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## INTRODUCTION

Ministry of Law and Justice is the oldest limb of the Government of India dating back to 1833 when the Charter Act 1833 enacted by the British Parliament. The said Act vested for the first time legislative power in a single authority, namely the Governor General of Council. By virtue of this authority and the authority vested under him under section 22 of the Indian Councils Act 1861 the Governor General in Council enacted laws for the country from 1834 to 1920. After the commencement of the Government of India Act 1919 the legislative power was exercised by the Indian Legislature constituted there under. The Government of India Act 1919 was followed by the Government of India Act 1935. With the passing of the Indian Independence Act 1947 India became a Dominion and the Dominion Legislature made laws from 1947 to 1949 under the provisions of section 100 of the Government of India Act 1935 as adapted by the India (Provisional Constitution) Order 1947. Under the Constitution of India which came into force on the 26<sup>th</sup> January 1950 the legislative power is vested in Parliament.

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## COMPOSITION OF THE MINISTRY

Ministry of Law and Justice comprises of the Legislative Department, Department of Legal Affairs and Department of Justice. In so far as Department of Justice is concerned, a separate Chapter (Chapter III) has been brought out covering all details.

The Department of Legal Affairs is concerned with advising the various Ministries of the Central Government while Legislative Department is concerned with drafting of principal legislation for the Central Government.

### MISSION

To transform Government into an efficient and responsible litigant;

To bring reforms in the Indian Legal System to achieve expansion, inclusion and excellence in Legal Education, the Legal Profession and legal services, including the Indian Legal Service.

To develop a system towards creating legal professionals so that they can meet future challenges not only for India but also of the world both in litigation and non-litigation field and to focus on their social responsibility and strong professional ethics. Having realized the aspirations of the Twelfth Five Year Plan, constraints such as enormous litigation (3.3 cr.), consequent burden on the public exchequer or on resources including man power and need to confer wide discretionary power, conflict management, help in enforcing rule of law & achieving the objectives set by various wings of government.

### OBJECTIVES

- To facilitate the functioning of Ministries and Department for good governance by providing legal advice/opinion relating to matters referred to by them as well as examination of legislative proposals.
- To reform the Indian Legal Service to make it efficient, responsive and globally competitive.
- To develop a comprehensive e-governance solution for Central Agency Section and IT enabled transformation of the Department of Legal Affairs.
- To reduce litigation and encourage settlement of disputes by Alternative Dispute Resolution (ADR) methods.
- To promote excellence in the Legal Profession and to develop a frame work to usher a new era in the field of legal education
- To bring Legal reforms
- To effectively administer the acts under the purview of this Department viz., the Advocates Act, 1961, the Notaries Act, 1952, the Legal Services Authorities Act, 1987 and the Advocates Welfare Fund Act, 2001.



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## CHAPTER-I DEPARTMENT OF LEGAL AFFAIRS

### 1. FUNCTIONS AND ORGANISATIONAL SET UP

1.1 The Department has been allocated the following items as per the Government of India {Allocation of Business} Rules, 1961:-

1. Advice to Ministries/Departments on legal matters including interpretation of the Constitution and the laws, conveyancing and engagement of counsels to appear on behalf of the Union of India in the High Courts and subordinate courts where the Union of India is a party.
2. Attorney General of India, Solicitor General of India, and other Central Government law officers of the States whose services are shared by the Ministries of the Government of India.
3. Conduct of cases in the Supreme Court and the High Courts on behalf of the Central Government and on behalf of the Governments of States participating in the Central Agency Scheme.
4. Reciprocal arrangements with foreign countries for the service of summons in civil suits for the execution of decrees of Civil Courts, for the enforcement of maintenance orders, and for the administration of the estates of foreigners dying in India.
5. Authorization of officers to execute contracts and assurances of property on behalf of the President under Article 299(1) of the Constitution of India, and authorization of officers to sign and verify plaints or written statements in suits by or against the Central Government.
6. Indian Legal Service.
7. Treaties and Agreements with foreign countries in matters of civil law.
8. Law Commission.
9. Legal Profession including the Advocates Act, 1961 (25 of 1961) and persons entitled to practice before High Courts.
10. Enlargement of the jurisdiction of Supreme Court and the conferring thereon of further powers; persons entitled to practice before the Supreme Court, references to the Supreme Court under Article 143 of the Constitution of India.
11. Administration of the Notaries Act, 1952 (53 of 1952)
12. Income-tax Appellate Tribunal.
13. Appellate Tribunal for Foreign Exchange

The Department has also been allocated administration of the following Acts:-

- (a) The Advocates Act, 1961
- (b) The Notaries Act, 1952
- (c) The Advocates' Welfare Fund Act, 2001;
- (d) The National Tax Tribunal Act, 2005

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1.2 The Department is also administratively in-charge of the Appellate Tribunal for Foreign Exchange, the Income Tax Appellate Tribunal, National Tax Tribunal and the Law Commission of India. The Department is also administratively concerned with all the matters relating to the Indian Legal Service. It is further connected with the appointment of Law Officers namely the Attorney General of India, the Solicitor General of India and the Additional Solicitor Generals of India. With a view to promote studies and research in law and with a view to promoting Alternative Disputes Resolution Mechanism, improvement in legal profession, this Department sanctions grant in aid to certain institutions engaged in these fields like Indian Law Institute, International Centre for Alternative Dispute Resolution, Institute of Constitutional and Parliamentary Studies and Bar Council of India.

## **2. ORGANISATIONAL SET-UP**

The Department of Legal Affairs has a two tier set up, namely, the Main Secretariat at New Delhi and the Branch Secretariats at Mumbai, Kolkata, Chennai and Bengaluru. The nature of duties discharged can be broadly classified into two arears- Advice work and Litigation work. The Organisational Chart of the Department of Legal Affairs is at **Annexure-I**.

### **(1) MAIN SECRETARIAT –**

- (i) The set up at the Main Secretariat includes Law Secretary, Additional Secretaries, Joint Secretary and Legal Advisers and other Legal Advisers at various levels. The work relating to tendering of legal advice and conveyancing has been distributed amongst groups of officers. Each group is normally headed by an Additional Secretary or a Joint Secretary and Legal Adviser, who, in turn, is assisted by a number of other Legal Advisers at different levels.
- (ii) The litigation work in the Supreme Court on behalf of all the Ministries/Departments of the Government of India and some administrations of the Union Territories is handled by the Central Agency Section presently headed by an Additional Secretary.
- (iii) The litigation work in the High Court of Delhi on behalf of all the Ministries/Departments of the Government of India is processed by the Litigation (High Court) Section presently headed by a Deputy Legal Adviser.
- (iv) The litigation work in the Subordinate Courts in Delhi is handled by the Litigation (Lower Court) Section presently headed by an Deputy Legal Adviser.
- (v) The Department has a special cell, namely, Implementation Cell for dealing with the implementation of the recommendations of the Law Commission and the administration of the Advocates Act, 1961. It also deals with the legal profession. This Cell is also concerned with the National Tax Tribunal Act, 2005 and it has also been entrusted with the work of coordination under the Right to Information Act, 2005.



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- (vi) There is one post of Joint Secretary & Legal Adviser each in Railway Board and Department of Telecommunications respectively and the incumbents to the posts function from the said offices. Further, there is one sanctioned post of Joint Secretary and Legal Adviser in the Department of Public Enterprises and the incumbent functions as an Arbitrator under the scheme of Permanent Machinery of Arbitration in that Department. One Deputy Legal Adviser functions as an Arbitrator in the Arbitration cases in the DGS&D. Further, one Deputy Legal Adviser functions from the Army Purchase Organisation under the Ministry of Defence. In addition, some posts of different levels such as Additional Legal Adviser, Deputy Legal Adviser and Assistant Legal Adviser also exist in the Ministry of Defence, Ministry of Labour, Ministry of Urban Development, SFIO, NTR, CBI and DGS&D.

## **(2) CREATION OF ILS**

With the development of the society, the legal profession underwent a metamorphosis and several attempts have been made for proper dispensation of justice and to cater the legal needs of the society. One such attempt made in 1956 to cater the needs of the Government qualitatively is creation of Central Legal Service (the forerunner of the present Indian Legal Service). The Government of India in the Ministry of Law and Justice established Indian Legal Service under the Indian Legal Service Rules, 1957, which came into force on the 1<sup>st</sup> October 1957. Since inception the officers of the Indian Legal Service have been rendering dedicated service to the nation by giving legal advice in important matters to various Ministries/Departments of the Government of India and drafting bills and ordinances which are introduced in the Parliament. This service has given Governors to States, Secretary General to Parliament, Chief Election Commissioner and Election Commissioners, Judges to High Courts and Judicial Officers to various Tribunals like CAT, ITAT, DRT etc.

## **(3) ROLE OF ILS**

The officers of the Indian Legal Service (ILS) never found lacking and being the principal legal organ of the Government of India rose to the challenges and acquitted well. The digital revolution has ushered in information economy has powered up new areas of wealth creation. This necessitates them to examine the legal structure, which will serve the information economy. They being the Principal legal advisers to the Government have responded effectively and speedily to the demands made upon them by the various organs of the Government and playing a pivotal role in both advisory as well as in drafting work. They play a role in shaping the very stones that will maintain the constitutional foundations, extend structures, and stand against weather adversity. They all are bricklayers of the Constitutional Cathedral.

## **3. ADVICE 'A' SECTION**

During the period from 1.1.2015 to 31.12.2015, a total number of 4518 references from various Ministries/ Department of the Government of India were received for vetting/Legal

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opinions/ advice on various issues (including references for advice received from the office of Law Secretary, Addl. Secretaries and Joint Secretaries). The opinion tendered by the officers of this Department were forwarded to the respective Ministries/ Departments, for needful action. In addition, the officers of this Department also participated in various National/ International Meetings and Conferences.

(2) Apart from tendering legal advice, this section has dealt with references and other communication received by the Hon'ble Minister and Officers of this Department.

(3) 80 matters relating to RTI Application pertaining to the Advice A & B Sections were also dealt with.

(4) 212 references relating to conveyancing including a number of international agreements were also dealt with by the section.

(5) During the aforesaid period, 95 Cabinet Notes and 66 references relating to State Bill and Ordinances were received for examination from Legal and Constitutional angles.

#### **4. ADVICE 'B' SECTION**

During the period from 1.1.2015 to 31.12.2015, a total number of 4232 references from various Ministries/ Department of the Government of India for vetting / Legal opinions/ advice on various issues (including references for advice received from the office of Law Secretary, Addl. Secretaries and Joint Secretaries). The opinion tendered by the officers of this Department were forwarded to the respective Ministries/ Departments, for needful action.

In addition, the officers of this Department also participated in various National/ International Meetings and Conferences.

(2) Apart from tendering legal advice, this section has dealt with references and other communication received by the Hon'ble Minister and Officers of this Department.

(3) 153 Matters relating to Parliament Questions and Assurances pertaining to the Advice A & B Sections were also dealt with.

(4) During the aforesaid period, 122 Cabinet Notes, 886 SLP/AG/SG/ASG opinion were received for examination from legal and constitutional aspect.

#### **5. ADVICE 'C' SECTION**

During the period under report, 23 new cases on different subjects were sent for the opinion of the Learned Attorney General for India, Solicitor General of India and Additional Solicitor General for India. Opinions on all matters were received and have been forwarded to the respective Ministries/ Departments of the Government of India after the approval of the Law Secretary and Hon'ble MLJ.



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(2) The Section has rendered general and secretarial assistance to the Officers in the Department of Legal Affairs and Legislative Department of the Ministry of Law & Justice and in location of precedents on 627 different subjects.

(3) During the period under report, the files containing the opinion of Law Officers from 1998-2015 (Total 700) were scanned in the section and likewise index for the period from 1950 to 2015 has been scanned.

#### **6. CENTRAL AGENCY SECTION**

Central Agency Section (CAS) was set-up in the year 1950. This office is responsible for conducting litigation before Hon'ble Supreme Court of India on behalf of all Ministries / Departments of the Central Government and also on behalf of NCT of Delhi, Union Territories, the office of the Comptroller & Auditor General of India and all field offices under CAG i.e. Account General offices. All Special Leave Petitions on behalf of Union of India are filed after obtaining opinion of Law Officers on the feasibility of filing Special Leave Petitions/Civil Appeals in the Supreme Court through Central Agency Section. This office is presently looked after by an Additional Secretary ; who has been declared as In- charge of this office and has been delegated the powers of Head of Department. She is assisted by 5 Government Advocate-on-Records[AORs] on regular basis, 4 AORs on contract basis and other Gazetted, Non-Gazetted and Group D staff. There are approx. 500 Government Panel Counsels to assist the Law Officers and Senior Advocates. Central Agency Section functions from the Supreme Court Compound, New Delhi. The total budget allocation for the financial year 2015-2016 is Rs. 33.96 crores.

(2) The activities of the Central Agency Section pertain to :

- References of the Ministries/ Departments of Government of India received through the Department of Legal Affairs, Ministry of Law and Justice to obtain the opinion of Ld. Attorney General, Ld. Solicitor General and Ld. Additional Solicitor Generals.
- Engagement of Law Officers / Panel Counsels for various cases.
- Conduct and supervision of litigation on behalf of Union of India/ NCT of Delhi, C & AG and Union Territories in the Supreme Court of India.
- Supervision of records, R&I Section, Fee Bill Unit, Personal Deposit Unit, Computer Cell and Administration Division which includes Cash Section also.

(3) Government Advocates in the Central Agency Section are Advocates-on Record of the Supreme Court. They appear before the Supreme Court in matters pertaining to the Union of India, NCT of Delhi, C&AG and Union Territories as per the Supreme Court Rules.

(4) As per computerized record of Central Agency Section during the year 2015, the Central Agency Section has received 3887 new cases from various Ministries/Departments of Government of India, 427 matters of NCT of Delhi and Union Territories in which the

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Union of India or Union Territories are either petitioner or respondent. The major litigation pertains to Ministry of Finance, Central Excise, Income Tax, Railways, Defence, CBI etc.

## **7. LITIGATION IN DELHI (HIGH COURT)**

The Litigation (HC) Section handles the Litigation work in Delhi High Court on behalf of all the Ministries/Departments of Government of India except for Railways and Income Tax Departments. Officer-in-Charge assisted by Superintendent (L) and other staff look-after the Litigation work as follows: -

- (a) The cases dealt with and contested in Delhi High Court are generally related to: -  
Civil and Criminal Writ Petitions under Article 226 & 227 of the Constitution of India, Civil Misc. Applications, Division Bench Appeals, Company Applications, Execution Applications and Criminal Misc.
  - (b) And the cases dealt with and contested in Courts other than Delhi High Court are relating to: -  
BIFR, AAIFR, National Consumer Dispute Redressal Commission, Industrial Tribunal-cum-Labour Court, Company Law Board, Un-lawful activities (Prevention Tribunal), Debt Recovery Tribunal, Debt Recovery Appellate Tribunal, Immigration Appellate Committee, Appellate Tribunal for Electricity, TDSAT, Central Information Commission, District Consumer Forum.
- (2) The Litigation work is dealt with by two Sections- Litigation (HC) Section 'A' and 'B' being supervised by Superintendent (L). Section 'A' deals with the advance notices pertaining to the Writ Petitions, Letters Patent Appeals (LPA), and Miscellaneous Petitions under Article 226 & 227 of the Constitution of India including matters of general nature. Section 'B' deals with the Original Revisions etc. and the Writ Petitions filed on behalf of the Union of India before the Hon'ble Delhi High Court. This Section also deals with matters relating to other Courts/Tribunals as mentioned in para 1(b) above.
- (3) To conduct Central Government litigation, there is one Additional Solicitor General of India (ASG), nine Central Government Standing Counsel (CGSC), panels of Senior Counsel and Government Pleaders (GP). In matters of public importance and also involving complicated questions of Law, one of the Law Officers namely- Attorney General of India/ Solicitor General of India/ Additional Solicitor General of India is engaged. Close liaison is being maintained with the concerned Ministries/Departments and Counsels to safeguard the Government interests in Delhi High Court. The Deputy Legal Adviser and other officers keep a close watch over the progress of the cases at each stage.
- (4) This Unit was allocated budget of Rs.6 Crore in the B.E. for F.Y 2015-16. During the period under the report, approximately 7500 professional fee bills pertaining to the Law Officers and Government Counsel have been received for payment. Further, 2500 fee bills are likely to be received till 31 March 2016. As on close of December, 2015 approximately 6500 fee bills to the tune of Rs.4.55 Crore have been duly processed and paid to the concerned Law Officers and Counsels.
- (5) During the period from 1.4.2015 to 31.12.2015 Litigation (HC) Section has engaged Law Officers and Government Counsel in 3758 cases to conduct the litigation in Delhi High



Court. Section wise details of receipt of cases and engagement of Government Counsel are as follow: -

#### **LITIGATION HIGH COURT SECTIONS**

SECTION	Cases received from 1/4/2015- 31/12/2015	Cases expected from 01/01/2016 to 31/3/2016	Total
<b>A</b>	<b>3204</b>	<b>800</b>	<b>4004</b>
<b>B</b>	<b>554</b>	<b>130</b>	<b>684</b>
<b>Total</b>	<b>3758</b>	<b>930</b>	<b>4688</b>

#### **LITIGATION IN CAT (PRINCIPAL BENCH) DELHI**

(6) The Litigation CAT (PB) Delhi Cell looks after the Cases/Litigation work relating to the Ministries and Departments of UOI and nominate the Counsels from the approved panel to defend the interest of Ministries/Departments of UOI in CAT (PB), New Delhi.

(7) During the period from 1.4.2015 to 31.12.2015, Litigation CAT (PB) Cell has engaged Government Counsel in 987 cases to conduct the litigation in CAT (PB). Details of receipt of cases are as follow: -

#### **LITIGATION IN CAT (PB) DELHI**

SECTION	Cases received from 1/4/2015- 31/12/2015	Cases expected from 01/01/2016 to 31/3/2016	Total
<b>CAT (PB) Cell</b>	<b>987</b>	<b>350</b>	<b>1337</b>

#### **LITIGATION (LOWER COURT) SECTION, TIS HAZARI**

- (i) The Litigation work in District Courts/Consumer Forums/Tribunals in Delhi / New Delhi on behalf of all Ministries / Departments of Government of India except Railways and Income-Tax Department is handled by Litigation (Lower Court) Section. The Litigation work, in the above said Courts / Tribunals, at present are looked after by a Deputy Legal Adviser & In charge assisted by a Superintendent (Legal) / Assistant (Legal).
- (ii) There is a panel of Sr. Panel Counsels/ Additional Central Government Counsels from where the counsels are nominated for contesting the cases. On receipt of request from the Ministry / Department, action is taken to engage a suitable counsel to appear on their behalf in the Courts. During the period under report, this Section engaged Counsels in 829(old as well as new) cases. Close liaison is maintained with various Departments / Counsels at all times to safeguard the interest of the Government (Union of India) in the District Courts / Consumer Forums / Tribunals. Total number of cases pending in the District Courts / Tribunals / Consumer Forums is 8425 as on 21.01.2016.



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- (iii) Fee bills received from the counsel are scrutinized having regard to the terms and conditions of their appointment before certifying and making payments at the prescribed rates. During the period under report 471 fee bills were received and an amount of Rs.2847420/- was paid towards Professional Fee bills of Counsels. Total budget for the financial year 2015-2016 is Rs.40,00000/- . The total pending bills as on date is 194 which is for approximately Rs.10 Lakh.
  - (iv) In order to keep pace with the development of Information Technology in the Judiciary especially at the level of District Courts / Subordinate Courts and also to ensure effective functioning of Lower Court (Litigation) Section, a proposal for computerization of this Section was submitted to the Competent Authority along with the System-study Report conducted by the National Informatics Center (NIC).
  - (v) The Deputy Legal Adviser who is the Branch Officer of this Section has been designated as Central Public Information Officer under the Right to Information Act, 2005. The Superintendent (Legal) is supervising the Litigation (LC) Section.

## **8. JUDICIAL SECTION**

The Judicial Section is responsible for the organization of litigation of the Government of India and Union Territories before the Supreme Court, various High Courts, the Central Administrative Tribunal and District and Subordinate Courts. Its functions include the processing the appointments of the Attorney General for India, the Solicitor General and the Additional Solicitors General of India, Central Government Counsel in the Supreme Court, High Courts, the Central Administrative Tribunals, Armed Forces Tribunals, District and Subordinate Courts and Consumer Forums in some of the States for conducting litigation work on behalf of the Central Government, engagement of Law Officers and other Counsel on behalf of Ministries/Departments for the conduct of cases before the Supreme Court, High Courts, Tribunals, Commission of Inquiry, District and Subordinate Courts, Quasi-Judicial Authorities etc. Its functions also include formulation and settlement of their terms and conditions for conducting cases. The Judicial Section is also responsible for nomination of Arbitrators in disputes between the various Departments of the Government of India and private parties.

(2) The Section is responsible for issuing statutory orders e.g. orders under GSR 167, authorizing various officers to sign and verify plaints and written statements in suits in any court of civil jurisdiction or in writ proceedings by or against Central Government under Rule 1 of order XXVII of the Schedule I to the Code of Civil Procedure, 1908. This Section also authorizes officers to sign contracts and agreements on behalf of the President of India under Article 299(1) of the Constitution of India.

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(3) The Section is also dealing with the work of Reciprocal arrangements with foreign countries for the service of summons in civil suits, the execution of decrees of Civil Courts, the enforcement of maintenance orders, and the administration of the estates of foreigners dying in India *inte-state*.

(4) India has acceded to the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters and also Hague Convention on Taking of Evidence Abroad in Civil and Commercial Matters in the year 2007. Ministry of Law and Justice is the Central Authority for both the conventions. Judicial Section is dealing with the work of service of summons/notices to Indian nationals through Judicial Authorities, received from the foreign countries under the said conventions. Judicial Section also deals with forwarding of service of summons/notices originated from Judicial Authorities of the country to the Central Authorities of foreign countries.

(5) During the said period, five Law Officers were appointed in Calcutta High Court, Karnataka High Court, Punjab and Haryana High Court, Patna High Court and Southern Zone. As on date, total 18 Law Officers are there to look after the interests of Government of India in Supreme Court and various High Courts and their contact details are at <http://lawmin.nic.in/la/lawofficers.pdf>. Two Assistant Solicitors General were appointed in Guwahati and Meghalaya High Courts. 41 additional Panel Counsels were appointed for the Supreme Court. 56 fresh panel counsels were appointed in Andhra Pradesh High Court, 44 fresh panel counsels were appointed in Guwahati High Court. 12 fresh panel counsels were appointed in Chhattisgarh High Court. 93 fresh panel counsels were appointed in Delhi High Court/CAT/Distt. Courts. 36 fresh panel counsels were appointed in Gujarat High Court. 17 fresh panel counsels were appointed in Himachal Pradesh High Court. 18 fresh panel counsels were appointed in Jharkhand High Court. 153 fresh panel counsels were appointed in Karnataka High Court. 83 fresh panel counsels were appointed in Kerala High Court. 72 fresh panel counsels were appointed in Madhya Pradesh High Court. 113 fresh panel counsels were appointed in Bombay High Court and 18 for Nagpur Bench and 5 for Aurangabad Bench of Bombay High Court. 20 fresh panel counsels were appointed in Orissa High Court. 102 fresh panel counsels were appointed in Punjab and Haryana High Court. 106 fresh panel counsels were appointed in Rajasthan High Court. 101 fresh panel counsels were appointed in Madras High Court. 419 fresh panel counsels were appointed in Allahabad High Court. 29 fresh panel counsels were appointed in Uttarakhand High Court. 139 fresh panel counsels were appointed in Calcutta High Court. 25 fresh panel counsels were appointed in Armed Forces Tribunal (AFT), New Delhi. 34 fresh panel counsels were appointed in AFT (Lucknow). 15 fresh panel counsels were appointed in AFT (Jaipur).

(6) Ministry of Law and Justice, Department of Legal Affairs, being the nodal Ministry for reciprocal arrangement with foreign countries, has entered into Mutual Legal Assistance Treaty in Civil and Commercial matters with Mauritius (under section 44(b) of the Arbitration and Conciliation Act, 1996). Besides, Department of Legal Affairs is the Central Authority under Hague Convention of 1965 for service abroad of judicial and extra judicial documents in civil and commercial matters. Under this obligation, around 815 requests were processed. During the said period, few notifications were also issued for authorizing various officers to sign and verify plaints and written statements in suits filed by or against Central Government



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under Order XXVII Rule 1 of the Code of Civil Procedure, 1908 and also authorizing officers to sign contracts and agreements on behalf of President of India under Article 299 of the Constitution of India. Apart from these, few Arbitrators were also nominated/ appointed in disputes between Government and Private Parties.

## **9. NOTARY CELL**

The administration of the Notaries Act, 1952 and the Notaries Rules, 1956 comes under the purview of the Notary cell. The Notary Cell deals with examination/scrutiny of the memorials/applications received from different States/Union Territories in the country and processing of these memorials for appointment of Notaries. This Cell conducts inquiries into the allegations of professional or the other misconduct on the part of the Notaries. The Notary Cell also renews certificates of practice of notaries, issued by the Central Government. For sufficient reasons and in deserving cases it also grants extension of the area of practice to the notary public, on receipt of an application for purpose.

(2) About 435 advocates/applicants have been appointed as Notaries during the period from January 2015 to December 2015. So far, 11303 notaries have been appointed by the Central Government in various parts of the country. Besides, 690 Notary Certificates have been renewed during the period.

(3) A significant achievement of the Notary Cell during the period under report is the implementation of online application system for appointment of Notaries which would enable an individual applicant not only to apply online for appointment as Notary Public but also to keep himself/herself updated about the status of his application. It would also reduce the number of inquiries, RTI applications and litigations related to status of applications. The system of online application has been made functional from 01.01.2016 and the same has been given wide publicity to disseminate the information in general public.

## **10. IMPLEMENTATION CELL**

The Implementation Cell is allocated with responsibility of processing reports of the Law Commission, laying them before the Parliament and also to forward reports to the Ministries/Departments concerned for their examination/implementation as well as for expeditious action. This Cell is also concerned with the administration of the Advocates Act, 1961, the Advocates' Welfare Fund Act, 2001, legal education and legal profession.

(2) The Law Commission of India upto 31<sup>st</sup> December, 2015, has submitted 262 Reports. Upto 254 Reports have been laid before both the Houses of the Parliament. All the Reports received upto December, 2015 have also been forwarded to the concerned Ministries/Departments for examination/implementation. Copies of Report Nos. 256 to 262 have been received in the Section, which will be laid in the Parliament during the ensuing Budget Session of the Parliament.

(3) The Implementation Cell, in pursuance of the recommendations of the Department Related Parliamentary Standing Committee on Personal, Public Grievances, Law & Justice, has

been laying an Annual statement showing the status of pending Law Commission Reports before both the Houses of the Parliament since the year 2005. The last such Statement (11th) was laid on the Table of both the Houses of Parliament (in Lok Sabha on 10.12.2015 and Rajya Sabha on 11.12.2015).

#### **11. THE ADVOCATES ACT, 1961**

The Advocates Act, 1961 ("1961 Act") was enacted to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils at State level and an All India Bar Council i.e. Bar Council of India. The 1961 Act recognizes only one class of persons who are entitled to practice the profession of law in India, namely, advocates, vide its section 29.

#### **12. THE ADVOCATES WELFARE FUND ACT, 2001**

Social security in the form of financial assistance to junior lawyers and welfare schemes for indigent or disabled advocates have always been a matter of concern for the legal fraternity. Certain States enacted their own legislations on the subject. The Parliament, which enacted "**Advocates Welfare Fund Act, 2001**" is applicable to the Union Territories and the States which do not have their own enactments on the subject, for creation of "Advocates Welfare Fund" by the appropriate Government. This Act makes it compulsory for every advocate to affix stamps of the requisite value on every Vakalatnama filed in any court, tribunal or other authority. Sums collected by the way of sale of "Advocates' Welfare Funds Stamps" constitute an important source of the Advocates' Welfare Fund.

(2) Any practicing Advocate may become member of the Advocates' Welfare Fund on payment of an application fee and annual subscription. The Fund shall vest in and be held and applied by the Trustee Committee established by the appropriate Government. The Fund shall, inter alia, be used for making ex-gratia grant to a member of the fund in case of a serious health problem, payment of a fixed amount on cessation of practice and in case of death of a member, to his nominee or legal heir, medical and educational facilities for the members and their dependents, purchase of legal books and for common facilities for advocates.

#### **13. RIGHT TO INFORMATION ACT, 2005**

RTI Cell deals the RTI request, First Appeals and the Second Appeals concerning Department of Legal Affairs:

<b>S.No.</b>	<b>RTI Matters</b>	<b>Total (01.04.2015 to 31.12.2015)</b>
1.	Total RTI Requests	1050
2.	First Appeals before the First Appellate Authority	31
3.	Second Appeals before the Hon'ble Central Information Commission	33
4.	Total request received online	4417



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#### 14. LIBRARY & RESEARCH SECTION

- (1) The Library and Research Section looks after the requirements of legal books/Journals and other research materials of the Ministry of Law and Justice. This section provides reference and legal research services to its users.
- (2) During this year, Library and Research Section acquired 406 numbers of books and 442 volumes of law journals which were got bounded for reference.
- (3) The Library and Research Section subscribes to 19 Indian law journals, 3 foreign law journals and 40 magazines.
- (4) The Library and Research Section has acquired / subscribed to the following CD ROM /online services for retrieval of case laws, judgements and articles etc. for the use of officers of this Ministry.
  - a) AIR Combo DVD[(updates) Supreme Court, High Courts, Criminal Law Journal]] (1950-2014)
  - b) SCC Case finder CD (updates)
  - c) Grand Jurix (SC, HC, TRIBUNAL)
  - d) SCC Online (IP) Services
  - e) Manupatra.Com Online (IP) Services
  - f) Westlaw India Online (IP) Services
  - g) CLAonline.in (IP) Services

#### 15. PROGRESSIVE USE OF HINDI IN OFFICIAL WORK IN THE DEPARTMENT OF LEGAL AFFAIRS

The Department of Legal Affairs has taken following steps to implement various instructions issued by the Department of Official Language on the progressive use of Hindi for official purposes of the Union as contained in the Official Languages Act, 1963 and the Official Languages (Use for Official Purposes of the Union) Rules 1976 :-

(a) **Notification under the Rule 10(4) of the Official Languages (Use for Official Purposes of the Union) Rules 1976 :**

This Department was notified under Rule 10(4) of the Official Languages Rules, 1976 on 21-3-1980. Orders were issued on 25-07-1989 directing all officers and employees proficient in Hindi to submit drafts etc. of all communications addressed to State Governments/Union Territories, private individuals, Central Government offices located in Regions "A" and "B" and of communications in replying to letters etc., received in Hindi or signed in Hindi, including appeals, representations etc., only in Hindi. Instructions in this regard are reiterated every year for strict compliance.

