



सत्यमेव जयते

भारत सरकार

GOVERNMENT OF INDIA

# Ministry of Law and Justice



वार्षिक रिपोर्ट  
ANNUAL REPORT  
2020-21



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**वार्षिक रिपोर्ट**  
**Annual Report**  
**2020-2021**

**भारत सरकार**  
**Government of India**

**विधि और न्याय मंत्रालय**  
**Ministry of Law And Justice**



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## INTRODUCTION

Ministry of Law and Justice is the oldest limb of the Government of India dating back to the year 1833 when the Charter Act, 1833 was enacted by the British Parliament. The said Act vested legislative power in a single authority for the first time, namely, the Governor General in 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 the year 1834 to year 1920. After the commencement of the Government of India Act, 1919, the legislative power was exercised by the Indian Legislature constituted thereunder. 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 the year 1947 to year 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.

## 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 the 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 the 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 constraints such as enormous litigation, consequent burden on the public exchequer or on resources including man power and need to confer wide discretionary powers on government authorities, our mission is aimed to have proper legal framework to channelize administrative power, conflict management, help in enforcing rule of law and achieving the objectives set by various wings of government.

### OBJECTIVES

- To facilitate the functioning of Ministries and Departments 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 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 in a new era in the field of legal education.
- To bring in 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.

# CHAPTER-I

## DEPARTMENT OF LEGAL AFFAIRS (VIDHI KARYA VIBHAG)

### 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 on legal matters including interpretation of the Constitution and the laws, conveyancing and engagement of counsel 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 intestate.
5. Authorization of officers to execute contracts and assurances and of property on behalf of the President under Article 299(1) of the Constitution, and authorization of officers to sign and verify complaints 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.

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;

In addition, the Commercial Courts Act, 2015 and the New Delhi International Arbitration Centre Act, 2019 is also being administered by the Department.

- 1.2 The Department is also administratively in-charge of the Income Tax Appellate 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 for improvement in legal profession, this Department sanctions grant-in-aid to certain institutions engaged in these fields like Indian Law Institute 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 areas- Advice work and Litigation work. The Organisational Chart of the Department of Legal Affairs is at **Annexure-I**.

### 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 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 officer of the rank of Additional Secretary who is assisted by two Additional Government Advocate, one Deputy Government Advocate, two Assistant Government Advocate, one Under Secretary, one Section Officer and other staff.
- iii. The litigation work in the High Court of Delhi and CAT (Principal Bench) 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 Assistant 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 and the Advocates Welfare Fund Act, 2015. It also deals with the legal profession.

- 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. Presently, a Deputy Legal Adviser is functioning in Railway Board. One Assistant Legal Adviser functions from the Army Purchase Organisation under the Ministry of Defence. In addition, some posts of different levels such as Deputy Legal Adviser and Assistant Legal Adviser also exist in the Ministry of Defence, Ministry of Labour, Ministry of Urban Development, SFIO, NTRO and CBI.

## **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 Parliament. This service has given Governors to States, Secretary General to both the Houses of Parliament, Chief Election Commissioner and Election Commissioners, Judges to High Courts and Judicial Members to various Tribunals like CAT, ITAT, DRT etc. and Information Commissioner.

## **ROLE OF ILS**

The officers of the Indian Legal Service (ILS) manning the Department of Legal Affairs and Legislative Department being the principal legal organ of the Government of India have risen to the challenges and performed at optimum levels. The digital revolution has changed the dynamics of information sharing and the economy has created new areas of wealth creation. This necessitates the ILS officers to update the legal skill and acumen to cater to emerging legal needs. 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 play a pivotal role in both advisory as well as in drafting work.

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

Advice 'A' Section has received 2973 references from various Ministries/ Departments of the Government of India for vetting of Documents and Legal opinions/Advices on various issues (including references for advice received from the office of Law Secretary, Addl. Secretaries and Joint Secretaries) which were duly attended and 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 communications 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. 90 references relating to conveyancing including a number of international agreements were also dealt with.
5. During the aforesaid period, 96 Cabinet Notes/Legislative Proposals, around 1193 SLPs/Litigation matters and 77 references relating to State Bills and Ordinances were received for Examination/Advice.
6. During the aforesaid period a total of 20 Public Grievances were dealt with by the Section.
7. In addition to this, the officers of this Department have participated in 291 National/International Meetings and Conferences.

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

Advice 'B' Section has received a total of 2438 references during the period from 01.01.2020 to 31.12.2020 from various Ministries/ Departments of the Government of India for vetting of Documents and Legal opinions/ advice on various Legal issues which were duly attended to by Advice B Section

2. During the aforesaid period total 82 Cabinet Notes/Legislative Proposals, around 523 SLPs/Litigation matters were received for examination/advice.
3. In addition to this, the officers of this Department have participated in 251 National/International Meetings and Conferences.
4. This section has also dealt with references and official communications received by the Hon'ble Minister(s) office and officers of this department.
5. Further, 16 Parliament Question/Assurances were also dealt with.

#### **5. JUDICIAL SECTION**

- 1). **Conduct of Central Govt. litigation before various courts of law through Law Officers/ Panel Counsel:**
  - a). During the said period, 09 Law Officers have been appointed while ten Law Officers have been re-appointed for the Supreme Court of India.
  - b). 16 new Assistant Solicitors General of India (Asst. SGIs) have been engaged for various High Courts and Benches of High Courts and terms of 05 Assistant Solicitors General of India have been extended
  - c). A number of Advocates have been empanelled for conducting Central Govt. litigation before various Courts/Tribunals across the country. State-wise details, in this regard, are as under:

Sl. No.	State/UT	Total Number of Advocates empanelled in various categories
1	Bihar	04
2	Chandigarh	03
3	Delhi	64
4	Goa	03
5	J&K and Ladakh	04
6	Jharkhand	01
7	Kerala	01
8	Madhya Pradesh	114
9	Maharashtra	01
10	Manipur	18
11	Punjab	88
12	Rajasthan	01
13	Uttar Pradesh	589
14	West Bengal	238
	<b>TOTAL</b>	<b>1129</b>

- d). Resignations of 09 panel counsel, deletion of name of 01 panel counsel due to his death, have been processed.
- g). 03 Proposals were received and processed regarding separate panels of advocates for the specific representation of some particular Ministries / Departments / Boards for the approval of this Ministry.
- h). Requests / proposals are received from a number of Ministries / Departments of the Government of India for the engagement of Law Officers, panel counsel and of private Advocates to represent them in various courts in the country on normal or special terms & conditions. During the said period, about **101** such proposals have been processed.

2). **Clarification on various issues viz. terms of engagement of panel counsel, issues related to fee schedule etc.**

Various issues are received from time to time regarding the terms & conditions of engagement of panel counsel, their fee schedule etc. During the said period, about 110 such clarifications have been issued.

3). **Appointment/nomination of Arbitrators and Arbitration panel counsel in domestic as well International commercial disputes, involving Government/PSE on the one hand and PSE/ private party on the other:**

Requests / proposals are received from various Ministries/Departments/PSE etc. regarding appointment of Arbitrators in their Arbitration cases arising out of dispute on various kinds of agreements with other parties. During the said period, total 3 (three) Arbitrators have been appointed in such matters. Besides this, requests are also received regarding engagement of Arbitration Panel Counsel to represent various Ministries / Departments in Arbitration cases. During the said period, in response to such requests, Arbitration panel counsel have been engaged in about 74 Arbitration cases.

4). **Entering into Treaties and Agreements with foreign countries in matters of civil law:**

- a). Ministry of Law & Justice, Department of Legal Affairs, is the nodal Ministry for reciprocal arrangement with foreign countries. However, during the said period no such new arrangement was made.
- b). Ministry of Law & Justice, Department of Legal Affairs undergoes various agreements on legal co-operation under civil law with other countries. However, during the said period no such new agreement was signed.

5). **Examination and processing of requests arising out of bilateral treaties in respect of service of summons etc. (Mutual Legal Assistance Treaties/reciprocal arrangements) and multilateral treaties (the Hague convention of 1965/1971):**

M/o Law & Justice, Department of Legal Affairs is the Central Authority under Hague Convention, 1965 for service abroad of judicial & extra judicial documents in civil and commercial matters. Under this obligation, about 850 requests have been processed.

6). **RTI/Public Grievance related work:**

During the period about 90 RTI applications have been processed while during the same period about 20 Public Grievances have been processed.

## 6. NOTARY CELL

The administration of the Notaries Act, 1952 and the Rules, 1956 framed thereunder 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 misconduct on the part of the Notaries. The Notary Cell also renews certificates of practice of notaries, issued by the Central Government every five years. For sufficient reasons, it also grants extension of the area of practice to the notary public, on receipt of an application for the purpose”.

So far, approximately, 22243 notaries have been appointed by the Central Government in various parts of the country. However, since May 2018, as a special drive, 12 Interview Boards were constituted for the selection of Notary Public in the States/UTs of North East (Assam, Meghalaya and Tripura), Bihar, Jharkhand, West Bengal, Odisha, Rajasthan, Tamilnadu& Puducherry, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Telangana, Delhi, Gujarat, Karnataka, Kerala, Lakshadweep, Uttarakhand, Uttar Pradesh, Punjab, Haryana,

Chandigarh, Maharashtra & Goa. Interviews in respect of aforementioned States/UTs have since been completed and 8960 candidates have been recommended by the Interview Boards for appointment as Notary Public during the year 2018-19. Till date more than 8000 Certificates of Practice have also been issued in respect of Notary Public appointed during the year 2018-19. The issuing of Certificates of Practice to the remaining Advocates appointed as Notary Public is under process and it will be issued in due course after completing procedural requirements. Besides, about 1014 Notary Certificates have been renewed during the period under consideration.”

## **7. IMPLEMENTATION CELL**

**LAW COMMISSION REPORTS – Publication:** The Implementation Cell is responsible for processing of reports of the Law Commission, laying them before the Parliament and forward reports to the concerned Ministries/Departments for their examination/implementation as well as pursue them for expeditious action. As per the terms of reference of the 20<sup>th</sup> Law Commission of India, the Commission submits its reports in Hindi and English with sufficient number of copies for being placed on Tables of both Houses of Parliament. The Commission also makes its reports available through website or otherwise as soon as reports are submitted to the Government. Therefore, the reports of the Law Commission are not published. Till 31.12.2020 the Law Commission of India has submitted 277 out of which 277 reports have been laid before both the Houses of the Parliament. All the reports received till 31.12.2020 had also been forwarded to the concerned Ministries/Departments for their examination/implementation or further action at their end. The Implementation Cell, in pursuance of the recommendations of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law & Justice, since 2005 has been continuously laying Annual statement showing the status of pending Law Commission Reports before both the Houses of the Parliament. The last of such Statement (14<sup>th</sup> Statement) was laid on the Table of both the Houses of Parliament (in Lok Sabha on 11.12.2019 and Rajya Sabha on 12.12.2019).

**LEGAL EDUCATION:** The Cell is responsible for further improvement in legal education.

**ADMINISTRATION OF STATUTES:** The Cell is also concerned with the administration of the following Acts :-

**THE ADVOCATES ACT, 1961:** The Advocates Act, 1961 (“Act”) which 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. The Act recognizes only one class of persons who are entitled to practise the professional of law in India, namely, advocates, vide its section 29. Section 30 of the Act, which was not in force, has been brought into force w.e.f. 15<sup>th</sup> June, 2011 (vide Notification No. S.O. 1349(E) dated 09.06.2011).

**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 has always been a matter of concern for the legal fraternity. Certain States enacted their own legislation on the subject. The Parliament enacted “Advocates Welfare Fund Act, 2001” 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. 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 dependants, purchase of books and for common facilities for advocates.

## 8. RTI CELL

Under the provisions of the Right to Information Act, 2005 the RTI Cell acts as a nodal agency for RTI matters. The RTI Cell receives and thereafter forwards the RTI application to the concerned Central Public Information Officers/Public Authorities. It also coordinates follow-up action on Appeals/orders received from the Central Information Commission. The RTI Cell is also responsible for submission of quarterly return on RTI applications/Appeals to the CIC. The RTI Applications/Appeals received online on RTI Web Portal are also being forwarded online to the concerned CPIO/Public Authority and Appellate Authority.

2. Department of Legal Affairs has presently 12 CPIOs at the level of Under Secretary/Joint Secretary and 5 Appellate Authorities at level of Additional Secretary, Joint Secretary and equivalent Officers. The details of the RTI Applications/Appeals received from 01.01.2020 to 02.12.2020 are as follows:-

S.No.	RTI Matters	Total (01.01.2020 to 02.12.2020)	Anticipated from (03.12.2020 to 31.03.2021)
1.	RTI Requests	2252	1500
2.	First Appeals Disposed off	80	N/A
3.	Second Appeals before Hon’ble CIC	16	N/A

## 9. LIBRARY & RESEARCH SECTION

The Library and Research Section is a specialized research oriented unit which looks after the requirements of Legal Books/Journals/Online Legal Services and other research materials of the Ministry of Law and Justice. This section provides reference and legal research services to the Hon’ble MLJ, Law Officers and ILS Officers of Department of Legal Affairs and Legislative Department.

2. During 01<sup>st</sup> January 2020 to 18<sup>th</sup> December 2020, Library and Research Section acquired 58 numbers of books and 328 copies of Bare Acts.
3. The Library and Research Section subscribes to 16 Indian law Journals, 2 Foreign Law Journals.
4. The Library and Research Section has subscribed/renewed to the following Online Services/CD ROM for retrieval of Case Laws, Judgments and Articles etc. for the use of Officers of this Ministry.
  - a) AIR Comprehensive Software/Database

- b) SCC online case finder.
- c) SCC Online (IP) Services.
- d) Manupatra Online (IP) Services.

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

- (1) 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. All officers and employees proficient in Hindi to submit drafts etc. of all communications addressed to State Governments/Union Territories and to private individuals and also to Central Government offices located in Regions “A” and “B” and of communications in reply to letters etc., received in Hindi or signed in Hindi, including appeals, representations etc., from the employees only in Hindi.

### **B. Organisation of Hindi Day/Hindi Month**

With a view to accelerating 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 celebrated in the Department on 14-9-2020. 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. Hindi Day message received from Hon’ble Home Minister was also circulated in the Department and its sub-ordinate offices. In order to make the various programmes organised in this connection effective, ‘Hindi Month’ was organised in the Department from 1.9.2020 to 30.9.2020. 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’, 6 competitions viz, ‘Hindi Essay Competition’, ‘Hindi Typing Competition’, ‘Translation Competition’, ‘Hindi Noting and Drafting Competition’, ‘Hindi dictation Competition’ for group ‘D’ employees and LDC & court clerks, and ‘Official work in Hindi’ Competition were organised in the Department. 73 officers/employees participated in these competitions. ‘Hindi Day’ was also celebrated in the Branch secretariats and other offices under administrative control of the Department. Various competitions were organised on this occasion and there is provision to give cash prizes to successful participants.

### **C. Implementation of orders relating to the Official Language.**

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 regularly monitored through the quarterly progress reports received from sections/offices.



- (1) 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.
- (2) 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. The position in this regard is regularly monitored in the meetings of Departmental Official Language Implementation Committee to be held in every quarter.
- (3) Hindi specimen of standard drafts of letters sent frequently by various sections and all forms used in the Department has been translated into Hindi and it has sent to Central Translation Bureau for vetting so that employees can use them without any difficulty. Entries in service books are also being made in Hindi. All rubber stamps, name plates, sign boards etc., are invariably prepared in bilingual form.
- (4) All the 247 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.
- (5) Hindi/Hindi Stenography/ Hindi Typing Training is being imparted to the employees of the Department and its sub-ordinate offices under the Hindi Teaching Scheme. Employees are awarded personal pay/ Advance increments/ Cash Awards etc. on passing the examination after successful completion of the training as per the instructions of the Ministry of Home Affairs, Department of Official Language.
- (6) 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.
- (7) Presidential orders issued by the Department of Official Language on the recommendations contained in 9 parts of the Report of the Committee of Parliament on Official Language are being implemented in the Department and its sub-ordinate offices. The position in this regard is regularly reviewed in the meeting of the Departmental Official Language Implementation Committee to be held in every quarter.
- (8) 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 related to Official Language are reviewed. Minutes of the meetings are circulated to all concerned for follow-up action.

## 11. 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 Govt. of India except for Railways and Income Tax Departments. Officer-in-Charge assisted by ALA/Superintendent (L) and other staff looks 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 generally related to: -  
National Consumer Dispute Redressal Commission, Industrial Tribunal-cum-Labour Court, NCLT, NCLAT, Un-lawful activities (Prevention Tribunal), Debt Recovery Tribunal, Debt Recovery Appellant Tribunal, Immigration Appellate Committee, Appellate Tribunal for Electricity, Central Information Commission, District Consumer Form, NGT etc.
2. The Litigation work is dealt with by two Sections- Litigation (HC) Section 'A' and 'B' being supervised by Assistant (Legal)/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 natures. Section 'B' deals with the Original Revisions etc. and the Writ Petitions filed on behalf of the Union of India in the Hon'ble Delhi High Court. This Section also deals with in matters related to other Courts/Tribunals as mentioned in para 1(b) above.
  3. To conduct Central Govt. litigation, there is one Additional Solicitor General of India (ASG), 32 numbers of Central Govt. Standing Counsel (CGSC), panel of 07 Special Counsel, 229 Senior Counsel and 161 Govt. 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 Departments and Counsels to safeguard the Govt. 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. During the period from 01/01/2020 to 04/12/2020 this Unit has paid the payment of around 11000 professional fee bills amounting to Rs.9.67 Crore, in respect of ASG & Counsel. Further, bills to the tune of Rs.1.33 Crore are under process.
  5. During the period from 01/01/2020 to 04/12/2020 Litigation (HC) Section has engaged Law Officers and Govt. Counsel in 4709 cases to conduct the litigation in Delhi High Court. Section wise details of receipt of cases and engagement of Govt. Counsel are as follow: -

## LITIGATION HIGH COURT SECTIONS

SECTION	Cases received from 01/01/2020 to 04/12/2020	Estimated cases for the period from 05/12/2020 to 31/03/2021	Total
A	4261	1549	5810
B	448	163	611
Total	4709	1712	6421

## LITIGATION AFT DELHI

6. During the period from 01/01/2020 to 04/12/2020, the Litigation AFT Section has engaged Govt. Counsel in 1907 cases to conduct the litigation in AFT Delhi. Details of receipt of cases are as follow: -

## LITIGATION AFT DELHI

SECTION	Cases received from 01/01/2020 to 04/12/2020	Estimated cases for the period from 05/12/2020 to 31/03/2021	Total
AFT	1907	693	2600

## LITIGATION IN CAT (Principal Branch) DELHI

7. The Litigation CAT (PB) Delhi Cell looks after the Cases/Litigation work related to the Ministries and Department of UOI. And nominate the Counsel from the approved panel to defend the interest of Ministries/Departments of UOI in CAT (PB), Delhi.
8. During the period from 01/01/2020 to 04/12/2020, Litigation CAT (PB) Cell has engaged Govt. Counsel in 847 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 01/06/2019 to 19/05/2020	Estimated cases for the period from 05/12/2020 to 31/03/2021	Total
CAT (PB) Cell	847	308	1156

## 12. LITIGATION (LOWER COURT) SECTION, TIS HAZARI

The Litigation work in the various District Courts as well as 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 are look after by an Assistant Legal Adviser & In charge assisted by Superintendent (Legal)/ Assistant(Legal).

2. There is a panel of Senior Panel Counsels and Additional Central Government Counsels are nominated for contesting the cases on behalf of Union of India, i.e. Government of India. On receipt of request from the Administrative 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 337

cases. Close liaison is maintained with various Department as well as Govt. Counsels at all times to safeguard the interest of the Government (Union of India) in the District Courts / Consumer Forums / Tribunals.

