicial Academy**

The Judicial Academy has been constituted for the purpose of giving training to the Judicial Officers, such as, District Judges, Sub Judges, District Munsifs, Judicial Magistrates and the staff of the Judiciary. The estimated expenditure for the year 2007-2008 is Rs.46.76 lakhs. Professor (Dr.) N.R.Madhava Menon, formerly Director, National Judicial Academy, Bhopal, now retired from service appointed as a visiting consultant in the Tamil Nadu State Judicial Academy to impart better Judicial Training to the in-service officers and newly appointed Judicial Officers and to guide the Director of the Tamil Nadu Judicial Academy to prepare the training modules in a very useful and practical manner and in the matter of selection of topics and resource persons and to monitor the working pattern of the academy and advise the Director about the proper steps to be taken to improve the standard of judicial training in the academy, initially for a period of two years. The Government have also sanctioned a sum of Rs.55.75 lakhs to provide various facilities including microphone system, additional air-

conditioning in the conference hall, book shelves for library, etc., for the academy at Chennai.

#### **14. Decentralisation of Subordinate Courts**

The Subordinate Courts in the mofussil are decentralized so as to avoid overcrowding of Courts at one particular centre and also to give quick relief to the litigant public.

At present, the jurisdiction of Civil Courts in the mofussil is fixed under the Tamil Nadu Civil Courts Act. In Chennai City, the jurisdiction of the City Civil Court is fixed under the Madras City Civil Court Act and the jurisdiction of Court of Small Causes is fixed under the Presidency Small Causes Court Act.

The jurisdiction of the District Munsif Courts extends over one or more Taluks, and the jurisdiction of Sub Courts extends over one or more Munsif Courts. The jurisdiction of District and Sessions Court at Thiruvavur and Krishnagiri extends over more than one Revenue District. As far as Criminal Courts are concerned, the jurisdiction is fixed under the Criminal Procedure Code. The jurisdiction of Judicial Magistrate's Court extends over two or more Police Stations. The Government, in consultation with the High Court, constitute new Courts wherever necessary.

## **15. Computerisation**

The Information Technology Department of Government of India have released a sum of Rs.348 lakhs during January 2006 to National Informatics Centre Services Inc., (NICS), New Delhi for computerisation of High Court, Madras. Out of the said amount, the NICS has procured 253 Computers and peripherals and supplied them to the High Court, Madras. The process of installation of Computers is in progress at various sections of High Court, Madras and these systems have been interlinked with Internet. Further, the City Courts are to be connected with internet by way of ISDN facility. Further, the work of installation of 8 Large Composite Display Boards (6 Boards in Madras and 2 Boards in Madurai Bench) and 43 Small Court Hall Display Boards (31 Boards in Madras and 12 Boards at Madurai Bench) is expected to be completed shortly. Also the State Government has allocated funds for the provision of 39 Lap-top computers for the use of Hon'ble Judges and 30 CD-ROMS of SCC online are also provided for the use in the Home Offices of the Hon'ble Judges. 31 Units of Voice Recognition Software are also provided for use in the Home Offices of the Hon'ble The Chief Justice and all the Hon'ble judges for dictating Judgments, which will be automatically converted into digital format.

Apart from the above, 3 personal computers with printers have been installed in the Information Centre in the High Court Madras and the information about the case status are being given to the Advocates and Litigant public.

Further, for establishing Video Conference Facility between the Principal Seat of High Court at Madras and Madurai Bench of Madras High Court at Madurai, a sum of Rupees 12 lakhs have been earmarked by the State Government and the installation of the same is under process.

The Grouping and coding of cases and the computerised coding sheets have been introduced and being implemented with effect from 12.6.2006.

Daily orders like Bail/Anticipatory Bail orders and Interim orders in civil matters are being issued through computers from 7.2.2001 onwards and the daily orders are being issued on the same day. The order copies of the decrees in draftable cases are also being issued within a week's time.

## **16. Introduction of Tamil Language in the Proceedings of the High Court**

As the Honourable Members are aware, this Government has taken a policy decision to introduce Tamil language in the proceedings of the High Court. In pursuance of this decision a unanimous resolution has been passed in the Legislative Assembly on 06.12.2006 and proposals have been sent to Government of India for getting the assent of His Excellency the President of India under Article 348 (2) of the Constitution of India r/w section 7 of the Official Languages Act 1963. Honourable Chief Minister has taken up this issue with the highest levels of the Government of India for early approval.

### **17. New Schemes for the year 2007-2008**

As pointed out in the Budget speech of 2007-2008, the Government has decided to take up construction of buildings for courts, and residential quarters at a total cost of Rs.125 crores in the current year. This represents an increase of over 8 times the allocation for these schemes in the past years. The Government has also decided to take up and complete the construction of combined buildings for courts in the State in the next 4 years. This apart the Government has also decided to implement the following as Part II Schemes for the year 2007-2008.