(b) **Organisation of Hindi Day/Hindi Month**

With a view to accelerate the use of the Official Language and to increase the awareness of the employees as regards the Official Language policy and the various incentive schemes for using Hindi in official work, Hindi Day was

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celebrated in the Department on 14-9-2015. Hon'ble Minister for Law & Justice, Law Secretary and Rajbhasha Adhikari in their messages appealed to the officers and employees of the Department to adopt Hindi in their day-to-day official work. Message received from Hon'ble Home Minister on the eve of 'Hindi Day' was also circulated in the Department and its offices. In order to make the various programmes organized in this connection effective, 'Hindi Month' was organised from 1.9.2015 to 30.9.2015. This was done with the twin objectives of (a) giving wider publicity to the various schemes and (b) generating maximum output in terms of work done in Hindi. This year, during the 'Hindi Month', 7 competitions viz., 'Hindi Essay Competition', 'Hindi Typing Competition', 'Hindi Shorthand Competition', 'Translation Competition', and 'Hindi Noting and Drafting competition', 'Hindi dictation' for group 'D' employees and LDC & court clerks, and 'Official work in Hindi' Competition were organised in the Department. 97 officers/employees participated in these competitions. Out of which 85 successful participants will be awarded cash prizes amounting to Rs. 66,800/- by Law Secretary in function to be held in the month of March, 2016. 'Hindi Day' was also celebrated in the Branch Secretariats of the Department and benches of the Income Tax Appellate Tribunal. Various competitions were organised on this occasion and successful participants were awarded cash prizes.

(c) Creation of check points for implementation of orders relating to the Official Language

- (i) A review of the check points for implementation of orders relating to the Official Language was made and orders for creation of adequate number of check points (eight) in accordance with Rule 12 of the Official Languages Rules, 1976 were issued on 16-11-1994. The effectiveness of check points is being regularly monitored through the quarterly progress reports received from sections/offices.
- (ii) In Sections / Units where the staff are proficient in Hindi, the use of Hindi in their day to day work is being encouraged. Work relating to grant of various types of leave is being done in Hindi. Almost all cases relating to House Building Advances, GPF Advances and Withdrawals etc. are also being processed in Hindi and orders are also being issued in Hindi.
- (iii) All general orders, notifications, resolutions and administrative reports etc. are invariably issued in bilingual form. All letters received in Hindi are invariably replied to in Hindi only. Strict vigilance is maintained to ensure that there is no violation of the relevant rules in this regard. English to Hindi dictionaries have been provided to all sections of the Department for encouraging the use of Hindi in day to day official work.
- (iv) Hindi specimen of standard draft of letters sent frequently by various sections have been provided. All forms used in the Department have also been translated



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into Hindi. Entries in service books are also being made in Hindi. All rubber stamps, name plates, sign boards etc., are invariably prepared in bilingual form.

- (v) All the 300 computers in the Department are bilingual. Facility to work in Hindi is available on the computers provided to the officers and sections of the Department.
- (vi) A time bound programme has been prepared for imparting training in Hindi/ Hindi Stenography/ Hindi Typing to the employees of the Department and its offices under the Hindi Teaching Scheme. Employees are awarded personal pay/ Advance increments/ Cash Awards etc. as per the instructions of the Ministry of Home Affairs, Department of Official Language.
- (vii) Hindi Advisory Committee under the Chairmanship of the Hon'ble Minister of Law and Justice has been held on 7<sup>th</sup> July, 2015. This meeting is being organized by Legislative Department.
- (viii) The first Sub-Committee of the Committee of Parliament on Official Language inspected the progressive use of Hindi in the Indore bench of Income Tax Appellate Tribunal on the 18<sup>th</sup> February, 2015, and Guwahati bench of Income Tax Appellate Tribunal on 16<sup>th</sup> April, 2015. Shri T.N. Tiwari, Additional Secretary & Rajbhasha Adhikari, Shri Viay Singh Meena, DD(OL) and Shri A.K. Chawla, A.D.(O.L.)(only at Indore) represented the Department of Legal Affairs in the inspection meetings. Follow up action is being taken on the assurances given to the Committee of Parliament on Official Language. Apart from this, the Sub-Committee on Drafting and evidence of the Committee of Parliament on Official Language inspected Pune bench of Income Tax Appellate Tribunal on 06.01.2015 and Shri Vijay Singh Meena, DD(OL) represented the Department of Legal Affairs in the inspection meeting.
- (ix) In pursuance of the instructions of the Ministry of Home Affairs, Department of Official Language and assurances given to the First Sub-Committee of the Committee of Parliament on Official Language, in order to review compliance of the statutory provisions relating to Official Language and discuss problems faced in this regard, an Inspection Team has been constituted in the Department of Legal Affairs under the chairmanship of Rajbhasha Adhikari for inspection of Sections, Branch Secretariats and Benches of ITAT and other offices under the administrative control of the Department.
- (x) Presidential orders issued by the Department of Official Language on the recommendations contained in 8 part of the Report of the Committee of Parliament on Official Language are being implemented in the Department and its offices.



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- (xi) The meetings of Official Language Implementation Committee of the Department are held regularly. Rajbhasha Adhikari of the Department is the Chairman of this Committee and Deputy Secretary (Admn.) all USs and all Section Incharges and Branch Officers are members of this committee whereas Deputy Director (O.L.)/Assistant Director (O.L.) is the member secretary. In these meetings, Compliance Status of Quarterly progressive report and implementation of orders concerned for follow-up action. Last meeting of the Committee was held on 18<sup>th</sup> December, 2015.
- (xii) Details regarding the progressive use of Hindi including training aspect covering the period from 1<sup>st</sup> January, 2015 to 31<sup>st</sup> December, 2015 are given in **Annexure-II.**

#### **16. BRANCH SECRETARIAT, MUMBAI**

The Ministry of Law & Justice, Department of Legal Affairs, Branch Secretariat, Mumbai is presently headed by the Joint Secretary & Legal Adviser/In-charge. He is assisted by one Senior Government Advocate, two Additional Government Advocates, two Assistant Legal Advisers and two Superintendents (Legal), one Section Officer/DDO and other officials.

(2) As far as the work handled by Mumbai Branch Secretariat is concerned, it includes tendering of legal advice, handling of litigation work pertaining to Bombay High Court, litigation pertaining to other subordinate courts which falls under the entire Western Region and the administration of the Branch Secretariat.

The procedure followed in the decision making process including the channels of supervision and accountability is as under:-

**A. LEGAL ADVICE:** The references received from various Ministries/Departments of Central Government seeking legal advice are examined at the first instance by the Superintendents (Legal) and thereafter put up to the Joint Secretary & Legal Adviser/In-charge who in turn mark the cases to the Senior Government Advocate, Additional Government Advocate(s), Assistant Legal Adviser(s) as per the distribution/allotment of work. If required, the advice matters are also referred to the Ld. Additional Solicitor General of India for his expert opinion.

As far as the current year is concerned, this Branch Secretariat has received about **2744** cases being references seeking advice and this Branch Secretariat has almost disposed of all the cases and nothing is pending on date.

**B. LITIGATION:** The litigation section of this Branch Secretariat is headed by the Joint Secretary & Legal Adviser/In charge who in turn is assisted by the Senior Government Advocate, Additional Government Advocate(s), Assistant Legal Adviser(s) and Superintendent (Legal) in discharging the duties and in handling the litigation matters filed in Bombay

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High Court either filed by the Government of India or against it. So also, the litigation pertaining to Subordinate Courts is handled by the Branch Secretariat. Wherever necessary the litigation is handled through the Advocates / Counsel appointed / empanelled on the Panel of Government of India for Bombay High Court on its Ordinary Original Civil Jurisdiction, Appellate Jurisdiction & Criminal Jurisdiction and through other Counsel empanelled on different panels appearing before the different Courts of law.

As far as the current year is concerned, this Branch Secretariat has received about 2023 cases in different litigation sections. The Counsels were engaged for protecting the interest of Government of India involved in the matter through different Central Government Ministries/Departments and on or about 580 litigation cases have been disposed of before the Hon'ble High Court.

**C. ADMINISTRATION:** The Joint Secretary & Legal Adviser/In-charge is the head of the Administration of the Branch Secretariat, Mumbai. He is assisted by the Section Officer/DDO, in handling the day-to-day administrative matters of the Branch Secretariat.

The Joint Secretary & Legal Adviser/In-charge was nominated by the Competent Authority as a Member of the Committee constituted by the Ministry of Corporate Affairs, New Delhi to conduct hearing of objection on amalgamation of National Spot Exchange Limited (NSEL) and Financial Technologies (India) Limited (FTIL) pursuant to the order dated 04.02.2015 of the Hon'ble Bombay High Court passed in Writ Petition No.2743 of 2014.

**D. OFFICIAL LANGUAGE :** The Joint Secretary & Legal Adviser & In-charge of this Branch Secretariat also works in the capacity of "Vibhagiya Rajbhasha Adhikar" and other officers nominated by him work for promotion and maximum usage of Official Language in the Branch Secretariat.

## **17. BRANCH SECRETARIAT, KOLKATA**

During 2015-16, the Branch Secretariat, Kolkata is headed by Senior Government Advocate who also functions as overall In-charge. It has eight wings viz. Advice, Administration, Cash & Accounts, Hindi, Counsel Fee Bill, Litigation, CAT/Lower Court and R & I Section. In addition, this Branch Secretariat has a Library containing more than 8800 books under the supervision of Section Officer. The Litigation Wing of the Branch Secretariat, Kolkata looks after the entire litigation matters pertaining to the High Court at Calcutta both in the Original as well as Appellate Side.

(2) The Branch Secretariat, Kolkata is functioning from 2<sup>nd</sup> & 3<sup>rd</sup> Floor, Middle Building, 11, Strand Road, Kolkata-700001.



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(3) The Branch Secretariat is looking after litigation of the Union of India in the High Courts & Circuit Bench of Calcutta High Court in Port Blair and other High Courts and Ld. Courts below covering 12 States and one Union Territory. The Branch Secretariat also looks after the service matters relating to Central Government employees before the Central Administrative Tribunal, Calcutta Bench as well as the other benches of CAT at Cuttack, Guwahati, Patna and Circuit Benches at Sikkim and Andaman & Nicobar Islands. The Branch Secretariat renders legal advice and also conducts litigation pertaining to all the Central Government Ministries/Departments including the Income Tax Department, Customs and Central Excise (only advice work), Revenue Intelligence, FEMA, Ministry of Railways (old matters), Ministry of Defence, Ministry of Home, Ministry of External Affairs and all others having their offices at West Bengal, Assam, Nagaland, Manipur, Arunachal Pradesh, Meghalaya, Bihar, Jharkhand, Orissa, Tripura, Mizoram and Sikkim and Union Territory of Andaman and Nicobar Islands and any other Central Government Office situated outside the Eastern Zone but cause of action arise in Kolkata on receipt of references from concerned Departments/Ministries. Counsel are also engaged to appear before the various Tribunals like CESTAT and ITAT etc. and in Arbitration matters before the Ld. Arbitrators on receipt of specific requests from Departments concerned.

(4) During 2015-16, a total 1307 number of references were received by the Advice Wing. It is expected that the total number of references for advice received and dealt with during 2015-16 will be around 1500. Pleadings filed in various Courts as well as before Central Administrative Tribunals are also vetted by this Branch Secretariat.

(5) In litigation wing, Government advocates who are regular employees act as Advocate-on-Records as well as Government Pleader within the meaning of Order-XXVII Rule 8B(a) of the Code of Civil Procedure, 1908 and get the matter heard/argued through a panel Counsel engaged for this purpose.

(6) During 2015-16, the Senior Government Advocate, one Additional Government Advocate and three Junior Central Government Advocates acted as Advocate-on-Records for and on behalf of the Union of India and other Central Government petitioners/ respondents in the Calcutta High Court and also appear before the Court as Government Pleader. The total number of High Court cases received/conducted by the Litigation Division of the Branch Secretariat, Kolkata during 2015-16 up to December, 2015 were 3030 and the number of cases disposed of during the said period was 1363 (some cases pertained to previous years). The number of cases expected to be handled during the whole of 2015-16 will be around 4200. The total number of government cases pending in the Calcutta High Court till the end of December, 2015 was about 1846. Similarly, the number of cases received in the Branch Secretariat, Kolkata for engagement on service matters in CAT, Calcutta Bench during 2015-16 (up to December, 2015) was 1307 and it is expected that total number of such cases will be around 2000 during 2015-16. The number of cases in Courts below including arbitration cases handled during 2015-16 (up to December, 2015) was 300 and it is expected that another 40 cases (approximately) will be received during the remaining period of 2015-16.

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(7) Out of the sanctioned budget of Rs.3,00,00,000/- for payment towards Professional Fees to the Counsel, an amount of Rs.1,26,14,704/- has already been paid to them till December, 2015 for the cases relating to High Court at Calcutta. The remaining amount of the budget will be paid in the next three months of 2015-16. The data regarding disbursement of fees to Advocates is at **Annexure-III**.

(8) The Branch Secretariat also certifies for payment, after due scrutiny, the professional fee bills of the Government Counsel/Standing Counsel conducting matters in different Courts and also in the arbitration proceedings before the Arbitrators which are sent for vetting by the different Departments and Ministries of the Central Government. However, those bills are actually paid by the Departments. Professional Fee Bills for Standing Counsel in other High Courts of the Eastern Region are also vetted by this Branch Secretariat.

(9) The Hindi Section is looked after by the Section Officer with the assistance of one Junior Hindi Translator for propagation/use of Hindi as official language in this Branch Secretariat. For this, several workshops/seminars have been organized in this Branch Secretariat. 'Hindi Diwas' was also celebrated in this Branch Secretariat with great enthusiasm during September 2015. Till date, around 90% of the Officers/staff members have obtained the working knowledge in Hindi. It is expected that by the year 2017, all the members of the staff will complete such courses/training.

(10) A software named 'COSA' developed by NIC, Kolkata is in operation for preparation of pay bills of the employees of the Branch Secretariat, Kolkata. Necessary work has already been done in this regard. Further, the quarterly returns of Income Tax deducted at source are being prepared in the Electronic Media and submitted to Income Tax Department through TIN Facilitation Centre in floppies/CDs. A new format i.e. Form-24G has been introduced by the Income Tax Authority which is required to be filled up and submitted in electronic format by 10<sup>th</sup> of the following month in which TDS has been deducted by this Office. Also the weekly statement of expenditure is prepared using software 'CDDO2PAO' developed by NIC, New Delhi and submitted to Pay & Accounts Office in floppies/CDs. In addition, information regarding licence fee payment for Government quarters is also required to be sent online to the Directorate of Estates using Government Accounting Management System (GAMS). 37 (Thirty seven) numbers of Personal Computers are in use at present in the Branch Secretariat, Kolkata. Provision of Local Area Network (LAN) has been provided to each Section/ Officer's room of the Branch Secretariat, Kolkata. Almost all the Computers in the Branch Secretariat, Kolkata now have internet connection.

(11) The Library in the Branch Secretariat, Kolkata, containing more than 8800 books, is under the supervision of Section Officer. It is very helpful for use in Litigation and also adhering advice to Government Departments. Online legal library 'Manupatra' and 'CDJ Law Journal' have also been subscribed by this Branch Secretariat.



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(12) One biometric attendance system, for employees in the Branch Secretariat, Kolkata, is in operation w.e.f. 12<sup>th</sup> April, 2011. Now Aadhar based Biometric Attendance System has also been introduced successfully.

(13) Cleanliness Drive is being continued in the Branch Secretariat, Kolkata as a regular process. A Committee headed by Superintendent (Legal) has been constituted in the Branch Secretariat, Kolkata for supervision of cleanliness drive and weeding out of old records. 'Safai Abhiyaan' is being carried out on every alternate Saturday in the Branch Secretariat. Due to an extensive renovation work, done by CPWD Office and the cleanliness drive undertaken, the Office has got a more clean and beautiful look and continuous efforts are going on for modification/renovation of office premises aiming towards further cleanliness/beautification.

#### **18. BRANCH SECRETARIAT, CHENNAI**

Deputy Legal Adviser heads the Branch Secretariat at Chennai.

**ADVICE:** The Branch Secretariat renders legal advice to all Central Government Offices located in the States of Tamil Nadu, Kerala and the Union Territory of Puducherry. During the period from 01-04-2015 to 31-12-2015 about 834 references were received for advice and disposed off. About 350 references for advice are expected during the remaining period of current financial year 2015-2016.

**LITIGATION:** The Branch Secretariat, Chennai looks after the entire litigation work of Central Government (except cases relating to Railways, Telecom, Income-Tax, Central Excise and Customs, etc.) in the High Court of Madras, Madurai Bench of Madras High Court and High Court of Kerala. It also looks after the Central Government litigation work in the City Civil Courts, Presidency Courts of Small Causes, Subordinate Courts, Tribunals, Consumer Fora, etc. in Tamil Nadu and Kerala. Besides, the Branch Secretariat, Chennai has also been entrusted with the work of Central Government litigation before the Madras Bench of Central Administrative Tribunal at Chennai and Ernakulum Bench of Central Administrative Tribunal in Kerala.

(ii) During the period from 01-04-2015 to 31-12-2015 about 6525 litigation matters received and disposed of about 6345 which include receipts, fee bills and files opened regarding High Court/CAT/LC etc. and projection for the remaining period of three months pertaining to the litigation matters, during the current financial year is expected to be about 1800.

(iii) The Branch Secretariat keeps the Ministries and Departments of the Central Government informed about the important developments of their cases as well as the results of the litigation with suitable advice for further action, if required. Pleadings, affidavits etc., to be filed in the Courts/ Tribunals / Consumer Fora / Arbitration matters in Tamil Nadu and Kerala are scrutinized and vetted at the draft stage. Functions of Branch Secretariat, Chennai also include engagement / nominations of the Counsel and collection of materials from the Central Government Departments involved in the cases for being passed on to the Counsel after necessary scrutiny of the documents from the legal angle.

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**COUNSEL'S FEE BILLS:** The Branch Secretariat itself pays the fees directly from its centralized funds to the Additional Solicitor General of India, Assistant Solicitor General, Senior Panel Counsel and the Central Government Standing Counsel in respect of cases before the Madras High Court and Madurai Bench of Madras High Court. Fee Bills preferred by the Central Government Counsel for appearance before the Central Administrative Tribunal and Subordinate Courts are scrutinized / certified and sent to the Departments concerned for payment.

**MISCELLANEOUS:** During the period under report, various R.T.I. applications, appeals, statements and other references / litigation correspondence were received and dealt with.

**FEMALE EMPLOYEES:** There are 7 female employees working in this office, viz., 1 Deputy Legal Adviser, 1 Superintendent (Legal), 2 Personal Assistants (CSSS), 1 Senior Court Clerk and 2 Assistant Section Officers (CSS).

**STATISTICS OF EMPLOYEES WORKING UNDER THE FOLLOWING CATEGORIES:** There are 13 employees falling under various categories other than General Category employees, i.e., SC – 4; ST – 1; OBC – 6; Ex-servicemen – 1 and PH – 1.

#### **19. BRANCH SECRETARIAT, BENGALURU**

The Branch Secretariat has jurisdiction over the States of Karnataka and Andhra Pradesh handling the litigation and advice of various Central Government Departments/Ministries. Deputy Legal Adviser heads the Branch Secretariat, Bengaluru.

**ADVICE:** The Branch Secretariat renders legal advice to all the Central Government Departments and offices located in the States of Karnataka, Andhra Pradesh and Telangana. During the current year 2015-2016 about 775 references were received for advice and all advice cases were disposed during the period. The advice work includes scrutiny and vetting of pleadings i.e. statement of objections, counter affidavits to be filed before the High Courts i.e. High Court of Karnataka, Bengaluru, Circuit Benches of High Court of Karnataka at Dharwad and Gulbarga and High court of Andhra Pradesh respectively, reply statement to be filed before Central Administrative Tribunal, written statement, counter affidavits, counter statements, versions filed before District Courts, Subordinate Courts and various other Tribunals.

Examining the feasibility of filing SLP, Appeals, review etc. interpretation of laws guiding Departments on legal sustainability of their action and holding discussions with the administrative Departments, whenever necessary.

**LITIGATION:** The Branch Secretariat supervises the entire litigation of the Central Government Departments and offices in the High Court of Karnataka, Bengaluru, Circuit Benches of High Court of Karnataka at Dharwad & Gulbarga and High Court of Andhra Pradesh, Subordinate Courts located at Bengaluru City and twin cities of Hyderabad and



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Secunderabad and CAT in both the States. This Branch Secretariat also looks after the work of Government litigation in the District Consumer Dispute Redressal Forum, the State Consumer Redressal Commissions of both the States, Central Government Industrial Tribunal and Debt Recovery Tribunal. During the current year 2015-16 about 2901 litigation matters, which includes nomination of counsel, counsel fee bills and general correspondence relating to litigation were received. The function of the Branch Secretariat in this regard includes engagement/ nomination of the Counsel and distribution of cases among the Central Government Counsels.

**COUNSEL'S FEE BILLS:** This Branch Secretariat itself processes counsel fee bills and pays the fees directly from its centralized funds to the Assistant Solicitor General of India and Central Government Counsel in the High Court of Karnataka, Bengaluru. So far as Circuit Benches of High Court of Karnataka at Dharwad and Gulbarga are concerned, the counsel fee bill is borne by the concerned Department on whose behalf the Counsel conducts the cases and not by the Branch Secretariat, Bengaluru. The concerned Departments pay the fee for Central Government panel Counsel in CAT, District and subordinate Courts. Hence this Branch Secretariat is not certifying counsel fee bills. However, this Ministry clarify as and when requested any doubt in this regard.

**ESTABLISHMENT OF OFFICE OF ADDITIONAL SOLICITORS GENERAL OF INDIA:** Government of India has appointed Shri K.M. Nataraj, Senior Advocate and Shri Prabhuling K. Navadgi, Senior Advocate as Additional Solicitor Generals of India for the Southern Zone and in the High Court of Karnataka respectively for a period of three years with effect from 8<sup>th</sup> April, 2015. Both the Additional Solicitor Generals of India are based in Bengaluru. Consequent on the allotment of office accommodation in the premises of Hon'ble High Court of Karnataka, the Office of the Additional Solicitor Generals of India was inaugurated by Hon'ble Union Minister of Law & Justice on 8<sup>th</sup> January, 2016.

## **20. LAW COMMISSION OF INDIA (LCI)**

The three-year period of the 20<sup>th</sup> Law Commission ended on August 31, 2015 and the 21<sup>st</sup> Law Commission has been constituted with effect from September 1, 2015 for a period of three-year term, ending on 31<sup>st</sup> August, 2018. The Commission is consisted of a full-time Chairperson; four Full-time Members (including Member-Secretary); Secretary, Department of Legal Affairs (Ex officio Member); Secretary, Legislative Department (Ex officio Member); and not more than five Part-time Members. However, Chairperson and Members are yet to be appointed.

### **(2) The Terms of Reference of the Twenty-first Law Commission are as follows:**

- A. Review/Repeal of obsolete laws:
- (i) Identify laws which are no longer needed or relevant and can be immediately repealed.
  - (ii) Identify laws which are not in harmony with the existing climate of economic liberalization and need change.



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- (iii) Identify laws which otherwise require changes or amendments and to make suggestions for their amendment.
  - (iv) Consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonizing them.
  - (v) Consider references made to it by Ministries/Departments through the Department of Legal Affairs, Ministry of Law and Justice in respect of legislations having bearing on the working of more than one Ministry/Department.
  - (vi) Suggest suitable measures for quick redressal of citizens grievances, in the field of law.
- B. Law and Poverty:
- (i) Examine the Laws which affect the poor and carry out post-audit for socio-economic legislations.
  - (ii) Take all such measures as may be necessary to harness law and the legal process in the service of the poor.
- C. Keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure:
- (i) Elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decision should be just and fair.
  - (ii) Simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice.
  - (iii) Improvement of standards of all concerned with the administration of justice.
- D. Examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislations as might be necessary to implement the Directive Principles and to attain the objectives set out in the Preamble to the Constitution.
- E. Examine the existing laws with a view for promoting gender equality and suggesting amendments thereto.
- F. Revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.
- G. Recommend to the Government measures for making the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.
- H. Consider and to convey to the Government its views on any subject relating to law and judicial administration that may be specifically referred to it by the Government through Ministry of Law and Justice (Department of Legal Affairs).

I. Consider the requests for providing research to any foreign countries as may be referred to it by the Government through Ministry of Law and Justice (Department of Legal Affairs).

J. Examine the impact of globalization on food security, unemployment and recommend measures for the protection of the interests of the marginalized.

(3) The 20<sup>th</sup> Law Commission had taken up various subjects in pursuance of its terms of reference, *suomotu* and references from Supreme Court and High Courts.

(4) The 20<sup>th</sup> Law Commission forwarded the following reports during the year 2015:-

- (i) Report No.252: Right of the Hindu Wife to Maintenance: A relook at Section 18 of the Hindu Adoptions and Maintenance Act, 1956 (06.01.2015)
- (ii) Report No.253: Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015 (29.01.2015)
- (iii) Supplementary to Report No.246: on Amendments to Arbitration and Conciliation Act, 1996 "Public Policy" Developments post-Report No.246 (06.02.2015)
- (iv) Report No.254: The Prevention of Corruption (Amendment) Bill, 2013 (12.02.2015)
- (v) Report No.255: Electoral Reforms(12.03.2015)
- (vi) Report No.256: Eliminating Discrimination Against Persons Affected by Leprosy (07.04.2015)
- (vii) Report No.257: Reforms in Guardianship and Custody Laws in India (22.05.2015)
- (viii) Report No.258: Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations – A Study and Proposed Amendments (27.08.2015)
- (ix) Report No.259: Early Childhood Development and Legal Entitlements (27.08.2015)
- (x) Report No.260: Analysis of the 2015 Draft Model Indian Bilateral Investment Treaty (27.08.2015)
- (xi) Report No.261: Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding (28.8.2015)
- (xii) Report No.262: The Death Penalty (31.8.2015)

## 21. INDIAN LAW INSTITUTE (ILI)

**Introduction: Indian Law Institute (ILI)** is a Premier Legal Research Institute founded in 1956 with the objectives to cultivate the science of Law, to promote advanced studies in legal research with a view to relating law with socio-economic development and needs of the people, to ensure systematization of law, to encourage and conduct investigation in legal

education system and to publish studies in the form of books and periodicals. Hon'ble Chief Justice of India is the Ex-officio President of the Institute. The Institute has been granted Deemed University Status in 2004 vide Government of India, Ministry of Human Resource Development Notification No. F.9-9/2001-U.3 dated 29.10.2004

**Academic Programmes:** After the declaration of Deemed University in the year 2004, the institute launched research oriented LL.M. programme. The admission in LL.M programme is strictly on merit in Common Admission Test (CAT) conducting every year and Interview. Presently the following programmes are conducted by the institute:

Programme(s)	Students Enrolled in academic session 2015-16
LL.M.- 1 Year (Full Time)	26
LL.M.- 2 Year (Full Time)	36
P G Diploma Courses( Alternative Dispute Resolution, Corporate Laws and Management, Cyber Law and Intellectual Property Rights Laws)	260
Ph.D in Law	03
Total No. of Students	325

- The Institute has a Ph.D. programme. There are 27 scholars enrolled as on date.
- The Institute also conducts on line e- learning certificate courses on Intellectual Property Rights (IPR) and Cyber Law of three months duration. The Online Cyber Law Course batch No. 20, 21 & 22 was completed and Batch of 31, 32 & 33 of Online IPR Course was completed.

#### Performance-cum-achievements report (from 1.04.2015 to 31.12.2015)

**A. Research Publication Released:** The following research publication has been released by the ILI during period of report:

- Journal of the Indian Law Institute (JILI). It has been publishing the quarterly contains research articles on topics of current importance referred in International Importance.
- ILI Newsletter. It has been published quarterly contains details of the activities undertaken by the Institute during the quarter and the forthcoming activities.
- Digitization of Documents. The ILI digitized more than 2.5 lakh pages of the ILI publication and rare documents and available in DVD form.



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**B. Activities in ILI (Seminar/conference/training/workshop/visits/special lectures)**

- The Indian Law Institute along with Faculty of Law, Shree Guru Gobind Singh Tricentenary University (SGT) University, Gurgaon and Centre for Child and the Law, National Law School of India University, Bengaluru organised a National Consultation Conference on The Juvenile Justice (Care and Protection of Children) Bill, 2014 (revised) on May 15, 2015.
- The Indian Law Institute in collaboration with O.P Jindal Global University (Law School) organised One Day Seminar and Training Programme on, Torture, International Law and Human Rights on June 8, 2015 at the Indian Law Institute. Hon'ble Mr. Justice Arjan Kumar Sikri, Judge Supreme Court of India was the Chief Guest and delivered the inaugural address.
- The Indian Law Institute organized a half day study programme for the Delegation from Royal Government of Bhutan on June 18, 2015 on, "Law of Treaties, Ratification Procedure and Best Practices in India".
- The Indian Law Institute along with Faculty of Law, Shree Guru Gobind Singh Tricentenary University (SGT) University and University School of Law and Legal Studies (GGSIP) University jointly organised a faculty development programme on "Legal Research and Methodology" on 19-20 June, 2015 at GGSIP University, Dwarka, New Delhi.
- The Indian Law Institute in collaboration with National Human Rights Commission have organised the following Training Programmes in this year:

**Session I-** Two-Days Programme For Judicial Officers On Human Rights: Issues And Challenges on October 3-4, 2015.

**Session II-** Two-Days Training Programme for Police Personnel On Police And Human Rights: Issues And Challenges on November 7 & 8, 2015.

**Session III-** Two-Days Programme for Prison Officials On Human Rights: Issues And Challenges on December 12 & 13, 2015.

- As approved by the Academic Council, the All India Common Admission Test (CLAT) for admission to the LL.M. Programmes was conducted on June 13, 2015 at ILI, New Delhi. 475 candidates appeared for L.L.M. – One Year and Two Year programmes. The merit list of candidates shortlisted for interview/ viva was notified on June 22, 2015 as per the approved schedule.

**Research Projects:**

- The National Investigation Agency (NIA) Ministry of Home Affairs, Govt. of India has entrusted a project to prepare a "Compendium of Terrorism Related cases and to draft a model investigation and procedural manual". The work is under progress.

- The project on “Meaning and status of pendency in Allahabad High Court and Calcutta High Court” entrusted by Department of Justice, Ministry of Law and Justice is under process.
- The CBI Academy Ghaziabad has entrusted a project for the Development of a module on” Primacy of Rule of Law” to be introduced in the training modules for the officers of the CBI and other law enforcement agencies.
- Restatement of Indian Law: Hon’ble Chief Justice of India, President of ILI has constituted the “Restatement of Indian Law Committees” on Direct-Indirect Taxes, Constitutional law and Criminal law.
- The Ministry of Panchayati Raj (MoPR), has entrusted a project to the Indian Law Institute on “*A Study on Case laws Relating to Panchayati Raj in Supreme Court and Different High Courts*”. The study is under progress.