3. When cases are decided by the Hon'ble Courts, the Govt. Counsels has submit their fee bill in a prescribed format. The fee bills are scrutinized very carefully, having regard to the terms and conditions of their appointment before certifying and making payment at the prescribed rates. The period under report this section received 45 fee bills from Government Counsel/Senior Panel Counsels. Finance Year 2019-20, this section has allocated budget of Rs. 1,36,00,000/- (One crore and thirty six lakhs). Out of this amount Rs. 16,56,420/- (Sixteen lakh fifty six thousand four hundred twenty) has been paid to the Government Counsel/Senior Panel Counsel for their Professional Bills.
4. In order to keep pace with the development of Information Technology in the Judiciary especially at the level of District Courts / Sub-ordinate 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) server of District and Session Court with the Litigation(LC) Section.
5. The Assistant Legal Adviser who is also the Branch Officer of this Section has been designated as Central Public Information Officer under the Right to Information Act, 2005.

### **13. 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 National Capital Territory of Delhi, Union Territories, the office of the Comptroller & Auditor General of India and all field offices under CAG. Special Leave Petitions and Appeals in certain matters on behalf of Union of India are filed after obtaining opinion of Law Officers on the feasibility of filing Special Leave Petitions/Appeals in the Supreme Court through Central Agency Section. An officer of the level of Additional Secretary is functioning as In-charge of this Office and has been delegated the power of Head of Department. He is assisted by 6 Government Advocates and 3 Consultants (Advocates-on-Record). There are 718 Government Panel Counsels. The Central Agency Section functions from the Supreme Court Compound, New Delhi.

#### **The functions of the Central Agency Section are as under:**

- 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 / approved 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, payment of fee bills of Law Officers, Panel Counsels, Computer Typists and Photocopy Machine Operators.
2. Government Advocates in the Central Agency Section require the qualification of Advocate-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.

3. As per computerized record of Central Agency Section during the period from 01.04.2019 to 31.03.2020, it has received 5015 new cases from various Ministries/Departments of Government of India, NCT of Delhi, CAG and Union Territories in which the Union of India or Union Territories are either petitioner or respondent.

#### **14. BRANCH SECRETARIAT, KOLKATA**

The Branch Secretariat, Kolkata 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 around 10500 books under the supervision of Assistant Legal Adviser.

2. 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 and Appellate Side. This Branch Secretariat is looking after litigation for the Union of India in the High Court at Calcutta including its Circuit Benches at Port Blair and Jalpaiguri and also various Tribunals, District Forums, State Commissions and Lower Courts 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 at Cuttack, Guwahati, Patna and Circuit Benches at Andaman & Nicobar Islands, CGIT, Arbitration, NGT, NCLT. Panel Counsel are also engaged to appear before the various Tribunals like NGT, CESTAT, State Consumer Forums and DRAT, DRT, Consumer Forum, Lower Courts etc. This Branch Secretariat also engage Counsel in Arbitration matters before the Ld. Arbitrators on receipt of specific requests from Ministries/ Departments concerned.

During January, 2020 to 8<sup>th</sup> December, 2020 the total number of references received at this Branch Secretariat, Kolkata relating to High Court at Calcutta from and on behalf of different Ministries/ Departments is 1356 and total number of cases disposed as per the information received from the Counsels/Departments are 416 and it is estimated that approx. 150 references will be received and 100 number of cases will be disposed of during 9<sup>th</sup> December, 2020 to 31<sup>st</sup> December, 2020. Also it is estimated that approx. 583 references will be received and 373 number of cases will be disposed of during 1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021. The total 41 (forty one) number of references received during January, 2020 to 8<sup>th</sup> December, 2020 regarding National Company Law Tribunal, Kolkata Bench and it is estimated that approx. 8 (eight) references will be received during 8<sup>th</sup> December, 2020 to 31<sup>st</sup> December, 2020. Also it is estimated that approx. 23 references will be received during 1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021.

3. The Advice Wing of this Branch Secretariat renders legal advice pertaining to all the Ministries/ Departments of Government of India including the Income Tax Department, Enforcement Directorate, Ministry of Defence, Ministry of Home Affairs, Ministry of External Affairs and all other Ministries/ Departments having their offices at Bihar, Jharkhand, Odisha, West Bengal, Assam, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh, Meghalaya, Andaman and Nicobar Islands and any other Autonomous bodies situated outside the Eastern Zone or being their headquarter i.e., Ordnance Factory Board is in Kolkata, on receipt of references from concerned Departments/ Ministries. Pleadings filed in various Courts as well as before Central Administrative Tribunals and draft Agreements/contracts are being vetted by this Branch Secretariat also.



During January, 2020 to 7<sup>th</sup> December, 2020 a total number of 671 references were received for legal advice and dealt with by the Branch Secretariat, Kolkata. All the advices were rendered within the prescribed period and it is estimated that approx. 58 references will be received during 8<sup>th</sup> December, 2020 to 31<sup>st</sup> December, 2020. Also it is estimated that 260 references will be received during 1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021.

4. 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.
5. During 2020-2021, both the Additional Government Advocate and one Junior Central Government Advocate of this Branch Secretariat act as Advocate-on-Records for and on behalf of the Union of India in the Calcutta High Court and also appear before the Court as Government Pleader. One Deputy Legal Adviser and one Assistant Legal Adviser are also posted to look after Advice and Litigation work.
6. During January, 2020 to 7<sup>th</sup> December, 2020 a total number of 410 cases received in the Branch Secretariat, Kolkata for engagement of Counsels on service matters before Hon'ble CAT, Kolkata Bench and it is estimated that approx. 50 references will be received during 8<sup>th</sup> December, 2020 to 31<sup>st</sup> December, 2020. Also it is estimated that approx. 120 references will be received during 1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021.

The number of cases in Courts below including arbitration cases handled during January, 2020 to 7<sup>th</sup> December, 2020 was 113 it is estimated that approx. 10 references will be received during 8<sup>th</sup> December, 2020 to 31<sup>st</sup> December, 2020. Also it is estimated that approx. 40 references will be received during 1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021. Also, Officers of this Branch Secretariat had conferences with Departmental Officers and engaged Counsels for smooth conduct of the Litigation and early disposal of matters.

7. Branch Secretariat, Kolkata has Appellate Authority (Additional Government Advocate), CPIO to deal with the RTI matters. During January, 2020 to 7<sup>th</sup> December, 2020 total 43 RTI references and First Appeals were received and duly disposed of within stipulated time.
8. During January, 2020 to December, 2020 (upto 7.12.2020) claims of the professional fee bills submitted by the panel counsel have been speedily processed within stipulated period for payment towards Professional Fees to the Counsel. An amount of Rs.2,32,17,424/- (Rupees two crore thirty two lakh seventeen thousand four hundred twenty four only) have been utilised to make payments to panel Counsels for the cases relating to High Court at Calcutta upto 7<sup>th</sup> December, 2020 and it is estimated that an amount of '12,40,000/- could be paid to panel counsels from 8<sup>th</sup> December, 2020 to 31<sup>st</sup> December, 2020. Also, it is estimated that during 1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021 an amount '74,50,000/- (Rupees seventy four lakh fifty thousand only) will be required to make payment to panel counsel.
9. The Hindi Section of this Branch Secretariat is striving for effective use of Hindi as official language. During January, 2020 to 7<sup>th</sup> December, 2020 all quarterly meetings of Rajbhasha Coordination Committee has been organised regularly except in the COVID-19 lockdown period and Hindi workshops were also organised regularly except in the COVID-19 lockdown period. Employees

are regularly deputed for training in Hindi under training of Central Teaching Scheme. Reference matter has been prepared and distributed among Sections for doing work of regular nature in Hindi. 'HINDI PAKHWADA' was also celebrated in this Branch Secretariat with great enthusiasm during September 2020 while maintaining all formalities of COVID-19 guidelines. During 'HINDI PAKHWADA' three competitions were organised and the winners were granted prizes along with certificates. Required reports are forwarded on regular basis in the prescribed proforma to Main Secretariat. The telephone directory, various stamps, the Statement regarding Earned Leave, Half Pay Leave and Commuted Leave of the Branch Secretariat, Kolkata have already been made 'bi-lingual'. All documents under Section 3(3) of Official Language Act are issued bilingual.

10. Various accounts and budget related work in the Branch Secretariat, Kolkata are being done online using various software provided by NIC and also using the portal based payment system 'PFMS' developed by NIC. All payments to employees, Government Counsels and other service providers are being made online through PFMS portal. Further, the tax deducted at source is being intimated to the Income Tax Department online in electronic format 24G every month. Subsequently quarterly return of TDS are also been prepared in electronic format 24Q and 26Q and submitted to the Income Tax Department through TIN facility centre through CDs. New format in respect of GST-TDS is deducted and a return is filed to the GST Authority. Periodical reports are directly submitted to Pay & Accounts Office online. In addition, information regarding licence fee payment for Government quarters is also required to be sent online to the Directorate of Estates using Government Accommodation Management System (GAMS). For procurement of Goods, Stationeries and other Services, Government e-procurement website <https://gem.gov.in> is being used extensively. New pension cases are being processed through 'Bhavishya' online portal.
11. The Branch Secretariat, Kolkata have a Local Area Network connected with each Section/ Officer's room. Almost all the Computers in the Branch Secretariat, Kolkata now have internet connection. A leased line from 'Bharat Sanchar Nigam Limited' is being acquired for implementation of e-Office.
12. The last audit of the Branch Secretariat, Kolkata was conducted by an Audit Party from the Office of the Director General of Audit: Central, Kolkata with effect from 01.04.2016 to 31.03.2018. Six audit objections were made during the course of periodical inspection of accounts by the Audit Party. Action has already been taken and intimated to the Audit to drop the paras of audit objection.
13. The software 'LIMBS', developed by NIC, is also functional in the Branch Secretariat, Kolkata. The matters pertaining to Ministry of Law duly updated by Litigation section in the said portal.
14. This Branch Secretariat had meticulously followed all the directions from the Main Secretariat, New Delhi and also observed various programmes including Vigilance Awareness Week, Rashtriya Ekta Diwas, observation of Awareness Campaign with focus on Fundamental Duties enshrined in the Indian Constitution etc. maintaining all the formalities of COVID-19 guidelines.

## **15. BRANCH SECRETARIAT, BENGALURU**

The Branch Secretariat has jurisdiction over the States of Karnataka and Andhra Pradesh in handling 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. 476 references were received during period from 01.01.2020 to 23.11.2020 for advice and about 190 advice cases are expected for the remaining period upto 31.03.2020. 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 Kalaburagi and the High Court for the State of Telangana at Hyderabad and High Court of Andhra Pradesh at Amaravathi, respectively, reply statement filed before Central Administrative Tribunals at Bengaluru and Hyderabad, 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 & Kalaburagi and High Court for the State of Telangana at Hyderabad and High Court of Andhra Pradesh at Amaravathi, Subordinate Courts located at Bengaluru city and most of the districts of Karnataka, Telangana and Andhra Pradesh, and CAT in these States. This Branch Secretariat also looks after the work of Government litigation in the District Consumer Dispute Redressal Fora, the State Consumer Redressal Commissions of the States, Central Govt. Industrial Tribunal and Debt Recovery Tribunal. 2469 litigation matters, which include nomination of counsel, counsel fee bills and general correspondence relating to litigation, were received during the period from 01.01.2020 to 23.11.2020 and about 1100 litigation matters are expected for the remaining period upto 31.03.2021. The function of the Branch Secretariat in this regard includes engagement/ nomination of the Counsel and distribution of cases among the Central Government Counsel.

**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. 720 fee bills were received during the from 01.01.2020 to 23.11.2020 and about 285 fee bills are expected for the remaining period upto 31.03.2021. So far as the Circuit Benches of High Court of Karnataka at Dharwad and Gulbarga are concerned, the counsel fee bill is borne by the Department concerned on whose behalf the Counsel conducts the cases and not by the Branch Secretariat, Bengaluru. The Departments concerned 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 requests are received.

#### **MANAGEMENT OF UNDERTAKINGS OF ICDAR REGIONAL CENTRES**

The Competent Authority in the Ministry of Law & Justice, Department of Legal Affairs, New Delhi has authorized the In-Charge of Branch Secretariat, Bengaluru to take charge of the ICDAR Regional Centers located at Bengaluru and Hyderabad and to secure the possession of the said undertakings and to make a complete inventory of all their properties and assets pertaining to the undertakings. While, the ICADR, Regional Centre, Bengaluru has already been closed, efforts are on for closing of the ICADR Regional Centre at Hyderabad.



## **OBSERVANCE OF HINDI MONTH:**

The Hindi Month was celebrated in Branch Secretariat, Department of Legal Affairs, Bengaluru by conducting various competitions for the officers and staff. All participated actively with enthusiasm in 5 competitions which were held by taking the assistance of the Assistant Director of the Hindi Teaching Scheme, Ministry of Home Affairs, Bengaluru who adjudicated the competitions and delivered speech.

## **OBSERVANCE OF VIGILANCE AWARENESS WEEK**

Observance of the Vigilance Awareness Week every year is a part of the multi-pronged approach by CVC to sensitise the public on Prevention of and the fight against Corruption in this Country.

Branch Secretariat, Department of Legal Affairs, Bengaluru had observed the Vigilance Awareness Week, 2020 from 27<sup>th</sup> October, 2020 to 2<sup>nd</sup> November, 2020. The INTEGRITY PLEDGE was administered by Shri. B. Nanda Kumar, Assistant Legal Adviser & In-Charge in his chamber at 11 AM on 27<sup>th</sup> October, 2020. All the officials/Officers attended the event and took the oath of the Integrity Pledge, by observing the norms of social distancing and other safety measures stipulated for the COVID-19 pandemic.

## **OBSERVANCE OF NATIONAL UNITY DAY**

Branch Secretariat, Department of Legal Affairs, Bengaluru had observed the National Unity Day by observing the norms of social distancing and other safety measures stipulated for the COVID-19 pandemic.

The PLEDGE was administered by Shri. B. Nanda Kumar, Assistant Legal Adviser & In-Charge in his chamber at 4.00 P.M. on 29<sup>th</sup> October, 2020. All the officials/Officers attended the event and took the oath of the National Unity Pledge.

## **OBSERVANCE OF CONSTITUTIONAL DAY**

The 26<sup>th</sup> of November, 2020 is being to be celebrated as the Constitutional Day and all the officers & staff gathered in the chamber of the Assistant Legal Adviser & In-Charge by observing the norms of social distancing and other safety measures stipulated for the COVID-19 pandemic. Shri. B. Nanda Kumar, Assistant Legal Adviser & In-Charge of Branch Secretariat, Bengaluru read the Preamble of the Constitution of India at 11.00 A.M. on 26<sup>th</sup> November, 2020.

## **16. 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.

Around 550 references have been received for advice and disposed of and an estimated 140 references are likely to be received for the period 1<sup>st</sup> January 2021 to 31<sup>st</sup> March 2021.

**LITIGATION:** The Branch Secretariat, Chennai looks after the entire litigation work of Central Government (except cases relating to Railways, 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 Ernakulam Bench of Central Administrative Tribunal in Kerala. During the given period about 3434 litigation matters received and disposed of accordingly which include receipts, fee bills and files opened regarding High Court/CAT/LC etc.

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.

**COUNSEL FEE BILLS:** The Branch Secretariat itself makes payment of professional fees directly from its 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. During the given period around 1712 bills were received from the High Court Counsel; after initial scrutiny and returning 105 bills to the respective counsel where UOI is not a party, 1712 bills were processed and an amount of Rs. 3.03 crores were paid to the Counsel.

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.

### **MEETING OF CENTRAL GOVT. COUNSELS**

In view of the prevailing covid-19 pandemic situation, the Deputy Legal Adviser conducted video-conference meeting of all Central Govt. Counsel, High Court of Madras and CAT, Chennai Bench via 'Milan-Setu and Webex app' on 13<sup>th</sup> September, 2020 to welcome Shri R. Sankaranarayanan, Additional Solicitor General of Madras High Court as well as to monitor the conduct of Central Govt. litigation thereby rendering necessary guidance. Celebration of 6<sup>th</sup> 'International Day of Yoga' on 21<sup>st</sup> June, 2020

In view of the prevailing covid-19 pandemic situation, though no formal 'Yoga Session' was organized in the office premises, all officers/officials were encouraged to participate in the 'International Day of Yoga' celebration alongwith their family on 21.06.2020 from their respective place of stay to avail multiple health benefits.

### **Observance of 'Hindi Month' in September 2020**

In accordance with directives of Department of Official Language, Main Secretariat, Hindi Month was observed in September 2020. In view of the prevailing covid-19 pandemic situation and roster duty, though no competition was conducted, all officers/officials were encouraged to adapt usage of Hindi in day-to-day official work.

## **Observance of ‘VIGILANCE AWARENESS WEEK’**

As per CVC guidelines, ‘VIGILANCE AWARENESS WEEK’ with the theme ‘Satark Bharat, Samriddh Bharat’ was observed in this Branch Secretariat from 27<sup>th</sup> October to 2<sup>nd</sup> November, 2020. In this regard, ‘Integrity pledge’ was administered to all officials of this Branch Secretariat by the Deputy Legal Adviser/ In-charge on 27<sup>th</sup> October, 2020.

## **‘Swachcha Bharath’ Mission**

The Deputy Legal Adviser & Incharge of this Branch Secretariat has been periodically monitoring and inspecting cleanliness activities of the office. In view of the prevailing covid-19 pandemic situation, necessary priority has been accorded towards cleanliness of office premises, hand sanitization, wearing masks, social distancing etc.

## **Retainer Fees**

Out of its allotted funds, the Branch Secretariat has been entrusted with the job of making payment of Retainer Fee to Standing Government Counsel of district & subordinate courts in Tamil Nadu.

## **Implementation of e-office**

This office had already initiated correspondence with NIC, Chennai and BSNL, Chennai for provision of necessary pre-requisites towards implementation of

e-office in this Branch Secretariat. E-payment of all bills including fee bills are being made and directly credited to concerned Counsel. Further, necessary modifications have been incorporated in the ‘Litcase’ software under the guidance of concerned NIC personnel, so that information/data related to Fee Bill receipts and their disposal are duly updated.

## **RTI receipts**

During the period, all RTI applications received were disposed well in time.

## **17. BRACH SECRETARIAT, MUMBAI**

### **ORGANIZATION:**

The Ministry of Law & Justice has been basically divided into two sets, i.e. the Main Secretariat and its Branch Secretariats at Mumbai, Kolkata, Chennai and Bangalore.

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 consisting of Maharashtra, Madhya Pradesh, Rajasthan, Gujarat and Goa States and the administration of the Branch Secretariat.

The Additional Govt. Advocate, at present, is the overall In-charge of the Branch Secretariat. One Additional Govt. Advocate, One Sr. PPS, One Assistant Legal Adviser, Five PSs & Two Superintendent (Legal) are assisting the Additional Govt. Advocate in handling the advice, litigation and administrative matters of the Branch Secretariat. The Section Officers assist the Additional Govt. Advocate in the Administration and Accounts matters.

In addition to the above, the work of the Branch Secretariat is bifurcated into separate sections for its smooth functioning, i.e. Advice Section, Misc. Original Side Litigation Section consisting of erstwhile Misc. Original Side Litigation, Arbitration, Suits, Land Acquisition References, Company matters and cases pertaining to DGFT/FERA/FEMA in Original Side as well as Appellate Side and Appellate Side Litigation Section consisting of Misc. Appellate Side Section and Criminal Side Matters. Each Section is headed by a senior Officer of this Branch Secretariat who is assisted by officials.

There are one Assistant(Legal), one Assistant Section Officers (CSS), one Senior Court Clerk Grade-II and two Court Clerks, who assist the Officers in discharging their duties pertains to litigation.

### **FUNCTIONS & DUTIES:**

The Ministry of Law & Justice, Department of Legal Affairs, Branch Secretariat, Mumbai renders advice to various Ministries/Departments of Government of India on receipt of the respective references by it on different kinds of legal matters and attends to the litigation work of the Central Government in Bombay High Court, C.A.T., National Company Law Tribunal other Tribunals and before all the Subordinate Courts of entire Western Region. The entire work is performed by its Officers under the guidance of the Additional Government Advocate/In-charge of this Branch Secretariat. This Branch Secretariat is always guided by the Hon'ble Law Secretary.

