

# **THE HIGH COURT OF MEGHALAYA SHILLONG**

## **NOTIFICATION**

No. HCM.II/28/2015-Estt/

Dated Shillong \_\_\_\_ May, 2016

Hon'ble the Chief Justice is pleased to notify and constitute the Meghalaya State Judicial Academy comprising the Chief Justice as Patron-in-Chief, Hon'ble Mr Justice S.R. Sen as Judge-in-Charge of the Judicial Academy. This Order issues with immediate effect.

By Order,

**REGISTRAR GENERAL**

Memo No.HCM.II/28/2015-Estt/1388-A Dated Shillong 4<sup>th</sup> May, 2016

*Copy for information to:-*

1. *The Principal Private Secretary to Hon'ble the Chief Justice of India, Supreme Court of India, New Delhi.*
2. *The Secretary General, Supreme Court of India, New Delhi.*
3. *The Special Secretary to the Govt. of Meghalaya, Law (A) Department, Shillong.*
4. *The Accountant General (A&E), Shillong.*
5. *The Director, National Judicial Academy, Bhopal.*
6. *The Director, Printing and Stationery, Govt. of Meghalaya with a request for publishing the said notification in the next issue of the Official Gazette.*
7. *The Director, Information & Public Relation, Govt. of Meghalaya, Shillong.*
8. *The District and Sessions Judge, East Khasi Hills District, Shillong.*
9. *The District and Sessions Judge, West Jaintia Hills District, Jowai.*
10. *The District and Sessions Judge, West Garo Hills District, Tura.*
11. *The District and Sessions Judge, Ri Bhoi District, Nongpoh.*
12. *The District and Sessions Judge, West Khasi Hills District, Nongstoin.*
13. *The District and Sessions Judge, East Garo Hills District, Williamnagar.*
14. *The Registrar, High Court of Meghalaya, Shillong.*
15. *The Joint Registrar, High Court of Meghalaya, Shillong.*
16. *The Joint Registrar-cum-OSD in the Hon'ble Chief Justice's Secretariat, High Court of Meghalaya, Shillong.*

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17. *The Joint Registrar-cum-Secretary to the Hon'ble Chief Justice, High Court of Meghalaya, Shillong.*
18. *The Deputy Registrars, High Court of Meghalaya, Shillong.*
19. *The Assistant Registrars, High Court of Meghalaya, Shillong.*
20. *The Librarian-cum-Research Officer, High Court of Meghalaya, Shillong.*
21. *The P.S. to Hon'ble Mr. Justice S.R. Sen, Judge, High Court of Meghalaya, Shillong.*
22. *The System Analyst, High Court of Meghalaya, Shillong, with a request to upload the Notification on the High Court website.*
23. *The Superintendent (Judl), High Court of Meghalaya, Shillong.*
24. *The Sr. Translator (I/C Stationery), High Court of Meghalaya, Shillong.*
25. *The Public Relation Officer, High Court of Meghalaya, Shillong.*
26. *The Court Officer, High Court of Meghalaya, Shillong.*
27. *The Court Masters, High Court of Meghalaya, Shillong.*
28. *The Accountant-cum-Cashier, High Court of Meghalaya, Shillong.*
29. *Notice Board.*
30. *Office file.*

  
**REGISTRAR GENERAL**

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# THE HIGH COURT OF MEGHALAYA

Constitution of the

## MEGHALAYA STATE JUDICIAL ACADEMY

Shillong, May 4<sup>th</sup>, 2016

WHEREAS, the Law Commission of India in its 116<sup>th</sup> and 117<sup>th</sup> Reports emphasized upon the need to establish Judicial Academy/Educational Institutes for intensive training of the Judicial Officers;

AND WHEREAS, Hon'ble the Supreme Court, in All India Judges Association v. Union of India (AIR 1992 SC 165) directed setting up of a Central/State Level Judicial Institute for Judicial Officers;


BUT WHEREAS, the High Court of Meghalaya was established only on 23<sup>rd</sup> March 2013;

AND WHEREAS, Judicial Officers of all North Eastern States were earlier taking the training with the North Eastern Judicial Officers' Training Institute (NEJOTI) at Guwahati; and the Judicial Officers of Meghalaya were also sent for training to NEJOTI (now Assam Judicial Academy) running under the aegis of Gauhati High Court as also to other Judicial Academies;

AND WHEREAS, after formation of Meghalaya High Court, some steps were taken for setting up of the Meghalaya Judicial Academy and proposals were made by the High Court of Meghalaya on June 2<sup>nd</sup>, 2015 to the State Government for allotment of land measuring 20 acres for setting up of the Meghalaya Judicial Academy, but the proposal remains pending yet;

AND WHEREAS, earlier the Judicial Academy was proposed to be set up as a part of the National Law School at Shillong, but such proposal has been modified with the Chief Justice having desired separate establishment of State Judicial Academy which has been agreed to;

AND WHEREAS, separation of judiciary from the executive is yet not complete in the State of Meghalaya where, in five Districts, the judiciary is





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yet to be separated from the executive and such state of affairs has also contributed in delaying formation of Meghalaya State Judicial Academy; and AND WHEREAS, immediate and emergent need is felt of establishing the Meghalaya State Judicial Academy.