#### **FORECAST OF ACTIVITIES (FROM 01.01.2016 TO 31.03.2016)**

- I Publication:** The following research documents are proposed to be published during the above period:
- (i) Journal of the Indian Law Institute (Quarterly publication)
  - (ii) ILI Newsletter with Case Comments and Legal Jottings (Quarterly)
  - (iii) Annual Survey of Indian Law – 2014
  - (iv) Index to Legal Periodicals – 2015.
  - (v) New Book on “Environmental Law” and revision / updation of books on “ A Treatise on Consumer Protection Laws” and “ Right to Bail”
- II Meetings/Seminar/Conference/training/workshop/visits/special lectures**
- (i) Dr. David Malone will deliver a special lecture on, “The UN Security Council in a Time of Renewed Great Power Tension”.
  - (ii) The Institute will organize a one day training programme for Juvenile Homes/Old Age Homes/ Health Officials/ on Human Rights: Issues and Challenges.
  - (iii) Annual Convocation of the Indian Law Institute is scheduled to be held on 15<sup>th</sup> March, 2016.
  - (iv) Some more Special Lectures/ Interaction with ILI faculty members / students have been planned.
- III Examination/admission:**
- (i) End Trimester/ Semester Examination of LL.M. 1/2/3 Years will be commenced during the above periods.
  - (ii) P.G. Diploma Courses will be completed and exam will be held during the above period.



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- (iii) E-learning Courses batch No. 23 of Online Cyber Law & 34 of Online IPR Course will be completed by March 2016.

## **22. BAR COUNCIL OF INDIA (BCI)**

The Bar Council of India was constituted under the Advocates Act, 1961 and it has been empowered among other things to lay down standards of professional conduct and etiquette for lawyers and to lay down, maintain and improve the standards of legal education in the country. While the State Bar Councils are the authorities for enrolment as Advocates, the State Bar Councils and the Bar Council of India enforce discipline among Lawyers. The Bar Council of India acts as appellate authority in respect of disciplinary matters.

(2) The Bar Council of India meets at regular intervals to transact business in accordance with the agenda circulated to the Members. At the meetings, the Council also conduct removal proceedings under Section 26(1) where persons are enrolled either by misrepresentation or by suppressing essential facts, deals with references received from State Bar Councils under Section 26(1) where the State Bar Council propose to reject the enrolment application on one reason or other and hear and decide revision petitions under Section 48A of the Advocates Act, 1961 where complaints against advocates for professional or other misconduct filed by individuals are dismissed by State Bar Councils summarily.

## **23. INSTITUTE OF CONSTITUTIONAL AND PARLIAMENTARY STUDIES (ICPS):**

(1) **Introduction:** The Institute of Constitutional and Parliamentary Studies (ICPS) is an autonomous body registered under the Societies Registration Act, 1860. The Institute was set up on 10<sup>th</sup> December, 1956, with aim to promote and provide for Constitutional and Parliamentary Studies with special reference to the evolution and working of the Indian Constitution in all aspects.

(2) **Diploma Courses:** Institute offers Parliamentary Fellowship Programme and two diploma courses, one in Constitutional Law and another in Parliamentary Institutions and Procedures. The three courses offered by the Institute are post-graduate part-time courses and are an annual feature. Classes for the three courses are held in the evening at the Institute's premises. Since Institute does not have its own faculty, therefore, guest faculty is hired from outside to deliver lectures for the three courses. Admissions to the three courses for the current academic year 2015-16 were held in the June-July 2015 a total of 50 students have been enrolled for the three courses. Subsequent to an Induction Programme organised during last week of July 2015 for the benefit of the students, classes for the courses are being held since Aug 24, 2015.

## **FORECAST OF ACTIVITIES (FROM 01.01.2016 TO 31.03.2016)**

**Diploma Courses:** Examination for the students of three courses for the current academic session 2014-15 would be conducted in Feb-March 2016 subsequent to the completion of course curriculum.

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## 24. INCOME TAX APPELLATE TRIBUNAL (ITAT)

(1) **ORIGIN:** Section 252 of the Income-tax Act, 1961 provides that the Central Government shall constitute an Appellate Tribunal consisting of as many Judicial Members and Accountant Members as it thought fit, to exercise the powers and discharge the functions conferred on the Appellate Tribunal by the said Act. The Income-tax Appellate Tribunal was established on 25<sup>th</sup> January, 1941, in pursuance of a similar provision contained in the Indian Income-tax Act, 1922.

(2) **CONSTITUTION:** The Income Tax Act, 1961 further provides that, a Judicial Member of the Tribunal shall be person, who has for at least 10 years held a Judicial Office in the territory of India or has been a Member of the Indian Legal Service and has held a post in Grade-II of that service or any equivalent or higher post for at least three years or who has been an advocate for at least ten years. An Accountant Member shall be a person, who has for at least 10 years been in practice of accountancy (a) as Chartered Accountant under the Chartered Accountants Act, 1949 (38 of 1949) or as a Registered Accountant under any law formerly in force or partly as a Registered Accountant under any law formerly in force or partly as such registered Chartered Accountant, and partly as such Chartered Accountant or who has been a Member of the Indian Income Tax Service, Group A and has held the post of (Additional) Commissioner of Income-tax or any equivalent or higher post for at least three years.

(3) **SHORTAGE OF MEMBERS AND STAFF:** The present sanctioned strength of Members of Tribunal is 126 for 63 benches spread over 27 cities throughout the country out of which only 95 Members are in position and accordingly there are 31 posts of Members vacant as on date. The Tribunal is presently headed by the President assisted by (1) Senior Vice-President and nine (9) Vice - Presidents. At present, one (1) post of Senior Vice-President, six (6) post of Vice-Presidents and twenty four (24) Members are vacant.

### (4) POWERS AND FUNCTIONS:

(i) The Income-tax Appellate Tribunal, constituted under the Income-tax Act, deals with second appeals in all matters of direct taxes and appeals against the revision orders of administrative Commissioners as well as orders of acquisition of properties under Chapter-XX A of the Income-tax Act.

(ii) The powers and functions of the Appellate tribunal are exercised and discharged by the Benches constituted by the President of the Tribunal from amongst the Members thereof. A Bench consists of one Judicial Member and one Accountant Member. The President or any other Member of Tribunal authorised in this behalf by the Central Government may, sitting singly, dispose of any case which has been allotted to the Bench of which he is a Member and which pertains to an assessee whose total income as computed by the Assessing Officer in the case does not exceed fifteen lakhs rupees and the President may, for the disposal of any particular case, constitute a Special Bench consisting of three or more Members, one of whom shall necessarily be a



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Judicial Member and one Accountant Member, subject to the provisions of the Income-tax Act, 1961.

**(5) PROCEDURE AND RULES:**

(i) The Appellate Tribunal has the power to regulate its own procedure and the procedure of its Benches in all matters arising out of the exercise of its powers or in the discharge of its functions, including the places at which the Benches shall hold their sittings.

(ii) The Appellate Tribunal has, accordingly, framed its own rules called the Income-tax (Appellate Tribunal) Rules, 1963. The said Rules are best suited for the expeditious disposal of all matters pending before the Income-tax Appellate Tribunal. The Tribunal functions not only as the final fact finding authority in matters concerning Income-tax but also in all matters of taxation such as Wealth-tax, Gift-tax and Expenditure tax etc. The Appellate Tribunal is manned by efficient personnel discharging their functions to the best of their ability and holding the scales of justice evenly between the tax payer and the Revenue without fear or favour.

(iii) Generally, appeals are heard by a Bench consisting of one Accountant Member and one Judicial Member. However, in appropriate cases, at the discretion of the President, a Bench may consist of more than two Members.

(iv) The matters which the Appellate Tribunal disposes of are of vital importance involving revenue to the tune of millions of rupees. The Tribunal is entrusted with the responsible task of deciding intricate questions of law and fact. The presence of both the Judicial and Accountant Members is guaranteed that questions of fact which arise for their consideration are properly enquired into and that the accountancy point, as also the legal angle, have been weighed properly. The Tribunal allows the representatives of both the parties to appeal before it and invariably hears them before passing any order. The Members hear the parties, peruse the evidence on record, make their own notes, refer to the authorities cited at the Bar, confer among themselves and then pass final orders. The procedure is, by itself, a guarantee that questions of facts are properly and judicially decided and inference drawn by the Tribunals are beyond reproach.

**(6) PENDENCY OF APPEALS:**

(I) At the beginning of the year 2015, the Pendency of the appeals was 100567 and as on 1st January, 2016, the number of appeals pending in the Income-tax Appellate Tribunal stands at 95669. The detailed statement showing comparison of number of Members, Institution, Disposal and Pendency for the year 2014 and 2015 is as under:

Year	No. of Members	Institution	Disposal	Pendency
2014	68	46652	29817	100567
2015	95	39748	44644	95669

(ii) It will be seen from the following table that the commitment to reduce pendency is showing encouraging results after all the newly created Benches were made functional :

Year	Institution	Disposal	Pendency at the end of year
2004-2005	57331	78901	137164
2005-2006	45283	73979	108468
2006-2007	43192	65524	86136
2007-2008	44356	59653	70839
2008-2009	40372	55889	55322
2009-2010	41648	49353	47617
2010-2011	44250	36293	55574
2011-2012	42346	33816	64104
2012-2013	43934	33752	74286
2013-2014	46031	31886	88643
2014-2015	45072	30494	103238
<b>2015-2016 Up to 01.01.2016</b>	<b>28878</b>	<b>36445</b>	<b>95669</b>

#### (7) EFFORTS FOR REDUCTION OF PENDENCY:

(i) Necessary instructions have already been issued to all the Benches to scrutinize and identify cases which are covered by decisions of I.T.A.T., High Courts, and the Supreme Court and post them on priority basis. This includes group and small matters. The Bar is also requested to bring to the notice of I.T.A.T., all such covered cases for out of turn posting. Besides, Search & Seizure and Appeals u/s 263 are also being given priority in their disposal. In pursuance of CBDT Circular F.No.279/Misc.142/2007-ITJ(Pt) dated 10<sup>th</sup> December, 2015, 5652 Revenue's appeals in which tax effect is up to Rs.10 Lac was fixed immediately and disposed off.



The pendency figures of Single Member Cases is as under:-

Month	Total Pendency
January,2015	1129
February,2015	1091
March,2015	1085
April,2015	3639
May,2015	2305
June,2015	4380
July,2015	3979
August,2015	3482
September,2015	3483
October,2015	3188
November,2015	2833
December,2015	2590

(ii) The pendency figure of Wealth Tax Cases is as under:-

Month	Total Pendency
January,2015	512
February,2015	502
March,2015	495
April,2015	476
May,2015	474
June,2015	463
July,2015	427
August, 2015	405
September, 2015	359
October, 2015	349
November, 2015	315
December,2015	311

(iii) In the beginning, only 68 Members were working against the 126 Sanctioned post of Members and therefore some of the Benches were not regularly functioning resulting in increase of pendency thereof. Thereafter, 31 New Members have joined the ITAT in the month of July to September, 2015 and accordingly the pendency has started decreasing from the month of August, 2015.

(iv) Due to inadequate number of Members, several Benches of the Tribunal have become non-functional causing difficulties to litigants and increase in pendency of appeals, and this has become a matter of great concern to the Tribunal. Further, there was a need to utilize information for dispensation of justice in the I.T.A.T. by introducing E-Courts/E-Benches and it will make non functioning Benches operational to reduce pendency of these Benches. Accordingly, Rajkot Bench has been connected to Ahmadabad Benches and started hearing appeals by E-Court through video

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conferencing and over 300 cases were disposed off in just two months. The Competent Authority has also decided to set up one more E-Court at Jabalpur Bench.

(v) During year 2015, 39748 nos. of appeals under various Acts have been instituted before the Tribunal and the Tribunal disposed of 44644 appeals which show that ITAT is discharging its functions very efficiently as the percentage of disposal stands at 112.32%. In spite of shortage of 31 Members out of 126, the Tribunal is trying its best to reduce the pendency.

#### **(8) COMPUTERISATION:**

The process of computerization started in the Income Tax Appellate Tribunal in early 2000s and in recent years, this process has gained great momentum with several innovative projects being implemented in day-to-day activities of the Tribunal. Over the years, various projects have been undertaken and implemented by the Tribunal to live upto its motto **“Nishpaksh Sulabh Satvar Nyay”**.

#### **(9) ACHIEVEMENTS:**

**(i) ITAT Online Project:** This pilot project is the first initiative to automate the process of judicial administration in the Tribunal starting from receipt and registration of appeals and applications till disposal and uploading of Tribunal orders. This project was commissioned and implemented in all Benches of the Tribunal in phased manner. ITAT Online is a web-based application which can be accessed from anywhere and anytime. As of now, all Benches of ITAT have been connected to the ITAT Online database and activities like registration, data updation, Tribunal order uploading, etc. are being carried out through the web application. Web-cum-Database Server of this project has been setup in-house and connected by an exclusive high speed 4 Mbps (1:1) Internet Leased Line on Fiber Optic Cable technology.

**(ii) ITAT Official Website:** As an extension to the ITAT Online Project, Official Website of Income Tax Appellate Tribunal has been created and commissioned to deliver judicial and general information to the general public. The Official website has been redesigned to make it more user friendly, informative, responsive, updated and compliant to Government of India Guidelines for Websites. Dynamic information like Cause Lists, Constitution, Case Status, Order Search, Pronouncement Search, etc. have been provided to cater the judicial information needs of the litigants before the Tribunal. This apart, static information like Holiday Lists, Tenders & Auctions, Notice Board, Right to Information, etc. has been made accessible to the litigants in particular and public in general. This website has been widely used and appreciated.

**(iii) NICEMail:** In furthering the utilization of Information and Communication Technology in general administration and effective communication between various Benches, Members and officers, ITAT has subscribed for E-Mail services offered by National Informatics Centre. NICEMail accounts have been created for all Benches,



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Zones, Members, Registry Officers, Sr. PS/PS and all sections of Head Office. In recent years, due to its ease, fastness, simplicity and economic-and-ecological advantage over conventional methods of communication, usage of E-Mail has started to gain acceptance of the users.

**(iv) Infrastructure Upgradation:** ITAT has always been conscious that better computerization needs better infrastructure. Accordingly, ITAT has been replacing the old and obsolete computers, printers and other equipment with the latest ones in phased manner. All Members of ITAT have already been provided with laptops for their official use.

**(10) Future Projects:**

**(a) Redevelopment of Web Application and launching of E-Filing**

- (i)** ITAT has been contemplating to revamp its Official Website and Web Application to make them more informative, user friendly and compliant to the guidelines and standards. Also, ITAT has given assurance to the Parliamentary Committee on Official Language to make the website and application fully and functionally bilingual. ITAT has also agreed to the request of Income Tax Department for sharing the ITAT Online data with the National Judicial Reference System (NJRS) project, for which also we have to make certain provisions in the Web Application.
- (ii)** Accordingly, to fulfill the above requirements, ITAT has taken up redevelopment of the Bi-lingual Project. ITAT has also included in the project a new Citizen-To-Government (C2G) Module namely 'e-Filing' to enable the litigants before the Tribunal to file appeals and applications online from their door-steps; and to disseminate information through SMS, Email and Mobile Application. Provision is also made in the Project to facilitate and ensure paperless courts in due course.
- (iii)** The development of this project has already been entrusted to a NICSI-Empanelled vendor. The official website has already been launched and the web-application, e-filing module and mobile application are likely to be rolled out in four to five months.

**(11) OWN BUILDINGS OF I.T.A.T.:** ITAT has purchased land at Pune, Bangalore, Jaipur & Lucknow for office-cum- residential quarters. Further, Government of Odisha has allotted a plot of land measuring 1.601 Acre to Income-tax Appellate Tribunal, Cuttack Bench for construction of office building and staff quarters at CDA, Cuttack. The projects of constructing building at these places are underway.

**(12) FACILITIES FOR MEMBERS:** The Hon'ble Supreme Court of India vide order dated 19.9.2003 in SLP (L) Mos.6905/1998 & TP(C) Nos. 659 and 672-673 of 1998 in the case of Union of India and others Vs. All Gujrath Federation of tax consultants had directed the Government to provide the various facilities to the Members of Income Tax Appellate Tribunal and every effort has been made by the ITAT to provide the said facilities to the Members.

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**(13) BENEVOLENT FUND:** A Benevolent Fund, the corpus of which has been built out of voluntary contributions by the officers and staff, also exists in the Income-tax Appellate Tribunal. The President, Income-tax Appellate Tribunal, is the patron. Officers and staff contribute voluntarily to this fund and disbursements are made to officials in need of medical or other emergent situations on the recommendation of Committee formed under the Rules.

**(14) RIGHT TO INFORMATION ACT, 2005:** It is being implemented by the Income Tax Appellate Tribunal.

**(15) IMPLEMENTATION OF OFFICIAL LANGUAGE POLICY:**

**(i)** Official Language Implementation Committees have been constituted at all the Benches of Income-tax Appellate Tribunal, with a view to keeping a watch and providing guidance for proper implementation of the official language policy prescribed by Department of official language, Government of India.

**(ii)** Progress in achieving the targets set for Hindi correspondence and its implementation is monitored by the concerned Benches and their quarterly reports regarding progressive use of Hindi is regularly scrutinized by Head Quarters at Mumbai. Training in Hindi/Hindi Typing/Hindi Stenography is offered by nominating sufficient No. of officials under Hindi Teaching Scheme, Department of official language, Government of India.

**(iii)** Hindi workshops are also held in all the Benches for proper implementation of the official language policy and to encourage the use of Hindi and to remove the hesitation of officers / employees to work in Hindi.

**(iv)** Every endeavor is being made for the progressive use of Hindi by putting the Hindi Work as much as required in accordance with the provisions of the Official Language Act, 1963.

**(v)** This year sufficient funds were provided to purchase Hindi Books at all these Benches. As per the implementation of official language policy in all offices of Income Tax Appellate Tribunal to make an expenditure of the purchase of Hindi Books which is 50% of total library grant was allotted this year, in accordance with the target fixed by the Department of official language, Government of India.

**(vi)** With a view to creating awareness in regard to the use of Official Language Hindi in official work as well as to accelerate the pace of its progressive use, Hindi Day & Hindi Fortnight have been organized at all benches.



## 25. APPELLATE TRIBUNAL FOR FOREIGN EXCHANGE (ATFE)

The Appellate Tribunal for Foreign Exchange was established under section 18 of Foreign Exchange Management Act (FEMA), 1999. As per section 19 of FEM Act, the Central Government or any person aggrieved by an order passed by Enforcement Directorate, or made by an Adjudicating Authority other than referred to in sub-Section (1) of Section 17, may prefer an appeal to this Tribunal. That appeal is filed within 45 days from the date of receiving the order by the aggrieved person and after depositing the penalty amount.

(2) During calendar year 2014, the Tribunal could decide only 49 matters finally and about 61 interim orders could be passed on various applications. However, during the year 2015, the Tribunal has decided 77 matters while 165 interim orders have been passed on various interim applications like delay applications, applications for dispensation of pre-deposit amount, restoration etc. During 2015 the Tribunal has recorded highest disposal ever made and perhaps it is the only Tribunal where disposal is higher than the institution. The Tribunal is a National Tribunal where lawyers including senior designated lawyers from all over the country appear. Despite acute shortage of staff and funds the Tribunal with its two regular functional benches is discharging work in a most orderly manner. 76 new cases have been received in the Registry during the above period. Total number of pending cases at the end of December, 2014 were 927. It is also to mention here that important orders/judgments are being published in law journals like Taxman and Manupatra. The target of the Tribunal is to decide about 30 matters finally in the next three months on merits. Tribunal is also focusing for creating and developing of its own web-site which has now come up to the final stage and likely is to be operational in the next coming months. Proposal for library, restructuring of staffing, grant of financial powers etc. are being pursued.

### (3) COMPOSITION OF THE TRIBUNAL

The composition of the Tribunal is as under:-

	<b>Name of the Officer</b>	<b>Phone No.</b>
1.	Justice Vinay Kumar Mathur, Hon'ble Chairperson	011-23316359
2.	Dr. H.K. Mudgil, Hon'ble Member	011-23738154
3.	Smt. Sharda Jain, Hon'ble Member.	011-23711710
4.	Shri Jagannath, A.L.A./Registrar, also First Appellate Authority under RTI Act	011-23714281
5.	Shri Rakesh Kumar, PS, also C.P.I.O. under RTI Act.	011-23738154

**YEARLY STATEMENT (MONTHWISE) OF FINALLY DISPOSED MATTERS INDICATING FRESH INSTITUTION & PENDENCY OF APPEALS DURING THE YEAR OF JANUARY 2015 TO DECEMBER, 2015.**

	Total number of appeals pending at the end of 31.12.2014 were 927 (A)	Fresh appeals filed during the period (B)	Number of appeals finally disposed of (C)	Total number of appeals were pending during the period (A+B) - C
January, 2015	927	08	05	935-05= 930
February, 2015	930	03	01	933-01=932
March, 2015	932	15	04	947-04=943
April, 2015	943	09	02	952-02=950
May, 2015	950	19	02	969-02=967
June, 2015	967	05	02	972-02=970
July, 2015	970	04	17	974-17=957
August, 2015	957	02	05	959-05=954
September, 2015	954	01	01	955-01=954
October, 2015	954	02	06	956-06=950
November, 2015	950	08	25	958-25=933
December, 2015	933	---	07	933-07=926
Total		76 (Institution)	77 (Disposal)	926

Note:- During the year of 2015 the Tribunal has also passed about 165 interim orders on various applications.



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## **26. INITIATIVES TAKEN UNDER 'MINIMUM GOVERNMENT AND MAXIMUM GOVERNANCE**

### **(1) Simplification of official procedure:-**

Admn.IV Section is cadre controlling authority for the three services of Central Secretariat Service viz. CSS, CSSS and CSCS. The Procedure prescribed by DOP&T is being followed in dealing with administrative matters.

### **(2) Digital India - Following initiatives have been taken under the Digital India Program.**

#### **(i) LIMBS (Legal Information and Management Based System)**

LIMBS is an easy to access, web-based tool for comprehensive, regulatory and pro-active monitoring of court cases.

LIMBS is a web-based platform which provides a common access portal to all users having varying needs and cutting across administration pyramids i.e. access is available right from the file dealer to the top management LIMBS has user friendly data entry screen for capturing the details of court cases. Progress of court cases can be entered. Various MIS reports help to monitor these cases. E-document vault allows user to enter the important judgment. SMS alerts are used to sensitize the users over important issues.

The LIMBS application will host huge data, involve various stakeholders, Nodal authorities to take data driven decisions, know the date of hearing in advance and will enable the authorities to prepare their response in advance.

#### **(ii) NDSAP (National Data Sharing and Accessibility Program)**

The objective of this policy is to facilitate the access to Government of India owned shareable data and information in both human readable and machine readable forms through a network all over the country in a proactive and periodically updatable manner, within the framework of various related policies. Acts and rules of Government of India, thereby permitting wider accessibility and use of public data and information.

Benefits of NDSAP:-

- a) Maximising use
- b) Avoiding duplication
- c) Maximised integration
- d) Ownership information
- e) Better decision-making

#### **(iii) E-Office**

The main objectives of e-office are:-

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- a) To improve efficiency, consistency and effectiveness of government responses
  - b) To reduce turnaround time and to meet the demands of the citizens charter
  - c) To provide for effective resource management to improve the quality of administration
  - d) To reduce processing delays
  - e) To establish transparency and accountability
  - f) The system will automate movement of files within government offices.

(3) Reduction of Decision making level - In some cases like sanction of leave etc. power has been delegated.

(4) On-line processing of Pension cases - On line process of Pension cases is being initiated.

## **27. VIGILANCE ACTIVITIES**

The Vigilance Unit in the Ministry of Law and Justice caters to Department of Legal Affairs (including Income Tax Appellate Tribunal) and Legislative Department. The Vigilance Unit is headed by Chief Vigilance Officer of the rank of Joint Secretary who is appointed with the concurrence of Central Vigilance Commission. Vigilance Unit is presently headed by Shri D.Bhardwaj, Additional Secretary. The overall responsibility of vigilance activities of both of these Departments rests with the Chief Vigilance Officer. The Chief Vigilance Officer is the nodal point in the vigilance unit set up for these Departments and is entrusted with the following:

- Identification of sensitive areas prone to malpractices/ temptation and taking preventive measures to ensure integrity/ efficiency in government functioning;
- Taking suitable action to achieve the targets fixed by the Department of Personnel & Training on anticorruption measures;
- Scrutiny of complaints and initiation of appropriate investigation measures;
- Inspection and follow-up action on the same;
- Furnishing comments of the Department to the Central Vigilance Commission on the investigation reports of the Central Bureau of Investigation;
- Taking appropriate action in respect of departmental proceedings on the advice of Central Vigilance Commission or otherwise;
- Obtaining first and second stage advice of the Central Vigilance Commission, wherever necessary; and



- Obtaining the advice of Union Public Service Commission in regard to the nature and quantum of penalty to be imposed, wherever necessary.

(2) Preventive vigilance continues to receive priority attention with emphasis on identification of areas sensitive or prone to malpractices and temptation. The guidelines / instructions issued from time to time by the Department of Personnel & Training and Central Vigilance Commission in this regard are followed. Vigilance Awareness Week was observed in the week starting from 26.10.2015 to 31.10.2015.

## **28. GENDER ISSUES**

The Complaints Committee set up by the Department to look into the complaints on sexual harassment from employees of both the Departments i.e. Department of Legal Affairs and Legislative Department, has since been reconstituted vide order No.129 dated 30<sup>th</sup> November, 2012 continued during 2015-16. The Committee is presently headed by Smt. Sushma Suri, Additional Secretary in the Central Agency Section of the Department of Legal Affairs. The said Committee is to ensure time bound treatment of complaints, if any, received by it. The Committee has to make an Annual Report of the complaints received, and action taken by it, to the Secretary, Department of Legal Affairs and Secretary, Legislative Department in respect of the staff working under their respective control. The said Committee is also empowered to co-opt a third party, either NGO or other body, familiar with or having experience in the subject matter, as a Member.

## **29. ISSUES RELATING TO THE BENEFIT OF THE PHYSICALLY CHALLENGED PERSONS**

As per the DoPT's order No.26035/16/91-Estt.(SCT) dated 18.2.97 read with their O.M. No.36025/3/97-Estt.(Res.) dated 04.07.97, the posts of Deputy Legal Adviser(DLA), Assistant Legal Adviser(ALA), Central Government Advocate(CGA), Assistant Government Advocate(AGA), Supdt.(L), Asstt.(L) and Jr. Central Government Advocate (Jr. CGA) have been identified for manning by the handicapped persons with disabilities:

- (i) Partially deaf;
- (ii) One leg affected;
- (iii) Both legs affected but not arms;
- (iv) One affected (R or L);
  - (a) Impaired reach;
  - (b) Weakness of grip;
  - (c) Ataxic

(2) A 100 point Roster is maintained for reservation to physically handicapped persons.

(3) Statements showing the total number of government servants, number of Scheduled Castes, the Scheduled Tribes, Other Backward classes, Ex-Servicemen and physically handicapped amongst them in the Department of Legal Affairs and Legislative Department as on 01.01.2016 are enclosed at **Annexures-IV**.

**30.** The representation of female employees in the Ministry of Law & Justice is given at **Annexure - V**.

31. Details of Deputation/delegation abroad for the period from 01.01.2015 to 31.12.2015 in the Department of Legal Affairs:

S. No.	Name	Designation	Country	Period	Purpose of Visit
1.	Shri P.K.Malhotra	Law Secretary	New York, USA	2-6th February, 2015	To attend the 62 <sup>nd</sup> session of the United Nations Commission on International Trade Law (UNCITRAL)
			Doha, Qatar	12-13 <sup>th</sup> April, 2015	To participate in the 13th United Nations Congress on Crime Prevention and Criminal Justice.
			St. Petersburg (Russia)	27-30 <sup>th</sup> May, 2015	To participate in the Vth St. Petersburg International Legal Forum.
2.	Shri Suresh Chandra	Joint Secretary & Legal Adviser	Vienna, Austria	29 <sup>th</sup> June, to 3 <sup>rd</sup> July, 2015	To participate in the 48th Annual Session of the United Nations Commission on International Trade Law (UNCITRAL).
			London, UK	4 <sup>th</sup> to 6 <sup>th</sup> November, 2015	For discussion regarding opening of Legal Sector for foreign Lawyers.
			Algiers, Algeria	10-12 <sup>th</sup> May, 2015	To take part in the discussion in connection with finalization of the Mutual Legal Assistance Treaty (MALT) in Civil & Commercial matters between India and Algeria.
3.	Shri Inder Kumar	Joint Secretary & Legal Adviser	Singapore	23-24 <sup>th</sup> April, 2015	To participate in the 35th Anniversary of the United Nations Convention on Contracts for the International Sale of Goods (CISG).
4.	Smt. Zoya Hadke	Joint Secretary & Legal Adviser	Singapore	26 to 30 <sup>th</sup> October, 2015	To attend SCPTA Course on Dispute Resolution Systems.
5.	Sh. Mohd. Sharief Tariq	Joint secretary Legal Adviser	Austria (Vienna)	7 <sup>th</sup> to 11 <sup>th</sup> September, 2015	To participate in Sixty-third Session of Working Group II (Arbitration & Conciliation) under United Nations Commission on International Trade Law (UNCITRAL)
6.	Sh. M. Khandelwal	Addl. Government Deputy Legal Adviser	St. Petersburg, Russia	27 <sup>th</sup> to 30 <sup>th</sup> May, 2015	To participate in the Vth St. Petersburg International Legal Forum.
7.	Shri R. K. Srivastava	Deputy Legal Adviser	Austria (Vienna)	7 <sup>th</sup> to 11 <sup>th</sup> September, 2015	To participate in Sixty-third Session of Working Group II (Arbitration & Conciliation) under United Nations Commission on International Trade Law (UNCITRAL)



8.	Dr. R.J.R. Kasibhatla	Deputy Legal Adviser	Vienna, UK	6-7 <sup>th</sup> January, 2015.	To attend the Second Meeting of India-US Contact Group.
			London, UK	21 <sup>st</sup> January, 2015	To attend the Third Meeting of India-US Contact Group.
			Ottawa, Canada	9 <sup>th</sup> to 15 <sup>th</sup> April, 2015	As a part of Indian Negotiation Team to discuss India-Canada Bilateral Investment Treaty Text.
			Vienna, Austria	1-5 <sup>th</sup> June, 2015	As a part of Indian Delegation to participate in the 6 <sup>th</sup> Session of the Implementation Review Group Meeting (IRG) of United Nations Convention against Corruption (UNCAC).
			Paris (France)	15 <sup>th</sup> to 17 <sup>th</sup> October, 2015	To participate in 3 <sup>rd</sup> Anti-corruption Group meeting and also to participate in Fifth G20 ACWG/FATF Expert meeting on Corruption.
9.	Shri Y. K. Singh	Deputy Legal Adviser	St. Petersburg (Russia)	2 <sup>nd</sup> to 4 <sup>th</sup> November, 2015	To participate in 4 <sup>th</sup> Session of Open Ended Intergovernmental Expert meeting on International Cooperation and resumed 6 <sup>th</sup> Implementation Review Group meeting.
10.	Shri Raghvendra Singh Shrinet	Deputy Legal Adviser	London, UK	4 <sup>th</sup> to 6 <sup>th</sup> November, 2015	For discussion regarding opening of Legal Sector for foreign Lawyers.
		Asst. Legal Adviser	Hong Kong	26 <sup>th</sup> to 29 <sup>th</sup> October, 2015	To participate in UNCITRAL-Asia Pacific Judicial Conference.