### **LEGALADVICE:**

The references received from various Ministries/Departments of Central Government seeking legal advice are examined at the first instance by the Superintendent (Legal) and thereafter put up to the Additional Government Advocate/In-charge who in turn mark the cases as per extant work allocation Order. 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 1261 cases being reference seeking advice and this Branch Secretariat has disposed 1239 cases and 22 cases is pending on date.

### **LITIGATION:**

The litigation of this Branch Secretariat is headed by the Additional Government Advocate/Incharge, Additional Government Advocate, Assistant Legal Adviser(s) and Superintendent (Legal) in discharging the duties and in handling the litigation matters filed in Bombay High Court either filed by the Government of India or against it. So also, the litigation pertaining to Sub-ordinate 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.

During financial year 2020-21 is concerned, this Branch Secretariat has received about 958 cases in different litigation sections. The Counsel were engaged for protecting the interest of Government of India involved in the matter through different Central Government Ministries/Departments and on or about 126 litigation cases have been disposed of before the Hon'ble High Court and 832 cases is pending on date.

## ADMINISTRATION:

The Additional Government Advocate/In-charge is the head of the Administration of the Branch Secretariat, Mumbai. He is normally assisted by DDO, Section Officer and Assistant Section Officers in handling the day-to-day administrative matters of the Branch Secretariat.

## OFFICIAL LANGUAGE:

The Additional Govt. Advocate & In-charge of this Branch Secretariat also works in the capacity of “VibhagiyaRajbhashaAdhikar” and other officers nominated by him work for promotion and maximum usage of Official Language in the Branch Secretariat. A “Rajbhasha Samiti” is constituted in this Branch Secretariat with Sh. A. A. Ansari, Additional Govt. Advocate as Chairman. The Committee is submitting the periodical Reports to the In-charge.

## 18. LAW COMMISSION OF INDIA

The Law Commission of India is constituted normally every three years with definite terms of reference to work for Law Reforms. The 22<sup>nd</sup> Law Commission has been constituted vide notification dated 21.02.2020 but the Chairman and Members are yet to be appointed. The Commission consists of Law Officers of Indian Legal Service. A small group of secretarial staff looks after the administration.

**Terms of Reference:** The Terms of Reference of the Twenty-second Law Commission consisted the following:

- 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.
  - 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.

**Encouragement to students:**

The Commission conducts voluntary internship programmes, viz., Summer Internship Programme and Winter Internship Programme. The internship programme is conducted by the Law Commission with a view to train and inculcate orientation in legal research and law reform amongst law students to have better understanding of Law in its making and establishment of the Rule of Law.

**Objectives & Achievements:**

Various Law Commission has submitted 277 Reports so far on different subjects.

**Follow-Up:**

The Reports of the Law Commission are laid in Parliament from time to time by the Department of Legal



Affairs, Ministry of Law and Justice and forwarded to the concerned administrative Departments/Ministries for implementation. They are acted upon by concerned Departments/ Ministries depending on the Government's decision. Invariably, the Reports are cited in Courts, Parliamentary Standing Committees, in academic and public discourses.

## **19. STEPS TAKEN FOR STRENGTHENING THE ARBITRATION MECHANISM**

The Central Government had amended the Arbitration and Conciliation Act, 1996, by the Arbitration and Conciliation (Amendment) Act, 2015, inter-alia, in order to make arbitration process user friendly, cost effective and expeditious. However, some practical difficulties in applicability of the amendment Act were brought to notice and a need was also felt to strengthen institutional Arbitration mechanism in the country. In this regard, a High Level Committee (HLC) under the Chairmanship of Justice B. N. Srikrishna, former Judge, Supreme Court of India, was constituted by the Central Government to promote and strengthen institutionalization of arbitration mechanisms in India and submit a Report on suggested Reforms. The Committee submitted its Report on 30<sup>th</sup> July, 2017 and inter-alia recommended some amendments in the Act.

Taking in to consideration the recommendations of the HLC, the Arbitration and Conciliation Act, 1996 was amended by Arbitration and Conciliation (Amendment) Act, 2019. The said Act was notified in the Gazette of India on 09.08.2019. In order to promote institutional arbitration in the country the amendment Act of 2019 seeks to establish a national level body called Arbitration Council of India (ACI) which will grade arbitral institution. ACI will lay down norms to bring uniformity of standards among the arbitral institutions in the country. The amendment Act of 2019 further minimizes the court intervention in arbitration matters by empowering the Supreme Court and High Courts to designate ACI graded arbitral institutions for the purpose of appointment of arbitrators under section 11 of the Arbitration and Conciliation Act, 1996. However, provisions related to ACI are yet to be enforced.

ACI will inter-alia perform the following functions and duties:

- o recognise professional institutes providing accreditation of arbitrators;
- o hold training, workshops and courses in the area of arbitration in collaboration of law firms, law universities and arbitral institutes;
- o promote institutional arbitration by strengthening arbitral institutions;
- o conduct examination and training on various subjects relating to arbitration and conciliation and award certificates thereof;
- o establish and maintain depository of arbitral awards made in India;
- o make recommendations regarding personnel, training and infrastructure of arbitral institutions; and
- o maintain an electronic depository of all arbitral awards.
- o such other functions as may be decided by the Central Government.

However, after the enactment of Arbitration and Conciliation (Amendment) Act, 2019, the Hon'ble Supreme Court had, vide judgment dated 27.11.2019 in the matter of Writ Petition (Civil) No. 1074 of 2019, Hindustan Construction Company Limited & Anr vs. UOI & Ors. (MANU/SC/1638/2019), struck down deletion of Section 26 of the 2015 Amendment Act, together with the insertion of section 87 of the Arbitration and Conciliation Act, 1996 as being manifestly arbitrary to the principles laid down under Article 14 of the Constitution of India. Section 87 was inserted vide the Arbitration and Conciliation (Amendment) Act, 2019 [with retrospective effect i.e. w.e.f. 23.10.2015] to clarify the applicability of Arbitration and Conciliation (Amendment) Act, 2015 on arbitral and Court proceedings. Section 26 of the Act of 2015 provided for the prospective applicability of the amendments.

As there was need to clarify the policy in view of the quashing of section 87 by the Supreme Court and also to develop India as a hub of international commercial arbitration by attracting best arbitrators to the country by addressing the concerns raised with regard to qualifications, experience and norms for accreditation of arbitrators as laid down in the Eighth Schedule, the Arbitration and Conciliation Act, 1996 was required to be amended.

The Hon'ble President of India promulgated the Arbitration and Conciliation (Amendment) Ordinance, 2020 on 4<sup>th</sup> November, 2020. The Arbitration and Conciliation (Amendment) Act, 2020, provides for the following:

- (i) Provides for unconditional stay of enforcement of arbitral awards where the underlying arbitration agreement, contracts or arbitral award are induced by fraud or corruption.
- (ii) Omits Eighth Schedule to address the concerns raised by various stakeholders (including international).
- (iii) Empowers ACI to lay down qualifications, experience and norms for accreditation of arbitrators.

The amendments address the issues raised in regard to amendments of 2019 and ensures that in cases where the arbitration agreements, contract or arbitral award are induced by fraud or corruption, the parties get an opportunity to seek unconditional stay of the enforcement of award pending disposal of the challenge under section 34 of the Act, thereby securing the interest of the suffering party.

The amendments further streamline arbitration regime in tune with international trends, facilitate domestic and international investors and remove the impression of arbitration law being restrictive towards foreign arbitrators, thereby strengthening enforcement of contract regime which in turn will contribute to the economy.

The amendments will also help in attracting investors, both domestic and international investors, to choose India as the preferred destination for getting their disputes resolved in a time bound manner, who hitherto look towards institutions like Singapore International Arbitration Centre (SIAC) or Hong Kong International Arbitration Centre (HKIAC) or London court of International Arbitration (LCIA) etc.

## **20. ADMINISTRATIVE DISPUTE RESOLUTION MECHANISM (AMRD)**

The subject of litigation between two Government Departments has repeatedly been a concern of the court as well as the Govt. Although, prevalence of such litigation cannot be wholly done away with but



the need to resolve such disputes administratively is the demand of hour. At present, the Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD) framed by Department of Public Enterprises is in place to resolve the commercial disputes between Central Public Sector Enterprises (CPSES), inter se and CPSE(s) and Government Department(s) / Organization but there is no such mechanism in place for resolution of disputes involving two/ many departments.

Recently, the Hon'ble Supreme Court had also directed the UoI to frame a comprehensive policy for resolution of disputes between the Department/undertakings of the Government and thus to stop such litigations coming up before the courts. The Supreme Court Factors has also called upon the Union of India to examine the issue of disputes between Govt. Departments/Ministries and the CPSEs in light of the professed litigation policy of not to burden the judicial system unnecessarily as the money goes from one pocket of Govt. to another.

### **Factors which necessitated for framing Administrative Mechanism Resolution of disputes**

- The judiciary is not meant for settlement of disputes between the Departments/Undertakings of the Government. It is the domain of the Government to work out the formula to settle its inter-Departmental/Undertaking litigation within itself. It would not be desirable to surrender the resolution power to the judiciary.
- Judgements in such litigations does not benefit the Government, whereas the result will only lead to putting money from one pocket to other.
- The time and money spent on the litigations is unnecessary burden on the Government.
- It also causes embarrassment to law officers/lawyers representing the Departments/Undertakings by fighting against themselves in the Court, exposing Government issues to the public.
- Such litigations are unnecessary burden on the judicial system as well.

### **Making of AMRD**

In furtherance of this objectives and the need to evolve and suggest the alternative mechanism for the resolution of Inter-Ministerial/Departmental disputes and also to provide for an institutionalized mechanism for resolution of such disputes, the Administrative Mechanism for Resolution of Disputes (AMRD) was framed by the Department of Legal Affairs vide O.M. dated 31.03.2020. This mechanism applies to disputes other than taxation disputes, where both parties are Govt. Department or where one party is Govt. Department and other is its instrumentalities, (CPSEs / Boards / Authorities, etc.,).

### **Applicability**

It applies to any/all dispute(s), other than those related to taxation, between Central Government Ministries / Departments inter se and between Central Government Ministries / Departments and other Ministries / Departments / Organisation(s) / Subordinate / Attached Offices / Autonomous and Statutory Bodies, etc., under their administrative supervision / control.

## Structure

### First level (tier)

The Disputes, (other than taxation), is referred to a Committee comprising of Secretaries of the Administrative Ministries / Departments to which the disputing Parties belong and Secretary, D/o Legal Affairs. The Committee at the First level (tier) finalise its decision within 3 months after having received the reference/ notice from the concerned aggrieved party.

### Second level (tier)

In case the dispute remains unresolved or any party is aggrieved with the decision of the Committee at First tier, the same is referred to the Second level (tier), to the Cabinet Secretary, within 15 days from the date of receipt of decision of the Committee at the First level, whose decision becomes final and binding on all concerned.

### Future impacts

- The mechanism will provide an opportunity to Govt. departments to resolve the cases outside the court system, which in effect will reduce litigations in courts.
- The time and money spent on the Government litigations may be a boon in disguise.
- The saving of judicial time through settlement of Govt. litigation through such mechanism may be utilised in public centric litigation.

### Other instruction to reduce Govt. Litigation

Recently, instruction has been issued to Ministries/Departments of the Governments of India, that appropriate direction may be given to subordinate office where similar cases/issues are settled by the Hon'ble Supreme Court before referring the file for filing SLPs.

## 21. INDIAN LAW INSTITUTE (ILI)

**Introduction:** ILI is a Premier Legal Research Institute founded on 27<sup>th</sup> December, 1956. The objective of the Institute is to promote advanced studies and research in law and to contribute substantially in reforming the administration of Justice, so as to meet the socio economic aspirations of the people through law and its instrumentalities. The Institute got the status of Deemed University in the year 2004. The Institute got its first ever accreditation with 'A' grade by the National Assessment and Accreditation Council (NAAC) during March, 2017 with a CGPA of 3.35 on a 4.00 point scale. The Institute conducting Masters in Law and Doctoral courses as well as few PG Diploma Courses in various areas of law, i.e., Alternative Dispute Resolution, Corporate Laws and Management, Cyber Law and Intellectual Property Rights Laws.

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

<b>Programme(s)</b>	<b>Students Enrolled in academic session 2020-21</b>
LL.M.- 1 Year (Full Time)	40
P G Diploma Courses( Alternative Dispute Resolution, Corporate Laws and Management, Cyber Law and Intellectual Property Rights Laws)	282
No. of seats in Ph.D in Law <b>*(Yet to be enrolled)</b>	*11
<b>Total No. of Students</b>	<b>333</b>

- The Institute has a Ph.D. programme. There are 33 scholars enrolled as on date.
- E Learning courses of three months duration on “**Cyber Law**” (36<sup>th</sup> batch) and “**Intellectual Property Rights and IT in the Internet Age**” (48<sup>th</sup> batch) was completed on September 22, 2020.
- 70 students were enrolled for the 37<sup>th</sup> batch of online certificate course in Cyber Law and 42 students were enrolled for the 48<sup>th</sup> batch of online certificate course in IPR.

#### **Activities of the Institute:**

- **WEB SERIES OF LECTURES - Law and COVID 19 Webinar Series**

The Indian Law Institute and Association of ILI Alumni organised the Webinar Series on Covid 19 and Law during May-June, 2020. During the lockdown, the Ministry of Human Resource and Development, Government of India and UGC directed the educational institutes and academicians to engage in online intellectual activities and research endeavor. UGC also suggested taking up topics like domestic violence for Webinar series of lectures. Accordingly, the following weekly webinars were conducted on the contemporary topics:

- o “**India’s governance over Covid-19 with Special Focus on Migrant Workers**” on May 20, 2020.
- o “**Law, Media and Covid-19 Issues and Challenges**” on May 27, 2020.
- o “**Interlink between environment and COVID-19**” was sought to be analysed with special emphasis on the future of sustainable development in a post COVID-19 world on June 03, 2020.
- o “**Domestic Violence during Lockdown: An Invisible Pandemic**” on June 10, 2020.
- o “Challenges to the Right to Health and Access to Healthcare in Light of the
- o **Covid-19 Pandemic**” on June 17, 2020.
- o “**Impact of Covid-19 on Legal Education Sector and its responses thereon**” on June 24, 2020.

- A talk was organized on July 6, 2020 on **“Perverse Economies of Intimate and Personal Labour: Resuming Domestic Work in Households after the Lockdown”**.
- ILI organized a talk on the issue of **“Gender Mainstreaming: Have We Learnt the Lesson from the Pandemic?”** followed by Q&A on July 28, 2020 with regard to gender dynamics and lessons that the pandemic offers about shaping the home and work space divide – to move the discourse on gender from binaries to a more holistic approach.
- An online discussion on **“The Impossibility of Love in Meghna Gulzar’s “Raazi”** was organised on **July 24, 2020**.
- ILI also organized an interactive session to discuss **Mental Health Matters and Psychological Coping Strategies on July 30, 2020** with a view to explore ways to manage anxiety and mental resilience in current stressful times.
- The Indian Law Institute in collaboration with All India Lawyer’s Forum (AILF) organised a webinar on **“Legal Education and Challenges in India”** on **September 26, 2020**.
- The Indian Law Institute, in collaboration with Knowledgesteerz, conducted a **National Webinar on “International Humanitarian LAW: Issues and Challenges”** on **2nd October 2020**.
- **National Webinar on National Education Policy, 2020 : Right Steps Towards Inclusive Higher Education** was held on **October 18, 2020**.

## **Publications:**

### **Research Publications Released**

The following research publications have been released by the ILI during the period of report:

- Journal of the Indian Law Institute (JILI) – Published quarterly containing research articles on contemporary legal issues of National/International Importance.
- ILI Newsletter – Published quarterly referring various activities undertaken by the Institute during the year and forthcoming activities.
- Index to Legal Periodicals – Published yearly and contains indexes, periodicals (including year books and other annual publications) pertaining to law and related fields being received (either by subscription or exchange or complementary) by the ILI Library.
- Annual Survey of Indian Law –2018
- ILI Law Review 2019 (Summer) & (Winter)

## **Forecast of Activities**

### **Forthcoming Publications**

- ❖ Journal of Indian Law Institute(Quarterly publication)
- ❖ ILI Newsletter (Quarterly publication)
- ❖ Annual Survey of Indian Law – 2019.

- ❖ Index to Legal Periodicals – 2019.
- ❖ \* Book titled Human Rights of Vulnerable Groups: National and International Perspectives by Prof. (Dr.) Manoj Kumar Sinha and Arya A. Kumar

In view of pandemic situation, the Institute endeavour to engage academicians in online intellectual activities and conduct of all classes through virtual platform. The Institute will continue to organize series of Webinars in line with the directions of the Ministry of Human Resource and Development, Government of India and the University Grants Commission.

## 22. SHANGHAI COOPERATION ORGANISATION (SCO)

The Shanghai Cooperation Organisation (SCO) is a permanent Inter-Governmental Multilateral Organisation, established on 15<sup>th</sup> Jun, 2001 in Shanghai, China by the Leaders of China, Kyrgyzstan, Kazakhstan, Russia, Tajikistan & Uzbekistan. India and Pakistan joined SCO as full-fledged member in the historic meeting of the Heads of State Council of the SCO during 8-9 June, 2017 at Astana.

There are four Observers States of SCO viz. Afghanistan, Belarus, Iran and Mongolia. In addition, the SCO has six dialogue partners namely, Azerbaijan, Armenia, Cambodia, Nepal, Turkey and Sri Lanka. The official working languages of the Shanghai Cooperation organization are Chinese and Russian.

In pursuance of the mandate given during the 6<sup>th</sup> meeting of the Ministers of Justice of SCO held at Choplan-Ata, Kyrgyztan Republic held on 22<sup>nd</sup> – 24<sup>th</sup> August, 2018, India had hosted the 7<sup>th</sup> meeting of the Ministers of Justice of SCO Member States in New Delhi. The first expert meeting of the preparation of 7<sup>th</sup> Session of the Minsters of Justice of SCO Member States was held during 17<sup>th</sup> – 18<sup>th</sup> September, 2019 in New Delhi.

The 7<sup>th</sup> Meeting of Ministers of Justice of SCO Member States was held on 16<sup>th</sup> October, 2020, preceded by two days Experts Group Meeting on 13<sup>th</sup> – 14<sup>th</sup> October, 2020 through Video Conferencing.

The Experts Working Group of SCO Member States discussed the importance of promoting alternative dispute resolution mechanism as also cooperation in all spheres including legal, given the spread of the coronavirus pandemic.

The Seventh Meeting of Ministers of Justice of the Shanghai Cooperation Organisation (SCO) Member States was hosted by Shri Ravi Shankar Prasad, Minister of Law & Justice, Communication and Electronics & Information Technology on 16th October, 2020.

Minister of Law and Justice of the Republic of India Shri Ravi Shankar Prasad, Minister of Justice of the Republic of Kazakhstan Mr. M.B. Beketayev, Minister of Justice of the People's Republic of China Mr. Tang Yijun, Minister of Justice of the Kyrgyz Republic Mr. M. T. Dzhamankulov, Authorized representative of the Ministry of Law and Justice of the Islamic Republic of Pakistan Ms. Ambreen Abbasi, Minister of Justice of the Russian Federation Mr. K. A. Chuichenko, Minister of Justice of the Republic of Tajikistan Mr. M.K. Ashriyon, Minister of Justice of the Republic of Uzbekistan Mr. R.K. Davletov, participated in the Justice Ministers' Meeting. The Keynote address and Closing Remarks in the Justice Ministers' meeting were delivered by Shri Anoop Kumar Mendiratta, Secretary, Department of Legal Affairs, Ministry of Law & Justice.