<u>Sl. No.</u>	<u>Name of the Schemes</u>	<u>Rs.in lakhs</u>
1.	Provision of additional steel record rack – for use in the English Record Section and Additional Library Block, High Court, Madras	16.60
2.	Provision of Lift facility to the combined court buildings at Sathuvachari, Vellore	15.00
3.	Construction of quarters for sub – Judge in the District Munsif Court campus at Palani	13.80
4.	Construction of quarters for sub- Judge and District Munsif Sangari.	13.80
5.	Provision of Exhaust fans in the kitchen of ten Judicial Officers quarters at Villupuram	0.22
	Total	59.42

## **18. Tamil Nadu State Legal Services Authority**

### **18.1 Objectives**

The Legal Services Authorities Act 1987, (as amended by Act 59 of 1994) was enacted, to provide free and competent legal services to the weaker sections of the society, to ensure that opportunities for securing justice are not denied for economic reasons or for other

disabilities, to organise Lok Adalats on a statutory basis as an Alternative Dispute Resolution Forum, to educate Scheduled Castes, Scheduled Tribes, Backward Classes and other poorer sections of the society on their rights and to enable them to get the benefits and privileges given to them in various Social Welfare Legislations and administrative orders. To discharge the above functions, the Act contemplates Constitution of State Legal Services Authority, District Legal Services Authorities, Taluk Legal Services Committees and High Court Legal Services Committee. Chapter III of the Act was extended to the State of Tamil Nadu with effect from 6.3.1997. Necessary rules under Chapter III have also been notified . Tamil Nadu State Legal Services Authority, and District Legal Services Authority for every District in the State was constituted by the Government in 1997. The State Legal Services Authority has constituted 127 Taluk Legal Services Committees in every area where there is a court, throughout the State.

## **18.2 Services rendered**

The legal services authority renders service to the litigant public, especially those belonging to the poorer sections of the society through a number of interventions, some of which are detailed below, mediation Centres and Counselling Centres are functioning, as an instrumentality for pre-litigative settlements. The counselling lawyer

makes every effort to arrive at negotiated settlements between the parties at dispute. Thus, they provide an alternative system of dispute resolution at grass-root level. The centre for women in the State renders assistance in solving matrimonial problems and also other problems. In crucial cases, the authority/committees renders legal assistance to persons taken in custody to get bail, to contest their case and if necessary to prefer appeal. Even for convicted prisoners the authority helps them to safeguard their rights and to protect them from other legal disputes concerning their family.

The authority also helps individuals to get assistance under various Government programmes. Assistance is given to them to get the relevant records and prepare applications in the prescribed form and present before the Authorities. Similarly assistance is given to the family of victims to get maximum benefits of the compensation awarded in cases of motor vehicle accidents by taking suitable steps to deposit the amount awarded in the Bank.

The State and District Authorities and the Taluk Legal Services Committees and the High Court Legal Services Committee are empowered to organise Lok Adalats.

Apart from taking cases in **MCOP** and **LAOP**, the following cases are also taken up in the **Lok Adalats**.

The cases pending before the Debt Recovery Tribunals, Labour courts, pre-litigative stages against bank loan, property tax appeals, City Civil Court, appeal suits with respect to Land acquisition cases pending in High Court and such other cases. The authority also holds Periodical Legal Aid cum Legal Literacy Promotion camps in rural areas to create awareness among the General Public regarding their legal rights; These meetings are also held to receive petitions from the people which are also processed immediately as officer of other Revenue Department of Government also attending meeting. The authority also conducts Prison Adalats in the Central Prisons both for men and women. During these adalat steps are being taken to expedite disposal of cases wherein prisoners pleading guilty.

### **18.3 Legal Aid Counsel Scheme**

The Legal Aid Counsel Scheme under which Legal Aid counsel are deputed to all Magistrate courts by the Legal Services Authorities/Committees strives to give legal assistance to those who are produced for remand before Magistrates, but have no means to engage counsel. The presence of Legal Aid counsel in the court in the remand hour ensures that the Constitutional and legal rights of such persons are safeguarded. The State Legal Services Authority is implementing this scheme in

the State. The scheme lays emphasis for legal aid to the persons in custody at the following three stages.

- a) Legal assistance for getting release on bail and opposing remand applications;
- b) Legal assistance during trial for defence
- c) Legal assistance for preferring appeals or revision in case of adverse orders.

In the Districts of Chennai, Madurai, Coimbatore, Tiruchirappalli, Salem and Tirunelveli, where law colleges are functioning, legal aid Clinics are established. The Legal Aid Clinics are established to involve law college students in legal services and to take care about the weaker sections and after becoming a lawyer, to run the profession of lawyer in a better manner and to qualify themselves.

In the Office of the Tamil Nadu State Legal Services Authority, Satta Udhavi Maiyum Building, a Legal Aid Help Line is functioning. The Advocates are deputed in all working days to attend the calls and to give opinion both morning and evening by turns. The Litigants can contact the Help Line over phone number 25342441. The litigants

are also attending Legal Aid Clinic in person to get opinion from the Advocates in the same premises.