Activities taken up under Swachh Bharat Abhiyan in the Department of Legal Affairs  
from 2<sup>nd</sup> October, 2014 to 17<sup>th</sup> September, 2015.

S.No.	Activities
1.	Swachh Bharat Campaign kick-off in the Department on 26.09.2014 with wielding of Broom by the Hon'ble Minister, Law & Justice by sweeping the compound of Shastri Bhawan clean and planting of sapling by the Law Secretary. Large number of Staff/Officers participated.
2.	Shri Suresh Chandra, Joint Secretary & Legal Adviser was nominated as the Nodal Officer.
3.	On the 2 <sup>nd</sup> October, 2014, Swachhta Shapath was administered by Law Secretary at 9.45 A.M. by all Staff and Officers of Legal Affairs, Quite a number of staff/Officers also participated in the Swachhta Rally of the Prime Minister at Vijay Chawk/ Rajpath. Report of pledge taking on Swachh Bharat Mission was also received from Branch Secretariats & outlying Offices in Delhi/New Delhi.
4.	Monitoring of cleanliness drive in the Department is regularly monitored by the Nodal Officer in close coordination with the Building Coordination Committee of Shastri Bhawan & attended the meeting of the Committee on 15.10.2014.
5.	World Toilet Day was observed on 19/11/2014 and as a part of the ongoing Swachh Bharat Mission. Dust Bin etc. are placed in the corner of Wash Room in the 4 <sup>th</sup> Floor, A-Wing Corridor of Shastri Bhawan and a circular was also issued to sensitize all staff/officers in Legal Affairs about maintenance of public and personal cleanliness/hygiene and inculcating proper etiquette in the use of public utilities.
6.	Routine cleaning of work places, weeding out of old and unused records and files are taken more vigorously and there is visible improvement in this regard. Dusting and sweeping of corridors and wash rooms are monitored regularly.
7.	Swachh Shapath taken in the Branch Secretariat, Kolkata on 2 <sup>nd</sup> October, 2014 followed by cleaning of the office premises. Every alternate Saturdays has been utilized for cleanliness drive.
8.	Renovation of Library & Research Section & Auction /weeding out of 1607 old Library books were completed in December, 2014. Installation of strong grill fencing & doors for prevention on entry of monkeys at 4 <sup>th</sup> Floor, Shastri Bhawan has been completed in March, 2015.
9.	Old & un-used vehicles lying inside the compounds of Shastri Bhawan Building have been removed / auctioned off as per procedure.
10.	It has been decided in principle to introduce an incentive Award scheme in the



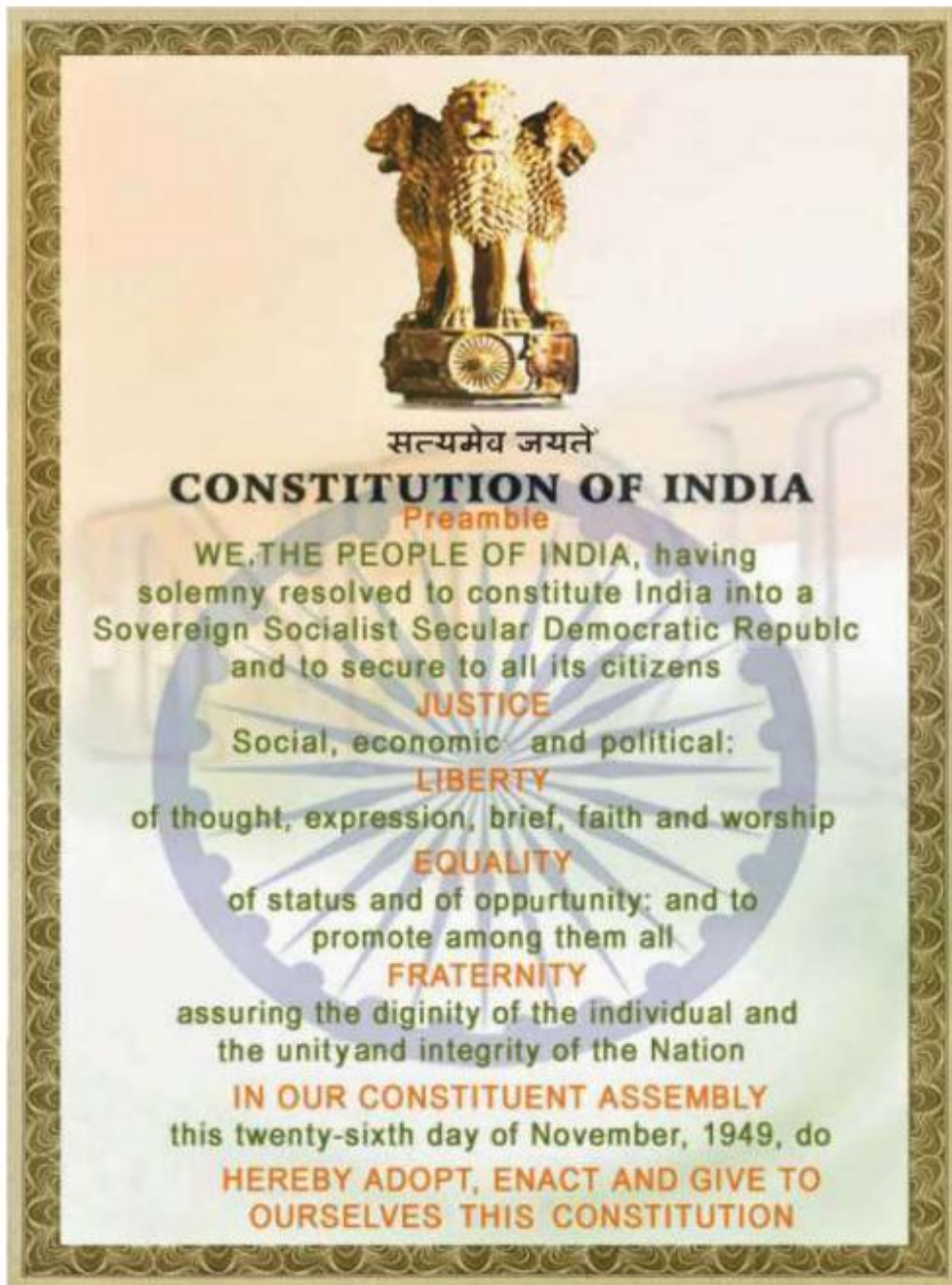
	main Secretariat and Branch Secretariat which can be in the form of Awards (cash or in kind) and Certificates of Appreciation for exemplary activities and initiative under Swachh Bharat Mission in the Section/ Branch/ Office level. The details are being worked by a Team of Officers & their proposal is awaited.
11.	Approximately 45 hired old & leaking Air Conditioners (split & window) replaced with new purchased ACs. 35 old computers & its peripherals have also been changed with new one.
12.	Auction of old furnitures & other unwanted old items of this Department at Tis Hazari Court was done on 25 <sup>th</sup> July, 2015.
13.	Old Furnitures & Office equipments of this Department in Shastri Bhawan auctioned in the last week of August, 2015. The renovation of garage No.26 completed which is to be used by OL Section from 1 <sup>st</sup> week of October, 2015.
14.	A proposal to make a conference hall in Record Room is to be put up after vacating some portion of it which is under process. The funds are available under minor & maintenance head.
15.	Chargers of Biometric Attendance System (BAS) have been replaced with new one.

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## CONSTITUTION DAY

On the occasion of 125<sup>th</sup> Birth Anniversary of Dr. BR Ambedkar, Chairman of Drafting Committee, 26<sup>th</sup> Nov. 2015 was celebrated as 'Constitution Day'. The Celebration consisted of reading out of 'Preamble' to the Constitution of India and holding an elocution/debate on Constitution of India.





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## **CHAPTER-II**

### **LEGISLATIVE DEPARTMENT**

Legislative Department acts mainly as a service provider in so far as the legislative business of the Union Government is concerned. It ensures smooth and speedy processing of legislative proposals of various administrative Departments and Ministries.

#### **1. FUNCTIONS**

1.1 The Legislative Department, being a service-oriented Department of the Government of India, is concerned with the following matters, namely :-

- (i) Scrutiny of Notes for the Cabinet in relation to all legislative proposals from drafting angle;
- (ii) Drafting and scrutiny of all Government Bills including Constitution (Amendment) Bills, translation of all the Bills into Hindi and forwarding of both English and Hindi versions of the Bills to the Lok Sabha or Rajya Sabha Secretariat for introduction in Parliament; drafting of official amendments to the Bills; scrutiny of non-official amendments and rendering assistance to administrative Ministries/Departments to decide the acceptability or otherwise of non-official amendments;
- (iii) Rendering assistance to Parliament and its Joint/Standing Committees at all stages through which a Bill passes before enactment. This includes scrutiny of, and assistance in, preparation of reports and revised Bills for the Committees;
- (iv) Drafting of Ordinances to be promulgated by the President;
- (v) Drafting of legislation to be enacted as President's Acts in respect of States under President's rule;
- (vi) Drafting of Regulations to be made by the President;
- (vii) Drafting of Constitution Orders, i.e. Orders required to be issued under the Constitution;
- (viii) Scrutiny and vetting of all statutory rules, regulations, orders, notifications, resolutions, schemes, etc., and their translation into Hindi;
- (ix) Scrutiny of State legislation in the concurrent field, which require assent of the President under article 254 of the Constitution;
- (x) Scrutiny of legislation to be enacted by the Union territory Legislatures;
- (xi) Elections to Parliament, the Legislatures of States and Union territories and Offices of the President and Vice-President;
- (xii) Apportionment of expenditure on elections between the Union and the States/Union territories having Legislatures;

- (xiii) Election Commission of India and electoral reforms;
- (xiv) Administration of the Representation of the People Act, 1950; the Representation of the People Act, 1951; the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991;
- (xv) Matters relating to Chief Election Commissioner and other Election Commissioners under the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991;
- (xvi) Matters relating to the Delimitation of Parliamentary and Legislative Assembly Constituencies.
- (xvii) Legislation on matters relating to personal laws, transfer of property, contracts, evidence, civil procedure, etc., in the Concurrent List of the Seventh Schedule to the Constitution;
- (xviii) Imparting training in legislative drafting to the officers of the Union/State Governments, etc.
- (xix) Publication of Central Acts, Ordinances and Regulations and their authorised translations in Hindi and other languages specified in the Eighth Schedule to the Constitution and also translation of legal and statutory documents.
- (xx) Publication of Hindi translation of selected judgments of the Supreme Court and High Courts on cases pertaining to constitutional, civil and criminal laws in the form of law Journals (Patrikas).

1.2 Legislative Department does not have any statutory or autonomous body under its control. It has two other wings under it, namely, the Official Languages Wing and Vidhi Sahitya Prakashan, which are responsible for propagation of Hindi and other Official Languages in the field of law.

- (a) **Official Languages Wing** of the Legislative Department is responsible for preparing and publishing standard legal terminology and also for translating into Hindi, all the Bills to be introduced in Parliament, all Central Acts, Ordinances, Subordinate legislations, etc., as required under the Official Languages Act, 1963. This Wing is also responsible for arranging translation of the Central Acts, Ordinances, etc., into the Official Languages as specified in the Eighth Schedule to the Constitution as required under the Authoritative Texts (Central Laws) Act, 1973. The Official Languages Wing also releases grants-in-aid to various registered voluntary organisations engaged in promotion and propagation of Hindi and other regional languages and those organisations, which are directly engaged in the publication of legal literature and propagation of Hindi and other Languages in the field of law.
- (b) **Vidhi Sahitya Prakashan** is mainly concerned with bringing out authoritative Hindi versions of reportable judgements of the Supreme Court and the High



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Courts with the objective of promoting the progressive use of Hindi in the legal field. Vidhi Sahitya Prakashan brings out various publications of legal literature in Hindi. It also holds exhibitions in various States for giving wide publicity to legal literatures available in Hindi and to promote their sales.

## 2. ORGANISATIONAL SET UP

The organisational set-up of the Legislative Department includes the Secretary, Additional Secretary, Joint Secretary & Legislative Counsel, Additional Legislative Counsel, Deputy Legislative Counsel and Assistant Legislative Counsel and other supporting staff. The work relating to legislative drafting in the case of principal legislation and to scrutinising and vetting of subordinate legislation have been distributed among various Legislative Groups. Each Legislative Group is headed by a Joint Secretary & Legislative Counsel or Additional Secretary, who in turn is assisted by a number of Legislative Counsel at different levels. The Secretary of the Legislative Department acts as the Chief Parliamentary Counsel and the Additional Secretary is in charge of all subordinate legislation. The Organisational Chart of the Legislative Department is at **Annexure-VI**.

## 3. LEGISLATION

Legislation is one of the major instruments of articulating the policy of the Government. In this context, the Legislative Department plays an important role to secure the policy objectives, which the Government may wish to achieve through legislation.

(2) Legislative Department not only performs functions as a servicing Department for drafting the legislation initiated by the administrative Ministries and Departments but also initiates legislative proposals in respect of the matters with which it is administratively concerned.

(3) Legislative Department drafts the Finance Bill to give effect to the financial proposals of the Central Government every year. This exercise is undertaken in the Legislative Department on the budget proposals being brought before it by the Ministry of Finance. For the purposes of convenience, the various subjects on which Bills are drafted in the Legislative Department at the behest of administrative Ministries/ Departments may be broadly categorised as under:-

- (a) Constitutional amendments;
- (b) Economic and corporate laws;
- (c) Civil Procedure and other social welfare legislation;
- (d) Repeals of obsolete laws; and
- (e) Miscellaneous laws.

4. During the period from 1st January 2015 to 31<sup>st</sup> December, 2015, this Department has examined **100** Notes for the Cabinet/new legislative proposals in consultation with different Ministries/Departments for drafting Bills/Ordinances for introduction in the Houses of the

Parliament. A total number of **47** legislative Bills were forwarded to Parliament for introduction during this period. The list of Bills forwarded to Parliament during this period is as follows:

S.No.	Short Title
1.	The Mines and Minerals (Development and Regulation) Amendment Bill, 2015
2.	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015
3.	The Coal Mines (Special Provisions) Bill, 2015
4.	The Insurance Laws (Amendment) Bill, 2015
5.	The Citizenship (Amendment) Bill, 2015
6.	The Motor Vehicles (Amendment) Bill, 2015
7.	The Andhra Pradesh Reorganisation (Amendment) Bill, 2015
8.	The Finance Bill, 2015
9.	The Warehousing Corporations (Amendment) Bill, 2015
10.	The Appropriation (Railways) Vote on Account Bill, 2015
11.	The Appropriation (Railways) Bill, 2015
12.	The Appropriation (Vote on Account) Bill, 2015
13.	The Appropriation Bill, 2015
14.	The Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015
15.	The Micro, Small and Medium Enterprises Development (Amendment) Bill, 2015
16.	The Appropriation Acts (Repeal) Bill, 2015
17.	The Appropriation (Railways) No.2 Bill, 2015
18.	The Appropriation (No.2) Bill, 2015
19.	The National Waterways Bill, 2015
20.	The Compensatory Afforestations Fund Bill, 2015
21.	The Whistle Blowers Protection (Amendment) Bill, 2015
22.	The Right to Fair Compensation and Transparency in Land Acquisition,

	Rehabilitation and Resettlement (Amendment) Second Bill, 2015
23.	The Negotiable Instruments (Amendment) Bill, 2015
24.	The Homoeopathy Central Council (Amendment) Bill, 2015
25.	The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015
26.	The Repealing and Amending (Third) Bill, 2015
27.	The Banami Transactions (Amendment) Bill, 2015
28.	The Negotiable Instruments (Amendment) Bill, 2015 (to replace Ord. 6 of 2015)
29.	The Repealing and Amending (Fourth) Bill, 2015
30.	The Appropriation (Railways) No.3 Bill, 2015
31.	The Bureau of Indian Standards (Amendment) Bill, 2015
32.	The Carriage By Air (Amendment) Bill, 2015
33.	The Consumer Protection Bill, 2015
34.	The Merchant Shipping (Amendment) Bill, 2015
35.	The Appropriation (No.3) Bill, 2015
36.	The High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015
37.	The Indian Trusts (Amendment) Bill, 2015
38.	The Arbitration and Conciliation (Amendment) Bill, 2015
39.	The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015
40.	The Payment of Bonus (Amendment) Bill, 2015
41.	The Industries (Development and Regulation) Amendment Bill, 2015
42.	The Atomic Energy (Amendment) Bill, 2015
43.	The Sugar Cess (Amendment) Bill, 2015
44.	The Appropriation (No.4) Bill, 2015
45.	The Appropriation (No.5) Bill, 2015



46.	The Insolvency and Bankruptcy Bill, 2015
47.	The Rajendra Central Agricultural University Bill, 2015

5. Out of the Bills which were pending before Parliament and those introduced during the period from 01-01-2015 to 31-12-2015, 26 Bills have been enacted into Acts including one Constitutional amendment Act. The list of the Acts enacted during this period is as follows:-

Short Title of the Act	
1.	The Citizenship (Amendment) Act, 2015 <b>(Act No.1 of 2015)</b>
2.	The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2015 <b>(Act No.2 of 2015)</b>
3.	The Motor Vehicles (Amendment) Act, 2015 <b>(Act No.3 of 2015)</b>
4.	The Constitution (Scheduled Castes) Orders (Amendment) Act, 2015 <b>(Act No.4 of 2015)</b>
5.	The Insurance Laws (Amendment) Act, 2015 <b>(Act No.5 of 2015)</b>
6.	The Appropriation (Railways) Vote on Account Act, 2015 <b>(Act No.6 of 2015)</b>
7.	The Appropriation (Railways) Act, 2015 <b>(Act No.7 of 2015)</b>
8.	The Appropriation (Vote on Account) Act, 2015 <b>(Act No.8 of 2015)</b>
9.	The Appropriation Act, 2015 <b>(Act No.9 of 2015)</b>
10.	The Mines and Minerals (Development and Regulation) Amendment Act, 2015 <b>(Act No.10 of 2015)</b>
11.	The Coal Mines (Special Provisions) Act, 2015 <b>(Act No.11 of 2015)</b>
12.	The Andhra Pradesh Reorganisation (Amendment) Act, 2015 <b>(Act No.12 of 2015)</b>
13.	The Appropriation (Railways) No.2 Act, 2015 <b>(Act No.13 of 2015)</b>
14.	The Regional Rural Banks (Amendment) Act, 2015 <b>(Act No.14 of 2015)</b>
15.	The Appropriation (No.2) Act, 2015 <b>(Act No.15 of 2015)</b>
16.	The Warehousing Corporations (Amendment) Act, 2015 <b>(Act No.16 of 2015)</b>
17.	The Repealing and Amending Act, 2015 <b>(Act No.17 of 2015)</b>
16	The Payment and Settlement Systems (Amendment) Act, 2015 <b>(Act No.18 of 2015)</b>
19	The Repealing and Amending (Second) Act, 2015 <b>(Act No.19 of 2015)</b>
20.	The Finance Act, 2015 <b>(Act No.20 of 2015)</b>
21.	The Companies (Amendment) Act, 2015 <b>(Act No.21 of 2015)</b>
22.	The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 <b>(Act No.22 of 2015)</b>
23.	The Delhi High Court (Amendment) Act, 2015 <b>(Act No.23 of 2015)</b>
24.	The Appropriation (Railways) No.3 Act, 2015 <b>(Act No.24 of 2015)</b>
25.	The Appropriation (No.3) Act, 2015 <b>(Act No.25 of 2015)</b>
26.	The Negotiable Instruments (Amendment) Act, 2015 <b>(Act No.26 of 2015)</b>

## 6. CONSTITUTION AMENDMENT ACT

1.	<b>The Constitution (One Hundredth Amendment) Act, 2015</b> (to give effect to an agreement entered into between India and Bangladesh in 1974 and its protocol, which allow for acquiring certain territories by India, and transfer of certain territories to Bangladesh.)
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## 7. ORDINANCES

The Legislative Department drafted nine Ordinances which were promulgated by the President under article 123 of the Constitution during the period from 1<sup>st</sup> January, 2015 to 31<sup>st</sup> December, 2015:

Ordn. No.	Short Title
1.	The Citizenship (Amendment) Ordinance, 2015 <b>(1 of 2015)</b>
2.	The Motor Vehicles (Amendment Ordinance), 2015 <b>(2 of 2015)</b>
3.	The Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 <b>(3 of 2015)</b>
4.	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015 <b>(4 of 2015)</b>
5.	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Ordinance, 2015 <b>(5 of 2015)</b>
6.	The Negotiable Instruments (Amendment) Ordinance, 2015 <b>(6 of 2015)</b>
7.	The Negotiable Instruments (Amendment) Second Ordinance, 2015 <b>(7 of 2015)</b>
8.	The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 <b>(8 of 2015)</b>
9.	The Arbitration and Conciliation (Amendment) Ordinance, 2015 <b>(9 of 2015)</b>

## 8. REGULATIONS

Two Regulations have been issued under article 240 of the Constitution:

Regu. No.	Short Title
1.	The Dadra and Nagar Haveli Value Added Tax (Amendment) Regulation, 2015 <b>(1 of 2015)</b>
2.	The Daman and Diu Value Added Tax (Amendment) Regulation, 2015 <b>(2 of 2015)</b>

## 9. SUBORDINATE LEGISLATION

During the period from 1<sup>st</sup> January, 2015 to 31<sup>st</sup> December, 2015, the number of statutory rules, regulations, orders and notifications scrutinized and vetted by this Department was **2967**.

## 10. REPEAL OF OBSOLETE LAWS :

- (i) The Repealing and Amending Act, 2015 (17 of 2015) has been enacted repealing **35 Acts**.
- (ii) The Repealing and Amending (Second) Act, 2015 (19 of 2015) has been enacted repealing **90 Acts**.
- (iii) The Appropriation Acts (Repeal) Act, 2015 passed by Lok Sabha and pending in Rajya Sabha to repeal **758 Appropriation Acts**.
- (iv) The Repealing and Amending (Third) Act, 2015 passed by Lok Sabha and pending in Rajya Sabha to repeal **295 Acts**.
- (v) Number of Acts on which comments are awaited from Ministries/Departments for repeal: **422**.

## 11. FUNCTIONS OF THE ELECTION COMMISSION

Since the time of independence, free and fair elections are being held as per the principles enshrined in the Constitution and the laws governing elections in India. The Constitution has vested in the Election Commission the superintendence, direction and control of the entire process of conducting elections to Parliament, State Legislatures and to the offices of the President and Vice President of India.

(2) Election Commission is a permanent constitutional body. Initially, the Election Commission had only a Chief Election Commissioner. At present, it consists of Chief Election Commissioner and two Election Commissioners. For the first time, two additional Election Commissioners were appointed on 16<sup>th</sup> October, 1989 but they had a short tenure till 1<sup>st</sup> January, 1990. Later, on 1<sup>st</sup> October, 1993, two additional Election Commissioners were appointed. Since then, the multi-member Election Commission has been in operation.

(3) The Chief Election Commissioner and Election Commissioners are appointed by the President of India. As per the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 (11 of 1991), they have tenure of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive salary and perks as are available to Judges of the Supreme Court of India. The Chief Election Commissioner can be removed from office only in the like manner and on the like grounds as a Judge of the Supreme Court.

(4) Political parties are registered with the Election Commission in terms of section 29A of the Representation of the People Act, 1951 (43 of 1951). The Election Commission ensures inner party democracy in their functioning by insisting upon them to hold organisational



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elections at periodic intervals. Political parties registered with the Commission are granted recognition at the State and National levels on the basis of their poll performance at general elections according to criteria specified by it.

(5) The Election Commission has its independent Secretariat for the work relating to the smooth conduct of elections to Parliament and State Legislatures. Legislative Department is entrusted with the functions as the nodal Department for providing Governmental sanctions.

(6) In the year 1950, in the matters of election expenses, it was decided by the Central Government in consultation with the State Governments that the expenditure incurred in relation to the preparation of electoral roll to the Assembly constituencies would be shared on 50:50 basis between the Central Government and State Governments. Further, the expenditure on account of conduct of elections to the House of the People and the State Legislative Assembly would be borne by the Central Government and the concerned State Government and if the election to the House of the People and the State Legislative Assembly are held simultaneously, then, the expenditure would be shared on 50:50 basis between Central and concerned State Government. The initial expenditure will be borne by the respective State Governments and on submission of the audited report, the Central Government's share will be reimbursed.

## **12. ELECTION LAWS AND ELECTORAL REFORMS**

Legislative Department is administratively concerned with the following Acts in connection with the conduct of elections to Parliament, State Legislatures and to the offices of the President and the Vice-President:

- (i) The Representation of the People Act, 1950,
- (ii) The Representation of the People Act, 1951,
- (iii) The Presidential and Vice-Presidential Elections Act, 1952,
- (iv) The Delimitation Act, 2002,
- (v) The Andhra Pradesh Legislative Council Act, 2005,
- (vi) The Tamil Nadu Legislative Council Act, 2010.

(2) The electoral system of our country, which is also called the first-past-the-post system of elections, has completed sixty six years. We have covered this journey after India became Republic with glory and exemplary successes in all the fields. This has been the result of the relentless toil and continuous struggle of the millions who have shaped the present and future of this great country with their sweat and blood. Undoubtedly, this journey has not been an easy sail and we have witnessed much turbulence and turmoil. During this period, the political scenario and the electoral process of the country have undergone continuous epoch-making changes. With each election, the complexities of the electoral process and the election management have been increasing. Of late, the Indian polity is witnessing the era of coalition politics, which has put premium on every single seat in the legislative bodies.

(3) The continuously changing electoral scenario has necessitated reforms of electoral laws on several occasions. In the light of the experience gained during elections, recommendations of the Election Commission, the proposals from different sources including

political parties, eminent men in public life and the deliberations in the Legislatures and various public bodies, the successive Governments have taken a number of measures, from time to time, to bring about electoral reforms; though need to effect a comprehensive package of electoral reforms cannot be gainsaid. .

(4) On the 16<sup>th</sup> January, 2013 the issue of electoral reforms in its entirety has been referred to the Law Commission of India by the Hon'ble Minister of Law and Justice for its consideration, after taking into consideration the reports of various committees in the past, views of the Election Commission and other stakeholders, and to suggest comprehensive measures for changes in the law expeditiously, preferably within a period of three months. After consideration of these entire things, Law Commission of India submitted its 255<sup>th</sup> Report on 'Electoral Reforms' in 2015. The Legislative Department has constituted a task force to examine the 244<sup>th</sup> and 255<sup>th</sup> report on 'electoral reforms'.

### 13. ELECTRONIC VOTING MACHINE

Starting from the experimental use of Electronic Voting Machines (EVMs) in 1982, it took more than two decades for the universal use of EVMs and during the General Elections to the Lok Sabha in 2004, EVMs were used in all polling stations across the country. The EVMs were developed at the behest of the Election Commission jointly with two Public Sector Undertakings, Bharat Electronics Limited, Bangalore (BEL) and Electronics Corporation of India Limited, Hyderabad (ECIL) in 1989.

(2) Since 1998, the repeated use of EVMs proved to be a big success. The first round scaling-up was done in the year 2000. The design concepts and the software embedded in EVMs have been developed by these two companies and they have already filed a patent for the same, having been evaluated and technically endorsed by a high level expert committee, under the Chairmanship of Prof. P.V. Indiresan, Ex-Director of IIT of Delhi. In the intervening period, the efficiency of EVMs has been tested in various elections. The judicial pronouncements have also endorsed the efficiency of EVMs in the elections.

(3) Being a proprietary item, the EVMs are not a standard off-the-shelf product. Therefore, the open tenders are not only inapplicable but unthinkable in procurement of new EVMs. The EVMs were developed and manufactured by ECIL and BEL.

(4) The details of EVMs, procured till date are as under-

S.No.	Year of Purchase	Total EVMs	Amount Sanctioned (in Rs.)
1	1989-90	150000	750000000
2	2000-01	142631	1499880443
3	2001-02	135481	1422900000
4	2002-03	190592	2006100000



5	2003-04	336045	3530000000
6	2004-05	125681	1315400000
7	2006-07	250000	2893742332
8	2008-09	180000	1900000000
9	2009-10	100000 plus 27000 BUs	1139294685
10	2013-14	382876 BUs and 251651 CUs	3116900000
11	2015-16	-	2555780633
	<b>TOTAL</b>	<b>1610430 EVMs plus 409876 BUs plus 251651 CUs</b>	<b>22129998093</b>

During the year 2010-11, 2011-12, 2012-13 and 2014-15, no EVM was procured.

#### 14. STATUS OF THE PROGRESS OF ELECTOR'S PHOTO IDENTITY CARD (EPIC)

The use of electors' photo identity cards by the Election Commission is slowly and surely making the electoral process simple, smoother and quicker. A decision was taken by the Election Commission of India in 1993 to issue photo identity cards to electors throughout the country to check bogus voting and impersonation of electors at elections. The electoral roll is the basis for issue of EPICs to the registered electors. The electoral rolls are normally revised every year with 1<sup>st</sup> January of the year as the qualifying date. Every Indian citizen who attain the age of 18 years or above as on that date is eligible for inclusion in the electoral roll and can apply for the same. Once he is registered in the roll, he would be eligible for getting an EPIC. The scheme of issuing the EPICs is, therefore, a continuous and ongoing process for the completion of which no time limit can be fixed as the registration of electors is a continuous and ongoing process (excepting for a brief period between the last date for filing nomination and completion of electoral process) on account of more number of persons becoming eligible for the right of franchise on attaining the age of 18. The Commission's continuous effort is to provide the EPICs to the electors who have been left out in the previous campaigns as well as the new electors. The Election Commission, which is in overall charge of implementation of the scheme of issuance of photo identity cards to electors has been monitoring its progress on regular basis.

(2) It has been the endeavor of the Election Commission to achieve the target of 100% coverage under the EPIC scheme, as far as practicable, in a time-bound manner. No standard time period is defined by the Commission for issue of EPIC. However, constant efforts are being made to issue EPIC to all such persons whose names have already been enrolled in the electoral roll, as early as possible. Some of them are:-



- (i) Special photography campaigns are organised to make EPIC of all voters.
- (ii) Voters are allowed to give copies of their photographs which are scanned for making EPIC
- (iii) Booth Level Officers are appointed by the Commission to collect photographs and make EPIC of all voters;
- (iv) 25<sup>th</sup> January has been declared as the National Voters' Day to focus on enrollment of voters and making EPIC;
- (v) Special publicity campaign is undertaken to inform electors of the procedure of preparation of EPIC;
- (vi) Instruction has been issued that the EPIC number once issued will be valid throughout the elector's life even if address changes.