The Seventh Session of the Ministers of Justice of the SCO Member States deliberated on areas of cooperation; emphasized the high relevance of mutual exchange of legal information on counteraction to the spread of the coronavirus pandemic and acknowledged the need for cooperation in ADR mechanism area, among others. A Joint Statement following the Results of the Seventh Session of the Ministers of Justice of the SCO Member States was also adopted.

The salient features of the Joint Statement are as under:

1. To strengthen the work on implementation of the Agreement on Cooperation between the Ministries of Justice of the SCO Member States (Dushanbe, 18 August 2015).
2. To continue the work on implementation of the Action Plans of the working groups of experts on forensic activities and legal services for 2018-2020, as well as to develop Action Plans for 2021-2023.
3. Consider organizing exchange programs for representatives of the ministries (law and justice of the SCO member-states) to study the best practices in alternative dispute resolution.
4. To continue discussing the parties' positions on the issues of mutual legal assistance and development of legal services in accordance with national legislation.
5. Actively develop cooperation with the ministries of justice of the SCO observer and dialogue partner states.
6. Continue efforts to develop an online platform for the exchange of legal information, taking into account national laws.

The Ministers of (Law and) Justice and senior officials / experts from the Ministries of Law & Justice of India, Kazakhstan, China, Kyrgyz Republic, Pakistan, Russian Federation, Tajikistan and Uzbekistan participated in the three days deliberations. This Ministerial meeting was preceded by officer level deliberations. Shri Anoop Kumar Mendiratta, Secretary, Department of Legal Affairs, Ministry of Law & Justice also hosted the Second meeting of the Experts Working Group on 13th and 14th October, 2020. The meetings were conducted through Video Conferencing mode.

### **23. INCOME-TAX APPELLATE TRIBUNAL, MUMBAI.**

**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 thinks 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 erstwhile Indian Income-tax Act, 1922.

**Bench Strength:** The Tribunal as constituted presently, consists of 63 Benches comprising of sanctioned strength of one (01) President, who is assisted by ten (10) Zonal Vice-Presidents and 115 Members (i.e. Accountant Members and Judicial Members). The present sanctioned strength of Members is 126 (including President and Vice Presidents) for 63 Benches as spread over 30 cities throughout the country.

**Powers and Functions:** The Income-tax Appellate Tribunal, constituted under the Income-tax Act, deals with second appeals in all matters of direct taxes, including appeals against the revisionary orders of



Administrative Commissioners as well as orders denying registration under Section 12A or under Section 80G of the Income-tax Act 1961, etc. The Appellate Tribunal also deals with second appeals in all matters of the Black Money (Undisclosed foreign income and assets) and imposition of Tax Act, 2015 including any revisionary order passed by the Principal Commissioner/Commissioner under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015.

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. Generally, a Bench consists of one Judicial Member and one Accountant Member. However, in appropriate cases, at the discretion of the President, a Bench may consist of more than two Members. 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 that case does not exceed fifty (50) 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 Judicial Member and one Accountant Member, subject to the provisions of the Income-tax Act, 1961.

**Procedure and Rules:** 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.

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 Appellate Tribunal. The Appellate Tribunal functions not only as the final fact finding authority in the matters concerning Income-tax but also in all matters of taxation such as Wealth-tax, Gift-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.

The matters which the Appellate Tribunal disposes are of vital importance involving revenue to the tune of several crores. 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 ensures that Questions of Law and facts, which arise for consideration are properly enquired into and that the accountancy point, as also the legal angle, are weighed properly. The Appellate Tribunal allows the representatives of both the parties to appear 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 succour that Questions of fact and law are properly and judicially decided and inference drawn by the Tribunals are beyond reproach.

**Pendency of Appeals:** At the beginning of Financial year 2020-21 i.e. 1<sup>st</sup> April, 2020, the Pendency of the appeals was 88016 and as on 1<sup>st</sup> December, 2020 the number of appeals pending in the Income-tax Appellate Tribunal stands at 82276.

It will be seen from the following table that the commitment to reduce pendency is showing encouraging results:

Year (April to March)	Institution	Disposal	Pendency at the end of year
2014-2015	45089	30494	103238
2015-2016	39743	51010	91971
2016-2017	48800	48385	92386
2017-2018	50222	49791	92817
2018-2019	51154	51766	92205
2019-2020	45842	50031	88016
2020-2021 (April, 2020 to November, 2020)	5661	11419	82276

**Efforts for Reduction of Pendency:-** 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 members of the Bar have also been requested to bring to the notice of I.T.A.T., all such covered cases for out of turn posting. Besides, appeals dealing with Search & Seizure matters and appeals against Order passed under Section 263 by the administrative Commissioners are also given priority in their disposal. Similarly, appeals against the denial of registration to charitable institutions under Section 12A and denial of recognition under Section 80 G are also given priority. Appeals of Senior Citizens are also taken up for priority hearing, wherever the Tribunal is so approached. Further, vide Finance Act 2015 an amendment in Income Tax Act 1961 was made that the appeal involving assessed income upto Rs. 50 lakhs can be heard by Single Member Bench and accordingly the same has been implemented.

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

Month	Total Pendency
January,2020	14454
February,2020	13898
March,2020	13741
April,2020	13193
May,2020	13633
June,2020	13790
July,2020	13543
August,2020	13378
September,2020	13073
October,2020	12981
November,2020	12798



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

Month	Total Pendency
January,2020	337
February,2020	326
March,2020	307
April,2020	307
May,2020	307
June,2020	311
July,2020	314
August,2020	313
September,2020	296
October,2020	288
November,2020	286

There are 63 sanctioned Benches of the I.T.A.T. wherein the required strength of the Members is 126 but presently there are only 79 Members, because of which some of the Benches are not regularly functioning which has resulted in increase of pendency thereof. Due to Covid-19 pandemic, Benches were not functioning regularly and hearing of appeals was held by video conferencing and the system of virtual court hearing has yielded satisfactory results.

**Computerisation:** The process of computerization started in the Income Tax Appellate Tribunal in early 2000 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 “**NishpakshSulabhSatvarNyay**”.

#### **Achievements:**

- (a) **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 has been commissioned and implemented in all Benches of the Tribunal in a 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 National Informatics Centre Cloud Server.
- (b) **ITAT Official Website:** As an extension of the ITAT Online Project, Official Website of Income Tax Appellate Tribunal has been redeveloped in 2016 and commissioned to deliver judicial and general information to the general public. The Official website has been redesigned to make it more users friendly, informative, responsive, updated and compliant with the Government of India,

Guidelines for Websites. Dynamic information like Cause Lists, Constitution, Case Status, Order Search, Pronouncement Search, etc. have been provided to cater to the judicial information needs of the litigants before the Tribunal. This apart, static information like Holiday Lists, Tenders and Auctions, Notice Board, Right to Information, etc has been made accessible to the litigants in particular and public in general. This website is widely used and appreciated.

- (c) **Launching of Mobile Application:** Android version of ITAT Judicial Information Portal has been developed and released for the benefit of appellants, respondents as well as their counsels. The app has been very useful owing to its simplicity and ease of use. iOS version of the app has also been developed and is undergoing testing. This app will be rolled out shortly.
- (d) **Infrastructure Up-gradation:** ITAT has always been conscious that better computerization needs better infrastructure. Accordingly, Members of ITAT have been equipped with latest IT hardware and Dictation Software to assist in dictation of orders.
- (e) **Budget and Expenditure Monitoring System:** ITAT has implemented an online application namely BudgetMan, developed by in-house talent, for monitoring and consolidating the budget availability and expenditure position efficiently and accurately in real-time basis.
- (f) **Virtual Hearings:** Consequent to imposition of lockdown, court proceedings in ITAT benches across the country have come to a halt. ITAT has, however, quickly

taken up the challenge posed by Covid and restarted judicial proceedings by adopting solutions offered by information and communication technology. Hearings have been conducted successfully in Virtual Courtrooms using video conferencing technology in NIC's Vidyo software and other community platforms. The fact that ITAT could dispose of more than 12000 cases during lockdown upto November, 2020 shows how this oldest tribunal stands foremost in crisis handling and technology harvesting.

#### **Future Projects:**

- (a) **Redevelopment of launching of E-Filing:** E-Filing Portal of Income Tax Appellate Tribunal has been redeveloped in accordance with the revised forms of Memorandum of appeal/cross objection, and is ready for launch. The development of this project has been entrusted to a NICS-Empanelled vendor. The official website has already been launched alongwith the Android based Mobile application.
- (b) **Digital Display Boards:** As an innovative step, physical notice boards have been replaced by digital notice boards at ITAT, Delhi Benches. Cause Lists, Constitutions, Friday lists, etc. are being digitally displayed in the digital notice boards; this project will be expanded to other major cities soon.
- (c) **E-Court:** E-courts were setup at ITAT Rajkot, Guwahati, Ranchi, Patna and Jabalpur Benches. Bench proceeding were conducted at ITAT Rajkot, Guwahati, Ranchi, Patna and Jabalpur Bench connecting to ITAT Ahmedabad, Kolkata and Delhi Benches respectively. Presently, three more Benches are in the process of developing E-Court at Lucknow Zonal, Cochin and Dehradun Bench.

Following is the status of Bench/es functioning through E-Court:

Sr. No.	Functioning Bench(es)
1	Mumbai Head Office
2	Ahmedabad Zonal Office
3	New Delhi Zonal Office
4	Kolkata Zonal Office
5	Jabalpur Bench
6	Rajkot Bench
7	Guwahati Bench
8	Ranchi Bench
9	Patna Bench

During the last year, the following Benches started functioning through E-Court:

Sr. No.	Name of Benches
1	Pune Zonal Office
2	Nagpur Bench
3	Panaji Bench (GOA)

Development of E-Court in respect of following Benches are ready for functioning process:

Sr. No.	Ready for Process Bench(es)
1	Bangalore Zonal Office
2	Chennai Zonal Office
3	Hyderabad Zonal Office
4	Chandigarh Zonal Office
5	Jaipur Bench
6	Allahabad Bench
7	Cuttack Bench
8	Visakhapatnam Bench
9	Indore Bench
10	Surat Bench
11	Jodhpur Bench
12	Allahabad Bench
13	Amritsar Bench

Development of E-Court in respect of following Benches are under process:

Sr. No.	Under Process Bench(es)
1	Lucknow Zonal Office
2	Cochin Bench
3	Dehradun Bench

- (d) **CCTV Installation in ITAT Benches:** Hon'ble Supreme Court of India, vide judgement dated 14.08.2017 directed that CCTV Cameras with audio and video recording be installed in all Tribunals including the Income Tax Appellate Tribunal. The Ministry of Law & Justice, Department of Legal Affairs, vide their letter dated 29.09.2017 also directed the ITAT to install the CCTV Cameras in Court Rooms and other important locations of all Benches of the Tribunal.

The following 17 locations (ITAT Benches) have been initially covered under CCTV recording:

Sr. No.	Name of Benches
1	Mumbai
2	Delhi
3	Ahmedabad
4	Agra
5	Amritsar
6	Bangalore
7	Chandigarh
8	Chennai
9	Hyderabad
10	Kolkata
11	Lucknow
12	Pune
13	Cochin
14	Indore
15	Jaipur
16	Surat
17	Vishakhapatnam

During the last year, CCTV was setup at ITAT, Benches as under:

Sr. No.	Name of Benches
1	Nagpur Bench
2	Patna Bench
3	Cuttack Bench

- (e) **E-Office Suite:** To bring in speed, accuracy, accountability and transparency in office work, it has been decided in principle to implement E-Office Solution in the Income Tax Appellate Tribunal.

Implementation of E-Office in ITAT will also lead to less consumption of paper and therefore making office environment eco-friendly.

### **Establishment of New Benches:**

**Dehradun** - Suitable amendment was made in the Standing order of ITAT regarding jurisdiction of the Circuit Bench, Dehradun. The premises of ITAT at Dehradun establishing a Circuit Bench was inaugurated by the Hon'ble Law Minister in the august presence of the Hon'ble Chief Minister of Uttarakhand on 27<sup>th</sup> February, 2020.

**Varanasi** - Suitable amendment was made in the Standing order of ITAT regarding change of jurisdiction. Presently, the office of Principal CIT, Varanasi has provided space at Aayakar Bhawan, Varanasi on temporary basis to ITAT for establishing a circuit Bench at Varanasi.

### **Own Building of I.T.A.T.:**

Income Tax Appellate Tribunal (I.T.A.T.) had purchased land at Pune, Bengaluru, Jaipur, Lucknow, Cuttack, Kolkata & Guwahati for office-cum-residential accommodation. Further, the Ministry of Law & Justice has approved the proposal of I.T.A.T. for purchase of space for office premises for I.T.A.T. Delhi Benches through E-Auction at World Trade Centre, Nauroji Nagar, New Delhi, which is being developed by NBCC India Ltd.

### **Details of Status of Land / Building:**

**Pune:** A proposal for construction of Training Centre, Guest House and Staff Quarters has been approved and estimate of expenditure on Construction and preliminary drawings and layout has been received from CPWD, Mumbai.

- (i) **Bengaluru:** Construction work of building has been completed and the complex has been inaugurated by Hon'ble Prime Minister of India on 06.03.2019.
- (ii) **Lucknow:** Construction of office-cum-Residential complex has commenced and boundary wall have been constructed. During the current F.Y.2020-21 no authorization towards Construction of office-cum-Residential complex for ITAT, Lucknow Benches Lucknow could be made due to lack of funds under the major head "Capital Outlay" in this Financial Year.
- (iii) **Cuttack:** I.T.A.T., has completed the Construction of the Office Building and Staff quarters on a land admeasuring 1.601 acre at Cuttack which was allotted by Govt. of Odisha. The premises were inaugurated virtually by the Hon'ble Prime Minister in the august presence of the Hon'ble Chief Minister of Odisha and the Hon'ble Law Minister on 11<sup>th</sup> November, 2020.
- (iv) **Guwahati:** Taken over land of Central Inland Water Transport Corporation Ltd. (CIWTC) @ Rs.4.03 crore at Fancy Bazar, Guwahati and the matter regarding valuation of the super-structure of land parcel in the State of Assam is under process. The matter of delivery of possession of the property is being pursued with the Ministry of Shipping.
- (v) **Kolkata:** The WBHIDCO Ltd. has allotted 1.25 Acres of leasehold land letter dated 19.09.2019 at Financial & Legal Hub developed by West Bengal Housing Infrastructure Development Corporation Ltd. (WBHIDCO)] at a cost of Rs. 16 crore. A proposal has been sent to the CPWD, Kolkata for submission of preliminary Plan, Layout and estimated expenditure for construction of office building for ITAT, Kolkata Benches, Kolkata.
- (vi) **Ahmedabad:** A proposal for allotment of land for construction of office building for ITAT, Ahmedabad Benches, Ahmedabad have been sent to the State Govt of Gujarat. The State

Govt of Gujarat vide letter dated 09.03.2020 has offered 11,559 Sq. metres of land # @ Rs.61,640/- per sq. metre. (i.e., at a cost of Rs. 71.25 crore). The matter is being pursued with the State Government.

- (vii) **New Delhi:** ITAT has been allotted space of 63,780 sq.ft in World Trade Centre being built by NBCC India Ltd. at Nauroji Nagar, New Delhi at a total cost of Rs. 255.83 crore. An amount of Rs. 74.55 crore have so far been paid to NBCC, which is expected to build / provide the space by September, 2022. As of now, the construction is in full swing.
- (viii) **Raipur:** The Deputy Director of Estate (Regions), Ministry of Housing and Urban Affairs, New Delhi on dated 04.09.2020 conveyed the approval for allotment of office space admeasuring **8730 sq.ft** area in the newly constructed GPOA Building at Naya Raipur (Atal Nagar), Chhattisgarh to ITAT, Raipur Bench, Raipur. The partition work of the newly allotted office space is being carried out by the CPWD, Raipur and the office space after the completion of partition work is expected to be handed over to the ITAT in the near future.

### **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 Gujarat 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.

### **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.

### **Right to Information Act, 2005:**

It is being implemented by the Income Tax Appellate Tribunal.

25 Benches of ITAT have registered on the website of CIC, Delhi. 12 Public Authorities have submitted Annual Report for the year 2018-19. All 25 Public Authorities have submitted Annual Report for the year 2019-20. 10 Public Authorities have submitted Audit Report for the year 2019-20.

### **Other Important Events and Activigties:**

Hon'ble Prime Minister of India, Shri. Narendra Modi virtually inaugurated state of the art - office cum residential complex of ITAT, Cuttack on 11.11.2020.

Hon'ble Chief Justice of India, Mr. Justice S. A. Bobde inaugurated the 79<sup>th</sup> Foundation Day Celebrations and All India Members Conference of the Income Tax Appellate Tribunal (ITAT) on 24<sup>th</sup> January, 2020 in New Delhi. The conference was held during 24-25 January, 2020. Income Tax Appellate Tribunal celebrated its 79<sup>th</sup> Foundation Day on 25<sup>th</sup> January, 2020 at all its Benches.

The Union Law Minister, Shri. Ravi Shankar Prasad inaugurated the second Circuit Bench of ITAT at Dehradun on 27.02.2020 to cater to the appeals arising from the State of Uttarakhand.

“Swachhta Pakhwada” was organized at all the Benches of Income Tax Appellate Tribunal as per the guidelines of Ministry of Drinking Water and Sanitization, Government of India. “Swachhta Pledge” was administered to all officers and staff of ITAT on 02.10.2020.



Covid-19 Pledge was taken in all Benches of the ITAT on 08.10.2020.

Rashtriya Ekta Diwas was observed in all Benches of the ITAT on 31.10.2020.

Constitution Day was celebrated in all Benches of the ITAT on 26.11.2020.

Implementation of Official Language Policy:

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

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 number of officials under Hindi Teaching Scheme., Department of official language, Government of India.

Hindi workshops are also held in all the Benches for proper implementation of the Official Language policy and to encourage use of Hindi and to remove the hesitation of officers / employees to work in Hindi.

Every endeavor is being made for the progressive use of Hindi by doing the work in Hindi as much as in accordance with the provisions of the Official Language Act, 1963.

This year sufficient funds were provided to purchase Hindi Books at all the Benches. All offices of Income Tax Appellate Tribunal were instructed to make expenditure towards purchase of Hindi Books (i.e. 50% of total library grant) as per the Official Language policy and in accordance with the targets fixed by the Department of Official Language, Government of India.

With a view to create 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.

An Annual Journal ‘Srijan’ is published at Income Tax Appellate Tribunal, Mumbai. It contains photos of the Hindi Pakhwada Programmes, Hindi Workshops, besides articles, stories, poems and travelogues, etc. written by Members, Officers and employees of various Benches of ITAT.

#### **IMPLEMENTATION OF INSTRUCTIONS REGARDING REPRESENTATIVE IN SERVICES OF HANDICAPPED, SCHEDULED CASTES & SCHEDULED TRIBES, AND EX-SERVICEMEN ETC.**

The Government of India’s instructions regarding the concessions in appointments to the Handicapped, Scheduled Castes & Scheduled Tribes and Ex-Serviceman etc, were duly implemented during the year 2020-2021 and the statistics relating to representation of these categories in services of the Income-tax Appellate Tribunal is at **Annexure II**.

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 01.01.2021 is enclosed at **Annexures - III**.

#### **24. GENDER ISSUES**

The Complaints Committee under Section 4 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been set up by the Department vide Order dated 7<sup>th</sup> February, 2019, to look into the complaints on sexual harassment from employees of both the departments i.e Department of Legal Affairs and Legislative Department. The Complaints Committee shall be deemed to be the inquiring

authority appointed by the disciplinary authority for the purpose of CCS (CCA) Rules, 1965. The report of the Complaints Committee should be treated as enquiry report. It will examine the complaints made against sexual harassment by women employee(s) and, if necessary, conduct an enquiry. On completion of the same, the Committee will submit its findings to the Joint Secretary (Admin.I), D/o Legal Affairs for further necessary action. The Committee is presently headed by Dr. Reeta Vasishta, Additional Secretary, Legislative Department.