THEREFORE, the Chief Justice of the High Court of Meghalaya do hereby constitute and establish the 'Meghalaya State Judicial Academy' as follows :-

**AIMS AND OBJECTS**

The Meghalaya State Judicial Academy shall, inter-alia, strive :

- a. To provide induction training to the newly selected Judicial Officers as mandated by the Shetty Commission;
- b. To provide continuing judicial education to Judicial Officers throughout their career in the State of Meghalaya;
- c. To conduct in-service training/refresher courses for the Judicial Officers;
- d. To provide continuous education to other professionals like members of the Bar, Police Officers, Public Prosecutors, Government Pleaders, Medical Officers, Ministerial Officers working in the Courts;
- e. To undertake research projects for improving court performance, judicial capacity, litigant satisfaction with the court system;
- f. To publish and disseminate information relating to results of research and other training courses/programmes;
- g. To conduct study, analysis and research relating to legal education and practical problems in the working of District Courts;
- h. To organize seminars / workshops on current legal issues;
- i. To design curriculum to enhance judicial skills required for writing judgment, communicating with litigants, bar and staff of the court, appreciation of law and evidence;

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- j. To perform as a center of excellence;
  - k. To create adherence to the constitutional principles amongst the members of subordinate judiciary by encouraging judicial decisions founded on the principles of freedom, equality, dignity, equity and fairness;
  - l. To do all such other lawful acts and things as are conducive or incidental to the attainment of the objectives of the Academy.

#### **ADMINISTRATIVE SET UP**

Decisions with respect to expectations from the Academy, education policy to be followed, performance measurement of the work of the Academy, financial and human resource management of the Academy, budget, partnerships, infrastructure updating, evaluation of training needs of judicial officers, etc. are to be undertaken by a high-level committee designated as the **Governing Council**. The Governing Council will meet at such intervals as may be required for smooth functioning of the Academy.

**Composition:** The Governing Council shall comprise the following: -

- i. Chief Justice of the High Court of Meghalaya as the Patron-in-Chief;
- ii. Judge-in-Charge of Judicial Training, High Court of Meghalaya;
- iii. Secretary to the Law Department, Govt. of Meghalaya;
- iv. Vice Chancellor, North Eastern Hill University;
- v. Registrar General of the High Court of Meghalaya, ex-officio Member;
- vi. Director of the Judicial Academy, Member Secretary;
- vii. 2 (two) members nominated by Hon'ble the Chief Justice, High Court of Meghalaya – Special invitees;

The Patron-in-Chief shall preside over all meetings of the General Council, but where he is absent at any meeting, the senior puisne Judge of the High Court of Meghalaya who is a member of the Academy shall preside. In the absence of both of them, the members present shall choose one amongst them to preside over the meeting.

For removal of doubts, it is made clear that the Meghalaya State Judicial Academy shall function as a wing of the High Court.

**POWERS AND FUNCTIONS OF THE GOVERNING COUNCIL :**

The Governing Council shall be responsible for the management and administration of the affairs of the Academy in accordance with its rules and the byelaws made thereunder for furtherance of its objects and shall have all powers which may be necessary or expedient for the purpose.

The financial authority of the Academy shall vest in the General Council. The rights and privileges of the General Council shall be:

- To adopt Rules & Regulations of the Academy and amend it from time to time including for the conduct and service conditions of the officers and staff of the Academy;
- To pass the accounts and to consider the Auditor's report;
- To approve programme of activities of the Academy for the ensuing years.

The Governing Council shall have the power: -

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- To prepare and execute detailed plans and programmes for furtherance of the objects of the Academy;
- To consider the annual and supplementary budgets placed before it and pass them with such modifications as may be deemed necessary;
- To create posts and appoint such staff as may be required for the efficient management of the affairs of the Academy and regulate the recruitment and conditions of service;
- To incur expenditure subject to the provisions of the approved budget;
- To make, adopt and vary from time to time the bye-laws for the regulation of and for any purpose connected with the management and administration of the affairs of the Academy and for furtherance of its objects;
- To exercise control over the employees of the Academy, including the power of suspension and dismissal;
- To prescribe the powers, functions and duties of the Director of the Academy;
- To select, from time to time, subjects in which studies, researches, trainings and teachings may be conducted by the Academy;
- To hold lectures and seminars and arrange for studies, trainings, researches and conferences in such subjects and in such manners as it may seem fit from time to time;

- To institute and maintain library or libraries; to purchase all such articles and materials as may be necessary for the Society and for its functioning.