**19. Department of Govt.Litigations, High Court, Chennai**

The department of Government litigations, High Court, Chennai setup as per orders of Government in 1997 has the Advocate - General of Tamil Nadu as the head of department and the other unit offices of the Additional Advocate General-I to Addl. Advocate General-IV, the Public Prosecutor, Chennai, Addl. Public Prosecutor, High Court Bench at Madurai, the Government Pleader, Chennai and the Special Government Pleader, High Court Bench at Madurai function under his control.

Consequent to the functioning of the High Court Bench at Madurai, the Government sanctioned the creation of new Law offices at Madurai both in the Criminal side and civil side. The Department of Government Litigations, High Court, Madras has become one of the Major Departments with more than 100 Law Officers and 175 Staff Members under the overall control of Home Department.

Apart from attending the cases listed before the Hon'ble High Court Bench at Madurai the Advocate General of Tamil Nadu also visits the unit offices at Madurai frequently. The Public Prosecutor and the Government Pleader, High Court, Chennai are regularly visiting their respective unit offices at Madurai so as to streamline the work and for administrative set up in the newly created offices and enable the Law Officers to properly discharge their duties and responsibilities.

## **20. Directorate of Prosecution**

The main objective of the setting up of the Directorate of Prosecution is to have an effective control for the proper conduct of prosecution in the State and to monitor the functioning of the Prosecuting Officers attached to the Metropolitan Magistrate Courts and Judicial Magistrate Courts and Chief Judicial Magistrate Courts spread all over the State.

The Department was constituted in the year 1984 in pursuance of the recommendation of the Law Commission. The Department is headed by a Director in the rank of Inspector General of Police .

### **20.1 Organizational set up**

At the Headquarters, the Director of Prosecution is immediately assisted by the Joint Director of Prosecution who attends to the administrative supervision of the Prosecution Department. In the regions, there are 11 Deputy Directors of Prosecution and 14 Assistant Directors of Prosecution who are the administrative Heads of the Range and Districts respectively. One post of Associate Editor (Publication) in the rank of Asst. Director of Prosecution, who looks after the publication of Tamil Nadu Prosecutors Journal, is stationed at the headquarters. This apart there are 25 Additional Public Prosecutors attached to Chief Judicial Magistrate Courts who attend to prosecution of the cases before the CJM courts. Assistant Public Prosecutors Grade I & II attached to various District Munsif/Judicial Magistrate Courts and Judicial Magistrate Courts respectively attend to prosecution of cases before the courts. To attend to administrative work, the posts of one P.A. (Admin.), 2 Superintendents, 5 Assistants, 3 Junior Assistants, 2 Typists, 2 Stenos, 1 Record Clerk, 1 Driver and 1 Office Assistant have been sanctioned for the office at the Directorate at Chennai. The regional unit offices are being managed with the ministerial personnel of this Department as well as by drawing staff from the respective Collectorates.

## **20.2 Functions of Prosecuting Officers**

In the regional unit the Deputy Director of Prosecution looks after the administrative work, apart from supervising the work of the Assistant Directors of Prosecution, Additional Public Prosecutors under their control. The Deputy Director of Prosecution is also furnishing legal opinions on various matters to police and other Government departments. They also furnish draft final reports in Sessions cases and other important cases. In the district level the Assistant Director of Prosecution apart from supervising the work of Assistant Public Prosecutors, offer opinion to police and other Government departments and also draft final opinion to police in sessions cases. The Additional Public Prosecutors who are equivalent to the rank of Assistant Directors of Prosecution look after cases at CJM Courts. The Assistant Public Prosecutors conduct cases on behalf of Prosecution before the Judicial Magistrate Courts. They furnish draft final reports and also tender legal opinions to the cases pending in their courts. Some of the Assistant Public Prosecutors are also on deputation to units like Vigilance and Anti-Corruption, Public Health and Preventive Medicine, Drug Control, Food Analysis laboratory and CBCID etc., to conduct cases in respect of such units. The Government have allocated so far Rs.12.02 lakhs for computerisation of the Department . The endeavour is to upgrade the effectiveness and provide necessary infrastructure for better supervision and co-ordination of Government cases.

A Journal called "Tamil Nadu Prosecutors Journal " is being published every month wherein articles on legal subjects and important judgements are published for use of the officers of the Department. In the year 2007-08 the Government will be providing a sum of Rs. 8.55 lakhs for computerisation of the Department. This apart a sum of Rs. 5.01 lakhs will be allocated for the procurement of Xerox machines with fax facility for use in the offices of Joint Director and Deputy Director of Prosecution.

### **21. Conclusion**

The Government will continue to endeavour to provide adequate infrastructure to the Judiciary with a view to enabling speedy trial of cases; Apart from providing physical infrastructure, efforts will also be taken to ensure computerisation facilities to courts at all level in the State.

**DURAIMURUGAN  
MINISTER FOR PUBLIC WORKS AND LAW**