The representation of female employees in the Department of Legal Affairs and ITAT is given at **Annexure - IV**

## **25. 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 Additional Secretary who is appointed with the concurrence of Central Vigilance Commission. Vigilance Unit is presently headed by Shri R.S.Verma, 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 is observed every year.

## **26. CELEBRATION OF INTERNATIONAL YOGA DAY 2020**

In view of the prevailing covid-19 pandemic situation, International Yoga Day was celebrated in non-congregated way by encouraged the employees to perform Yoga at respective home of participants and avail the multiple mental and physical health benefits.

## 27. CONSTITUTION DAY

26<sup>th</sup> Nov, 2020 was celebrated as 'Constitution Day' in the Department of Legal Affairs at the Main Secretariat, Branch Secretariats at Kolkata, Chennai, Mumbai, Bengaluru, Office of the ITAT and by the Bar Council of India. The Celebration consisted of reading out of 'Preamble' to the Constitution of India by observing the norms of social distancing and other safety measures stipulated for the COVID-19 pandemic.



सत्यमेव जयते

# THE CONSTITUTION OF INDIA

## PREAMBLE

**WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens:

**JUSTICE**, social, economic and political;

**LIBERTY** of thought, expression, belief, faith and worship;

**EQUALITY** of status and of opportunity;

and to promote among them all

**FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation;

**IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

## 28. INITIATIVES TAKEN UNDER 'MINIMUM GOVERNMENT AND MAXIMUM GOVERNANCE'

### I. Simplification of official procedure:-

Admn.IV Section is cadre controlling authority for the employees belonging to 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.

### II. Digital India - Following initiatives have been taken under the Digital India Program.

#### a. LIMBS (Legal Information and Management Briefing System)

##### Background of LIMBS:

The Legal Information Management and Briefing System (LIMBS) is a web based application for monitoring of all court cases where Union of India is one of the parties. LIMBS came into existence for all Ministries/ Departments/autonomous Organisations/CPSUs in Feb, 2016, since then the application is working under the supervision of department of Legal Affairs, Ministry of Law and Justice (as Nodal Ministry). It is an innovative and easy to access online tool which is available 24x7 to all the stakeholders' viz., government officials, department users, Nodal officers, higher officials of Ministries and advocates.

#### b. LIMBS Ver.2 is an upgraded version of LIMBS.

It is a dashboard based system for the user Ministries/Departments on which they can see their cases at a glance. This version is backed with the use of Open Source technologies using Coordinator framework of PHP to enhance the security of the system and improve the efficiency of the system. Till date, LIMBS Ver.2 has captured 6.27 lakh court cases (including archive cases). There are approximately 14090 registered users, 19257 advocates, 3052 courts and 5715 arbitration cases on a single platform. Efforts have been made to automate and minimize the data entry process by integrating LIMBS with various Courts through APIs by which data from Courts portal will be easily fetched in LIMBS database.

Some of the Salient Features of LIMBS Ver. 2:

- **Dashboard**, users can view their ministry's progress viz., total no. of cases entered, pending cases, disposed of cases, cases pending for compliance, important cases, contempt cases, counsel wise top 10 cases, subject wise pending cases etc.
- **Integration** with Hon'ble Supreme Court, High Courts, Tribunals, District & Session Court websites through API to fetch data automatically. This will reduce manual entry feed to a great extent.
- **Data Entry of new case and Case Updation**- Now, users through different fields can update last hearing dates, next hearing dates and can upload relevant documents relating to a case using Compliance Entry under My Court Cases tab. Also, users can edit or add basic detail of cases viz., CNR no, advocate name & mobile no, brief history etc. using Case list from Updation tab.



- **Add Progress and Transfer of Cases-** Users can add day-to-day progress of the cases and can transfer cases to other users of same ministry/department or nodal officers of other ministries.
- **Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD) Cases-** Users can enter cases of disputes referred and disputes not referred. Also, they can view report under MIS Report tab.
- **Important Cases-** Nodal Officer has the facility to mark cases as ‘important’ after taking approval from the Secretary. Also, users can view important cases of their ministry/department under Important Cases tab.
- **Arbitration Cases-** Users can enter cases using Case Entry and can view entered cases using List under Arbitration tab.
- **MIS Reports-** Users can view statistical reports or summary reports viz., Case Status wise Summary, Case Category wise Summary, Financial Implication wise Summary, Court wise Summary, Decided Cases Summary, Total Report, Total Member list, Dispute Referred Cases, Disputes Not Referred Cases, Total Arbitration Cases, Total Raised bills, Total Nodal Officers list, Total User list, etc.
- **Nodal Officer and Local Admins** can activate all new users of his Ministry/Departments/ Sub- departments/Autonomous Organizations/CPSEs, etc, can change user profile, reset password and edit username.
- It provides single window to all the Ministries/Departments for **billing and payment of advocate fee.**
- **The Single Window Clearance (SWC) utility /Advice Module** has been developed to monitor delay in timelines of filing of SLPs/Appeal. This utility has been developed to bring all the stakeholders viz., Ministries, Department of Legal Affairs & Central Agency Section on single platform.

Advantages of LIMBS Ver.2:

- It is more user-friendly and is on an open platform.
- It has robust and flexible platform.
- Since it is more scalable, thus new features/modules can be added in future.
- User-friendly dashboard puts users to ease in viewing complete court case details at single place.

**c. NDSAP (National Data Sharing and Accessibility Policy)**

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

**d. E-Office**

The main objectives of e-office are:-

- 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.

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

IV. On-line processing of Pension cases - Pension cases are dealt online.

**29. DETAILS OF FOREIGN VISITS UNDERTAKEN BY THE HON'BLE MINISTER OF LAW & JUSTICE, OFFICERS OF THE DEPARTMENT OF LEGAL AFFAIRS AND LAW OFFICERS W.E.F. 01-01-2020 TO 19.01.2021:**

S. No.	Name & Designation	Country Name	Purpose of visit and duration.
1.	Sh. Anoop Kumar Mendiratta, Secretary	London, UK	To participate in UK-India Joint Consultative Committee (JCC) meeting from 24 <sup>th</sup> to 26 <sup>th</sup> February, 2020.
2.	Dr. Rajiv Mani, Joint Secretary & Legal Adviser	London, UK	To participate in UK-India Joint Consultative Committee (JCC) meeting from 24 <sup>th</sup> to 26 <sup>th</sup> February, 2020.
3.	Sh. R. K. Srivastava, Additional Legal Adviser	New York, USA	To participate in the 71 Session of United Nations Commission on International Trade Law (UNCITRAL) Working Group-II (Dispute Settlement) from 4 <sup>th</sup> to 7 <sup>th</sup> February, 2020.



4.	Sh. Raghvendra Singh Shrinet, Deputy Legal Adviser	Vienna, Austria	To participate in the (38 <sup>th</sup> ) Session of UNCITRAL Working Group III on Investor State Dispute Settlement Reform from 20 <sup>th</sup> to 24 <sup>th</sup> January, 2020.
5.	Sh. Arpit Anant Mishra, Assistant Legal Adviser	Brussels, Belgium	To participate in the Inter-Ministerial meeting for negotiation on the Extradition Treaty and Mutual Legal Assistance in Criminal matters from 22 <sup>nd</sup> to 24 <sup>th</sup> January, 2020.

**30. Status of Audit Observations :-**

**Audit Para No. 12.1 of Report No. 6 of 2020 reg. Grant for construction of Auditorium not used since January 2000.**

Sl. No.	Year	No. of Paras/ PA reports on which ATNs have been submitted to PAC after vetting by Audit	Details of the Paras/PA reports on which ATNs are pending.		
			No. of ATNs not sent by the Ministry even for the first time	No. of ATNs sent but returned with observations and Audit is awaiting their resubmission by the Ministry	No. of ATNs which have been finally vetted by audit but have not been submitted by the Ministry to PAC
12.1	Report No. 6 of 2020 reg. Grant for construction of Auditorium not used since January 2000.	N.A.	*	N.A.	N.A.

\*The Audit Para has been recorded in the Department of legal Affairs in January 2021 and the response / reply is yet to be prepared and vetted by IFD. The reply / ATN on draft Audit Para, duly vetted by IFD / FA was sent to DG, Audit in April, 2019.

## CHAPTER - II

### LEGISLATIVE DEPARTMENT (VIDHAI VIBHAG)

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 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 requires 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).

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 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 and Legislative Counsel, Additional Legislative Counsel, Deputy Legislative Counsel and Assistant Legislative Counsel and other supporting staff. The works 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 and Legislative Counsel or Additional Secretary, who in turn is assisted by a number of Legislative Counsels 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-V**.

### 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) Repeal of obsolete laws; and
  - (e) Miscellaneous laws.
4. During the period from 1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020, the Legislative Department has examined **98** Notes for the Cabinet/new legislative proposals in consultation with different administrative Ministries/Departments relating to the drafting Bills/Ordinances for introduction in the Houses of the Parliament. 42 Legislative Bill were forwarded to Parliament for introduction during this period. The list of Bills forwarded to Parliament during this period are as follow:-

Sl. No.	Title of the Bill
1.	The Aircraft (Amendment) Bill, 2020
2.	The Finance Bill, 2020
3.	The Direct Tax Vivad Se Vishwas Bill, 2020
4.	The Institute of Teaching and Research in Ayurveda Bill, 2020
5.	The Banking Regulation (Amendment) Bill, 2020

6.	The Medical Termination of Pregnancy Bill, 2020
7.	The Indian Institute of Information Technology Law (Amendment) Bill, 2020
8.	The Mineral Laws (Amendment) Bill, 2020
9.	The Major Port Authorities Bill, 2020
10.	The Appropriation Bill, 2020
11.	The Appropriation (No.2) Bill, 2020
12.	The Companies (Amendment) Bill, 2020
13.	The Jammu and Kashmir Appropriation Bill, 2020
14.	The Jammu and Kashmir Appropriation (No.2) Bill, 2020
15.	The Jammu and Kashmir Appropriation (No.3) Bill, 2020
16.	The Jammu and Kashmir Appropriation (No.4) Bill, 2020
17.	The Pesticide Management Bill, 2020
18.	The Assisted Reproductive (Regulation) Bill, 2020
19.	The Bilateral Netting of Qualified Financial Contracts Bill, 2020
20.	The National Forensic Science University Bill, 2020
21.	The Rashtriya Raksha University Bill, 2020
22.	The Epidemic Diseases (Amendment) Bill, 2020
23.	The Essential Commodities (Amendment) Bill, 2020
24.	The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 2020
25.	The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill, 2020
26.	The Homoeopathy Central Council (Amendment) Bill, 2020
27.	The Indian Medicine Central Council (Amendment) Bill, 2020
28.	The Salaries and Allowances of Ministers (Amendment) Bill, 2020
29.	The Banking Regulation (Amendment) Bill, 2020
30.	The Factoring Regulation (Amendment) Bill, 2020
31.	The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020
32.	The Insolvency and Bankruptcy Code (Second Amendment) Bill, 2020
33.	The National Commission for Allied and Healthcare Professions Bill, 2020
34.	The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Bill, 2020
35.	The Appropriation (No.3) Bill, 2020

36.	The Appropriation (No.4) Bill, 2020
37.	The Jammu and Kashmir Official Language Bill, 2020 (Notice for introduction Withdrawn by Administrative Ministry from the Lok Sabha)
38.	The Industrial Relations Code, 2020
39.	The Code on Social Security, 2020
40.	The Occupational Safety, Health and Working Conditions Code, 2020
41.	The Foreign Contribution (Regulation) Amendment Bill, 2020
42.	The Jammu and Kashmir Official Language Bill, 2020.

5. Out of the Bills which were pending before Parliament and those introduced during the period from 01.01.2020 to 31.12.2020, forty Bills have been enacted into Acts including one Constitutional Amendment Act. The list of the Acts enacted during this period are as follow:-

Sl. No.	Title of the Act
1.	The Constitution (One Hundred and Fourth Amendment) Act, 2019
2.	The Insolvency and Bankruptcy Code (Amendment) Act, 2020 <b>(1 of 2020)</b>
3.	The Mineral Laws (Amendment) Act, 2020 <b>(2 of 2020)</b>
4.	The Direct Tax Vivad se Vishwas Act, 2020 <b>(3 of 2020)</b>
5.	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2020 <b>(4 of 2020)</b>
6.	The Central Sanskrit Universities Act, 2020 <b>(5 of 2020)</b>
7.	The Appropriation Act, 2020 <b>(6 of 2020)</b>
8.	The Appropriation Act (No.2) Act, 2020 <b>(7 of 2020)</b>
9.	The Jammu and Kashmir Appropriation Act, 2020 <b>(8 of 2020)</b>
10.	The Jammu and Kashmir Appropriation (No.2) Act, 2020 <b>(9 of 2020)</b>
11.	The Jammu and Kashmir Appropriation (No.3) Act, 2020 <b>(10 of 2020)</b>
12.	The Jammu and Kashmir Appropriation (No.4) Act, 2020 <b>(11 of 2020)</b>
13.	The Finance Act, 2020 <b>(12 of 2020)</b>
14.	The Aircraft (Amendment) Act, 2020 <b>(13 of 2020)</b>
15.	The National Commission for Indian System of Medicine Act, 2020 <b>(14 of 2020)</b>
16.	The National Commission for Homoeopathy Act, 2020 <b>(15 of 2020)</b>
17.	The Institute of Teaching and Research in Ayurveda Act, 2020 <b>(16 of 2020)</b>
18.	The Insolvency and Bankruptcy Code (Second Amendment) Act, 2020 <b>(17 of 2020)</b>
19.	The Salaries and Allowances of Ministers (Amendment) Act, 2020 <b>(18 of 2020)</b>



<b>20.</b>	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2020 <b>(19 of 2020)</b>
<b>21.</b>	The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 <b>(20 of 2020)</b>
<b>22.</b>	The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 <b>(21 of 2020)</b>
<b>23.</b>	The Essential Commodities (Amendment) Act, 2020 <b>(22 of 2020)</b>
<b>24.</b>	The Jammu and Kashmir Official Language Act, 2020 <b>(23 of 2020)</b>
<b>25.</b>	The Homoeopathy Central Council (Amendment) Act, 2020 <b>(24 of 2020)</b>
<b>26.</b>	The Indian Medicine Central Council (Amendment) Act, 2020 <b>(25 of 2020)</b>
<b>27.</b>	The Appropriation (No.4) Act, 2020 <b>(26 of 2020)</b>
<b>28.</b>	The Appropriation (No.3) Act, 2020 <b>(27 of 2020)</b>
<b>29.</b>	The Indian Institutes of Information Technology Laws (Amendment) Act, 2020 <b>(28 of 2020)</b>
<b>30.</b>	The Companies (Amendment) Act, 2020 <b>(29 of 2020)</b>
<b>31.</b>	The Bilateral Netting of Qualified Financial Contracts Act, 2020 <b>(30 of 2020)</b>
<b>32.</b>	The Rashtriya Raksha University Act, 2020 <b>(31 of 2020)</b>
<b>33.</b>	The National Forensic Sciences University Act, 2020 <b>(32 of 2020)</b>
<b>34.</b>	The Foreign Contribution (Regulation) Amendment Act, 2020 <b>(33 of 2020)</b>
<b>35.</b>	The Epidemic Diseases (Amendment) Act, 2020 <b>(34 of 2020)</b>
<b>36.</b>	The Industrial Relations Code, 2020 <b>(35 of 2020)</b>
<b>37.</b>	The Code on Social Security, 2020 <b>(36 of 2020)</b>
<b>38.</b>	The Occupational Safety, Health and Working Conditions Code, 2020 <b>(37 of 2020)</b>
<b>39.</b>	The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 <b>(38 of 2020)</b>
<b>40.</b>	The Banking Regulation (Amendment) Act, 2020 <b>(39 of 2020)</b>

- 6.** A total of fifteen Ordinances have been promulgated by the President under article 123 of the Constitution during the said period which are as follows, namely: -

Sl. No.	Title of the Ordinance
<b>1.</b>	The Mineral Laws (Amendment) Ordinance, 2020 <b>(1 of 2020)</b>
<b>2.</b>	The Taxation and Other Laws (Relaxation of Certain Provisions) Ordinance, 2020 <b>(2 of 2020)</b>
<b>3.</b>	The Salary, Allowances and Pension of Members of Parliament (Amendment) Ordinance, 2020 <b>(3 of 2020)</b>

4.	The Salaries and Allowances of Ministers (Amendment) Ordinance, 2020 (4 of 2020)
5.	The Epidemic Diseases (Amendment) Ordinance, 2020 (5 of 2020)
6.	The Homoeopathy Central Council (Amendment) Ordinance, 2020 (6 of 2020)
7.	The Indian Medicine Central Council (Amendment) Ordinance, 2020 (7 of 2020)
8.	The Essential Commodities (Amendment) Ordinance, 2020 (8 of 2020)
9.	The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2020 (9 of 2020)
10.	The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020 (10 of 2020)
11.	The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020 (11 of 2020)
12.	The Banking Regulation (Amendment) Ordinance, 2020 (12 of 2020)
13.	The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020 (13 of 2020)
14.	The Arbitration and Conciliation (Amendment) Ordinance, 2020 (14 of 2020).
15.	The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020

7. A total of six Regulations have been issued under article 240 of the Constitution which are as follows, namely:-

Sl. No.	Title of the Regulation
1.	The Union territory of Dadra and Nagar Haveli and Daman and Diu Goods and Service tax (Amendment) Regulation, 2020
2.	The Union territory of Dadra and Nagar Haveli and Daman and Diu Central Goods and Service tax (Amendment) Regulation, 2020
3.	The Dadra and Nagar Haveli Value added Tax (Amendment) Regulation, 2020
4.	The Dadra and Nagar Haveli and Daman and Diu (Extension with modification of the Goa, Daman and Diu Excise Duty Act, 1964) Excise Regulation, 2020
5.	The Dadra and Nagar Haveli and Daman and Diu (Repeal) Regulation, 2020
6.	The Laccadive, Minicoy and Amandivi Island Land Revenue and Tenancy (Amendment) Regulation, 2020

## 8. SUBORDINATE LEGISLATION

During the period from 1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020, a total of 2070 statutory rules, regulations, orders and notifications have been scrutinised and vetted by this Department.

## 9. 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 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 the 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.

## 10. 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,

reform of these laws/rules made thereunder and matters pertaining/incidental thereto:

- (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; and
  - (vi) The Tamil Nadu Legislative Council Act, 2010.
2. The electoral system of the country, which is also called the first-past-the- post system of elections, has completed about seventy years. We have covered the journey of these seventy years 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. 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. Every single ballot has proved extremely valuable. In such a scenario, allegations and counter-allegations are invariably made. Some inroads by corrupt and criminal elements has posed a challenging task for the conduct of free and fair elections.
  3. The aforesaid scenario, which has been continuously changing, 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. The Conduct of Elections Rules, 1961 were amended vide notification dated 22<sup>nd</sup> Oct, 2019. The object of the amendment is to provide for postal ballot facility for aged people and persons with disability (PWDs) and also for those who are not in a position to be present in their polling station on the day of poll owing to exigencies of their service conditions.

## **11. ELECTRONIC VOTING MACHINES**

The Electronic Voting Machine (EVM), the replacement of the ballot box is mainstay in the electoral process. First conceived in 1977 in the Election Commission, the Electronics Corporation of India Ltd. (ECIL), Hyderabad was assigned the task to design and develop it. In 1979, a proto-type was developed, which was demonstrated by the Election Commission before the representatives of political parties on 6th August, 1980. The Bharat Electronic Ltd. (BEL), Bangalore, another public sector undertaking, was co-opted along with ECIL to manufacture EVMs once a broad consensus was reached on its introduction.