The Governing Council may, by resolution, delegate such administrative, financial and other powers to the Director or any other Officer of the Academy as it may consider necessary and proper.

#### **ADMINISTRATION**

The Director of the Academy shall be its Principal Executive Officer. He shall be appointed by the Patron-in-Chief, from amongst the members of the Meghalaya Higher Judicial Service, with the approval of the Government of Meghalaya; and will be governed by such terms and conditions of services as may be determined by the Patron-in-Chief and the Meghalaya Higher Judicial Service Rules, 2015. The Director is authorized to enter into agreements/contracts on behalf of the Academy in accordance with the byelaws of the Academy.

He shall be aided by a Deputy Director who shall be appointed by the Patron-in-Chief, from amongst the members of the Meghalaya Judicial Service (Grade-II) respectively, with the approval of the Government of Meghalaya and will be governed by such terms and conditions of services as may be determined by the Patron-in-Chief and the Service Rules.

The powers and functions of the Director shall include the following: -

- The proper administration of the affairs and funds of the Academy;
- Prescribing the duties to all the employees of the Academy;





- Preparation of annual budgets, supplementary budgets etc. and their submission to the competent authority for approval;
- Maintenance of accounts and its audit;
- Coordinating and exercising the general supervision on all the activities of the Academy and upon the work and conduct of the employees of the Academy;
- Maintaining a record of the minutes of the meetings of the Governing Council, Committees, sub-Committees etc.
- Such other duties as may be assigned to him by the Patron-in-Chief from time to time.

The Secretary may be appointed on a fixed tenure as determined by the Patron-in-Chief from amongst such persons/ retired persons as he may deem fit. The powers and functions of the Secretary shall include the following: -

- Assist the Director in the exercise of general supervision over the Academy,
- To enter into correspondences with other Judicial Academies, State Governments, etc.,
- All files dealing with Administration and other matters shall be circulated to the Secretary.
- All orders, circulars, letters etc., shall be issued in the name of the Secretary.
- The Secretary is designated as the DDO to exercise financial powers.

The following supporting staff shall be provided for the smooth and efficient functioning of the Academy: -

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Sl. No	Name of Post	Number of Posts
1	Director	1
2	Deputy Director	1
3	Secretary	1
4	O.S.D (Accounts)	1
5	Librarian	1
6	Superintendent	1
7	Senior Administrative Assistants	2
8	Junior Administrative Assistants	4
9	Peon/ Attender	8
10	Driver	3 [1 - Director, 1- Dy. Director, 1 - Pool Vehicle]
	Cleaners/ Safaiwalas	8
<b>TOTAL</b>		<b>31</b>

The essential qualifications as well as service conditions of the above Group 'C' and Group 'D' staff may be as per the High Court of Meghalaya (Recruitment and Conditions of Service of Officers and Staff) Rules, 2013.

Pending formulation of Rules by the Governing Council, the State Government may be moved for creating the above posts after determining the financial implication.

**INITIAL INFRASTRUCTURE**

(a) Since establishment of appropriate infrastructure with acquisition of land and construction of building and further processes is bound to take time, but setting up of Academy is urgently required, hence as a stop gap arrangement, the Conference Hall in the High Court shall be used as a classroom/ lecture room while the room adjacent to the Record Room as the administrative block of said Academy. For the present, the library block of the High Court shall be used by the Academy during lecture sessions as well as for day-to-day research activities with additional books to be purchased as per requirement. Besides, the following electronic items shall also be procured: -

- Computers plus Printers - 15 nos
- 1 Xerox Machine
- 2 Fax Machines
- Landline Connections
- EPABX facilities
- Separate Internet connection

Also, one vehicle each for the Director and Deputy Director as per entitlement shall be purchased. Besides, a pool vehicle/ mini bus shall be procured as a pool vehicle to ferry trainee Judicial Officers.

(b) The abovementioned are only the initial setting up of Academy and separate steps shall be taken for putting in place the proper infrastructure.



**INITIAL ARRANGEMENT**

Since the Academy is urgently required to be commissioned and creation of posts and initial procurement may also take some time, the initial arrangement shall be ;

(a) Hon'ble Mr Justice SR Sen, shall be the Judge in charge Judicial Training, High Court of Meghalaya.

(b) Registrar General, Smti Belma Mawrie, Registrar General of the High Court, shall look after the work as the Director of Judicial Academy and the Joint Registrar, Smti KM Lyngdoh Nongbri, shall look after the work of the Deputy Director of the Judicial Academy.

The Registrar General, while acting as Director of Judicial Academy, may suggest assignment of the initial work related to the Judicial Academy for approval by the Chief Justice.

  
**CHIEF JUSTICE**