(3) In this regard, a Statement showing progress of issuance of EPIC to electors in various States/Union territories of the country as per latest data available is given below:-

S. No.	Name of the State	EPIC %
S01	Andhra Pradesh	100.00
S02	Arunachal Pradesh	99.99
S03	Assam	88.21
S04	Bihar	95.69
S05	Goa	98.29
S06	Gujarat	99.99
S07	Haryana	100.00
S08	Himachal Pradesh	100.00
S09	Jammu & Kashmir	89.54
S10	Karnataka	99.34
S11	Kerala	100.00
S12	Madhya Pradesh	100.00
S13	Maharashtra	92.84
S14	Manipur	100.00
S15	Meghalaya	100.00
S16	Mizoram	100.00

S17	Nagaland	98.62
S18	Orissa	97.66
S19	Punjab	100.00
S20	Rajasthan	99.79
S21	Sikkim	100.00
S22	Tamil Nadu	100.00
S23	Tripura	100.00
S24	Uttar Pradesh	99.98
S25	West Bengal	100.00
S26	Chhattisgarh	97.37
S27	Jharkhand	97.81
S28	Uttarakhand	100.00
S29	Telangana	100.00
U01	Andaman & Nicobar Islands	94.70
U02	Chandigarh	99.95
U03	Dadra and Nagar Haveli	100.00
U04	Daman and Diu	97.69
U05	National Capital Territory of Delhi	100.00
U06	Lakshadweep	100.00
U07	Puducherry	99.99
	<b>All India</b>	<b>98.36</b>

## 15. COURT CASES INVOLVING ELECTION LAWS

Legislative Department, being administratively in-charge of election laws has also to handle various court cases involving validity of election and election laws. In the beginning of the year 2015, there were 220 cases pending in the Supreme Court and different High Courts on election related matters. During the said year, 21 fresh cases were received, in which para-wise comments, counter affidavits and appropriate instructions, respectively, have been

conveyed to the concerned Government Counsel. Out of the 21 fresh cases filed during the year under reference, 3 cases have been disposed of and, apart from this, 3 old pending cases have also been disposed of during this period. Now, there are about 235 cases pending before the Supreme Court and various High Courts. All cases are being effectively monitored.

#### 16. CONDUCT OF PARLIAMENTARY WORK

During the year 2015-16, the Legislative Department, which has been allocated the job of coordination/conduct of Parliamentary business of the Ministry of Law and Justice, handled the following work:-

S. No.	Item of Business	Figures for the Ministry of Law and Justice.
1.	Lok Sabha Questions	223
2.	Rajya Sabha Questions	120
3.	Private Members' Bill in Lok Sabha	17
4.	Private Members' Bills in Rajya Sabha	10
5.	Private Members' Resolutions	2
6.	Calling Attention Notices in Lok Sabha	-
7.	Calling Attention Notices in Rajya Sabha	2
8.	Short Duration Discussion in Lok Sabha	-
9.	Matter raised during Zero Hour	21
10.	Matter raised under Rule 377 in Lok Sabha	13
11.	Special Mention in Rajya Sabha	9

#### 17. CONSULTATIVE COMMITTEE

The Consultative Committee of Members of Parliament attached to the Ministry of Law and Justice was constituted on the 3<sup>rd</sup> September, 2014 with 11 Members under the Chairmanship of Hon'ble Minister of Law and Justice. During the year 2015, two meetings of the Consultative Committee attached to this Ministry was held on 20<sup>th</sup> May, 2015 and 15<sup>th</sup> December, 2015.

#### 18. LEGISLATION UNDER CONCURRENT LIST

As per the Government of India (Allocation of Business) Rules, 1961, the following subjects which fall within List III-Concurrent List of the Seventh Schedule to the Constitution as regards legislation only has been allocated to this Department:-

- (a) marriage and divorce, infants and minors, adoption, wills, intestate and succession, joint family and partition;
- (b) transfer of property other than agricultural land (excluding benami transactions, registration of deeds and documents);
- (c) contracts, but not including those relating to agricultural land;
- (d) actionable wrongs;



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- (e) bankruptcy and insolvency;
  - (f) trusts and trustees, administrators-General and Official Trustees;
  - (g) evidence and oaths;
  - (h) civil procedure including limitation and arbitration.
  - (i) Charitable and religious endowments and religious institutions.

## **19. REPORTS OF THE LAW COMMISSION OF INDIA**

At present, the Legislative Department is monitoring and pursuing 43 Reports of the Law Commission of India on personal laws and on subjects mentioned in List III-Concurrent List of the Seventh Schedule to the Constitution, with which this Department is administratively concerned. The recommendations of the Commission are being examined in consultation with the concerned Ministries/Departments of the Central Government, State Governments/Union territory Administrations.

## **20. JOINT PARLIAMENTARY COMMITTEE ON OFFICE OF PROFIT**

A Joint Committee of the Houses of Parliament was constituted to examine the constitutional and legal provisions relating to office of profit during the 14<sup>th</sup> Lok Sabha and *inter-alia*, to suggest a comprehensive definition relating to the expression "office of profit" for the purposes of articles 102 (1) (a) and 191 (1) (a) of the Constitution. The Committee, after deliberations and taking evidence from the stakeholders and the State Governments, recommended for amendment of the Constitution for laying down a comprehensive definition of the expression "office of profit". Accordingly, a draft Note for the Cabinet on the subject "Action on the Report of the Joint Committee of Parliament constituted to examine the constitutional and legal provisions relating to Office of Profit" along with a draft Bill to amend the Constitution has been prepared in this Department and circulated to all the Ministries/Department as well as the State Governments/Union territory Administrations for their views/comments. Comments of certain State Governments/ Union Territory Administration and Ministries/Departments of the Central Government are still awaited.

## **21. PETITION AND OTHER COURT CASES RELATING TO PERSONAL LAWS AND OTHER SUBJECTS**

The Legislative Department, being administratively in-charge of personal laws and matters relating to List III- Concurrent List of the Seventh Schedule to the Constitution, such as, the Indian Contract Act, 1872, the Evidence Act, 1872, the Indian Trust Act, 1882, the Transfer of Property Act, 1882, the Partition Act, 1893, the Code of Civil procedure, 1908, the Limitation Act, 1963, etc. including office of profit, handled various petitions and other court cases in the Supreme Court and different High Courts. During the period from 1<sup>st</sup> January, 2015 to 31<sup>st</sup> December, 2015, eight fresh cases have been received. Para wise comments, counter affidavits and appropriate instructions, as the case may be, have been prepared and conveyed to the Government Counsel.

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## **22. STATE LEGISLATIVE PROPOSALS**

Legislative proposals relating to the subjects allocated to this Department sponsored by the State Governments, which, by virtue of the provisions of clause (2) of article 254 of the Constitution, require assent of the President are scrutinised in the Department. During the period from 1<sup>st</sup> January, 2015 to 31<sup>st</sup> December, 2015, fifty nine references relating to State Bills/Ordinances have been scrutinised.

## **23. INSTITUTE OF LEGISLATIVE DRAFTING AND RESEARCH (ILDR)**

Legislative Drafting is a specialised job which involves drafting skill and expertise. Continuous and sustainable efforts are required to enhance the skills in drafting of laws. The existing resource persons need training and orientation to develop the aptitude and the skill in legislative drafting. In January, 1989, with a view to increasing the availability of trained Legislative Counsel in the country, the Institute of Legislative Drafting and Research (ILDR) was established as a Wing of the Legislative Department, Ministry of Law and Justice. Since its inception, ILDR has been imparting theoretical as well as practical training in Legislative Drafting. Now Dr. Mukulita Vijaywargiya is course Director of ILDR, who also functions as the controlling officer of the Institute. The following activities have been performed by ILDR during the period 2015-16.

- (i) Basic course in Legislative Drafting of three months' duration for the middle level law officers of the Central/State Governments/Union territory Administrations;
- (ii) Appreciation Course of two weeks' duration for the middle level officers of the Central Government Ministries/Departments/Attached/Subordinate Offices and Central Public Sector Undertakings.

(2) During the period under report, ILDR has conducted one Basic Course, one Appreciation Course and one Refresher Course namely, the Twenty-Seventh Basic Course in Legislative Drafting, the Eighteenth Appreciation Course in Legislative Drafting and First Refresher Course in Legislative Drafting.

## **24. TWENTY-SEVENTH BASIC COURSE IN LEGISLATIVE DRAFTING**

The Twenty-Seventh Basic Course in Legislative Drafting was organised from 10<sup>th</sup> July, 2015 to 9<sup>th</sup> October, 2015 for the benefit of the officers deputed by the State Governments/Union territory Administrations, in which fourteen officers from the States of Arunachal Pradesh, West Bengal, Chhattisgarh, Sikkim, Manipur, Mizoram, Kerala, Goa and Karnataka participated and completed the course.

## **25. EIGHTEENTH APPRECIATION COURSE**

The Eighteenth Appreciation Course conducted from 19<sup>th</sup> January, 2015 to 2<sup>nd</sup> February, 2015 was attended by thirty nine trainee officers from different Ministries/Departments of the Central Government, Subordinate Offices, Attached Offices and other organisations of the Central Government.



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## 26. FIRST REFRESHER COURSE

The first refresher course was conducted from 20<sup>th</sup> April, 2015 to 19<sup>th</sup> May, 2015. It was attended by Seven trainee officers from States of Arunachal Pradesh, Odisha and Delhi.

## 27. ON-THE JOB PRACTICAL TRAINING

The Trainee Officers from the Czech Republic, El Salvador, Estonia, Ethiopia, Ghana, Hungary, Jamaica, Jordan, Indonesia, Kenya, Kazakhstan, Lesotho, Lithuania, Mongolia, Myanmar, Nauru, Nepal, Nigeria, Oman, Palestine, Pan African Parliament, South Africa, Swaziland, Tanzania and Ukraine were given on-the-job practical training in ILDR by attaching them with the ILS officers of this Department during the Thirtieth International Training Programme in Legislative Drafting (12<sup>th</sup> February, 2015 to 13<sup>th</sup> March, 2015) organised by Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

(2) On successful completion of 25 years of ILDR's existence and its remarkable service rendered to the fraternity of Legislative Counsel in the Country, Silver Jubilee function was organised on 19<sup>th</sup> February, 2015.

(3) ILDR offers Voluntary Internship Scheme for Law Students to motivate students in creating interest in legislative drafting skills and secure knowledge about the nature and working of the Legislative Department. So far, 15 interns have successfully completed the internship during the reported period.

(4) The RFDs for Legislative Department have been prepared, finalised and uploaded on the website of this Department. The Performance Management Division (PMD) in the Cabinet Secretariat monitors the preparation and working of RFD. The tasks as per the RFD 2014-2015 are being undertaken to achieve the goal of best performance by the Department. As part of the commitment made by the Department in RFD 2014-2015, an Action Plan to get ILDR ISO Certification was drawn up. Consequently, a Quality Management System (QMS) has been developed and put in place in ILDR. Thereafter, internal and external audits were undertaken and finally, ILDR has been awarded ISO 9001:2008 Certification on the basis of evaluation of the working of QMS in ILDR.

## 28. RTI APPLICATIONS

This Department has launched a separate webpage under the caption "*Right to Information*" on the Department's website and maximum information pertaining to this Department has been disseminated therein in consonance with the provisions of the Right to Information Act, 2005 so as to ensure the object of proactive disclosure of information envisaged under the Act. Further, contact E-mail addresses have been created in coordination with the NIC Cell for Appellate Authority and Central Public Information Officer of this Department, so as to make this Department's website more user friendly for the public to utilise the provisions of the said Act. The contact e-mail address of the Appellate Authority is [aa-rti-legis@nic.in](mailto:aa-rti-legis@nic.in) and that of the Central Public Information Officer is [cpio-rti-legis@nic.in](mailto:cpio-rti-legis@nic.in).

(2) Keeping in view, the various provisions of RTI Act, 2005, the applications received from the applicants are thoroughly examined and the available information collected from the



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concerned administrative units of the Legislative Department is provided to the applicants. Also, the applications which contain the subject matter pertaining to other Ministries/Departments of the Central Government are promptly transferred to the concerned Ministries/Departments in consonance with the relevant provisions of the said Act. Further, in case of first appeals, the same are independently examined by the Appellate Authority and disposed of within the prescribed time limit. During 2015-16 (1<sup>st</sup> April, 2015 to 31<sup>st</sup> December, 2015) One thousand six hundred forty six (1646) applications seeking information under the said Act were received, which were promptly attended to by giving due reply to the applicants as per the provisions of the RTI Act, 2015 and the rules made thereunder. Eighty nine (89) first appeals preferred before the Appellate Authority have been duly disposed of on merits during the period of 1<sup>st</sup> April, 2015 to 31<sup>st</sup> December, 2015. As per the trends of inflow of applications, it is expected that some 400 more applications are expected during the remaining three months of 2015-2016. On account of handling of RTI applications, this Department has earned Rs.5683/- towards application fee and photo copying charges till December, 2015.

## **29. CORRECTION SECTION**

**(1) Maintenance of Central and State Codes:** The Correction Section is responsible for maintenance and up-dating of the Central legislations, the Constitution of India and Orders issued thereunder, Manual of Election Laws, Central Ordinances, Regulations, President's Acts, General Statutory Rules and Orders and compilation of State Acts for the use of officers in the Ministry of Law and Justice. The amendments made by the amending Acts, passed by Parliament during the Budget Session, Monsoon Session and Winter Session 2015, which were brought into force, have been carried out in the master copies of India Code Volumes. This is an ongoing exercise. The Department has received State Acts from twelve States for the year 2015, namely, Andhra Pradesh, Assam, Goa, Haryana, Kerala, Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh, Uttarakhand, Telangana and Delhi. The Correction Section of this Department maintains master copies of the India Codes, which contains unrepealed Central Acts for reference by the Ministers-in-charge, officers in the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) and the Law Officers of the Government of India. These are valuable reference books and are also used for publishing the revised editions of Acts by the Central Government. The Central Acts have been updated in the master copies of the India Codes including the amendment Acts of the year 2015. Index to Central Act (both Alphabetical and Chronological) is also been made available on NICNET and INTERNET. The website address of India Code is <http://indiacode.nic.in>

**(2)** During the year 2015, Correction Section has received Gazette copies of twenty-six Acts of Parliament (including Appropriation Acts and Finance Acts) and one Constitutional Amendment Act. Out of above, Correction Section received Gazette copies of 4 Principal Acts and 13 Amendment Acts. This Section also received nine Ordinances promulgated by the President of India.

### **A. Principal Acts received during the year 2015:**

1. The Coal Mines (Special Provisions) Act, 2015 (11 of 2015)

2. The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 (22 of 2015)
3. The Repealing and Amending Act, 2015 (Act No.17 of 2015)
4. The Repealing and Amending (Second) Act, 2015 (Act No.19 of 2015)

**B. Amendment Acts including one Constitution Amendment Act received during the year 2015:**

1. The Citizenship (Amendment) Act, 2015 (1 of 2015)
2. The Public Premises (Eviction of Unauthorised Foreign Occupants) Amendments Act 2015 (2 of 2015).
3. The Motor Vehicles (Amendment) Act, 2015 (3 of 2015).
4. The Constitution (Scheduled Castes) Orders (Amendment) Act, 2015 (4 of 2015).
5. The Insurances Laws (Amendment) Act, 2015 (5 of 2015).
6. The Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015).
7. The Andhra Pradesh Reorganisation (Amendment) Act, 2015 (12 of 2015).
8. The Regional Rural Banks (Amendment) Act, (14 of 2015).
9. The Warehousing Corporations (Amendment) Act, 2015 (16 of 2015).
10. The Payment and Settlement Systems (Amendment) Act, 2015 (18 of 2015).
11. The Companies (Amendment) Act, (21 of 2015).
12. The Delhi High Court (Amendment) Act, 2015 ( 23 of 2015).
13. The Negotiable Instruments (Amendment) Act, 2015 (26 of 2015).

\* The Constitution (One Hundredth Amendment) Act, 2015.

**C. Ordinances promulgated by the President of India during the year.**

1. The Citizenship (Amendment) Ordinance, 2015 (1 of 2015).
2. The Motor Vehicles (Amendment) Ordinance, 2015 (2 of 2015).
3. The Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 (3 of 2015).



4. The Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Ordinance, 2015 (4 of 2015).
5. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Ordinance, 2015 (5 of 2015).
6. The Negotiable Instruments (Amendment) Ordinance, 2015 (6 of 2015).
7. The Negotiable Instruments (Amendment) Second Ordinance, 2015 (7 of 2015).
8. The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 (8 of 2015).
9. The Arbitration and Conciliation (Amendment) Ordinance, 2015 (9 of 2015).

(3) Based on the Acts of Parliament, the amendments have been carried out in the master copies of the Principal Acts. During the year 2015, the Acts which have been brought into force by the respective administrative Ministries, date of enforcement and their Notification numbers have been entered at the relevant places of master copies of the respective Acts.

### **30. GAZETTE NOTIFICATIONS**

During the year 2015, Correction Section has received Gazette of India Notifications upto May 2015. The Gazette copies of the same have been arranged and entered in the respective folders.

### **31. STATE ACTS**

During the year 2015, total 211 State Acts and 55 Ordinances were received from different States. All the Acts and Ordinances have been entered in the relevant Registers and Folders.

### **32. PRINTING SECTIONS**

The Printing Sections of the Legislative Department, namely, the Printing I and Printing II, undertake the processing of legislation for printing at various stages. These two Sections handle the work relating to the editing of manuscripts of the Bills (including preparation of contents and annexures, wherever required), Ordinances, Regulations, Adaptation Orders, Orders issued under the Constitution of India, Delimitations Orders and other statutory instruments before sending them to Press. Proofs of the Bills, etc., are checked at multiple stages and after approval, the same are sent to Legislative I Section, which forwards them to Lok Sabha/Rajya Sabha Secretariats for printing of 'To be introduced in Lok Sabha/Rajya Sabha' stage copies. The Bills, which are required to be introduced at a short notice are also got printed by the Printing Sections on behalf of the Lok Sabha and Rajya Sabha Secretariats. Subsequently, the printed copies of the Bill are examined at various stages, viz., 'To be/As introduced' stage, 'As passed by the Lok Sabha/Rajya Sabha' stage, 'As passed by Both the



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Houses' stage, 'Assent copy' stage, 'Signature copy' stage and at last, after assent of the President, the Act is prepared and processed for publication in the Official Gazette. Immediately thereafter, the Act is prepared and edited again for publishing the same as A-4 stage copy for public sale. Proofs of the A-4 size copies of the Acts are again scrutinised and got approved before returning to the Government Press for final printing and the printed copies of the Acts are checked for errata and released for sale.

(2) Besides the editing and proof-checking of various other publications like the Constitution of India, India Code, Acts of Parliament, updated modified editions of the Central Acts, etc., are also undertaken by the Printing Sections, as per the departmental requirements.

(3) During the period from the 1<sup>st</sup> January, 2015 to the 31<sup>st</sup> December, 2015, the following tasks were undertaken by the Printing I and Printing II Sections, namely:-

- (a) processing and enactment of some important Acts, like Citizenship Amendment Act, 2015, the Coal Mines (Special Provisions) Act, 2015 The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 the Constitution of (One Hundredth Amendment) Act, 2015;
- (b) edited manuscripts and checked the proofs, scrutiny copies of 107 Bills, 9 Ordinances, 3 Constitution Orders, 2 Regulations, 1 Gazette;
- (c) checked the computer printout and printed copy of the Constitution of India 8AVO Size;
- (d) edited and checked 26 Acts of Parliament;
- (e) checked the proof and printed copies of 11 Diglot modified editions of Central Acts;
- (f) checked computer printout of Acts of Parliament for the year, 2011;
- (g) checked computer printout of Acts of Parliament for the year, 2012 ;

### **33. GENERAL STATUTORY RULES AND ORDERS (G.S.R.O). SECTION**

Pursuant to the recommendations of the Parliamentary Committee on Subordinate Legislation, a scheme for maintaining subordinate legislation up-to date and making the same available expeditiously to the public was formulated. The subordinate legislation under an enactment is prepared and issued by the Ministry or Department which is administratively concerned with the Act, after getting it vetted from Legislative Department. The administrative Ministries are required under the said scheme, to maintain folders, containing up-to-date copies of rules, orders and notifications issued by them. The revised edition of the Central Acts is published by the Legislative Department and the subordinate legislation under the Acts are published by the administrative Ministry or the Department concerned.

(2) The Rajya Sabha Committee on Subordinate Legislation, in its 135<sup>th</sup> Report has categorically recommended that Ministries, as part of their e-governance initiative may, put all legislation on their websites, preferably bilingually. The Committee has further

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recommended that the Ministry of Communication & Information Technology would develop standard application software with an internet interface for use in all Ministries, which would provide a searchable database of Subordinate Legislation linked to the principal Acts, administered by the respective Ministry.

(3) General Statutory Rules and Orders (GSRO) Section maintains alphabetical registers regarding General Statutory Rules and Orders (GSRO) issued by the various Ministries/Departments published in Gazette of India and also compiles them in book form for official use. Entries of various Notifications have been made in alphabetical registers relating to Part-II, Section 3, Sub-Section (i) and (ii) of various Ordinary and Extraordinary notifications upto the month of December, 2013.

(4) General Statutory Rules and Orders (GSRO) Section has during the year 2015, sorted out the Gazette copies of various notifications relating to Subordinate Legislation issued by various Ministries/Department under Part-II, Sections 3, Sub-sections (i) and (ii), both pertaining to Ordinary and Extraordinary notifications up to the month of December, 2014 and bonded in book forms.

(5) Entries of various notifications under Subordinate Legislation have been made in the Alphabetical Register relating to Part-II, Section 3, Sub-Section (ii) of Extraordinary notifications.

(6) The Gazette notifications issued by the various Ministries/Departments under Part-II, Section 4 and Part-III, Section 4 both pertaining to Ordinary and Extraordinary notifications for the year 2014 have been sorted out and bounded in book form.

#### **34. INTEGRATED FINANCE AND BUDGET AND ACCOUNTS SECTION (IFD)**

The Integrated Finance and Budget and Accounts Section is responsible for the work relating to preparation of Budget Estimates and Revised Estimates for all the three Departments of the Ministry of Law and Justice, namely, Department of Legal Affairs, Legislative Department and Department of Justice and also for various autonomous bodies such as ICADR, ICPS, BCI, ITAT, NALSA, Supreme Court Legal Association etc. Further, the work relating to finalisation of Budget, Pre-Budget Discussion, Vote on Account and seeking supplementary/ additional funds are also looked after by this Section. The preparation of the Detailed Demands for Grants of the whole Ministry including Election Commission of India and Supreme Court of India is also done by Budget and Accounts Section. The Section is also accountable for preparing and printing of the Annual Report and Outcome Budget of the Ministry of Law and Justice. Apart from this, the Section is also dealing with the proposals which involve financial implications and wherever specific opinion is required to be taken from the Ministry of Finance. The work relating to Parliamentary Standing Committee on Demands for Grants for the Ministry of Law and Justice is also co-ordinated by this Section.

(2) IF&B&A Section is also responsible for the work relating to provisional release of funds to the States/Union territories (having Legislatures) on account of Election related expenditure under the Major Head 2015. The Section releases the funds under the following categories:



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- (a) **Electoral Offices:** This relates to day to day establishment related expenditure including salaries of election staff. The expenditure is shared on a 50:50 basis between the Government of India and State Governments /Union territories (having Legislatures).
  - (b) **Preparation and Printing of Electoral Rolls:** This relates to printing of electoral rolls and excludes expenditure incurred on computerisation of electoral rolls undertaken by the State Governments /Union territories (having Legislatures) on the direction of the Election Commission of India to them.
  - (c) **Charges for conduct of elections to the Lok Sabha -** This expenditure is borne fully by the Union Government when such elections are held independently but shared in equal proportion when held simultaneously with State Legislative Assembly elections.
  - (d) **Charges for conduct of elections to Parliament (Rajya Sabha)-** This expenditure is borne fully by the Union Government.
  - (e) **Issue of Photo Identity Cards to Voters -** This expenditure is shared on a 50:50 basis between the Government of India and States/Union territories (having Legislatures) and is a recurring expenditure.
  - (f) **Expenditure on Electronic Voting Machines (EVMs) and Expenditure on Presidential and Vice-Presidential elections-** This expenditure is borne fully by the Union Government.

### 35. PUBLICATION SECTION

Publication Section brings out, from time to time, modified editions of the Central Acts and other important publications like the Constitution of India, Manual of Election Law, Orders issued under the Constitution of India, Index to Statutory Definitions, etc.

(2) Revised edition of the Constitution of India (English and Hindi version) incorporating the latest amendments has been printed on the 9<sup>th</sup> November, 2015 and the Central Acts upto the year 1985 have been compiled for bringing out the revised edition of the India Code in diglot form.

(3) Annual Volume of the Acts of Parliament in book form for the Year 2011 has been printed and Annual Volume of the Acts of Parliament for the year 2012 and 2013 are at different stages of compilation.

(4) Manuscript of modified English version of 10 Central Acts duly incorporating the latest amendments have been prepared and scrutinised, and forwarded to the Printing Section for taking further necessary action.

### 36. THE OFFICIAL LANGUAGE SECTION

The **Official Language Section** of the Legislative Department is administratively responsible for the effective implementation of the Official Language Policy of the Union of India, the



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Official Language Act, 1963 and the Official Language Rules, 1976. This Section is also responsible for the increase of the progressive use of Hindi for official purposes of the Union, in addition to translation of various materials from English to Hindi and vice-versa.

## **(2) Implementation of Constitutional and other provisions regarding the Official Language Policy**

(i) During the period from 1<sup>st</sup> January, 2015 to 31<sup>st</sup> December, 2015, the Legislative Department has taken the following steps to implement the Official Language Policy :-

As per the provisions of the Official Language Rules 1976, at present, more than 91.1%, 72% and 63.2% letters to regions 'A', 'B' and 'C' are being sent in Hindi respectively. Constant efforts are being made in this regard to achieve the targets stipulated in the Annual Programme issued by the Department of Official Language, Ministry of Home Affairs. The replies to the letters, applications, representations etc., received in Hindi are being sent invariably in Hindi. All the Resolutions, General Orders, Rules, Notifications, Administrative Reports, other Reports and Documents laid before Parliament, Contracts, Notices etc., are issued bilingually as per sub-section (3) of section 3 of the Official Language Act, 1963.

(ii) Legislative Department was notified on 29<sup>th</sup> April, 1979 under sub-rule (4) of rule 10 of the Official Language Rules, 1976 for conducting the official business in Hindi. The officers and employees who are proficient in Hindi have been directed to submit the drafts etc., only in Hindi. For this purpose, 17 Sections out of 31 have been specified to transact the official work in Hindi under sub-rule (4) of rule 8 of the Official Language Rules, 1976.

## **(3) The Quarterly Progressive Reports for the Progressive Use of Official Language Hindi**

The Quarterly Progressive Reports of Hindi are regularly being sent to the Department of Official Language, Ministry of Home Affairs. Through these Reports, position of employees regarding Hindi training and their overall work in Hindi are reflected and it is ensured that the percentage of correspondence as well as noting and drafting in Hindi increase as per the Annual Programme issued by the Department of Official Language, Ministry of Home Affairs.

## **(4) Meetings of the Official Language Implementation Committee**

An Official Language Implementation Committee has been constituted in this Department under the Chairmanship of the Joint Secretary and Legislative Counsel (OL Wing). The meeting of this Committee is held once in every three months regularly to assess the progressive use of Hindi for official purposes. The agenda and minutes of these meetings are sent to the Department of Official Language, Ministry of Home Affairs. The minutes are also circulated to all the officers and Sections of the Department for compliance. Quarterly meetings of the Official Language Implementation Committee were held during the year on **23rd March, 2015 (1<sup>st</sup>), 17<sup>th</sup> June, 2015 (2<sup>nd</sup>), 25<sup>th</sup> August, 2015 (3<sup>rd</sup>) and 13<sup>th</sup> December, 2015 (4<sup>th</sup>)** respectively. This Committee provides effective means to identify problems and find out the solutions for the progressive use of Hindi. In the meetings of this Committee, the Annual Programme issued by the Department of Official Language, Ministry of Home Affairs for transacting the official work of the Union in Hindi is also discussed and every

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effort is made to achieve the prescribed targets therein. The orders, circulars, directives, notifications, resolutions, recommendations etc., regarding the implementation of Official Language Policy of the Union of India are also discussed in these meetings.

#### **(5) Hindi Advisory Committee**

As per the guidelines issued by the Department of Official Language, Ministry of Home Affairs, the Hindi Advisory Committee of the Ministry of Law and Justice was constituted on 4<sup>th</sup> August, 1967 under the Chairmanship of the Minister of Law and Justice. This Committee has jointly been constituted for Department of Legal Affairs and Legislative Department. The Committee comprises the Members of Parliament, nominated by the Ministry of Parliamentary Affairs and the Committee of Parliament on Official Language, the nominees of Kendriya Sachivalaya Hindi Parishad, nominees of prominent All India Hindi Voluntary Organisations, nominees of the Ministry of Law and Justice and those of Department of Official Language as non-official members. The Secretaries, Additional Secretaries and the concerned Joint Secretaries of the Department of Legal Affairs, Legislative Department and Department of Official Language are the official members of this Committee.

After formation of the 16<sup>th</sup> Lok Sabha, the committee has been reconstituted and its first meeting has been held in Udaipur, Rajasthan on 7<sup>th</sup> July, 2015.

#### **(6) Hindi Training**

This Department nominates its officers/employees for various training courses of Hindi conducted by Hindi Teaching Scheme, Department of Official Language, Ministry of Home Affairs. These Hindi Language Courses are *Prabodh*, *Praveen* and *Pragya*. There are training courses for Hindi typing and Hindi shorthand also. The nomination to these Hindi courses is a continuous process as the officers/employees get recruited, promoted and transferred on regular basis.

#### **(7) Hindi Fortnight**

A 'Hindi Fortnight' from **9<sup>th</sup> September to 23<sup>th</sup> September, 2015** was organised in this Department. Various Hindi competitions were held during this period and a large number of officers and employees participated in these competitions. Out of these, two competitions were organised exclusively for non-Hindi speaking personnel. The first, second, third and consolation prizes of Rs.2500/-, Rs.2000/- Rs.1500/- and Rs.500/- respectively have been awarded to the winners of the competition. Total seventy eight cash prizes worth Rs.66,000/- were given to the officers and staff of the Department on the prize distribution ceremony held on **16<sup>th</sup> October, 2015**.