First time use of EVMs occurred in a bye-election in Kerala in May, 1982. However, the absence of a

specific law prescribing its use led to the Supreme Court striking down that election. Subsequently, in 1989, the Parliament amended the Representation of the People Act, 1951 to create a provision for the use of EVMs in the elections. A general consensus on its introduction could be reached only in 1998 and these were used in 25 legislative assembly constituencies spread across three States of Madhya Pradesh, Rajasthan and Delhi. Its use was further expanded in 1999 to 45 parliamentary constituencies and later, in February 2000, to 45 assembly constituencies of the Haryana assembly elections. In the State assembly elections, held in May 2001, in the States of Tamil Nadu, Kerala, Puducherry and West Bengal, the EVMs were used in all the assembly constituencies. Since then, for every State assembly elections, the Commission used the EVMs. In 2004, in the general elections to the Lok Sabha, the EVMs (more than one million) were used in all 543 parliamentary constituencies in the country. EVMs have been used in all elections since 2004.

The design and application of EVMs in the elections are considered a significant achievement in global democracy. It has brought more transparency, swiftness, and acceptability in the system. It has also helped in creating a vast pool of election officials well versed in its use. In its evolution, the Commission has issued series of instructions, frequently asked questions, and technical guidelines. A number of judicial pronouncements has also helped in making the EVMs an integral component of our electoral system.

## **12. TECHNICAL EXPERT COMMITTEE**

ECI-EVMs were endorsed by a technical experts sub-committee appointed by the Government of India at the initiative of the Goswami Committee on Electoral Reforms in 1990. This Committee was headed by Prof. S. Sampath, then Chairman RAC, Defense Research and Development Organization, with Prof. P.V. Indiresan, then with IIT, Delhi and Dr. C. Rao Kasarbada, the then Director, Electronics Research and Development Center, Trivandrum as members. The Commission has been consulting a group of technical experts on all EVM related technical issues. In November, 2010, the Commission has expanded its Technical Expert Committee by including two more experts.

All the matters, related to upgradation and disposal of EVMs, are consulted with the Technical Expert Committee (TEC) and thereafter a decision in the matter is taken. At present, the Commission has a stock of 17.8 lakh Ballot Units, 11.8 lakh Control Units and 17.45 lakhs of Voter Verifiable Paper Audit Trail Units (VVPATs) of latest M-3 series.

## **13. STATUS FOR THE PROGRESS OF ELECTORS' 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 attains 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

eighteen. 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.

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:----

- (i) Special photography campaigns are organized to make EPIC of all voters;
- (ii) Photographs of electors in the cases where these are not available in the electoral database are collected/taken by conducting a special drive from time to time;
- (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 so as to ensure hassle free enrolment and issue of EPIC to all newly registered electors.

Latest data w.r.t. 01-01-2021 as the qualifying date in respect of coverage of EPIC in States/UTs, available in the Commission is given below:-

#### **STATEMENT SHOWING THE STATUS OF EPIC, 2020**

<b>S. No.</b>	<b>Name of the State/Union Territories</b>	<b>EPIC Coveragae %</b>
1	Andhra Pradesh	99.98
2	Arunachal Pradesh	100.00
3	Assam	99.53
4	Bihar *	100.00
5	Chhattisgarh	99.81
6	Goa	99.99
7	Gujarat	100.00
8	Haryana	100.00
9	Himachal Pradesh	100.00
10	Jammu & Kashmir and Ladakh #	93.19
11	Jharkhand	99.99
12	Karnataka	100.00
13	Kerala	100.00
14	Madhya Pradesh	100.00
15	Maharashtra	97.17



16	Manipur	98.00
17	Meghalaya	100.00
18	Mizoram	100.00
19	Nagaland	97.96
20	Odisha	99.14
21	Punjab	100.00
22	Rajasthan	99.99
23	Sikkim	100.00
24	Tamil Nadu	100.00
25	Telangana	99.99
26	Tripura	100.00
27	Uttrakhand	100.00
28	Uttar Pradesh	100.00
29	West Bengal	100.00
30	Andaman & Nicobar Islands	96.97
31	Chandigarh	100.00
32	Dadra and Nagar Haveli	100.00
33	Daman and Diu	98.36
34	National Capital Territory of Delhi	100.00
35	Lakshadweep	100.00
36	Puducherry	100.00
	<b>ALL India</b>	<b>99.44</b>

# Data of year 2019 for the UTs of J&K and Ladakh as SSR, 2020 & 2021 have to been conducted in these UTs.

\*Data for State of Bihar is as per draft roll in respect of SSR-2021 w.r.t. 01-01-2021 as the qualifying date.

#### **14. VOTER VERIFIABLE PAPER AUDIT TRAIL (VVPAT)**

The Government of India notified the amended Conduct of Elections Rules, 1961 on 14<sup>th</sup> August, 2013, enabling the Commission to use Voter Verifiable Paper Audit Trail(VVPAT) with EVMs. The Commission used VVPAT with EVMs first time in bye-election from 51-Noksen (ST) Assembly Constituency of Nagaland. Thereafter, VVPAT units were used in selected constituencies in every election to Legislative Assembly and 8 Parliamentary Constituencies in General Election to the House of the People-2014. The Election Commission has used VVPAT units in all constituencies in the assembly elections held in Gujarat and Himachal Pradesh in November- December 2017. The Commission used EVMs and VVPATs in the recently concluded General Election to Bihar Legislative Assembly 2020 as well as bye-elections to Assembly and Parliamentary Constituencies in the States of Bihar, Chhattisgarh, Haryana, Jharkhand, Gujarat, Karnataka, Madhya Pradesh, Manipur, Nagaland, Odisha, Telangana and Uttar Pradesh.

The Commission has procured 17.45 Lakh VVPAT units on the manufacturers namely; M/s. Bharat Electronics Limited, Bangalore and M/s. Electronics Corporation of India Limited, Hyderabad which were deployed in all constituencies in General Election to Lok Sabha, 2019.

Voter Verifiable Paper Audit Trail is an independent system attached with the Electronic Voting Machines that allows the voters to verify that their votes are cast as intended. When a vote is cast, a slip is printed containing the serial number, name and symbol of the candidate and remains exposed through a transparent window for 7 seconds. Thereafter, this printed slip automatically gets cut and falls in sealed drop box of the VVPAT.

## 15. COURT CASES INVOLVING ELECTION LAWS

Legislative Department, being administratively in-charge of various election laws has also to handle various court cases involving validity of election laws. In the beginning of the year 2020, there were 291 cases pending in the Supreme Court and different High Courts on election related matter. During the said year, 21 fresh cases were received, in which para-wise comments, counter affidavits and appropriate instructions, as the case may be, have been conveyed to the concerned Government Counsels. A special exercise to reexamine the status of the pending cases was carried out and now as per the fresh count, 118 additional cases have been disposed of making total disposed cases as 238. Now there are about 194 cases relating to Election Laws pending before the Supreme Court and various High Courts. All cases are being effectively monitored.

## 16. CONDUCT OF PARLIAMENTARY WORK

During the year 2020-21, 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	97
2.	Rajya Sabha Questions.	67
3.	Private Members' Bill in Lok Sabha.	14
4.	Private Members' Bills in Rajya Sabha	03
5.	Private Members' Resolutions	01
6.	Calling Attention Notices in Lok Sabha.	-
7.	Calling Attention Notices in Rajya Sabha.	03
8.	Short Duration Discussion in Lok Sabha.	-
9.	Matter raised during Zero Hour	17
10.	Matter raised under Rule 377 in Lok Sabha.	02
11.	Special Mention in Rajya Sabha.	06

## 17. LEGISLATION IN CONCURRENT LIST

As per the Government of India (Allocation of Business) Rules, 1961, the following subjects which fall

under List III of the Concurrent List of the Seventh Schedule to the Constitution have been allocated to this Department as regards legislation namely: –

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

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

Reports of the Law Commission of India on personal laws and on certain subjects mentioned in List III of the Concurrent List of the Seventh Schedule to the Constitution, with which this Department is administratively concerned are being examined in consultation with the concerned Ministries/Departments of Central Government, State Governments/ Union territories.

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

The Joint Parliamentary Committee on Office of Profit, which is constituted during the tenure of each Lok Sabha (since the Second Lok Sabha), undertakes the work of continuous scrutiny in respect of nature, character and composition of Offices of Profit, statutory and non-statutory bodies under the Government of India or any State Government with a view to recommend to the Government of India for amending the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

## **20. PETITIONS AND OTHER COURT CASES RELATING TO PERSONAL LAWS AND OTHER SUBJECTS**

The Legislative Department, being in-charge of personal laws and matters relating to List III of the Concurrent List of the Seventh Schedule to the Constitution, such as, the 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 various High Courts. During the period from 1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020, twenty four fresh cases have been received. Parawise comments, counter affidavits and appropriate instructions, as the case may be, have been prepared and conveyed to the Government Counsel.

## **21. 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, 2020 to 31<sup>st</sup> December, 2020, one hundred two such references relating to State Bills/Ordinances have been scrutinised.

## 22. CONDUCT OF PARLIAMENTARY WORK

During the year 2020, Legislative III Section has handled Parliament Questions, both starred and unstarred and other references in respect of the subjects allocated to the Section. The numbers of Parliamentary reference are as under:-

Sl. No.	Item of business	Figures
1.	Lok Sabha Questions	7
2.	Rajya Sabha Questions	4
3.	Private Member Bills	4
4.	Matter of Public Importance	1

Besides the above, briefs relating to Private Members' Bill and Resolutions were also prepared in the Department. Further, replies to the Parliament Questions were also transmitted electronically in addition to forwarding their hard copies.

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

Legislative drafting is a specialised job which involves drafting skills and expertise. Apart from in-depth knowledge of laws and their regular updation, continuous and sustainable efforts are required to enhance the skills of legislative drafting. The Officers of the Central Government, State Governments and Union territory Administrations dealing with legislative proposals and the students of law need training and orientation to develop the aptitude and the skills in legislative drafting.

2. In January, 1989, with a view to increase the availability of trained officers to deal with legislative proposals as also 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.
3. The ILDR conducts one Basic Course and one Appreciation Course in Legislative Drafting every year which are as follows:-
  - (i) The Basic Course is of three months' duration and meant for the middle level officers of the State Governments/Union territories.
  - (ii) The Appreciation Course is of fifteen days' duration for middle level officers of Central Government Ministries/Departments/Attached/Subordinate Offices and Central Public Sector Undertakings.
  - (iii) Voluntary Internship Scheme for students of law. This Scheme is intended to motivate students in creating interest in legislative drafting skills and secure knowledge about the nature and working of the Legislative Department. The Voluntary Internship Scheme has been devised for Law students who are studying in Third Year of Three Year LLB Course or Fourth or

Fifth year of Five year LLB course, from four to six weeks. The said scheme has been started from the year 2013.

- (iv) So far, the ILDR has conducted 23 Appreciation Courses and 31 Basic Courses on Legislative Drafting. A total of 344 officers of State Governments handling legislative proposals have been trained through Basic Course and 386 officers from Central Government Ministries / Departments associated with legislative proposals have been benefitted through Appreciation Course. Further, 295 students from various Universities and Colleges have been benefitted by the Voluntary Internship Scheme.
4. The following activity has been performed by ILDR during the period namely: -
    - (i) Twenty-third Appreciation Course in Legislative Drafting from 14<sup>th</sup> February, 2020 to 28<sup>th</sup> February, 2020. Thirty three trainee officers were benefitted by the Appreciation Course.
    - (ii) Imparted training to the trainee officers of thirty-fifth International Program in Legislative Drafting organised by the Parliamentary Research and Training Institute for Democracies (PRIDE) (erstwhile BPST) Lok Sabha Secretariat on 5<sup>th</sup> February, 2020. Thirty-eight participants from various countries were benefitted.
  5. On the basis of evaluation of activities of ILDR complying with the guidelines of Quality Management System Manual (QMSM), ILDR has secured the upgradation of ISO certification from ISO 9001:2008 to ISO 9001:2015.

## 24. E- GOVERNANCE INITIATIVES

### (i) **Content Management Framework (CMF based official website):**

The Legislative Department has launched its Content Management Framework (CMF) based official website. The said CMF based website of the Department has been issued with 'Certified Quality Website' (CQW) Certificate after due verification by the Standardisation Testing and Quality Certification Directorate, Ministry of Electronics and Information Technology. The said Open Source Content Management Framework developed by National Informatics Centre (NIC) is Guidelines for Indian Government Websites (GIGW) compliant.

### (ii) **Implementation of e-Office Lite:**

Implementation of e-Office(Lite) for tracking purposes, as part of good governance and being an important Mission Mode Projects of the Government, has been made operational in the Legislative Department.

### (iii) **Cyber Security Instructions to thwart any possible cyber attack in the Legislative Department:**

Compliance of E-Governance Policy under Information Technology in coordination with National Informatics Centre to counter cyber threats are done periodically. The Cyber Security Instructions as provided by the Government from time to time to sensitise the officers

and staff of the Legislative Department on the continuing threat of data pilferage, hacking and similar cyber attacks by non-State entities have also been circulated for strict adherence in order to thwart any possible cyber attack and secure the Department's website.

## **25. RIGHT TO INFORMATION (RTI) APPLICATIONS**

Consequent upon the enactment of the Right to Information Act, 2005 (22 of 2005), the Legislative Department constituted a Right to Information Cell with effect from the 12<sup>th</sup> August, 2005 with one Appellate Officer, one Central Public Information Officer and one Central Assistant Public Information Officer. At present Shri Udaya Kumara, Joint Secretary and Legislative Counsel, Shri P. C. Meena, Deputy Secretary and Ms. Vidyawati, Under Secretary are functioning as the Appellate Authority, Central Public Information Officer and the Central Assistant Public Information Officer respectively. This Department has launched a separate webpage under the caption "Right to Information" on the Department's official website and maximum information pertaining to this Department have 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 said Act. Further, contact e-mail addresses have been created in coordination with the NIC Cell for the Appellate Authority and Central Public Information Officer of this Department, so as to make this Department's official website more user friendly for the public to utilize 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).

Keeping in view, the various provisions of Right to Information (RTI) Act, 2005, the applications received from the applicants are thoroughly examined and the available information collected from the 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 provision 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 the year (1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020) seven hundred twenty-seven (727) 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 Right to Information Act, 2005 and the rules made thereunder. One hundred four (104) first appeals were preferred before the Appellate Authority out of which one hundred four (104) cases were duly disposed off on merits (during the period of (1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020). As per the trends of inflow of applications, it is expected that some 300 more applications are expected during the remaining three months of 2020-2021. On account of handling of RTI cases this Department has earned Rs.1246/- towards application fee and copying charges till December, 2020.

## **26. CORRECTION SECTION**

### **MAINTENANCE OF CENTRAL AND STATE CODES**

#### **Central Acts**

The Correction Section is responsible for maintenance and updation of the Central legislations, the Constitution of India and Orders issued thereunder, Manual of Election Laws, Central Ordinances, Regulations, President's Acts and compilation of State Acts for the use of officers in the Ministry of Law and Justice. This Section



maintains master copies of the India Code, which contains unrepealed Central Acts as a reference for the Minister-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 work of updating of Central Acts is an ongoing process and the enforced Central Acts of year 2020 have been updated in the master copy of the India Code.

This Section was entrusted with the work of uploading of unrepealed Central Acts, Regulations, Ordinances etc., from the year 2017 onwards on the official website of our Department at [www.legislative.gov.in](http://www.legislative.gov.in). Therefore, this section uploaded unrepealed Central Acts which are in force from year 2017 on the said official website of the Department, [www.legislative.gov.in](http://www.legislative.gov.in), which are available under the heading “Legislative References”. After creation of India Code Unit in the Department, uploading of Central Acts is now being done by the said India Code Unit. As per the directions of the Secretary, Legislative Department, a hyperlink (<https://indiacode.nic.in>) for India Code Portal is created in the official website ([www.legislative.gov.in](http://www.legislative.gov.in)) under heading “India Code”. In addition to this, the Section also uploaded 14 Central Ordinances and 6 Central Regulations of the year 2020 on the official website of the Department. A List of Central Acts arranged, both alphabetically and chronologically, has also been uploaded on the official website of Legislative Department at [www.legislative.gov.in](http://www.legislative.gov.in) under the heading ‘Documents’.

In year 2020, the Section has downloaded Gazette copies of thirty-nine Acts of Parliament (including one Finance Act and eight Appropriation Acts), fifteen Central Ordinances and Six Central Regulations from the official website of the Directorate of Printing, Department of Publication at <http://www.egazette.nic.in>. The section has prepared a folder of Acts passed by the Parliament in year 2020 and incorporated amendments of sixteen amending Acts in the master copies of the principal Acts. The details of Acts, Ordinances and Regulations downloaded are as follows namely:-

**(A). Principal Acts downloaded in the year 2020 (excluding Appropriation Acts and Finance Act):**

1. The Direct Tax Vivad Se Vishwas Act, 2020.
2. The Central Sanskrit University Act, 2020.
3. The National Commission for Indian System of Medicine Act, 2020.
4. The National Commission for Homoeopathy Act, 2020.
5. The Institute of Teaching and Research in Ayurveda Act, 2020.
6. The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020.
7. The Farmer’s Produce Trade and Commerce (Promotion and Facilitation) Act, 2020.
8. The Jammu and Kashmir Official Languages Act, 2020.
9. The Bilateral Netting of Qualified Financial Contracts Act, 2020.
10. The Rashtriya Raksha University Act, 2020.
11. The National Forensic Sciences University Act, 2020.
12. The Industrial Relations Code, 2020.

13. The Code on Social Security, 2020.
14. The Occupational Safety, Health and Working Conditions Code, 2020.
- (B). Amendment Acts downloaded in year 2020:**
  1. The Insolvency and Bankruptcy Code (Amendment) Act, 2020.
  2. The Mineral Laws (Amendment) Act, 2020.
  3. The Finance Act, 2020.
  4. The Aircraft (Amendment) Act, 2020.
  5. The Insolvency and Bankruptcy Code (Second amendment) Act, 2020.
  6. The Salaries and Allowances of Ministers (Amendment) Act, 2020.
  7. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2020.
  8. The Essential Commodities (Amendment) Act, 2020.
  9. The Homoeopathy Central Council (Amendment) Act, 2020.
  10. The Indian Medicine Central Council (Amendment) Act, 2020.
  11. The Indian institutes of Information Technology Laws (Amendment) Act, 2020.
  12. The Companies (Amendment) Act, 2020.
  13. The Foreign Contribution (Regulation) Amendment Act, 2020.
  14. The Epidemic Diseases (Amendment) Act, 2020.
  15. The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020.
  16. The Banking Regulation (Amendment) Act, 2020.

**(C). Ordinances downloaded in year 2020:**

1. The Mineral Laws (Amendment) Ordinance, 2020.
2. The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Ordinance, 2020.
3. The Salary, Allowances and Pension of Members of Parliament (Amendment) Ordinance, 2020
4. The Salaries and Allowances of Ministers (Amendment) Ordinance, 2020.
5. The Epidemic Diseases (Amendment) Ordinance, 2020.
6. The Homoeopathy Central Council (Amendment) Ordinance, 2020.
7. The Indian Medicine Central Council (Amendment) Ordinance, 2020.
8. The Essential Commodities (Amendment) Ordinance, 2020.
9. The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2020.
10. The Farmer's Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020.
11. The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020.

12. The Banking Regulation (Amendment) Ordinance, 2020.
13. The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020.
14. The Arbitration and Conciliation (Amendment) Ordinance, 2020.
15. The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020.

**(D). Regulations downloaded in year 2020:**

1. The Union territory of Dadra and Nagar Haveli and Daman and Diu Goods and Services Tax (Amendment) Regulation, 2020.
2. The Union territory of Dadra and Nagar Haveli Daman and Diu Central Goods and Services Tax (Amendment) Regulation, 2020.
3. The Dadra and Nagar Haveli Value Added Tax (Amendment) Regulation, 2020.
4. The Union territory of Dadra and Nagar Haveli Daman and Diu (Extension with Modifications of the Goa, Daman and Diu Excise Duty Act, 1964) Excise Regulation, 2020.
5. The Dadra and Nagar Haveli and Daman and Diu (Repeal) Regulation, 2020.
6. The Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy (Amendment) Regulation, 2020.

Based on the Acts of Parliament, the amendments have been carried out in the master copies of the principal Acts. During the year 2020, 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 Acts.

During the year 2020, the Section has received a total of 80 State Acts and 24 Ordinances from 9 States, namely, Kerala, Maharashtra, Madhya Pradesh, Assam, Delhi, Mizoram, Andhra Pradesh, Tamil Nadu and Telangana. All Acts and Ordinances have been kept in the relevant registers and folders.

## **27. INDIA CODE UPDATION UNIT**

Each year number of legislations (both Principal Acts and Amending Acts) are passed by the legislature and it is difficult for judiciary, lawyers as well as citizens to refer relevant and up to date Acts when required. This can be solved by building up an exhaustive repository of all the Acts and Amendments in one place which is open to all. A need has been felt for the development of building up Central repository of all the Acts and their subordinate legislations (made from time to time) at one place which are easily accessible to all stakeholders with a view to make such laws available in up-to-date form when required by public, lawyers, judges, etc., and to avoid private publishers from exploiting the general public with enormous prices by claiming published updated laws as their copyrighted work. In fact, this is the most vital reason why should make India Code available over internet. Keeping all these aspects in view, India Code Information System (ICIS), a one stop digital repository of all the Central and State Legislations including their respective subordinate legislations has been developed with the help of NIC under the guidance of Ministry of Law

and Justice (Legislative Department). It is an important step in ensuing legal empowerment of all citizens as well as the object of **ONE**

## **NATION –ONE PLATFORM.**

### **SALIENT FEATURES**

The main object of this system is to provide a one stop repository of all the Acts and Legislations in India in the latest and updated format as and when required by the general public, lawyers, judges and all other interested parties. With the help of this system, not only the procedures of locating the relevant precedents and amendments will be highly simplified but retrieving any Central or State Act of one's interest in an up-to-date form will be made User-Friendly and accessible at push of few buttons. A mobile application has also been developed through which such information could be accessible on mobile from anywhere. This system will promote public knowledge on all laws made in India. It will also help as effective information management to support the work of the administrative authorities and provision of ready access to it by the public in digital form.

This repository shall consist of all the Central Acts and State Acts. It is a central database repository which shall contain all laws made in India. As and when any new Acts, amendments to existing Acts are passed and subordinate legislations are made, respective authority has been provided with the facility to upload on central repository.

Under ICIS, [indiacode.nic.in](http://indiacode.nic.in) website has been developed which consist of all Central as well as State Acts along with their Subordinate Legislations. All Central Acts and State Acts will provide details relating to Sections, Schedules, Short titles, Enactment Dates and also very significant Foot-Notes in every Act. **Search facility has been made available on the following fields namely:-**

1. Act Year
2. Act Number
3. Enactment Date
4. Short Title
5. Ministry
6. Department

A Free Text Search is also available.

### **MAJOR E-GOVERNMENT INITIATIVES**

With the help of this system, any member of the public can have access to the existing enactments and also the procedures of locating the relevant precedents and amendments being simplified for retrieving any Central Act and State Act including any subordinate legislation made thereunder. The up to date legislative documents will be made extremely User-Friendly and accessible at push of few buttons.

As an on ongoing process of updating and uploading of Central Acts on the India Code website, Central Acts from the years 1838 to 2020 have been updated and uploaded. As far as updating and uploading of subordinate legislations are concerned, all the administrative Ministries and Departments in the Government

of India have been requested to make available the updated versions and many Ministries/Departments have completed uploading of their subordinate legislations.

The ICIS is a major E-Government initiative containing all existing Central and State Acts of country having largest democracy at one place, therefore, available Acts are referred nationally as well as internationally by law makers, Judiciary, Academicians, Law Students, etc., Thus, web portal is accessed globally. The ICIS prevents the monopoly of private publishers who may claim copy rights of their publication for the citizen for their own laws.

## **28. PRINTING SECTION**

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, Delimitation Orders and other statutory instruments before sending them to Press. The Printing Sections are checking the proofs of the Bills, etc., at multiple stages and after approval, the same are sent to Legislative I Section of the Department, which forwards them to Lok Sabha/Rajya Sabha Secretariat 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 Bills are examined at various stages, namely, 'To be/As introduced' stage, 'As passed by the Lok Sabha/Rajya Sabha' stage, 'As passed by both the 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 scrutinized 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, the Printing Sections have also undertaken the updating of the modified editions of the Central Acts as per the requirements of this Department.
3. During the period from 1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020 the Printing I and Printing II Sections have performed the following tasks, namely:
  - (a) edited manuscripts and checked the proofs, scrutinized copies of 69 Bills, 40 Bill Gazettes, 15 Ordinances and 6 Regulations;
  - (b) 40 A-4 Acts have been prepared;

## **29. GENERAL STATUTORY RULES AND ORDERS (GSRO) SECTION**

1. G.S.R.O Section is a reference Section which maintains rules, orders, etc., made under the Acts included in the India Code. As per the work allocation of this Department, the works assigned to G.S.R.O Section are –
  - (i) to compile General Statutory Rules and Orders made under Acts included in the India Code;

- (ii) to prepare and finalise the manuscripts of notifications issued under respective Central Acts and to be brought out by respective administrative Ministries/Departments as Part-II, a companion publication to Part-I in respect of modified editions brought out by the publication Section of this Department.
2. The subordinate legislations, namely, general statutory rules and orders, notifications, etc., under an enactment is prepared and issued by the Ministry or Department which is administratively concerned with the Act, after vetting by the Legislative Department. 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 have been formulated. 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.
3. The General Statutory Rules and Orders (GSRO) Section has during the year 2020 sorted out the Gazette notifications relating to subordinate legislation issued by various Ministries/Departments under Part-II, Section 3, Sub- sections (i) and (ii), both pertaining to Ordinary and Extraordinary. Entries of various notifications have been made in the alphabetical registers along with corrections relating to Part-II, Section 3, Sub-sections (i) and (ii) of various Ordinary and Extraordinary.
4. The GSRO Section also performed other miscellaneous work as per directions relating to uploading of Central Acts and subordinate legislations in the e-Samiksha, quarterly report on subordinate legislation, RTI applications / appeals, parliament questions and reports, etc.,

### **30. 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, the Department of Legal Affairs, Legislative Department and Department of Justice. Further, the work relating to finalisation of Budget, Pre-Budget Discussion and seeking supplementary/ additional funds are also looked after by this Section. The preparation of the detailed Demands for Grants of the whole Ministry and compiling/printing of Election Commission of India and Supreme Court of India Demands for Grants is also done by Budget and Accounts Section. Apart from this, the Section is also dealing with the proposals which involve financial implications for concurrence of Financial Advisor and wherever specific opinion is required to be taken from the Ministry of Finance, the same is also processed before forwarding to the Ministry of Finance.

- (2) IF&B&A Section is also responsible for the work relating to provisional release of funds to the States/Union territories on account of Election related expenditure.

### **31. 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 Central Acts in Alphabetical and Chronological orders, Index to Statutory Definitions, etc.,



2. The Constitution of India (English version) incorporating the latest amendments up to and including the Constitution (104<sup>th</sup> Amendment) Act, 2019 along with the foot notes are compiled, scrutinised and vetted for being published (in Pocket Size, diglot edition) by this Department. The updated copy of the Constitution of India (English version) with foot notes is made available on the official website of this Department. Manuscripts (English version) of certain central Acts duly incorporating the up to date amendments have been prepared and forwarded to Official Languages Wing for necessary action, which are under process at different stages of printing.

## **32. THE OFFICIAL LANGUAGE SECTION**

The **Official Language Section** of the Legislative Department is administratively responsible for the implementation of the Official Language Policy of the Union of India; the Official Language Act, 1963 and the Official Language Rules, 1976. This Section is also responsible for increasing the progressive use of Hindi for official purposes of the Union of India in addition to translation work from English to Hindi and vice-versa.

### **(1) Implementation of the Constitutional and other provisions of the Official Language Policy:**

During the period from 01 January, 2020 to 31 December, 2020, the Legislative Department has taken the following steps to implement the Official Language Policy in all its manifestations namely:-

- (i) As per the provisions of the Official Language Rules 1976, at present, more than 88.22%, 81.91% and 67.85% letters to regions 'A', 'B' and 'C' are being sent in Hindi respectively. Constant efforts are being made 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. The same received in English are also being answered in Hindi as per the Official Language Policy. All the Resolutions, General Orders, Rules, Notifications, Administrative Reports, other Reports, Contracts, Notices and the Documents to be laid before the Parliament are prepared and issued bilingually as per sub-section (3) of section 3 of the Official Language Act, 1963.
- (ii) Legislative Department was notified under sub-rule (4) of rule 10 of the Official Language Rules, 1976 on the 29<sup>th</sup> April, 1979 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.

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

The Quarterly Progressive Reports of Hindi are regularly 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 is reflected and it is ensured that the percentage of correspondence as well as noting and drafting in Hindi increases as per the Annual Programme issued by the Department of Official Language, Ministry of Home Affairs.

**(3) Meetings of the Official Language Implementation Committee:**

An Official Language Implementation Committee has been constituted in this Department under the Chairmanship of 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. Due to outbreak of Covid-19 pandemic only two quarterly meetings of the Official Language Implementation Committee were held during the year on 25<sup>th</sup> September, 2020 and 31<sup>st</sup> December, 2020. This Committee provides effective means to identify problems and suggests the solutions with regard to 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 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.

**(4) The Hindi Advisory Committee of the Ministry:**

As per the guidelines issued by the Department of Official Language, Ministry of Home Affairs, the Hindi Advisory Committee of the Ministry was constituted on 4<sup>th</sup> August, 1967 under the Chairmanship of Hon'ble Minister for Law and Justice. This Committee has jointly been constituted for Department of Legal Affairs and Legislative Department. The Committee comprises Hon'ble Members of Parliament, nominated by 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 Organizations, 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.

**(5) Hindi Training:**

This Department nominates its officers or employees for the 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 or employees get recruited, promoted and transferred on regular basis.

**(6) Hindi Fortnight:**

A 'Hindi Fortnight' from 14<sup>th</sup> September to 28<sup>th</sup> September, 2020 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 organized exclusively for non-Hindi speaking personnel. There were first, second, third and consolation prizes of Rs.4000/-, Rs.3000/- Rs.2000/- and Rs.750/-, respectively. An amount of Rs.79,500/- was sanctioned to be given to the winners of these competitions.

**(7) Incentive Schemes for working in Hindi:**

There are three incentive schemes in operation in this Department for the progressive use of Hindi as directed by the Department of Official Language. During the year 2020-21, eight employees were awarded prizes under the incentive scheme for noting or drafting done originally in Hindi. One employee each was awarded prizes under the incentive scheme for stenography and typing in Hindi in addition to English. One officer was awarded prize for giving dictation in Hindi. 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.

**(8) 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 Official Language, Hindi in Central Government Ministries or Departments and their offices. As far as the Legislative Department is concerned, orders issued by the Department of Official Language, based on the recommendations of this Committee are being implemented.

**33. 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 namely:-

- (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;

- (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, seven 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 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 addition to Hindi (the Official Language of the Union), the authoritative texts of the Constitution of India 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. Recently competent Authority has also been pleased to approve the publication of Constitution of India in Manipuri Language Diglot form (English-Manipuri) and Dogri language Diglot form (English-Dogri).

## **(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. 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 30 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 2507.

**(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 80 Bills, simultaneously with their English texts, was supplied to the Houses of Parliament. Besides this, Hindi translation of 15 Ordinances and 3 Notes for the Cabinet and 48 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, 7583 pages of such statutory rules or notifications etc., were prepared for different Ministry/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, 4237 pages of Recruitment Rules were translated.

**(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), Acts of Parliament

(English) and sansad ke Adhinyam (Hindi). 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 Acts.

Besides, manuscripts of Hindi Text of the Central Acts proposed to be published in Diglot form prepared by O.L. Wing and during the year, manuscript of two diglot Acts are prepared.

In addition to above, this Section –

- (a) Supplied information regarding publication of e-gazette copies of Central Acts to various State Governments for translation into their respective regional languages ;
- (b) Supplied E-Gazette copies of Hindi version of Central Acts to Hindi speaking States for republication in their State Gazettes ;
- (c) Undertakes the work relating to publication; and
- (d) Assists the Regional Languages unit of the Wing in connection with preparation of translation of Central Acts in Regional Languages and also assisted said Unit in conducting the Working Group (Regional Languages) meeting for deciding and approving the words to be included in glossary in respective regional languages.

#### **(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, 30 Acts were authenticated and 15 Ordinances were got published by this Section.

#### **(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 1722 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 19 Central Acts have been approved by the Working Group (Regional Languages) and 59 Central Acts in Regional Languages including Hindi have been authenticated as authoritative texts by the President of India. The work relating to preparation of Tri-lingual (English-Regional Language-Hindi) Legal Glossary in various Regional Languages has been completed in seven languages i.e. Bengali, Gujarati, Marathi, Punjabi, Tamil, Telugu and Urdu Languages and the same has been made available on the Department's official website. 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, Odiya, Punjabi, Sanskrit, Tamil, Telgu, Urdu, Sindhi, Nepali and Konkani. The Competent Authority has also been pleased to approve the publication of the Constitution of India in Dogri Language Diglot form (English-Dogri).

**(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. The Constitution of India Legal Glossary also have been distributed into the Lok Sabha and Rajya Sabha and all the Ministries to the Government of India.

**(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 and further its tenure was extended with effect from 14<sup>th</sup> May, 2018 for one year or remaining tenure of present Lok Sabha. The process of reconstituting the Hindi Salahkar Samiti is underway. The functions of the Samiti are normally to advise the Central Government on matter relating to :-

- (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 High Powered Committee has been constituted w.e.f. 25<sup>th</sup> April, 2019 for three years under the Chairmanship of Justice Dr. Satish Chandra (Retd.) Judge of High Court of Allahabad, and the other members of the Committee are Smt. Kumud L. Das, Advocate, Supreme Court of India, New Delhi, Prof. (Dr.) Subash Chandra Gupta, Professor and Head - Deptt. of Law, HNB Garhwal University, Dr. BGR, Campus, Pauri Garhwal and Joint Secretary and Legislative Counsel of Official Languages Wing as Member -Secretary. The meeting of High Powered Committee for giving financial assistance to Voluntary Organisation working in the field of law was convened on 19<sup>th</sup> February, 2020 under the Chairmanship of Justice Dr. Satish Chandra (Retd.) and an amount of Rs. 2,70,000/- was sanctioned to three organisations for promoting the Official Languages of Union and States for the financial year 2019-2020.

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

The material and information pertaining to Official Languages Wing has been hosted on the website with <http://legislative.gov.in> as URL of the Official Language Wing. Apart from this, the important Acts of Parliament in various regional languages have also been hosted under the respective languages on the home page of the O.L. Wing. In order to facilitate printing of various Bills, Notifications, Orders, Recruitment Rules etc. the O.L. Wing has started using the Unicode fonts and provides soft copies of the Hindi Texts.

The Constitution of India, I.P.C., Cr. P.C. and the Manual of Election Laws have already been hosted on the net. This website has been further enriched by listing central enactment from the Year 1838 to 2018, Principle as well as amending along with 10 important legislations have also been uploaded on the web site in PDF format for the benefit of legal fraternity and general public as well as the law students.

During the period under report, Bill Section, Translation-I Section, Translation-II Section, Legislative-I, Legislative-II Section, Printing Section, Correction Section, Administration Section, Cash Section and Library of O.L. Wing were fully computerized. The Camera Ready copies of almost all the Bills were prepared during the period under report. For ease of working, the O.L. Wing has started using Mangal font which has universal functionality in Hindi Language.

A list of Names, Addresses, e-mail address and Contact Numbers of all the Group 'A' officers of the O.L. Wing in English and Hindi has also been hosted on the home page of O.L. Wing.

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

### **34. VIDHI SAHITYA PRAKASHAN**

In the year 1958, the Committee of Parliament on Official Languages recommended that arrangements be made to bring out authorised translation of important judgements of the Supreme Court of India and the High Courts and this work could be entrusted 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 legal field which was subsequently redesignated as "VIDHI SAHITYA PRAKASHAN".

Initially, after translating in Hindi and making headnotes thereof monthly publication of all the reportable judgements 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 judgements 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 judgements as well as dearth of requisite editorial staff in the Vidhi Saahitya Prakashan, the "Uchchatama Nyayalaya Nirnaya Patrika" has been publishing in Hindi only important selected reportable judgements of the Supreme Court since 1990. The "Uchcha Nyayalaya Civil Nirnaya Patrika" and "Uchcha Nyayalaya Dandik Nirnaya Patrika" respectively are publishing in Hindi only important selected judgements in civil and criminal matters of all High Courts of the country.

Apart from the publication of the above three Patrikas, the Vidhi Sahitya Prakashan is also responsible of the following works, namely :-

- (a) Publication of text books in Hindi in the field of law for use in the academic and other circles 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 Languages Wing of the Legislative Department; and

- (e) Holding of conferences, seminars and book exhibitions at different places in India, in Hindi/ Non-Hindi speaking States for popularisation and improvement of legal literature in Hindi.

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, the prizes and certificates respectively are awarded annually for best publications in Hindi in the field of law.

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. A 'Publication List' containing priced publications available with Vidhi Sahitya Prakashan is also made available to the customers from time to time.

The details of progress made during the year 2020 are given below :-

**Publication of Nirnaya Patrika :** During the period under report, at the editing/translation stage the 'Uchchatama Nyayalaya Nirnaya Patrika' has been updated upto August, 2020, 'Uchcha Nyayalaya Civil Nirnaya Patrika' has been updated upto April, 2020 and 'Uchcha Nyayalaya Dandik Nirnaya Patrika' has been updated upto April, 2020. The above said Patrikas are uploaded on the website of Legislative Department, Ministry of Law & Justice <http://legislative.gov.in/vidhi-sahitya>.

**Award of Prizes :** Apart from the publication of the three Law Patirikas (Journals) and law books, the Vidhi Sahitya Prakashan awards the 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 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), the 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)]. The awards are provided to the authors for the best Law books published in Hindi by private publishers every year. Seven best law books written in Hindi have been awarded for prize in the year 2020 amounting to Rs. 1,40,000/- under the Scheme after recommendation of Evaluation Committee.

**Publication of Books :** Vidhi Sahitya Prakashan is entrusted with the work for writing, revision of law books in Hindi and publish them. Thirty-four standard law books in Hindi have been published for use as reference books so far. Text Books titled 'Nirnaya Lekhan' and 'Bharat ka Samvidhanik Ithihas' (upto 103<sup>rd</sup> Constitutional Amendment) have been revised and published. In addition to this, the books Dand Vidhi (Sadharan Sidhant), 'Dand Vidhi', 2<sup>nd</sup> Edition (Bhartiya Dand Sanhita ke Vinirdisht Apradh). 'Bhartiya Samvidhan ke Prumukh Tatv' and 'Apkritya Vidhi ke Pramukukh Nirnay' are in process of revision and printing.

**Digitization :** Vidhi Sahitya Prakashan is under the process of digitization. Three law journals i.e. 'Uchchatama Nyayalaya Nirnaya, 'Uchcha Nyayalaya Civil Nirnaya Patrika' and 'Uchcha Nyayalaya Dandik Nirnaya Patrika' have been standardized with **International Standard Serial Number (ISSN)**. Under the **e-governance/digitization** process, Vidhi Sahitya Prakashan has uploaded three Journals i.e. 'Uchchatama Nyayalaya Nirnaya, 'Uchcha Nyayalaya Civil Nirnaya Patrika' and 'Uchcha Nyayalaya Dandik Nirnaya Patrika' in PDF format (since 2012) at <http://legislative.gov.in/vidhi-sahitya> for common men, advocates, judges, litigants, professors of Law and law students.