#### **(8) Incentive Schemes for working in Hindi**

There are three incentive schemes in operation in the Department for the progressive use of Hindi. First scheme is for the original noting and drafting in Hindi under which, ten employees won the prizes during the year. The second scheme is for English Stenographers/typists who attend to Hindi stenography/typing work. The third scheme is for the officers who give dictation in Hindi besides English. Total cash prizes of Rs. 10,600/- and Rs.1,920 were given



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to the officials for the first and second incentive schemes respectively. Apart from these schemes, officers and employees are granted cash prizes and advance increments on passing the Hindi Training Courses of Hindi Language, Hindi shorthand and Hindi typing conducted by the Hindi Teaching Scheme.

#### **(9) Committee of Parliament on Official Language**

The Committee of Parliament on Official Language was set up in 1976 to monitor and give suggestions for the progressive use of the Official Language in Central Government Ministries/Departments and their offices. As far as Legislative Department is concerned, orders issued by the Department of Official Language, based on the recommendations of this Committee are being implemented.

Details regarding correspondence, employees, etc. is at **Annexure-VII**.

### **37. OFFICIAL LANGUAGES WING**

#### **(1) FUNCTIONS**

The Official Languages Wing is a successor Organisation of the Official Languages (Legislative) Commission under the Legislative Department. It has been entrusted with the following functions :-

- (i) Preparation and publication of a standard legal terminology for use, as far as possible, in all Official Languages;
- (ii) Preparation of authoritative texts in Hindi of all Central Acts and Ordinances and Regulations promulgated by the President;
- (iii) Preparation of authoritative texts in Hindi of all Rules, Regulations and Orders made by the Central Government under any Central Act or any Ordinance or Regulation promulgated by the President;
- (iv) Preparation of authoritative texts of all Central Acts and Ordinances and Regulations promulgated by the President in the respective Official Languages of the States and to arrange for the translation of all Acts passed and Ordinances promulgated in any State into Hindi, if the texts of such Acts or Ordinances are in a language other than Hindi; and
- (v) Translation into Hindi of deeds, legal documents like contracts, agreements, leases, bonds, mortgages etc. of different Departments;
- (vi) Translation into Hindi of all statutory Notifications under Section 3(3) of the Official Languages Act, 1963 ;
- (vii) Translation into Hindi of statutory Rules issued by Governments of States under Presidential Rule;



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(viii) Translation into Hindi of all the Parliament Questions/Answers, Assurances etc, relating to the Ministry of Law and Justice;

(ix) Training in Legislative Drafting in Hindi to Officers from Hindi speaking States;

(x) Work relating to Coordination Committee of Hindi speaking States for ensuring effective coordination in the evolution of uniform legal phraseology and model of standard clauses in Hindi and publication thereof;

(xi) Work relating to Hindi Salahkar Samiti of the Ministry of Law and Justice;

(xii) Work relating to providing Grants-in-Aid to voluntary organisations for promotion of Official Languages in the field of law;

(xiii) Publication of diglot editions of Central Acts (with legislative history) and popularisation thereof;

(xiv) Preparation and maintenance of India Code in Hindi (Bharat Sanhita) and also in diglot form; and

(xv) Publication of regional language versions of the Constitution of India and their release.

## **(2) LEGAL GLOSSARY**

Since the inception of Official Languages (Legislative) Commission in 1961, six editions of Legal Glossary have been brought out and every successive edition is larger in size. While the first edition (1970) contained 20,000 entries, the latest sixth edition (2001) of Legal Glossary contained approximately 63,000 entries spread over in eight parts. Latest 7<sup>th</sup> Edition of Legal Glossary has been published in the year 2015 and contained approximately 65,000 entries spread over in seven parts. The Legal Glossary brought out by the Official Languages Wing, which is one of the most important and prestigious publications, has received wide acclaim by discerning men of law and letters.

## **(3) CONSTITUTION OF INDIA**

Besides, the authoritative text of the Constitution of India in Hindi (the Official Language of the Union), the authoritative texts of the Constitution have been brought out in 15 other regional languages, namely, Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu, Urdu, Sindhi, Nepali and Konkani.

Special Edition of Constitution of India published on the occasion of First Constitution Day i.e. 26<sup>th</sup> November, 2015/

## **(4) BHARAT SANHITA**

All the Central Acts have been compiled and brought out in the form of India Code in handy volumes. The last edition of India Code consisting of eight volumes was published in 1959.

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Action has already been initiated for bringing out Bharat Sanhita (Revised Edition of India Code) in diglot form in chronological order.

One of the salient features of the Code is that the statement of objects and reasons appended to the principal Bills have also been added at the end of each Act and included in the revised edition of India Code. Volume I to XXXI of the revised edition of India Code have already been published and manuscripts of the India Code Volume XXXII and XXXIII have been sent to Press.

#### **(5) PREPARATION AND PUBLICATION OF AUTHORITATIVE TEXTS OF CENTRAL ACTS**

During the period under report, authoritative texts of about 25 Acts in Hindi have been published in the Official Gazette under section 5 (1)(a) of the Official Languages Acts, 1963. Now the total number of such Acts since 1963 have gone up to 2353.

#### **(6) PUBLICATION OF DIGLOT EDITIONS OF CENTRAL ACTS**

Central Acts, for which there is likelihood of public demand, are published by the Official Languages Wing in diglot form. When there is a public demand for a particular Act, the same is published in diglot form (Hindi & English) for sale to general public. Total number of such Acts is 401 as on date.

#### **(7) AUTHORISED HINDI TRANSLATION OF BILLS, ORDINANCES, ETC.**

Sub-section (2) of section 5 of the Official Languages Act, 1963 requires that all Bills to be introduced or amendments thereto moved in either House of the Parliament shall be accompanied by Hindi translation of the same. During the period under report, the Hindi translation of 83 Bills, simultaneously with their English texts, was supplied to the Houses of Parliament. Besides this, Hindi translation of 12 Ordinances and 7 Notes for the Cabinet and 22 Acts were also prepared.

#### **(8) GENERAL STATUTORY RULES AND ORDERS (G.S.R.Os)**

Sub-section (3) of section 3 of the Official Languages Act, 1963 lays down the foundation for bilingual working of the Central Government. Under clause (1) of that sub-section, all resolutions, general orders, rules, notifications etc., issued or made by the Central Government must be both in Hindi and English languages. During the period under report, 24724 pages of such statutory rules/notifications etc., were prepared for different Departments of the Central Government.

#### **(9) PREPARATION AND PUBLICATION OF AUTHORITATIVE TEXTS OF RULES, REGULATIONS, ORDERS ETC.**

Clause (b) of sub-section (1) of section 5 of the Official Languages Act, 1963 requires that translation in Hindi published under the authority of the President in the Official Gazette of any Order, Rule, Regulation or Bye-law issued under the constitution or under any Central Act shall be deemed to be the authoritative text thereof in Hindi. Some Rules, Regulations, Orders etc., are at different stages of translation. During the period under report, 3728 pages of



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Recruitment Rules were translated. Authoritative texts of seven Regulations were published under sub-section 3(1)(b) of the said Act.

**(10) MAINTENANCE OF CENTRAL ACTS, ETC.**

The Correction Section of the Official Languages Wing is maintaining and updating the Central legislations kept as master copies in the form of India Code, India Code (Diglot) as well as Bharat Sanhita. It also keeps Constitution of India and important manuals including Manual of Election Law up-to date for reference by the officers in this Wing. This Section is responsible for carrying out the amendments made by the amending Acts passed by the Parliament in the aforesaid master copies of Central legislation.

Besides, manuscripts of Hindi Central Acts for publication in diglot form have also been prepared and printed copies of 07 diglot edition by O.L. Wing.

In addition to above, this Section supplied -

- (a) 21 up-to-date English copies of Central Acts (diglot edition) to various State Governments for translation into various regional languages; and
- (b) Gazette copies of Hindi version of Central Acts to Hindi speaking States for republication in their State Gazettes. This year Index to Central Acts in Alphabetical and chronological order (Diglot) and Constitution of India (Diglot) were prepared and published.
- (c) Work relating to publication mainly undertaken by this Section.

**(11) EDITING OF MANUSCRIPTS OF BILLS, ACTS, ORDINANCES, DIGLOT EDITIONS, ETC. AND PUBLICATION THEREOF**

The Printing Section of the Official Languages Wing is primarily concerned with the editing of manuscripts and checking of proofs of Bills, Ordinances, Regulations, President's Acts etc; issued under the Constitution of India, Delimitation of Council Constituencies orders, etc; Bills, which are required to be introduced in a short time, are also printed on behalf of the Houses of People or the Council of States. Editing and Proof-Checking of the publication in diglot form of the Constitution of India, Manual of Election Law, revised Edition of India Code, modified diglot edition of Central Acts, statutory Rules and Orders, Annual Reports etc. are also done in this Section. This Section is also responsible for the printing and publication of Central Acts, Ordinances, Regulations, President's Act, etc; and their subsequent reprints in diglot form as publication for sale. This Section discharged all its responsibilities during the year under review.

The Printing Section of the Official Languages Wing is also performing the duties of the Publication Section. During the period under report, 20 Acts were authenticated and 12 Ordinances were got published by this Section. Moreover, Legal Glossary (VIIth Edition) and Constitution of India (Hindi) (Royal 8V0 Size) were published.



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## **(12) PREPARATION AND PUBLICATION OF STANDARD LEGAL DOCUMENTS**

Section 3 (3)(iii) of the Official Languages Act, 1963 requires that both Hindi and English Languages are to be used for agreements, contracts, leases, bonds, tenders etc., issued by or on behalf of the Central Government or any Ministry, Department or office thereof. In order to comply with the requirement of the said Act, the Official Languages Wing has prepared Hindi version of the documents in eight volumes for various Ministries and Departments of the Central Government with a view to achieve uniformity in their translation. During the period under report, the Hindi version of 2604 pages of Parliament Questions Answers/Assurances of this Ministry was also prepared.

## **(13) ESTABLISHING THE INDIAN LANGUAGES IN THE SPHERE OF LAW**

The Official Languages Wing, Regional Languages Unit is constantly doing the work of translation of Central Acts into Hindi as enshrined in the Eighth Schedule to the Constitution of India. So far as the regional languages are concerned, this work is being done with the co-operation of respective State Governments.

The Official Languages Wing has also published the authoritative texts of Central Acts in regional languages as envisaged under section 2 of the Authoritative Texts (Central Laws) Act, 1973 (50 of 1973). During the period under report, translation of 37 Central Acts have been approved by the Working Group (Regional Languages) and 48 Central Acts in Regional Languages and 20 Central Acts in Hindi have been authenticated as authoritative texts by the President of India. Besides the Authoritative texts of the Constitution of India in addition to Hindi has been brought out in 15 other Regional Languages that is, Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telgu, Urdu, Sindhi, Nepali and Konkani.

## **(14) WIDE DISTRIBUTION OF CENTRAL ACTS, LEGAL GLOSSARY ETC.**

The Gazette copies of Hindi version of Central Acts after they have been authenticated and published in the Gazette of India have been sent to Hindi speaking States. They were also sent to Gujarat and Maharashtra and the High Courts in these States. Further, these copies were sent to the concerned Ministries and Departments of Government of India, Andaman and Nicobar Islands, the Nagri Pracharini Sabha, Parliament Library and other Libraries. Copies of the Central Acts in diglot form are regularly sent to all States (Hindi as well as non-Hindi speaking States), Supreme Court of India, Parliament Library and all High Courts.

## **(15) WORK RELATING TO THE HINDI SALAHKAR SAMITI**

The Twelfth Hindi Salahkar Samiti of this Ministry was constituted vide Resolution No.E.4(1)/2014-O.L.Wing(LD) dated 14<sup>th</sup> May, 2015 for three years or remaining tenure of present Lok Sabha which consists of Lok Sabha and Rajya Sabha Members and about eleven official members and invitees. The first meeting of Twelfth Hindi Salahkar Samiti was held on 7<sup>th</sup> July, 2015 at Udaipur, Rajasthan. The functions of the Samiti are normally to advise the Central Government on matter relating to :-

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- (i) preparation of Hindi version of Central Acts and statutory rules ;
  - (ii) the evolution of common legal terminology ;
  - (iii) the production of standard law books in Hindi for imparting legal education in Hindi in law colleges and Universities ;
  - (iv) publication of law journals and reports in Hindi ;
  - (v) matters ancillary and incidental to any of the above items ; and
  - (vi) suggest ways and means for the propagation and development of Hindi in the field of law for official use.

#### **(16) GRANTS IN AID TO VOLUNTARY ORGANISATIONS**

There is a scheme for the promotion of Official Languages of the Union and States for propagation and development of Hindi and other Indian languages in the field of law. Under the scheme ,Voluntary Organisations and institutions are provided with financial aid. Since 1985, the Official Languages Wing has been implementing this scheme to give financial assistance to those voluntary organisations which are engaged in the activities for development and propagation of literature in the field of law and other regional languages which could be in the form of proposed commentaries, treatises, books on legal subjects, law journals, law compendium and other publications as are conducive to enrichment, propagation and development of Hindi and other regional languages of the State. A Committee constituted under the Chairmanship of Mr. Justice H. R. Malhotra (Retd.) sanctioned the financial assistance amounting to Rs. 9,50,000/- only to Sixteen voluntary organisations for the year 2014-15.

#### **(17) SPECIAL STEPS ADOPTED FOR THE PROGRESSIVE USE OF OFFICIAL LANGUAGES**

The URL of the Official Languages Wing is <http://lawmin.nic.in/olwing>. The important Acts of Parliament translated into various regional languages have been hosted under the respective languages on the home page of the O.L. Wing. In order to provide soft copies of the Recruitment Rules/Notifications etc; the O.L. Wing has started using Unicode font also.

The Constitution of India, I.P.C., Cr. P.C. and the Manual of Election Law have already been hosted on the net. This website has been further enriched by putting a list of Acts and a list of Rules and Regulations. Up dated Central Acts from 2005 to 2014 have also been uploaded on the website.

During the period under report, Bill Section, Translation-I Section, Translation-II Section, Legislative-I Section, Legislative-II Section, Printing Section, Correction Section, Administration Section, Cash Section and Library of O.L. Wing have been fully computerised. The camera ready copies of some important Bills were prepared during the period under report. A list of names, addresses and contact numbers of all the Group 'A' officers of the O.L. Wing in English and Hindi have also been hosted on the Net.

The Scheme for Assistance to Voluntary Organisations for promotion of Official Languages in the field of law has also been hosted both in English and Hindi on the Net.



### 38. VIDHI SAHITYA PRAKASHAN

In the year 1958, the Committee of Parliament on Official Languages recommended to make arrangements to bring out authorised translation of important judgments of the Supreme Court of India and the High Courts and to entrust this task to a Central Office under the supervision of Law Department. Thereafter, on the recommendations of the Hindi Advisory Committee, a Journal Wing was set up in the Legislative Department in the year 1968 with the object of promoting the use of Hindi in the field of law. This Wing was subsequently redesignated as **"VIDHI SAHITYA PRAKASHAN"**.

(2) Initially, a monthly publication of all the reportable judgments of the Supreme Court of India, as marked 'REPORTABLE' was started in April, 1968 and it was designated as "Uchchatama Nyayalaya Nirnaya Patrika". Another monthly publication containing judgments of the High Courts was started in January, 1969 and it was designated as "Uchcha Nyayalaya Nirnaya Patrika". In the year 1987 "Uchcha Nyayalaya Nirnaya Patrika" was bifurcated into two Nirnaya Patrikas i.e. "Uchcha Nyayalaya Civil Nirnaya Patrika" and "Uchcha Nyayalaya Dandik Nirnaya Patrika". Later on, due to ever-increasing volume of Supreme Court's reportable judgments as well as dearth of requisite editorial staff in the Legislative Department, the "Uchchatama Nyayalaya Nirnaya Patrika" only included selected reportable judgments of the Supreme Court. The "Uchcha Nyayalaya Civil Nirnaya Patrika" and "Uchcha Nyayalaya Dandik Nirnaya Patrika" also contains only important and selected judgments in civil and criminal matters.

(3) Vidhi Sahitya Prakashan is also responsible of the following functions, namely :-

- (a) Publication of text books in Hindi in the field of law for use in the academic and others as reference books;
- (b) translation and publication of legal classics in Hindi ;
- (c) awarding of various prizes for the best publications in Hindi in the field of law;
- (d) sale of Hindi publications of the Vidhi Sahitya Prakashan and diglot editions etc. of the Official Language Wing of the Legislative Department ; and
- (e) holding of conferences, seminars and book exhibitions at different parts of the country, particularly in Hindi speaking States for popularisation and improvement of legal literature in Hindi;

(4) In addition to above, standard law books in Hindi written by eminent authors are also being published by the Vidhi Sahitya Prakashan for the use of law students, law teachers, lawyers and judicial officers. In order to give incentive to authors writing law books originally in Hindi and to publishers in the private sector, the prizes and certificates are awarded annually for best publication in Hindi in the field of law.

(5) Seminars in the premises of law colleges, High Courts, District Courts etc., in the Hindi as well as non-Hindi speaking States are held from time to time for propagation and development of Hindi in the field of law. Vidhi Sahitya Prakashan also holds exhibitions of its own publications, including diglot (Hindi-English) editions of the Central Acts of the Official



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Languages Wing in High Courts and District Courts etc. of different Hindi and non-Hindi speaking States and looks after the sale of these publications.

(6) A quarterly journal entitled 'Vidhi Sahitya Samachar' is also being published which contains detailed information regarding various activities in the field of law and publications of the Vidhi Sahitya Prakashan. It has been updated upto December, 2014. A 'Publication List' containing priced publication available with Vidhi Sahitya Prakashan is also made available to the people and customers.

The details of progress made during the year 2015 are given below:-

(7) **Publication of Nirnaya Patrika** : During the period under report, at the editing/translation stage, the 'Uchchatama Nyayalaya Nirnaya Patrika' has been updated upto July-September, 2015, 'Uchcha Nyayalaya Civil Nirnaya Patrika' has been updated upto January-March, 2015 and 'Uchcha Nyayalaya Dandik Nirnaya Patrika' has been updated upto January-March, 2015.

During the year 2015 the number of the subscribers of the Patrikas is as under :-

Uchchatama Nyayalaya Nirnaya Patrika	145
Uchcha Nyayalaya Civil Nirnaya Patrika	140
Uchcha Nyayalaya Dandik Nirnaya Patrika	138

(8) **Award of Prizes** : Under the Scheme for writing, translating and publication of law books in Hindi and awarding prizes to such books written or published in Hindi for use as text books or reference books, the award to the tune of Rs. 5,00,000/- (Rupees Five lakh only), [the 1<sup>st</sup> prize for Rs. 50,000/- (Rupees fifty thousand only), 2<sup>nd</sup> prize for Rs. 30,000/- (Rupees thirty thousand only) and 3<sup>rd</sup> prize for Rs. 20,000/- (Rupees twenty thousand only)] are awarded annually for the best publication in Hindi in the five principal branches of law. 13 best law books written in Hindi has been awarded for prize in the year 2015 amounting to Rs.40,00,000/-.

(9) **Publication of Books** : So far 34 standard law books in Hindi have been published.

(10) **Seminars, Exhibitions and Sale of Books, etc.** : In the subsequent of holding seminars and books exhibitions, in the year 2015, exhibitions of books have been organised in World Book Fair, New Delhi District Courts of Patna, Bhagalpur, Allahabad, Varanasi, Udaypur, Patiala House, Tis Hazari, Saket, Rohini, Dwarka and Karkardooma and High Court of Delhi and Patna. In these exhibitions, the advocates showed keen interest and highly appreciated the publications of Vidhi Sahitya Prakashan.

During the period from 1<sup>st</sup> January, 2015 to 31<sup>st</sup> December, 2015, the gross sale figure of Vidhi Sahitya Prakashan is Rs.15,18,271/- (Rupees Fifteen Lakhs Eighteen Thousand and Two hundred Seventy one only).

### **39. DEPUTATION/DELEGATION ABROAD : LEGISLATIVE DEPARTMENT**

No officer has undertaken foreign visit during 2015-16.

### **40. RESERVATION FOR THE SCHEDULED CASTES, SCHEDULED TRIBES, OTHER BACKWARD CLASSES, EX-SERVICEMEN AND PHYSICALLY HANDICAPPED PERSONS IN SERVICE POSTS**

An Officer of the level of Deputy Secretary is functioning as Liaison Officer for the three Administrative Wings of the Legislative Department, viz., Legislative Department (Main), Official Languages Wing and Vidhi Sahitya Prakashan to oversee the implementation of Orders/Instructions of the Government on reservation for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, ex-servicemen and Physically Handicapped persons in service/posts in respective units.

(2) A Statement showing the total number of employees in the Department (Main), Official Languages Wing and Vidhi Sahitya Prakashan and number of employees belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-servicemen and Physically handicapped persons and the female employees amongst them as on 01.01.2016 is enclosed **Annexure-VIII and IX.**

### **41. DEPARTMENT ACCOUNTING ORGANIZATION**

(1) **ORGANIZATION AND FUNCTIONS:** Secretary is the Chief Accounting Authority who discharges this responsibility with the assistance of the Additional Secretary & Financial Advisor (AS&FA) of the department concerned and the Chief Controller of Accounts. The Chief Controller of Accounts heads the accounting organization and reports to the Secretary through the AS&FA. The Accounting Organization comprises the Principal Accounts Office, Internal Audit Wing and eight Pay & Accounts Offices.

(2) The **Principal Accounts Office** performs all administrative and coordination functions and is also responsible for all accounting matters including coordination of accounts of the Ministry. The accounts related functions of the Principal Accounts Office include:

- (i) Submission of Appropriation Accounts;
- (ii) Submission of Statement of Central Transactions;
- (iii) Submission of material for Union Finance Accounts to the CGA, Ministry of Finance & DG, Audit Central Revenues.
- (iv) Payment of loans and grants to State Govts, and PSUs;
- (v) Procuring and supplying of cheque books to PAOs/CDDOs;
- (vi) Maintaining liaison with CGA and accredited bank. Verifying and reconciling all receipts and payments made on behalf of the Ministry through the accredited bank;
- (vii) Maintaining accounts with RBI relating to the Ministry and reconciling cash balances.
- (viii) Rendering of advice on finance and accounts matters to the Departments.



- (ix) Preparation of manuals keeping in view the objective of management accounting system.
- (x) And maintaining necessary liaison with CGA's Office & to effect overall coordination and control in accounting and administrative matters.

(3) The accounting information generated in the Pay & Accounts Offices is consolidated in the Principal Accounts Office and then transmitted to the Ministry/Department and to the CGA for consolidation of Govt.

(4) **Functions of PAOs and DDOs: Pay & Accounts Officers** discharge their duties for various departments of the Ministry through DDOs and designated CDDOs. The CDDOs are authorized by the PAOs to operate funds up to a certain limit, on the basis of 'letters of Credit' issued by the PAOs to the accredited banks.

(5) The CDDOs normally function at places where the services of PAOs are not available. The powers of the CDDOs, however restricted to payments like salary, traveling allowance, office expenses, GPF (Group 'D') payment etc. In case of Grants-in-Aid and loans to State Governments, PAOs authorize payments through RBI, Nagpur by issuing an advice on the basis of a Sanction. **PAOs have to ensure**, while authorizing payments out of the Consolidated Fund of India, that the following conditions are fulfilled:

- (a) That there is a provision of funds authorized by the competent authority fixing the limit within which expenditure can be incurred.
- (b) That the expenditure incurred conforms to the relevant provision of the Constitution, Acts and rules made there under and should also be in accordance with the financial rules and regulations framed by the competent authority; and
- (c) That there exists a proper sanction, either special or general, as the case may be, accorded by the competent authority authorizing the expenditure.

(6) The PAOs provide the services to various departments through the following number of DDOs and NCDDOs attached to them:

S.No.	PAO	DDOs	
		CDDOs	NCDDOs
1	PAO (EO)	5	1
2	PAO (LA)	28	12
3	PAO (SCI)	1	0
4	PAO (LD)	1	3
5	PAO (MCA), New Delhi	3	23
6	PAO (MCA) Kolkata	8	17
7	PAO (MCA) Mumbai	0	15
8	PAO (MCA) Chennai	0	14

In order to ensure:

- (1) prompt payment



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- (2) speedy settlement of pension, Provident Fund and other claims
  - (3) Compilation of accounts, and make accounting information available to concerned authorities for effective budgetary control;

this office has arranged to provide 44 training/refresher training sessions to its staff at regular intervals on various subjects such as Government Accounting & Auditing, COMPACT Refresher Training, Dynamics of RTI Rules, E-Lekha, Vigilance Matters, SQL & Networking, Visual Basics etc.

**(7) ACCOUNTING & PAYMENT FUNCTIONS:** The Accounting organization of Ministry of Law & Justice headed by Chief Controller of Accounts is entrusted with the responsibility of making timely payment including that of personal claims such as Salary, Travel Expenses, Office Contingency and Rent, Rates and Taxes, Uploading of NPS subscriber contribution to NSDL, Monitoring of the various Centrally Sponsored Schemes (PFMS) etc. preparation and rendering Annual Appropriation Accounts, Finance Accounts and Statement of Central Transactions to Director General of Audit, Central Revenues as per schedule. The reports for the year 2014-15 were prepared timely and submitted to the Controller General of Accounts and the D.G. (Audit), duly approved by the respective Chief Accounting Authorities, i.e. Law Secretary, Legislative Department and Registrar General of Supreme Court of India.

**(8) SETTLEMENT OF PERSONAL CLAIMS INCLUDING LOANS & ADVANCES:** During the period under report, personal claims including loans and advances to Government Servants, authorization of pension and other entitlements were settled promptly. Payments of Grants-in-aid to various Bodies / Institutions of Central and States were released without delay. The Central Government's share of Election expenditure was dealt with expeditiously to pass on the credit to the concerned states through Reserve Bank of India, CAS, Nagpur. While processing the claims and other payments, it was ensured that payments are made in accordance with rules, orders and provisions in force on the subject and no fraudulent / overpayments are made. It was also ensured that expenditure on these accounts do not exceed the budgetary allocation. Prompt action has been taken to intimate the figures of receipt and expenditure incurred by various units to concerned Departmental Officers so as to provide an opportunity to them to reconcile the figures of that office with the figures of concerned Pay & Accounts Office during the period of report.

**(9) INTERNAL AUDIT:** The Principal Accounts Office, the Pay & Accounts Offices as well as the offices of the D.D.Os in the Ministry/Departments are within the jurisdiction of internal audit. In addition to these offices, internal audit shall be required to audit the implementing agencies for various schemes and programmes of the Ministry/Department. Internal Audit also checks the initial accounts maintained in the executive offices to ascertain the extent of following of the rules and regulations, system and procedures in accounting and financial matters. The scrutiny covers checking of all accounting records including those relating to fund accounts, loans and advances and examination of records relating to physical verification of stores, equipment, tools, plant etc. However, due to paucity of staff, no audit could be conducted during the year 2014-15.

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## CHAPTER-III DEPARTMENT OF JUSTICE

### 1. ORGANISATION AND FUNCTIONS

The Department of Justice forms part of the Ministry of Law and Justice. It is headed by Secretary (Justice). The Organizational setup includes four Joint Secretaries, six Directors/Deputy Secretaries and Seven Under Secretaries. The Sanctioned Strength of the Department of Justice is 78 out of which 19 posts are lying vacant. Out of 59 present incumbents only 05 women officer/officials (including 01 woman consultant) are working in this Department. The shortfall in work strength is being met by engaging retired government officers/officials as consultant. At present 07 Consultants are working in the Department of Justice. The functions of the Department of Justice include the appointment, resignation and removal of the Chief Justice of India, Judges of the Supreme Court of India and Chief Justices and Judges of the High Courts and their service matters. In addition, the Department implements important schemes for infrastructure development of subordinate courts, as also the computerization of courts. The Organizational Chart of the Department of Justice is at **Annexure-X**.

#### **Vision:**

“Facilitating administration of Justice that ensures easy access and timely delivery of Justice to all.”

#### **Mission:**

“Ensuring adequacy of courts and judges, including servicing of appointment of Judges to the higher judiciary, modernization of courts and procedures, policies for judicial reforms towards improved justice delivery.”

#### **OBJECTIVES:**

- (i) Providing adequate number of Judges in the Higher Judiciary;
- (ii) Formulating and Facilitating the agenda for Justice Delivery and Legal Reforms;
- (iii) Assisting development of Judicial infrastructure;
- (iv) Facilitating ICT-enablement and connectivity of courts;
- (v) Facilitating setting up of various types of courts;
- (vi) Facilitating utilization of Finance Commission(FC) grants;
- (vii) Facilitating access to Justice for the marginalized people;
- (viii) Facilitating Legal Aid to Poor through implementation of Legal Services Authority Act, 1987.
- (ix) Supporting the National Judicial Academy and facilitation in utilization as Resource Centre.



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### **Function of the Department:**

As per the Government of India (Allocation of Business Rules-1961 as amended from time to time), the subjects handled by the Department of Justice, inter-alia, include the following :-

- (i) Appointment, resignation and removal of the Chief Justice of India and Judges of the Supreme Court of India; their salaries, rights in respect of leave of absence (including leave allowance), pensions and travelling allowances.
- (ii) Appointment, resignation and removal etc. of Chief Justice and Judges of High Courts in States, their salaries, rights in respect of leave of absence (including leave allowances), pensions and travelling allowances;
- (iii) Appointment of Judicial Commissioners and Judicial Officers in Union Territories;
- (iv) Constitution and organization (excluding jurisdiction and powers) of the Supreme Court (but including contempt of such Court) and the fees taken therein.
- (v) Constitution and organization of the High Courts and the Courts of Judicial Commissioners except provisions as to officers and servants of these courts.
- (vi) Administration of justice and constitution and organization of courts in the Union Territories and fees taken in such courts.
- (vii) Courts fees and Stamp duties in the Union Territories.
- (viii) Creation of All India Judicial Service.
- (ix) Conditions of service of District Judges and other Members of Higher Judicial Service of Union Territories.
- (x) Extension of the Jurisdiction of a High Court to a Union Territory or exclusion of a Union Territory from the Jurisdiction of a High Court.
- (xi) Legal Aid to the poor.
- (xii) Administration of Justice
- (xiii) Access to Justice Delivery and Legal Reforms.

## **2. APPOINTMENT OF JUDGES**

### **A. SUPREME COURT OF INDIA:**

The Judge strength of the Supreme Court (including the Chief Justice of India is 31. As on 1.1.2016, 26 Judges are in position, leaving 5 vacancies of Judges to be filled. Shri Justice H.L. Dattu was appointed as Chief Justice of India on 28.09.2014 and he retired on 02.12.2015 on attaining the age of superannuation. Shri Justice T.S. Thakur has assumed the office of the Chief Justice of India with effect from 03.12.2015.

### **B. HIGH COURT OF INDIA:**

As on 01.01.2016 against the sanctioned strength of the High Court Judges of 1044, 601 Judges are in position, leaving 443 vacancies of Judges to be filled. During the period from 1.4.2015 to 01.1.2016, a total of 54 vacancies of judges occurred in High Courts due to superannuation,



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resignation, etc. The strength of the Judges in the High Courts has increased from 998 to 1044. As the constitutional validity of National Judicial Appointments Commission enactments was subjudice before the Supreme Court, 15 fresh appointments of Judges/Additional Judges could be made in various High Courts during the above period. In addition, 13 Additional Judges were appointed as Permanent Judges. The tenures of Additional Judges, which were expiring in various High Courts were extended for three months at a time as per the Supreme Court Orders dated 12.05.2015 and 15.07.2015. After the Supreme Court Judgment on 16.12.2015, all the proposals for appointment of Judges of the Supreme Court and the High Courts are now being processed through the Collegium system.

### **C. LEGISLATION:**

For change in the existing system for appointment of Judges in Supreme Court and High Courts, two Bills titled 'The Constitution (One Hundred and Twenty First Amendment) Bill, 2014' and 'The National Judicial Appointments Commission Bill, 2014' were passed unanimously by the Lok Sabha on 13.08.2014 and Rajya Sabha on 14.08.2014 respectively.

(2) The Bills were ratified by the required number of State legislatures before getting the President's assent. The Constitution (One Hundred and Twenty First Amendment) Bill, 2014 enacted as the Constitution (Ninety Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 were published in Gazette of India on 31<sup>st</sup> December 2014. Both the Acts came into force on 13.04.2015 by Notification in the Official Gazette.

(3) The Collegium system of appointment of Judges of the Supreme Court and High Courts ceased to exist consequent upon the coming into force of the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 w.e.f 13.04.2015.

(4) The Constitutional validity of both the Acts was challenged in the Supreme Court. The Supreme Court pronounced its judgment on 16.10.2015 and declared both the Acts as unconstitutional and void. The Collegium system as existing prior to the enforcement of the Constitution (Ninety-Ninth Amendment) Act, 2014 was declared to be operative. The Supreme Court however asked for suggestions to improve the Collegium system and on 19.11.2015 reserved its judgment on that issue. The Supreme Court has announced its verdict on 16.12.2015. It has directed Government to finalize the existing Memorandum of Procedure by supplementing it in consultation with the Chief Justice of India, who will take a decision based on the unanimous view of the Collegium comprising the four senior most puisne Judges of the Supreme Court. Broad Categories under which improvements can be brought about have been indicated such as eligibility criteria, transparency in the appointment process, secretariat and complaints mechanism etc.

### **3. NATIONAL JUDICIAL ACADEMY**

The National Judicial Academy (NJA), Bhopal, is an autonomous body established in 1993 (w.e.f.17.08.1993) under the Societies Registration Act, 1860. This independent body functions under the administrative control of the Department of Justice with its office at the

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Supreme Court of India and its campus at Bhopal, Madhya Pradesh. This is an Apex body which imparts judicial training to Judges/Judicial officers of the country and provide facilities for training of ministerial officers working in the Supreme Court, study of court management and administration of justice in the States/Union Territories, organisation of conferences, seminars, lectures and research in matters relating to court management and administration. The core objectives of the said society have been to foster development of National judiciary in the country and strengthen administration of justice, judicial education, research and policy formulation.

(2) The Hon'ble Chief Justice of India (CJI) is the Chairman of the General body of NJA as well as the Chairman of the Governing Council, the Executive Committee and the Academic Council of NJA. The affairs of the Academy are managed by a Governing Council. The Academy is fully funded by the Government of India. It has a Director as the Principal Executive Officer. NJA academic staff positions include, in addition to the Director, one post of Additional Director (Research), 3 posts of Professor, 6 posts of Assistant Professor, 6 posts of Research Fellow and 6 positions of Law Associates. NJA administrative officers and staff include, in addition to the Director, posts of Registrar, Additional Registrar, Chief Accounts Officer, Maintenance Engineer and other managerial and functional positions.

(3) A provision of Rs.1074.00 lakh has been kept under Grant-in-Aid for National Judicial Academy under Budget Estimate for the year 2015-16, out of which a sum of Rs.750.00 lakh has since been released to NJA in three instalments. NJA has also been allowed to retain a sum of Rs.152.52 lakh, as carry-forward from 2014-2015. A total sum of Rs.902.52 lakh has been sanctioned to NJA so far.

(4) Annual Report and Audited Accounts of the Academy are examined by the Department of Justice and laid on the Table of both the Houses of Parliament.

#### **4. LEGISLATION (DELHI HIGH COURT (AMENDMENT) ACT, 2015)**

Delhi High Court (Amendment) Act, 2015 amending in the Delhi High Court Act, 1966 to enhance the pecuniary jurisdiction of Delhi District Courts from existing rupees twenty lakhs to rupees two crore received the assent of the President of India on 10.08.2015 and has been brought into force w.e.f.26.10.2015.

(2) Increasing the pecuniary jurisdiction of District Courts of Delhi would lessen the burden of Delhi High Court and there would be substantive improvement in disposal of cases in subordinate Courts. This will facilitate access of the general public to 11 District Courts located in 6 District Court Complexes within the vicinity of their location, ensuring speedy justice to the litigants at their door steps.

#### **5. FAMILY COURTS**

The Family Courts Act, 1984 provides for establishment of Family Courts by the State Governments in consultation with the High Courts with a view to promote conciliation and



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secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith. Under Section 3(1)(a) of the Family Courts Act, it is mandatory for the State Governments to set up a Family Court for every area in the State comprising a city or a town whose population exceeds one million. In other areas of the States, the Family Courts may be set up if the State Governments deem it necessary.

(2) The main objectives and reasons for setting up of Family Courts are:

- (i) To create a Specialized Court which will exclusively deal with family matters so that such a court may have the necessary expertise to deal with these cases expeditiously. Thus expertise and expeditious disposal are two main factors for establishing such a court;
- (ii) To institute a mechanism for conciliation of the disputes relating to family;
- (iii) To provide an inexpensive remedy; and
- (iv) To have flexibility and an informal atmosphere in the conduct of proceedings.

(3) A scheme of Central financial assistance was started in 2002-03 for setting up of Family Courts. As per the scheme, Central Government provided 50% of the cost of construction of the building of Family Court and residential accommodation of the Judge subject to a ceiling of Rs. 10 lakh as a one-time grant as Plan support and Rs. 5 lakh annually as the recurring cost under Non-Plan. The State Government is required to provide matching share. A grant of Rs. 11.50 crore has been released to the State Governments since the year 2012-13. The component providing for grant for construction of building of Family Court and residential accommodation of the Judge has been subsumed in the Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary.

(4) As per the reports received from the State Governments, 438 Family Courts are functional in the country at present. Some of the States have informed that action is being taken for setting up more Family Courts.

(5) In March, 2015, it was decided to converge the Family Court Scheme (Plan) with the Centrally Sponsored Scheme for infrastructure facilities for Subordinate Judiciary. The Family Court (Non-Plan) Scheme under which Rs.2296.46 lakh was given to States as requested for the same, has been discontinued from 2016-17 as this is the responsibility of the State concerned.

## **6. 14<sup>TH</sup> FINANCE COMMISSION ON THE JUSTICE SECTOR**

### **The Memorandum of the Department of Justice**

The Department of Justice submitted a Memorandum for consideration of the 14<sup>th</sup> Finance Commission guided by the need to ensure easy access to court services, and enhancing public confidence in the court system. The Memorandum proposed the following interventions, with a total financial requirement of Rs.9749 crore:

#### **(1) Pendency Reduction**

- (i) Establishment of additional courts in districts where pendency is high



- a) 100% of the districts in 6 States where disposal per judge per year is less than 500 cases
- b) 75% of the districts in 6 States where disposal per judge per year is more than 500 but less than 1000 cases
- c) 50% of the districts in 8 States where disposal per judge per year is more than 1000 cases but less than 1500 cases
- d) 25% of the districts in 8 States where disposal per judge per year is more than 1500.

*(Rs 858.82 crore)*

(ii) Establishment of Fast Track Courts for:

- a) All cases of heinous crimes like murder, rape, dacoity, kidnapping, human trafficking, dowry deaths etc.
- b) All civil cases involving senior citizens, women, children, disabled and litigants afflicted with HIV AIDS and other terminal ailments;
- c) Civil disputes involving land acquisition and property/rent disputes pending for more than 5 years.

*(Rs 4144.11 crore)*

(iii) Establishment of Family Courts in districts without such courts

- a) Against 672 districts in the country, 408 Family Courts have been set up. 235 additional courts proposed to be set up.

*(Rs 541.06 crore)*

**(2) Re-designing existing court complexes to become more litigant friendly**

- a) Ensuring safety and reducing vulnerability: Designing and Retrofitting Courts to reduce Vulnerability from seismic hazards
- b) Barrier free courts and court rooms for persons with disabilities
- c) Establishing Vulnerable Witness Deposition Centres

*(Rs 1400 crore)*

**(3) Augmenting technical support for ICT enabled courts**

- a) 1600 professionals required to provide support to ICT enabled courts in the country

*(Rs 479.68 crore)*

**(4) Scanning and Digitalization of Case Records of High Courts and District Courts**

- a) Scanning and digitalisation of the case records of the pending and disposed cases of High Courts and District Courts,
- b) Output file format of the digitised file will be PDF/A or its advanced versions with features like water-marking and digital signatures to ensure authenticity of the digitalised repositories

*(Rs 752.50 crore)*

**(5) Enhancing Access to Justice**

- (i) Support for Law School based Legal Aid Clinics *(Rs.50.50 crore)*
- (ii) Organising Lok Adalats *(Rs.93.61 crore)*



- (iii) Support for Mediation/Conciliation in ADR centres (Rs 300 crore)
- (iv) Incentives to Mediators/Conciliators (Rs.503.44 crore)
- (6) (a) **Training and capacity building of judges, public prosecutors, mediators, lawyers: Refresher, ongoing**  
(Rs 550 crore)
- (b) **Establishment of State Judicial Academies in Manipur, Meghalaya and Tripura**  
(Rs.75 crore)

#### **(7) Recommendation of the 14<sup>th</sup> Finance Commission**

The Report of the 14<sup>th</sup> Finance Commission includes the following recommendations in respect of the Memorandum submitted by the Department of Justice:

“11.44 The Department of Justice in the Union Government has submitted a comprehensive proposal, which covers areas like reduction in pendency of cases, re-designing existing court complexes to make them more litigant friendly, enhancing access to justice and capacity building of personnel. We have noted that the proposal amounting to Rs. 9,749 crore has been arrived at after an extensive consultation process with the States and merits favorable consideration. The details of the proposal are given in Annex 11.2. We endorse the proposal made by the Department of Justice to strengthen the judicial systems in the States and urge State Governments to use the additional fiscal space provided by the commission in the tax devolution to meet such requirements.”

#### **7. E-COURTS INTEGRATED MISSION MODE PROJECT – COMPUTERISATION**

##### **A. e-Courts Phase-1:**

In the year 2007, the CCEA approved the computerisation of 13,348 district & subordinate courts over a two year period at the cost of Rs 441.80 crore. In the year 2010, in the light of cost and time over-runs, CCEA approved the computerisation of 14,249 district & subordinate courts (12,000 courts by March 2012 and 2,249 courts by March 2014) with an enhanced scope and a revised budget of Rs 935 crore. The Cabinet on 8th May, 2014 gave an extension upto March, 2015 to complete the project.

The objective of the eCourts Project Phase I was to provide designated services to the citizens as well courts by ICT enablement of all district and subordinate courts in the country through the provision of the following components:

- a. Core components: Site preparation, Computer Hardware, Local Area Network (LAN), internet connectivity through WAN, installation of standard application software, data entry of cases, technical manpower and service initiation.
- b. Other components: laptops and printers with internet for judges, ICT upgradation at Supreme Court and High Courts, power back-up (UPS and

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- DG sets), digital signatures, district court websites, central data centre and video-conferencing facility.
  - c. Enabling components: change management and process re-engineering initiatives.
  - d. Outcome: services delivery and National Judicial Data Grid (NJDG).

The services being delivered to citizens include status of registration of cases, Case status, cause list, daily order sheets and final orders/judgments.

**(2) Progress of the Project:** Out of 14,249 courts to be computerized, at the end of March 2015 sites for all 14,249 courts (100%) have been made ready for computerisation, out of which LAN has been installed at 13606 courts (95.49%), hardware at 13436 courts (94.3%) and software is functional at 13672 courts (95.50%).

Progress on other activities of the project is as below:

- (i) ICT infrastructure of the Supreme Court and High Court upgraded.
- (ii) Laptops provided to 14,309 judicial officers.
- (iii) Service Delivery: The e-Courts portal has become operational (<http://www.ecourts.gov.in>). Currently, the portal has Case Status Information in respect of over 3 crore pending and decided cases. The portal provides statistical information that can be used for judicial management information system.
- (iv) National Judicial Data Grid (NJDG): NJDG provides information in respect of over 5.5 crore cases and more than 1.75 crore orders/ judgments pertaining to District & Subordinates under the jurisdiction of 22 out of 24 High Courts.
- (v) Change Management and Training: The initial Change Management exercise has been completed in all the High Courts. Over 14,000 Judicial Officers have been trained in the use of UBUNTU-Linux OS and more than 4000 court staff have been trained in Case Information System (CIS) as System Administrators. Master Trainees have been trained both at the Judicial Officer and court staff levels for continuous change management.
- (vi) Process Re-engineering (PR): PR Committees have been set up in all High Courts to study and suggest modifications in existing rules, processes, procedures and forms.
- (vii) Video Conferencing (VC) facilities in courts and jails – After VC had been successfully piloted in five districts under the supervision of eCommittee, VC equipment is being rolled out in 495 other courts complexes and their corresponding jails across the country.

**(3) e-Courts Phase-II:** The Phase-II of the Project was finalised by eCommittee of Supreme Court of India in January 2014 for further enhancement of ICT enablement of Courts with broad objective of (i) computerisation of new courts, DLSAs/ TLCs offices, additional hardware in existing courts; computer training labs in SJAs; (ii) connectivity improvements, cloud computing, ICJS readiness; (iii) centralised Filing Centres and Kiosks with touch-screen



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and printer in Courts Complexes; (iv) Digitization, Document Management System, Learning Management Tools, Enhanced Change Management and Judicial Knowledge Management System; and (v) e-filing, e-payment gateways and mobile applications, litigant's charter etc.

The proposal for Phase II of the Project received approval of the Expenditure Finance Committee in September 2014 and of the Cabinet in July 2015. Implementation of this Phase commenced in August 2015.

The primary advantage of computerization of courts will be the 'automation of workflow management'. This would enable the courts to exercise greater control over the management of cases in the docket. Ultimately, ICT enablement will make the functioning of courts efficient, which will have an overall positive impact on the justice delivery system. The following outcomes are expected to be achieved in Phase-II of eCourts project:-

- (i) Computerization of more than 5751 new courts, all legal service authority offices and state judicial academies with strengthened hardware.
- (ii) Connecting all the courts in the country to the National Judicial Data Grid through WAN and additional redundant connectivity to enable integration with the proposed interoperable criminal justice system.
- (iii) Citizen centric facilities such as centralized filing centres and touch screen based kiosks be based at each Court complex.
- (iv) Creating a robust Court management system through digitisation, document management, judicial knowledge management and learning management.
- (v) Facilitating better performance in courts through change management and process re-engineering as well as improvement in process servicing through hand-held devices.

Enhance ICT enablement through e-filing, ePayment and use of mobile applications.

## **8. NATIONAL MISSION FOR JUSTICE DELIVERY AND LEGAL REFORMS:**

National Mission for Justice Delivery and Legal Reforms was set up in August, 2011 with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration, which, inter-alia, involves better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.

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(2) The Mission has taken several steps in each of the strategic areas towards fulfillment of its objectives. All States have formulated their Litigation Policies with a view to reduce the Governmental litigation. State Governments have been requested to make an assessment of the impact of the State Litigation Policies on controlling proliferation of litigation by State agencies. Department of Legal Affairs have formulated National Litigation Policy, 2015, which is under active consideration of the Government.

(3) An important aspect of the judicial reforms relates to re-engineering court procedures and court processes for early disposal of cases. Process service has been identified as a major bottleneck for timely delivery of justice. A research note was prepared and circulated to High Courts for improving the process service in civil and criminal matters. A positive response has been received from several High Courts on the suggestions made in the research note. The subject matter of re-engineering of court process and case management is also under active consideration of the National Court Management System (NCMS) of the Supreme Court. Process re-engineering exercise is being carried out under eCourts Mission Mode Project. For promotion of alternative methods of dispute resolution, mediation centres are being set up in court complexes at District and Taluka levels. Government agencies are being encouraged to include arbitration / mediation clauses in government contracts.

(4) Shortage of judicial officers / judges in district and subordinate courts is one of the main causes for backlog and pendency of cases in courts. The National Mission has regularly pursued this matter with the State Governments and the High Courts. As a result of the concerted efforts of all the stakeholders, the sanctioned strength of judicial officers / judges in district and subordinate courts has increased from 17,715 at the end of 2012 to 20,358 as on 30<sup>th</sup> June, 2015. The mission is now pursuing the matter with the High Courts for filling up the existing vacancies. Emphasis is also being laid on proper training of all court functionaries.

(5) The primary responsibility of infrastructure development for the subordinate judiciary rests with the State Governments. A Centrally Sponsored Scheme has been in place since 1993-94 to assist the States for the development of judicial infrastructure. It covers the construction of court buildings and residential accommodation of judicial officers. Until 2011, the Central and State Governments used to contribute an equal share under the scheme but from 2011-12 onwards the Central Government was contributing 75% of the funds. In the case of States in the North Eastern States the Central Government provides 90% of the funding. Central funding is, however, subject to budgetary allocation for the Scheme. Out of Budget allocation of Rs. 562.99 crore for the Scheme in the Current Financial Year (2015-16), Rs. 542.62 crore has been sanctioned to State / UTs as on 31st December, 2015. Fund sharing pattern of the Scheme has now been revised from 75:25 to 60:40 (Centre: State) (90:10 for the 8 North-Eastern and 3 Himalayan States) with effect from 2015-16. As on 31st December, 2015 a sum of Rs. 4919.92 Crore has been released to the States and Union Territories since 1993-94. 15,558 Court Halls are available for Subordinate Judiciary as on 31.03.2015 against the working strength of 15,360 judicial officers. 2,679 Court Halls are under construction as on 31.03.2015.



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(6) Pendency reduction campaign was initiated for the first time in July, 2011. High Courts were requested to prioritise disposal of cases that had been pending for a long duration, particularly those relating to senior citizens and marginalised sections of society. In 2012 the focus of the campaign was to make the judicial system free of cases that were over five years old. Pendency reduction campaign in 2013 focused on weeding out ineffective and infructuous cases from the judicial system. In 2014 emphasis was laid on filling up of vacancies of judicial officers and organisation of Mega LokAdalats. As a result of concerted efforts made by various stakeholders the increasing trend of pendency of cases in various courts has been checked. Pendency of cases in Supreme Court has declined from 66,692 as on 31.12.2012 to 58,879 as on 30.11.2015. In the High Courts pendency of cases has declined from 44.34 lacs as on 31.12.2012 to 41.53 lacs as on 31.12.2014. In District and Subordinate Courts, the pendency of cases has declined from 2.68 crores as on 31.12.2012 to 2.64 crores as on 31.12.2014.

## **9. NATIONAL LEGAL SERVICES AUTHORITY**

Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In the year 1987, the Legal Services Authorities Act was enacted by the Parliament which came into force on 9<sup>th</sup> November, 1995 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for making legal services available under the Act.

(2) In every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee have been constituted. District Legal Services Authorities, Taluk Legal Services Committees have been constituted in the Districts and most of the Taluks to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State.

(3) Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme insofar as it relates to the Supreme Court of India.

### **(4) Functioning of NALSA**

NALSA lays down policies, principles, guidelines and frames effective and economical schemes for the State Legal Services Authorities to implement the Legal Services Programmes throughout the country.

Primarily, the State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, etc. have been asked to discharge the following main functions on regular basis:

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- I. To Provide Free and Competent Legal Services to the eligible persons;
  - II. To organize LokAdalats for amicable settlement of disputes and
  - III. To organize legal awareness camps in the rural areas.

## **I. FREE LEGAL SERVICES**

The Free Legal Services include:-

- a) Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings;
- b) Providing service of lawyers in legal proceedings;
- c) Obtaining and supply of certified copies of orders and other documents in legal proceedings.
- d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

**Persons eligible for getting free legal services include:-**

- i) Women and children;
- ii) Members of SC/ST
- iii) Industrial workmen
- iv) Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster.
- v) Disabled persons.
- vi) Persons in custody
- vii) Persons whose annual income does not exceed Rs. 1 lakh (in the Supreme Court Legal Services Committee the limit is Rs. 1,25,000/-).
- viii) Victims of Trafficking in Human beings or begar.

Till 31.12.2014, total no. of 1,77,85,875 eligible persons including women, children, persons in custody, persons belonging to SC/ST and backward categories have been benefited through various free legal services authorities, viz. SLSAs/DLSAs/TLSc/Legal Aid Clinics/Village Legal Care and Support Centres.

Some of the States have by notification increased the annual income limit up to Rs.1.5 lacs for the purpose of eligibility for free legal services. The amendment to the Central Act itself has been proposed by NALSA to increase the limit of Rs.2 lacs all over the country.

## **Enhancing Quality of Legal Services**

As per the **NALSA (Fee and Competent Legal Services) Regulations, 2010** only highly competent legal practitioners are enrolled on the panel of Legal Services Authorities to provide free legal services to the persons eligible under Section 12 of the Act. The minimum experience prescribed for this is three years at the Bar and the panel lawyers are selected through a stringent procedure to test their competence, integrity and suitability. In most of



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the States, separate panels of expert lawyers are maintained for different types of cases like civil, criminal, constitutional law, environmental law, labour laws, family laws etc. Provisions are also made to engage in case of need, Senior Advocates though not included in the panel. Panel lawyers are forbidden from asking for or receiving any fee, remuneration or any valuable consideration in any manner or from any person who has been provided legal services through them.

### Front Offices

Under the aforesaid Regulations, Front Offices are set up in the Legal Services Institutions, where legal services are made available, through a Panel Lawyer and one or more Para-Legal Volunteers, during court hours. As of now, **2541** Front Offices have been established in Legal Services Institutions wherein **376911** applications have been received till September, 2015.

### Village Care and Support Centres

Under the **NALSA (Legal Services Clinics) Regulations, 2011**, NALSA launched a Programme for setting up Village Care and Support Centres in one village in each Taluk/Sub-division throughout the country. Up to July, 2015 about **9604** Villages Legal Care and Support Centres have been set up throughout the country.

### Training of Panel Lawyers

With a view to developing a team of highly competent panel lawyers, NALSA's Committee headed by Hon'ble Mrs. Justice Manju Goel developed a Training Manual for Panel Lawyers which was released on 21-22 March, 2015 at Ranchi. It was felt that in order to impart training to the lawyers based on the said module, there was a need to train some competent persons from each State/UTs as Master Trainers who would in-turn train the panel lawyers.

Accordingly, a Training of Trainers (ToT) for Advancing Lawyering Skills was organized by NALSA from 11-13 July, 2015, 25-27 July, 2015 & 22-24 August, 2015. The training programme was inaugurated by Hon'ble Mr. Justice H.L. Dattu, Chief Justice of India and Patron-in-Chief, NALSA. The training was very successful and about 120 participants including Member Secretaries, SLSAs, Retired Judicial Officers and Panel Lawyers from each State/UTs were trained as Master Trainers.

### Fee Structure for the Legal Services Lawyers:

In order to attract talented and committed lawyers to join the panel of Legal Services Authorities, it was realized that there was a need to have a reasonable fee structure for the legal services lawyers. Accordingly, in the Central Authority meeting held on 17.09.2015 it was resolved to constitute a Committee comprising of Shri Raju Ramachandran, Sr. Advocate, Shri Vijay Hansaria, Sr. Advocate and Ms. Vibha Datta Makhija, Sr. Advocate to look into the adequacy of the fee paid by the State Authorities and to recommend a uniform minimum fee payable to the panel lawyers for the different kind of cases entrusted to them.

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## II. LOK ADALATS

As on 30.09.2015, more than 15.14 lacs Lok Adalats have been organized in the country since inception. More than 8.25 crore cases including cases pending in the courts as well as those at the pre-litigation stage have been settled in these Lok Adalats. Since there is no appeal against the award of the Lok Adalat, therefore, these many cases have been permanently removed from the formal court system.

## III. LEGAL LITERACY AND AWARENESS

### Tools used for Awareness

- Conducting seminars, symposia, lectures, discussions etc.
- Distribution of pamphlets
- Participation in Doordarshan programmes Broadcasting Jingles on the All India Radio, Talks Shows and Phone-in-Programmes, Community Radio.
- Regular half-an-hour weekly programmes on legal and social issues and the role of legal services institutions are being telecast on Doordarshan/other channels in Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Manipur, Tripura, Puducherry, SLSAs. Some of them are live phone-in-programme where the queries of the general public are addressed.
- Other State Authorities like Nagaland, Rajasthan and Delhi, SLSAs have also telecast programmes of varying duration on Doordarshan.
- Similar talks and phone-in-programmes are being broadcast on all India Radio by Andhra Pradesh, Chhattisgarh, Haryana, Himachal Pradesh, Karnataka, Mizoram, Sikkim, Uttar Pradesh, UT of Chandigarh and Delhi SLSAs.
- Mobile multi-utility vans for spreading awareness through public contact.
- NukkadNataks, Puppet Shows etc.
- Audio visual means such as short documentaries in some States.
- Cultural programmes using themes based on legal issues put up by school children on female feticide, domestic violence etc.
- Painting/slogan-writing/essay writing competitions, debate and declamation, poetry competition.

**In order to make the existing schemes more effective and to ensure a wider coverage of marginalized sections, NALSA has launched the following new schemes on 07.11.2015 for all the legal services institutions to implement:**

- (i) NALSA (Victims of trafficking and Commercial Sexual Exploitation) Scheme 2015.
- (ii) NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015.
- (iii) NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.



- (iv) NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons), Scheme, 2015.
- (v) NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.
- (vi) NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015.
- (vii) NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.

### Facts and Figures

Data relating to (i) Grants in aid allocated to NALSA and expenditure done (ii) Number of persons benefitted from Legal Aid and Advice (iii) Total Disposal in National LokAdalats and (iv) Number of LokAdalats held, cases settled and Compensation paid can be seen respectively in the four Tables given below.

## GRANT-IN-AID

Financial Year	Budget Estimates (Rs.)	Revised Estimates (Rs.)	Funds Allocated (Rs.)	Funds utilized (Rs.)
2012-13	44,50,00,000	39,00,00,000	39,00,00,000	36,92,61,090
2013-14	100,00,00,000	100,00,00,000	80,44,45,560	60,41,69,112
2014-15	142,00,00,000	137,00,00,000	82,65,42,261	56,01,70,407
2015-16	145,00,00,000	120,00,00,000	67,97,00,000	51,90,00,000

### NUMBER OF PERSONS THAT HAVE BENEFITTED FROM LEGAL AID AND ADVICE

DURATION	SC	ST	OBC	WOMEN	CHILDREN	IN CUSTODY	GENERAL	TOTAL
APRIL 2012 – MARCH 2013	45,249	41,209	65,597	71,764	9,304	47,033	9,90,127	12,70,283
APRIL 2013 – MARCH 2014	29,053	24,852	56,963	59,125	8,145	54,710	19,91,644	22,24,492
APRIL 2014 – MARCH 2015	27,443	22,995	60,695	56,500	9,019	56,904	18,53,400	20,86,956
Total	1,01,745	89,056	1,83,255	1,87,389	26,468	1,58,647	48,35,171	55,81,731

### TOTAL DISPOSAL IN NATIONAL LOK ADALATS

DATED	SUBJECT	TOTAL TAKEN UP	TOTAL DISPOSED	TOTAL SETTLEMENT AMOUNT (IN RS.)
14.02.2015	Banking matters and u/s 138 NI Act	16,23,084	4,20,665	1858,86,94,863
14.03.2015	Revenue, MNREGA, Land acquisition, etc.	47,86,477	41,92,313	1365,26,90,578
11.04.2015	Labour and Family matters	9,28,349	5,31,872	366,04,33,969
09.05.2015 & 13.06.2015	MACT and Insurance claims	4,71,928	3,18,724	951,55,85,479
11.07.2015	Electricity/Water/Telephone/Public utility disputes	14,97,780	8,68,254	553,60,26,639
08.08.2015	Banking matters and u/s 138 NI Act	12,01,893	3,53,167	1499,42,64,948
12.09.2015	Compoundable criminal matters	8,97,462	5,71,741	4161,20,50,250
10.10.2015	Traffic, Petty matters, Municipal matters	21,24,529	16,36,610	347,82,89,137
	Total	1,35,31,502	88,93,346	7358,71,90,863



## NUMBER OF LOK ADALATS HELD, CASES SETTLED AND COMPENSATION PAID

DURATION	NO. OF LOK ADALATS HELD	NO. OF MACT CASES SETTLED	NO. OF TOTAL CASES SETTLED (INCLUDING MACT)	COMPENSATION PAID IN MACT CASES (IN RS.)
APRIL 2012 – MARCH 2013	94,870	79,106	62,59,388	1040,14,69,322
APRIL 2013 – MARCH 2014	1,14,231	1,17,475	90,17,100	2940,60,33,442
APRIL 2014 – MARCH 2015	1,81,493	1,32,937	2,75,05,397	2681,64,93,305
Total	3,90,594	3,29,518	4,27,81,885	6662,39,96,069

## NUMBER OF LEGAL LITERACY AWARENESS CAMPS

DURATION	NO. OF LEGAL LITERACY CAMPS HELD
APRIL 2012 – MARCH 2013	64,625
APRIL 2013 – MARCH 2014	60,904
APRIL 2014 – MARCH 2015	1,10,580
Total	2,36,109

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## 10. ACCESS TO JUSTICE FOR THE MARGINALISED

Project duration: January 2013 - December 2017  
Project States: Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh

**Background:** The Department of Justice has been implementing a project on 'Access to Justice for Marginalized People' with UNDP support. The focus of the Project is on empowering the poor and marginalized to be aware of their rights and demand legal services, while at the same time supporting national and local justice delivery institutions to bring justice to the poor. In the previous phase, the Project reached out to 2 million people, provided trainings to 7000 paralegals and young lawyers, created simplified information, education and communication materials. With the support of UNDP a new phase of the Project has been initiated for a period of 5 years (2013-17). In this phase, the Project is building upon achievements of previous phase and continues to work on creation of demand for justice and ensuring its supply.

### Project Focus:

- Strengthening access to justice for the poor by developing strategies that address barriers to accessing justice and empowering marginalised communities.
- Build capacities of national and local justice delivery institutions to bring justice to the poor.

### Project Activities:

#### (1) Training of Paralegal Volunteers (PLVs)

Odisha State Legal Services Authority(OSLSA) sought support from the project in the form of trainings to PLVs. Series of PLVs training programs conducted in Odisha, 300 PLVs were trained.

#### (2) Incorporation of Legal literacy into NLMA and SIRD

- Project conducted legal literacy training programmes for faculty members and resource persons of National Literacy Mission Authority (NLMA) and State Institute of Rural Development, Uttar Pradesh (SIRD-UP).
- Two legal literacy training manuals prepared in Hindi for NLMA and SIRD-UP.
- Training provided to State Level and District Level Coordinators of NLMA on legal literacy.
- The DoJ and NLMA have signed a MoU on 2nd June 2015 for strengthening legal literacy in Project States.



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- (3) **Legal literacy campaign in Barabanki, Uttar Pradesh:**  
Department of Justice executed an MOA with SIRD-UP to initiate a Legal Literacy Campaign in 10 blocks of Barabanki district of Uttar Pradesh for a period of three years.
- (4) **Establishing Helpdesks for Juveniles in Observation Homes in Maharashtra**  
Tata Institute of Social Sciences (TISS) established helpdesks in Observation Homes in Maharashtra to provide socio-legal guidance to those faced with the juvenile justice system and provide assistance. Project is extending its support to TISS established helpdesks.
- (5) **Establishment of Voice Based Legal Information Kiosks:**  
50 voice based legal information kiosks installed in various DLSAs across Chhattisgarh and Jharkhand to provide legal information and raise legal awareness of the masses.
- (6) **Support for innovative legal empowerment initiatives**  
Project activities have been initiated with five agencies namely AID India, Antodaya, National Law University, Odisha and Tata Institute of Social Sciences. These agencies are conducting legal aid and legal empowerment initiatives in three Project States - Jharkhand, Odisha and Maharashtra.
- (7) **Law School based Legal Aid Clinics**  
TISS, Mumbai and NLU, Odisha established community based legal aid clinics to facilitate marginalized sections.
- (8) **Legal awareness campaign in Sehore, Madhya Pradesh:**  
Bharat Gyan Vigyan Samiti (BGVS) has initiated a legal awareness campaign in 55 Panchayats of Sehore district of Madhya Pradesh. Community awareness programmes through cultural methods such as folk theatre to enable legal awareness and legal literacy across Sehore District, MP.
- (9) **Research and Study**  
Partners for Law in Development (PLD) is conducting a study of fast track courts in Delhi to assess how women friendly their procedures are. The pilot study is examining the gender sensitivity of court room procedures in rape cases, with the objective of providing recommendations for policy reform.
- (10) **Short films on POCSO**  
The Project aims to develop two short films on Protection of Children Against Sexual Offences Act (POCSO), 2012 – one for the purpose of training on the law along with a screening guide and the other for the purpose of spreading awareness about the law.

**(11) MOA with e-Governance Services India Ltd.**

Project received a proposal from e-Governance Services India Ltd., Ministry of Communications and I.T. for spreading legal literacy through their Common Services Centers (CSCs) in Jharkhand. Proposal received necessary approvals, accordingly an MOA was signed between e-Governance Services India Ltd. and DoJ.

**(12) ACCESS TO JUSTICE, NORTH EAST AND JAMMU AND KASHMIR  
(GOVERNMENT OF INDIA PROJECT)**

<b>Title of the project/scheme</b>	: "Access to Justice -NE and J&K"
<b>Name of the sponsoring agency</b>	: Department of Justice, Ministry of Law and Justice
<b>Duration of the project</b>	: April 2012 – March 2017
<b>Total cost of the project</b>	: Rs. 30 Crore

**11. INITIATIVES UNDER THE A2J(NE&JK) PROJECT**

**(1) Established 46 Legal Aid Clinics in two most backward district of Nagaland- Tuensang and Mon:** Nagaland State Legal Services Authority has completed a project where it has successfully set up 46 Legal Aid Clinics (LACs) in the most interior and remote districts of Nagaland- Tuensang and Mon.

**(2) Needs Assessment Study to Identify Gaps in the Legal Empowerment of People:** This study was conducted by Impulse NGO Network based in Shillong, Meghalaya. It was a field based study to identify the gaps in the legal empowerment of people particularly those who are poor, marginalised and vulnerable, and therefore do not have the means to ensure that their rights are guaranteed. It was successfully completed and released by DoJ and Impulse NGO Network.

**(3) Training of Para Legal Volunteers (PLVs) of State Legal Services Authorities on Social Welfare Legislations in Eight North Eastern States:** This activity was taken up by Committee for Legal Aid to Poor (CLAP), a civil society organisation based in Odisha. It has successfully trained 400 PLVs from Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Tripura, Sikkim and Nagaland (50 from each state).

**(4) Needs Assessment Study in Jammu and Kashmir:** This Study is being conducted by the Department of Law, University of Kashmir to identify gaps in the legal empowerment of marginalised people of the State. The study is in the last phase.



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**(5) Supporting Legal Aid Clinics in Jammu and Kashmir:** The project is also supporting legal aid clinic established by the Department of Law, University of Kashmir. The activities are in the last phase of completion.

**(6) Rendering human resource to SLSAs through appointment of Project Team in the nine States:** A team of two professionals (Project Coordinator and Project Assistant) is being appointed in all the nine project states to coordinate the activities of A2J(NE&JK) project at the states level and support the State Legal Services Authority. The recruitments have been completed for all the States except J&K(PC & PA), Meghalaya(PC & PA) & Mizoram(only PC).

**(7) Drafting a Policy Framework to Secure Rights of Orphan Children and Govern Orphanages in Jammu & Kashmir:** An organisation called K FORD based in Srinagar was selected to undertake an assessment study of orphanages in Jammu and Kashmir and to draft a policy framework for governing orphanages in Jammu and Kashmir. This project is in the last phase of completion.

**(8) Training of 400 Panel Lawyers in North East:** An organisation based in Guwahati called Legal Cell for Human Rights was selected to undertake training of 50 panel lawyers from each of the NE States. The training was successfully conducted in 3 States of NE(Nagaland, Mizoram and Manipur). For other States, it was discontinued due to change in NALSA's policy.

**(9) Training of 225 Paralegal Volunteers of SLA, J&K :** Raman Development Consultants Private limited was selected to train 225 PLVs in J&K region. This was successfully completed. This proved to be a unique opportunity for PLVs in J&K as they have been provided training for the first time.

**(10) Upcoming Programs:**

- i. *Legal literacy activities through SRCs of North East States as well as Jammu & Kashmir*
- ii. *Capacity building of Protection Officers in selected districts of Arunachal Pradesh* by Department of Women & Child Development, Arunachal Pradesh
- iii. *Legal literacy through law students* in collaboration with Prasar Bharti, Tripura
- iv. *Training of Law Colleges, Lawyers and Civil Society on Legal Aid* by Department of law, North East Hill University(NEHU), Shillong

**12. MISCELLANEOUS ACTIVITIES OF THE DEPARTMENT**

**(1) RIGHT TO INFORMATION ACT, 2005.**

Under the provisions of the Right to Information Act, 2005, Department of Justice has initiated the following actions:

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(a) A Section Officer of the Department has been designated as CAPIO to collect, transfer the applications under the RTI Act, 2005 to the Central Public Information Officers/Public Authorities concerned and to submit the quarterly returns regarding receipt and disposal of the RTI applications/appeals to the Central Information Commission.

(b) Details of the Department's functions along with its functionaries etc, have been placed on the RTI portal of the Department's official website (<http://doj.gov.in>) as required under section 5(1) of RTI Act, 2005 in respect of subjects being handled by them.

(c) All Under Secretaries have been designated as Central Public Information Officers (CPIOs) under section 5(1) of RTI Act, 2005 in respect of subjects being handled by them.

(d) All Directors/Deputy Secretary level officers have been designated as Appellate Authorities in terms of Section 19(1) of RTI Act, 2005 in respect of Under Secretaries working under them and who have been designated as CPIOs.

(e) During the year 2015 (01.01.2015 to 31.12.2015) 397 RTI applications and Appeals were received manually and 1962 RTI applications and Appeals were received online in the Department forwarded to concerned CPIOs/Public Authorities for providing information requested for.

(f) As per para 1.4.1 of the DOPT's guidelines issued vide their O.M. No. 1/5/2011-IR dated 15.04.2013, the Department is uploading all RTI and appeal replies on the website regularly.

## **(2) REDRESSAL OF GRIEVANCES**

(i) The Department has set up Central Public Grievance Redress and Monitoring System (CPGRAMS) of Department of Administrative Reforms and Public Grievances (DRPG) portal, a computerized system of redressal of grievances received from diverse sources. As on 31.12.2015, a total of 16760 grievances have been received and all of them have been settled.

(ii) The Department has also set up an internal grievance redressal mechanism for registration, processing and settlement of grievances received from other sources. Under this mechanism a 6350 number of grievances have been received and 4775 number of cases have been settled during the period from 01.04.2015 to 31.12.2015.

## **(3) EMPOWERMENT OF WOMEN**

In compliance of Section 4(1) of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, an internal Complaints Committee has been re-



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constituted for redressal by aggrieved women employees of the Department on 24.11.2015. The Committee consists of three women employees, (including one Member from an NGO) and two male employees. The Complaint Committee organized a Training Programme on 27.11.2015 to spread awareness on Sexual Harassment to Women at workplace.

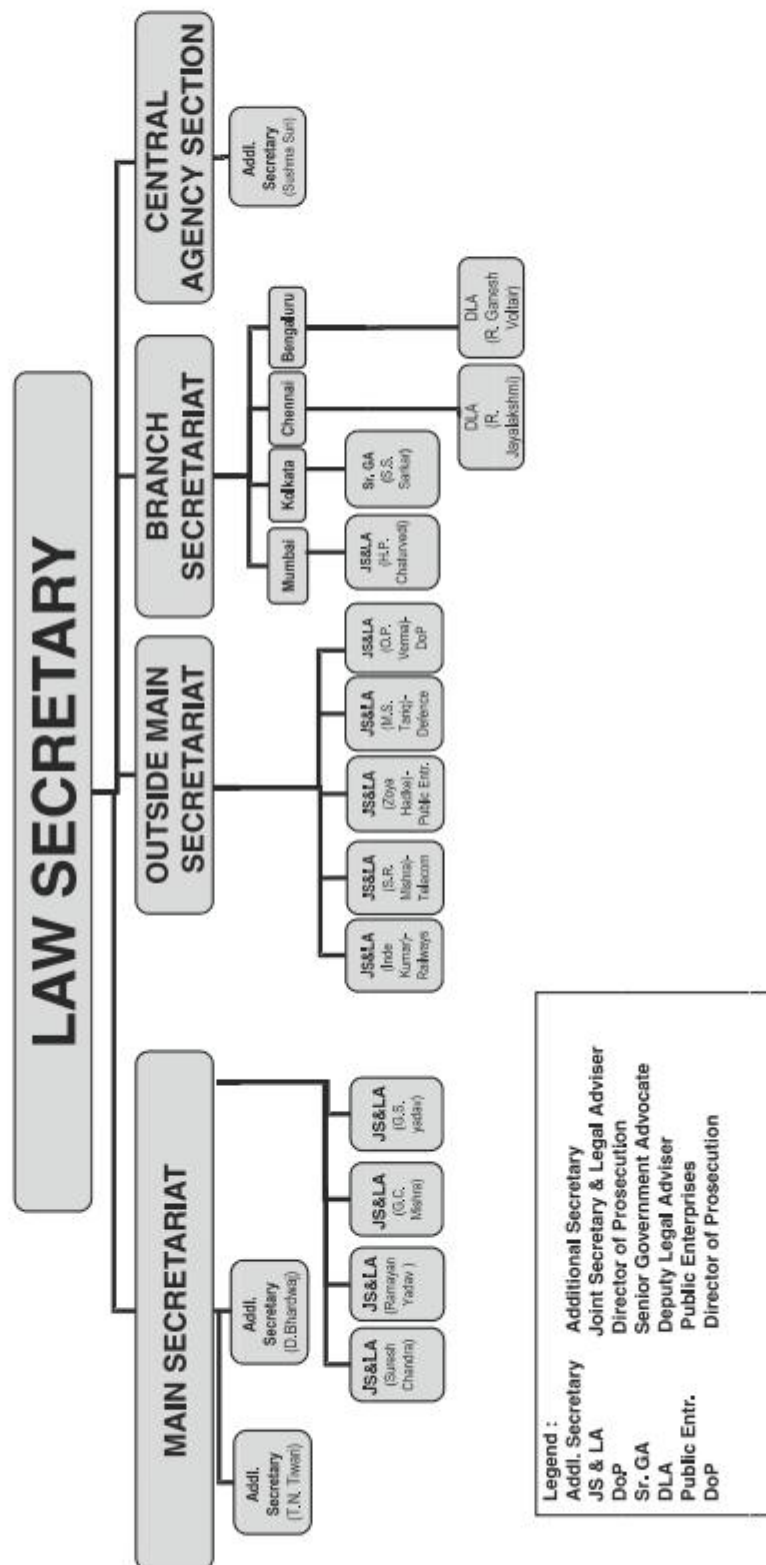
#### **(4) SWACHH BHARAT**

On the clarion call of Hon'ble Prime Minister of India, for a Swachh Bharat Campaign, the Department of Justice initiated a number of activities. In this regard from 25th September, 2014 to 1st October, 2014 various activities such as cleaning, sprucing of campus, surroundings, corridors and weeding out of old records have been done. On 2nd October, 2014 "Swachhata Shapath" was administered to all the employees by Secretary (Justice). All officials and employees led by Secretary (Justice) carried out voluntary Shram Daan on 2nd October, 2014. Detailed Action Plan from 3rd October 2014 to 31st October 2014, 1st November 2014 to 31st October 2015 and 1st November 2015 to 31st October 2019 has been chalked out.

## ANNEXURE-I

(See Chapter-I, Para -2)

### ORGANISATION CHART OF THE DEPARTMENT OF LEGAL AFFAIRS SEE





**ANNEXURE-II**  
(See Chapter-I, Para -15 (xii))

**Details of officers/officials Trained Under Hindi Teaching Scheme as on 31-12-2015**

	1	2	3
	Total No. of Officers and Operating Staff	No. of Staff knowing Hindi/Hindi Trained	No. of persons yet to be trained in Hindi
Legal Affairs	469		
	4	5	6
Legal Affairs	Total No. of LDCs/Typist	No. of persons trained in Hindi Typewriting	No. of persons yet to be trained in Hindi Typewriting
	48		
	7	8	9
Legal Affairs	Total No. of Stenographers	No. of persons trained in Hindi	No. of Persons yet to be trained in Hindi Stenography
	132		

**DETAILS OF THE PROGRESSIVE USE OF HINDI INCLUDING HINDI TEACHING SCHEME DURING THE PERIOD FROM 1<sup>ST</sup>  
JANUARY, 2015 TO 31<sup>ST</sup> DECEMBER, 2015**

	1	2	3	4	5	6
	Letters received in Hindi	Letters replied to in English	Letters replied to in Hindi	Total No of originating letters	Letters sent to in Hindi	Letters sent to in English
Legal Affairs	5998	No letter was replied to in English	5998	30641	19492	11149
	7	8	9	10	11	12
	Total No. of telegrams	Issued in Hindi	Issued in English	No. of documents issued both in Hindi & English	No. of documents issued in Hindi	No. of documents issued in English
	---	---	---	5160	---	---
	13	14	15	16	17	
	Total No. of Computers	No. of Devnagari/bilingual Computers	No. of English Computers	Total No. of Staff	No. of staff proficient in Hindi	
Legal Affairs	300	300*	---	Gazetted	72	155
				Non gazetted		
				148	365	

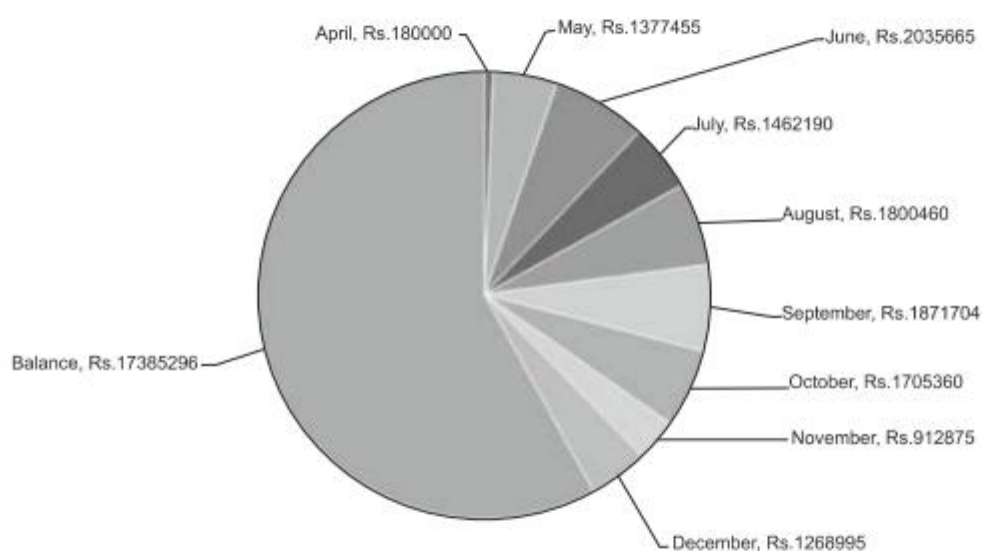
18	19
Rubber Stamps	Name Plates
Bilingual	Bilingual
All	All
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\*All computers have facility to work both in Hindi and English.



**ANNEXURE-III**  
**[See Chapter-I, Para -17(7)]**

**Data regarding disbursement of Professional Fee to Advocates by the Branch  
Secretariat, Kolkata during April, 2015 to December, 2015**



Budgetary amount during the year 2015-2015: Rs.3,00,00,000/-  
Total Amount Paid upto December, 2015:Rs.12,61,47,04/-

**ANNEXURE-IV**  
**[See Chapter-I, Para -29(3)]**

STATEMENT SHOWING THE TOTAL NUMBER OF GOVERNMENT SERVANTS AND THE NUMBER OF SCHEDULED CASTES, SCHEDULED TRIBES, OTHER BACKWARD CLASSES, EX-SERVICEMEN AND PHYSICALLY HANDICAPPED AMONGST THEM AS ON THE 1<sup>ST</sup> JANUARY, 2016

**DEPARTMENT OF LEGAL AFFAIRS**

Group	Total No. of Employees	Scheduled Castes	% of total employees	Scheduled Tribes	% of total employees	Other Backward Classes	% of total employees	Ex-servicemen	% of total employees	Physically Handicapped	% of total employees
<b>Group 'A'</b>	104	20	19.23%	34	32.69%	14	13.46%	-	-	-	-
<b>Group 'B'</b>	246	37	15.04%	05	2.03%	19	7.72%	03	1.21%	03	1.21%
<b>Group 'C'</b>	119	19	15.96%	04	3.36%	09	7.56%	-	-	01	0.84%
<b>Group 'D' (excluding safaiwala)</b>	179	57	31.84%	12	6.70%	24	13.40%	01	0.55%	03	1.67%
<b>Group 'D' Safaiwala</b>	08	08	100%	-	-	-	-	-	-	-	-
<b>TOTAL</b>	656	141	21.49%	55	8.38%	66	10.06%	4	0.60%	07	1.06%

\* The above statement includes information in respect of posts existing in Legislative Department, Law Commission and Central Agency Section also pertaining to cadres being controlled by this Department.

\* The above statement does not include information about posts in Income Tax Appellate Tribunal (ITAT).



**STATEMENT SHOWING THE NUMBER OF RESERVED VACANCIES FILLED BY MEMBERS  
OF SCHEDULED CASTES AND SCHEDULED TRIBES DURING THE YEAR 2015**

**Department of Legal Affairs  
Scheduled Castes**

Group of post	Total no. of vacancies notified*	Total no. of vacancies reserved	Total no. of vacancies reserved Out of col.2	Total no. of vacancies reserved Out of col.3	No. of SC candidates appointed	Short-fall	No. of ST candidates appointed against reserved vacancies for SCs in the third year of carry forward	No. of vacancies carried forward to next year	No. of reservations lapsed after carrying forward for 3 years	No. of reservations lapsed till the end of the year previous to the year of review	Progressive total of reservation lapsed (col. 10+11)
1	2	3	4	5	6	7	8	9	10	11	12
Other than Lowest rung - Group 'A' and Lowest rung of Group 'A'	03	15	01	04	04	-	-	-	-	-	-
Group 'A'	16	07	02	-	01	-	-	-	-	-	-
Group 'B'	25	01	03	-	-	-	-	-	-	-	-
Group 'C'	-	-	-	-	-	-	-	-	-	-	-
Group 'D' (excluding Safaiwala)	-	-	-	-	-	-	-	-	-	-	-
Group 'D' (Safaiwala)	-	-	-	-	-	-	-	-	-	-	-

**Scheduled Tribes**

Group of post	Total no. of vacancies reserved	Total no. of vacancies reserved Out of col.2	Total no. of vacancies reserved Out of col.3	No. of SC candidates appointed	Short-fall	No. of ST candidates appointed against reserved vacancies for STs in the third year of carry forward	No. of vacancies carried forward to next year	No. of reservations lapsed after carrying forward for 3 years	No. of reservations lapsed till the end of the year previous to the year of review	Progressive total of reservation lapsed (col. 19+20)
Other than Lowest rung - Group 'A' and Lowest rung of Group 'A'	-	-	-	-	-	-	-	-	-	-
Group 'B'	01	-	01	01	-	-	-	-	-	-
Group 'C'	02	-	-	-	-	-	-	-	-	-
Group 'D' (excluding Safaiwala)	-	-	-	-	-	-	-	-	-	-
Group 'D' (Safaiwala)	-	-	-	-	-	-	-	-	-	-

\* Vacancies in r/o various posts belonging to cadres of CSS and CSSS are calculated by DoP&T. Only the vacancies belonging to Group 'C' Posts of CPCS cadre are calculated by this Department which are yet to be notified.

**Part II. – Posts filled by Promotion (on seniority-cum-fitness)**

1	2	3	4	5	6	7	8	9	10	11	12
Group 'A'	-	08	-	-	01	-	-	-	-	-	-
(i) Other than Lowest rung											
(ii) Lowest rung of Group 'A'											
Group 'B'	04	32	-	-	04	-	-	-	-	-	-
Group 'C'	11	03	02	02	02	-	-	-	-	-	-
Group 'D' (excluding Safaiwala)	-	-	-	-	-	-	-	-	-	-	-
Group 'D' (Safaiwala)	-	-	-	-	-	-	-	-	-	-	-

13	14	15	16	17	18	19	20	21
'A'	-	-	-	-	-	-	-	-
'B'	-	-	-	-	-	-	-	-
'C'	01	01	01	-	-	-	-	-
'D'	-	-	-	-	-	-	-	-
'D' (Sweeper)	-	-	-	-	-	-	-	-

**Part III – Posts filled by Promotion (by selection)**

1	2	3	4	5	6	7	8	9	10	11	12
Group 'A'	-	10	-	-	02	-	-	-	-	-	-
(i) Other than Lowest rung											
(ii) Lowest rung of Group 'A'											
Group 'B'	-	-	-	-	-	-	-	-	-	-	-
Group 'C'	-	-	-	-	-	-	-	-	-	-	-
Group 'D' (excluding Safaiwala)	-	-	-	-	-	-	-	-	-	-	-
Group 'D' (Safaiwala)	-	-	-	-	-	-	-	-	-	-	-

13	14	15	16	17	18	19	20	21
'A'	-	-	-	-	-	-	-	-
'B'	-	-	-	-	-	-	-	-
'C'	-	-	-	-	-	-	-	-
'D'	-	-	-	-	-	-	-	-
'D' (Sweeper)	-	-	-	-	-	-	-	-

**ANNEXURE-V**  
**(See Chapter-I, Para -30)**

**REPRESENTATION OF FEMALE EMPLOYEES**

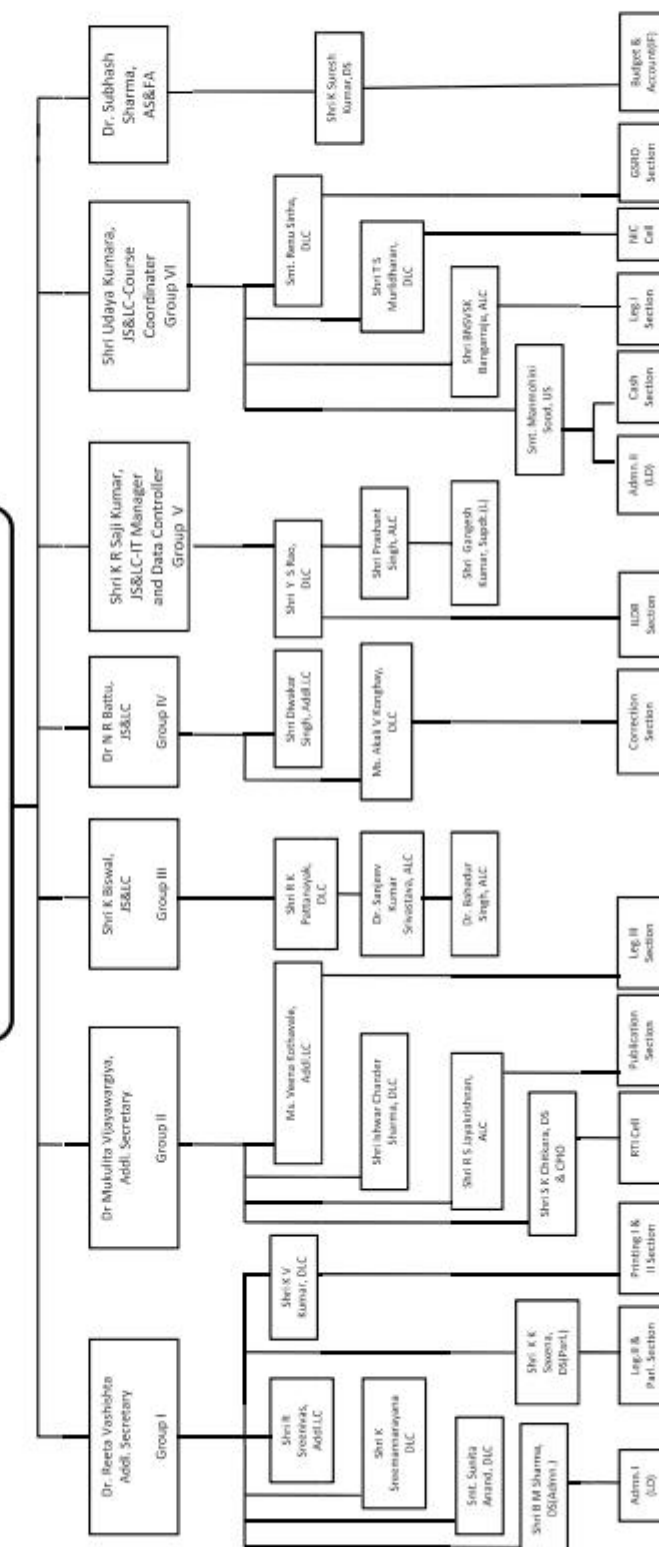
GROUPS	DEPARTMENT OF LEGAL AFFAIRS (Including Legislative Department)		INCOME TAX APPELLATE TRIBUNAL (ITAT)	
	TOTAL NO. OF EMPLOYEES	NO. OF FEMALE EMPLOYEES	TOTAL NO. OF EMPLOYEES	NO. OF FEMALE EMPLOYEES
GROUP A	104	15	121	12
GROUP B	246	84	149	26
GROUP C	119	06	256	90
GROUP D	187	15	200	11
<b>TOTAL</b>	<b>656</b>	<b>120</b>	<b>726</b>	<b>139</b>



**ORGANISATION CHART OF THE LEGISLATIVE DEPARTMENT (MAIN)  
(As on 01.01.2016)**

SECRETARY

**[Dr. G Narayana Raju]**



[See Chapter-II, Para -36 (9)]

## LEGISLATIVE DEPARTMENT

	1	2	3	4	5	6	7
	Letters received in Hindi	Letters replied to in English	Letters received in English	Letters replied to in Hindi	Total No. of originating letters	Letters sent to in Hindi	Letters sent to in English
<b>Legislative Department</b>	<b>4795</b>	<b>nil</b>	<b>9362</b>	<b>5871</b>	<b>10176</b>	<b>9287</b>	<b>889</b>

	8	9	10	11	12
	Total No. of computers	Total No. of Staff	Total No. of staff proficient in Hindi	Rubber stamps	Name Plates
		Gazetted	Non gazetted	Bilingual	In English
Legislative Department	@ 231	94	204	*73	**194
				308	nil
				130	nil

### Hindi Teaching Scheme

1	2.	3	4	5.	6	7	8	9
Total No. of Officers and Operational Staff	No. of staff knowing Hindi/Hindi trained	No. of persons yet to be trained in Hindi	Total No. of LDCs/Typist	No. of persons trained in Hindi Typewriting	No. of persons yet to be trained in Hindi Typewriting	Total No. of Stenographers	No. of persons trained in Hindi Stenography	No. of persons yet to be trained in Hindi Stenography
<b>Legislative Department</b>	<b>298</b>	<b>297</b>	<b>23</b>	<b>21</b>	<b>02</b>	<b>42</b>	<b>30</b>	<b>12</b>

@ Work in bilingual form work can be done on all the Computers.

\*, \*\* others have been working knowledge of Hindi.



# ANNEXURE-VIII

(See Chapter-II, Para -40 )

## STATEMENT SHOWING THE TOTAL NUMBER OF GOVERNMENT SERVANTS AND THE NUMBER OF SCHEDULED CASTES, SCHEDULED TRIBES, OTHER BACKWARD CLASSES, EX-SERVICEMEN AND PHYSICALLY HANDICAPPED AMONGST THEM AS ON 1<sup>st</sup> JANUARY, 2016 IN LEGISLATIVE DEPARTMENT

Group	No. of Employees	SC	%	ST	%	OBC	%	Ex-Servicemen	%	Physically Handicapped	%
<b>A</b>	66	7	10.6	3	4.5	12	18.1	-	-	2	3.0
<b>B</b>	105	21	20.0	2	1.9	8	7.6	-	-	3	2.8
<b>C</b>	127	38	29.9	9	7.0	14	11.0	-	-	-	-
<b>Total</b>	<b>298</b>	<b>66</b>	<b>22.1</b>	<b>14</b>	<b>4.6</b>	<b>34</b>	<b>11.4</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>1.6</b>

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**ANNEXURE-IX**  
(See Chapter-II, Para -40 )

**REPRESENTATION OF FEMALE EMPLOYEES IN THE LEGISLATIVE  
DEPARTMENT AS ON 01-01-2016**

GROUP	Total No. of Employees	No. of Female Employees	Percentage (%)
Group 'A'	66	15	22.7
Group 'B'	105	40	38.0
Group 'C'	127	14	11.0
<b>Total:-</b>	<b>298</b>	<b>69</b>	<b>23.1</b>