**Organizing of Seminars/exhibitions/Conference and sale of Law Books Constitution of India, Central Acts in Diglot (Hindi-English), Legal Glossary, Manual of Election Law, India Code, etc.**

: The Central Acts and Law Publications are available for **online selling** on <https://bharatkosh.gov.in/Product/Product/> on digital payment basis i.e. credit card, debit card and net banking etc. and the link is available on main Legislative Department front page. It is a part of 'Ease of Doing Business'. Judges, Advocates, Law Students, Teachers of Law etc. are purchasing law books and law patrikas off-line from sale counter of Vidhi Sahitya Prakashan. Due to (Covid-19) pandemic situation throughout the world, exhibition/seminars/conferences were put on hold during 2020. Under the scheme of promotion, propagation and spread legal knowledge in Hindi. Vidhi Sahitya Prakashan has distributed the India Code free of cost to Law Universities/Colleges Libraries, Judges Libraries and over and above Law Students

During the period from 1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020 the total sale figure of Vidhi Sahitya Prakashan is Rs. 14,59,977/- (Rupees Fourteen lakh fifty nine thousand nine hundred seventy seven only).

**Editorial Board/Evaluation Committee :** There are two Committees viz. Editorial Board and Evaluation Committee in Vidhi Sahitya Prakashan and the members of these two Committees are nominated by Hon'ble Minister of Law & Justice. Editorial Board looks after the improvements/the standard of these three law journals, advice further development, support to increase the circulation of law journals in District Courts, High Courts, Law Universities/Colleges and Law professionals etc. Evaluation Committee stands to select the best law books written in Hindi and published by Private Publishers. The meeting (Virtual) of Editorial Board was held in the month of September 2020 represented by Dr. Reeta Vasisht, Additional Secretary/HOD and the meeting (Virtual) of Evaluation Committee was held on 25<sup>th</sup> November, 2020 under the Chairmanship of Dr. Satish Chandra, Retd. Judge (Allahabad High Court) (Photos attached).

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

Officers of the level of Deputy Secretary/Director are functioning as Liaison Officers 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.

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 31.12.2020 is enclosed (**Annexure-VI** and **Annexure-VII**).

**36. CELEBRATION OF CONSTITUTION DAY:**

This Department has organised celebration of Constitution Day on 26.11.2020 and the activities like preamble reading, slogan writing and signing of Officers/Staff in two flex banners (preamble wall) etc. were conducted keeping in view of all safety and SOP guidelines issued by Ministry of Home Affairs and Ministry of Health and Family Welfare (**Annexure-VIII**).



### **37. PUBLIC GRIEVANCES**

During the period from 1<sup>st</sup> January, 2020 to 31<sup>st</sup> December, 2020 Legislative Department received 2661 public grievances on CPGRAMS portal. Further 458 public grievances were pending before 1<sup>st</sup> January, 2020. During the said period 2460 grievances have been disposed off and action is being taken for disposal of remaining grievances on priority basis.

### **38. DEPARTMENT ACCOUNTING ORGANISATION**

The Secretary is the Chief Accounting Authority in the Ministry of Law and Justice. He discharges his functions with the assistance of Additional Secretary (Financial Adviser) and Chief Controller of Accounts.

2. As per Rule 70 of GFRs 2017, the Secretary of a Ministry/Department who is the Chief Accounting Authority of the Ministry/Department shall: –
  - (i) Be responsible and accountable for financial management of his Ministry or Department.
  - (ii) Ensure that the public funds appropriated to the Ministry are used for the purpose for which they were meant.
  - (iii) Be responsible for the effective, efficient, economical and transparent use of the resources of the Ministry in achieving the stated project objectives of that Ministry, whilst complying with performance standards.
  - (iv) Appear before the Committee on Public Accounts and any other Parliamentary Committee for examination.
  - (v) Review and monitor regularly the performance of the programs and projects assigned to his Ministry to determine whether stated objectives are achieved.
  - (vi) Be responsible for preparation of expenditure and other statements relating to his Ministry as required by regulations, guidelines or directives issued by Ministry of Finance.
  - (vii) Shall ensure that his Ministry maintains full and proper records of financial transactions and adopts systems and procedures that will at all time afford internal controls.
  - (viii) Shall ensure that his Ministry follows the Government procurement procedure for execution of works, as well as for procurement of services and supplies and implements it in a fair, equitable, transparent, competitive and cost-effective manner.
  - (ix) Shall take effective and appropriate steps to ensure his Ministry:-
    - (a) Collects all moneys due to the Government and
    - (b) Avoids unauthorized, irregular and wasteful expenditure.
3. As per Para 1.2.2 of Civil Accounts Manual, the Chief Controller of Accounts for and on behalf of the Chief Accounting Authority is responsible for :-
  - (a) Arranging all payments through the Pay and Accounts Offices/Principal Accounts Office except where the Drawing and Disbursing Officers are authorized to make certain types of payments.



- (b) Compilation and consolidation of accounts of the Ministry/ Department and their submission in the form prescribed, to the Controller General of Accounts; preparation of Annual Appropriation Accounts for the Demands for Grants of his Ministry/Department, getting them duly audited and submitting them to the CGA, duly signed by the Chief Accounting Authority.
- (c) Arranging internal inspection of payment and accounts records maintained by the various subordinate formations and Pay and Accounts Offices of the Department and inspection of records pertaining to transaction of Government Ministries/Departments, maintained in Public Sector Banks.
4. The Chief Controller of Accounts, Ministry of Law and Justice, Supreme Court of India performs his duties with the assistance of two Pr. Accounts Officers and four Pay and Accounts Officers amongst other staff.
5. The Ministry of Law and Justice, Supreme Court has 52 DDOs including 32 CDDOs and 20 NCDDOs. The non-cheque drawing DDOs submit bills to the Pay and Accounts Office under pre-check system of payment. The PAO-wise detail of the CDDOs and NCDDOs is as under:

S.No.	PAO	D.D.O.	
		CDDOs	NCDDOs
1	PAO (EO)	3	3
2	PAO (LA)	29	12
3	PAO (SCI)	0	1
4	PAO (LD)	0	4

6. As per Para 1.2.3 of Civil Accounts Manual, Principal Accounts Office in New Delhi functions under a Principal Accounts Officer who is responsible for :-
- a) Consolidation of the accounts of the Ministry/Department in the manner prescribed by CGA;
- b) Preparation of Annual Appropriation Accounts of the Demands for Grants controlled by that Ministry/Department, submission of Statement of Central Transactions and material for the Finance Account of the Union Government(Civil) to the Controller General of Accounts;
- c) Payment of loans and grants to State Government through Reserve Bank of India, and wherever this office has a drawing account payment therefrom to Union Territory Government/ Administrations;
- d) Preparation of manuals keeping in view the objective of management accounting system if any, and for rendition of technical advice to Pay and Accounts Offices, maintaining necessary liaison with CGA 's Office and to effect overall coordination and control in accounting matters;
- e) Maintaining Appropriation Audit Registers for the Ministry/ Department as a whole to watch the progress of expenditure under the various Grants operated on by the Ministry/Department;

Principal Accounts Office/Officer also performs all administrative and coordinating function of the accounting organization and renders necessary financial, technical, accounting advice to department as well as to local Pay & Accounts offices.

7. As per provisions contained in Civil Accounts Manual, Pay & Accounts offices make payments pertaining to respective Ministries/ Departments and in certain cases payments will be made by the departmental Drawing and Disbursing Officers (DDOs) authorized to draw funds, by means of cheques drawn on the offices/branches of accredited bank that may be authorized for handling the receipts and payments of the Ministry/Department. These payments will be accounted for in separate scrolls to be rendered to the Pay and Accounts Offices of Ministry/Department concerned. Each Pay and Accounts Office or Drawing and Disbursing Officer authorized to make payments by cheques, will draw only on the particular branch/branches of the accredited bank with which the Pay and Accounts Office or the Drawing and Disbursing Officer as the case may be, is placed in account. All receipts of the Ministry/Department are also finally accounted for in the books of the Pay and Accounts Office. The Pay and Accounts office is the basic Unit of Departmentalized Accounting Organization. Its main function include:-

- Pre-check and payment of all bills, including those of loans and grants-in-aid, submitted by Non-Cheque Drawing DDOs.
- Accurate and timely payments in conformity with prescribed rules and regulations.
- Timely realization of receipts.
- Issue of quarterly letter of credit to Cheque Drawing DDOs and post check of their Vouchers/bills.
- Compilation of monthly accounts of receipts and expenditures made by them incorporating there with the accounts of the cheque Drawing DDOs.
- Maintenance of GPF accounts other than merged DDO and authorization of retirement benefits.
- Maintenance of all DDR Heads.
- Efficient service delivery to the Ministry/Department by the banking system by way of e-payment.
- Adherence to the prescribed Accounting Standards, rules and principles.
- Timely, accurate, comprehensive, relevant and useful financial reporting.

8. The specific approval of the CGA, Ministry of Finance would have to be obtained in connection with any proposal for creation (or re-organization) of a new Pay & Accounts Office or for adding to the list of cheque drawing DDOs included in the Scheme of Departmentalization of Accounts of a Ministry/Department.

9. The overall responsibilities of Departmental Accounting Organization in respect of Ministry of Law and Justice, Supreme Court of India are:-

- Consolidation of monthly accounts of Ministry and its submission to the CGA.
- Annual Appropriation Accounts.

- Statement of Central Transactions.
  - Preparation of “Accounts at a Glance”.
  - Union Finance accounts which are submitted to the CGA, Ministry of Finance and Principal Director of Audit.
  - Payments of grants-in-aid to State Government /Grantee Institutions/Autonomous Bodies etc.
  - Rendering technical advice to all PAOs and Ministry; if necessary in consultation with other organization like DOPT, Ministry of Finance and CGA etc.
  - Preparation of Receipt Budget.
  - Preparation of Pension Budget.
  - Procuring and supplying of cheque books for and on behalf of PAOs/Chequedrawing DDOs and Personal Deposit Account Holder.
  - Maintaining necessary liaison with Controller General of Accounts office and to effect overall co-ordination and control in accounting matters and accredited Bank.
  - Verify and reconcile all receipts and payments made on behalf of Ministry of Law and Justice through the accredited Bank.
  - Maintaining accounts with Reserve Bank of India relating to Ministry of Law and Justice, Supreme Court of India and reconciling the cash balances.
  - Ensuring prompt payments.
  - Speedy settlement of Pension/Provident fund and other retirement benefits.
  - Internal Audit of the Ministry, subordinate and attached offices under Ministry of Law and Justice and its Grantee institutions, etc.
  - Making available accounting information to all concerned authorities.
  - Budget co-ordination works of Ministry of Law and Justice, Supreme Court of India.
  - Monitoring of New Pension Scheme and pension revision cases of Pre-2006 and Pre -1990 retirees.
  - Computerisation of Accounts and e-payment.
  - Administrative and co-ordination function of the accounting organisation.
  - Universal Roll out of Public Financial Management System (PFMS) for Central Sector Scheme.
  - Universal Roll out of Non-Tax Receipt Portal(NTRP) as per M/o Finance guidelines.
10. Accounting information and data are also provided to the Ministry to facilitate effective budgetary and financial control. Monthly and progressive expenditure figures under various sub-heads of the grant of the Ministry of Law and Justice, Supreme Court of India are furnished to Budget Section. Progress of expenditure against budget provisions are also submitted monthly to Secretary, Additional Secretary and Financial Adviser as well as Heads of Divisions of the Ministry controlling the grant

for purposes of better monitoring of expenditure.

11. The Accounting organization also maintains accounts of long-term advances such as House Building Advance and Motor Car Advance and GPF accounts of employees of the Ministry.
12. The verification and authorization of pensionary entitlement of officers and staff members is done by the Office of the Chief Controller of Accounts on the basis of service particulars and pension papers furnished by Heads of Offices. All retirement benefits and payments like gratuity, cash equivalent to leave salary as well as payments under Central Government Employees Group Insurance Scheme; General Provident Fund etc. are released by CCA's office on receipt of relevant information / bills from DDOs.
13. INTERNAL AUDIT WING -The Internal Audit Wing carries out audit of accounts of various offices of the Ministry to ensure that rules, regulations and procedures prescribed by the government are adhered to by these offices in their day to day functioning.
  - (i) Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It basically aims at helping the organization to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. It is also an effective tool for providing objective assurance and advice that adds values, influence change that enhances governance, assist risk management and control processes and improve accountability for results. It also provides valuable information to rectify the procedural mistakes and deficiencies and, thus, acts as an aid to the management. The periodicity of audit of a unit is regulated by its nature and volume of work and quantum of funds.
  - (ii) There are 51 Auditee units / DDOs under various departments of Ministry of Law and Justice and Supreme Court of India excluding autonomous bodies and other grantee institutions and specific schemes under the Ministry. In the Financial Year 2019-20, **no audit activities have been carried out due to COVID-19 Pandemic**. The audit of more units/DDOs could not be conducted because there is no sanctioned post/permanent manpower for the Internal Audit Wing, Principal Accounts Office of this Ministry. The audit work is being managed by officers and staffs posted in different Pay and Accounts Offices and Principal Accounts Office along with two Consultants engaged from the empaneled list of retired officers/officials being maintained by the O/o Controller General of Accounts.

**Achievements:-** There were a total of 323 outstanding audit paras in respect of Ministry of Law and justice till the financial year 2015-16. Thereafter, several reminders and circulars were sent to the concerned Offices/Departments, 215 paras pertaining to the period till 2015-16 ; 193 pertaining to the year 2016-17, 32 paras pertaining to period 2017-18, 51 paras pertaining to period 2018-19 and 17 paras pertaining to period 2019-20 have been settled by the Internal Audit Wing. However, the Current status of outstanding internal audit paras are appended below:-

F.Y.	Number of outstanding paras	Number of paras dropped	Number of paras remaining
Till 2015-16	323	215	108
2016-17	251	193	58
2017-18	60	32	28
2018-19	138	51	87
2019-20	115	17	98
	<b>887</b>	<b>508</b>	<b>379</b>

**14. Banking Arrangements :-** Indian Bank, State Bank of India, UCO Bank and Dena Bank are accredited banks for PAOs and its field offices of the Ministry of Law, Justice and SCI. Cheques issued by the PAOs/CDDOs are presented to the nominated branch of the accredited bank for payment. The receipts are also remitted to the accredited banks by the respective CDDOs/PAOs. Any change in accredited bank required specific approval of Controller General of Accounts, Department of Expenditure, Ministry of Finance.

**15. New Initiatives:-**

**(i) Public Financial Management System**

Public Financial Management System (PFMS) initially started as a Plan scheme named CPSMS of the Planning Commission in 2008-09 as a pilot in four States of Madhya Pradesh, Bihar, Punjab and Mizoram for four Flagship schemes e.g. MGNREGS, NRHM, SSA and PMGSY. After the initial phase of establishing a network across Ministries / Departments, it has been decided to undertake National rollout of CPSMS (PFMS) to link the financial networks of Central, State Governments and the agencies of State Governments. The scheme was included in 12th Plan initiative of erstwhile Planning Commission and Ministry of Finance.

**(ii) The mandate given to PFMS by Cabinet decision is to provide:**

- A financial management platform for all plan schemes, a database of all recipient agencies, integration with core banking solution of banks handling plan funds, integration with State Treasuries and efficient and effective tracking of fund flow to the lowest level of implementation for plan scheme of the Government.
- To provide information across all plan schemes/ implementation agencies in the country on fund utilization leading to better monitoring, review and decision support system to enhance public accountability in the implementation of plan schemes.
- To result in effectiveness and economy in Public Finance Management through better cash management for Government transparency in public expenditure and real-time information on resource availability and utilization across schemes. The roll-out will also result in improved programme administration and management, reduction of float in the system, direct payment to beneficiaries and greater transparency and accountability in the use of public funds. The proposed system will be an important tool for improving governance.

### **(iii) Modules to implement the Mandate**

Modules developed /under development by PFMS for stakeholders as per the Union Cabinet above mandate are as under:

#### **I. Fund Flow Monitoring**

- (a) Agency registration
- (b) Expenditure management and fund utilisation through PFMS EAT module
- (c) Accounting Module for registered agencies
- (d) Treasury Interface
- (e) PFMS-PRI fund flow and utilization interface
- (f) Mechanism for State Governments towards fund tracking for State schemes
- (g) Monitoring of Externally Aided Projects (EAP):

#### **II. Direct Benefit Transfer DBT modules**

- (a) PAO to beneficiaries
- (b) Agency to beneficiaries
- (c) State treasuries to beneficiaries

#### **III. Interfaces for Banking**

- (a) CBS
- (b) India Post
- (c) RBI
- (d) NABARD & Cooperative Banks

Modules to implement Enhanced mandate:

#### **IV. PAO Computerization-Online payments, receipts and accounting of Governemnt of India**

- (a) Programme Division module
- (b) DDO module
- (c) PAO module
- (d) Pension module
- (e) GPF and HR module
- (f) Receipts including GSTN
- (g) Annual Financial Statements
- (h) Cash Flow Management
- (i) interface with non-civil ministries

#### **V. Non – Tax Receipt Portal**

Other Departmental Initiatives:-

To leverage the capabilities of PFMS, several other departments have approached PFMS for developing utilities for their departmental needs as follows:



## **VI. Interface for MHA (Foreigners Division) Monitoring of Agencies receiving fund under FCRA**

## **VII. CBDT PAN Validation**

## **VIII. GSTN bank account validation**

### **Implementation Strategy:-**

An action Plan has been prepared and approved by Ministry of Finance for phased implementation of Public Financial Management System.

### **Improved Financial Management through:**

- Just in Time (JIT) release of funds
- Monitoring of use of funds including ultimate utilization

### **Strategy:**

- Universal rollout of PFMS which inter alia includes
- Mandatory registration of all Implementing Agencies (IA) on PFMS and
- Mandatory use of Expenditure Advance & Transfer (EAT) Module of PFMS by all IAs

## **I. Implementation Strategy for Central Sector (CS) schemes/transactions**

### **Activities to be completed**

- Mandatory registration and use of EAT module by IAs
- Mapping of all relevant information of Schemes
- Uploading of budget of each scheme on PFMS
- Identify implementation hierarchy of each Scheme
- Integration of Systems Interface of specific Schemes with PFMS e.g. NREGASoft, AwasSoft
- Deployment and Training of Trainers

## **II. Implementation Strategy for Central Assistance to State Plan (CASP)**

### **Activities to be undertaken by states**

- State Treasury Integration with PFMS
- Registration of all SIAs on PFMS (1st level & below)
- Mapping of State Schemes with corresponding central schemes
- Configuration of State Schemes on PFMS
  - Configuring State Scheme Components
  - Identify and configure hierarchy of each state scheme
- Integration of PFMS with Scheme specific software application
- Deployment and training of Trainers

- Continuous support for implementation

Out of four (04) Pay and Accounts Offices viz. PAO(LA), PAO(LD), PAO(EO) & PAO(SCI) under Ministry of Law & Justice and Supreme Court of India, roll out of payment and accounting module of Public Financial Management System (PFMS) in three (03) Pay & Accounts Offices viz. PAO(LA), PAO(LD) & PAO(EO) has been successfully implemented in 2019-20 except PAO(SCI), which is still working on COMPACT as permitted by the CGA.

**Status of EIS / CDDO / NTRP Module in Ministry of Law and Justice:-**

<b>1. Implementation of CDDO Module for electronic payments by CDDOs</b>					
<b>Ministry/ Department</b>	<b>Total No. of CDDOs</b>	<b>No. of CDDOs on board PFMS</b>	<b>Remaining No. of CDDOs</b>	<b>Month-wise plan for bringing on board PFMS</b>	
		March 21			
M/o Law and Justice	32	29	3	3	

<b>2. Employee Information System (EIS) Module</b>					
<b>Ministry/ Department</b>	<b>Total No. of DDOs</b>	<b>No. of DDOs on board PFMS</b>	<b>Remaining No. of DDOs</b>	<b>Month-wise No. of DDOs to be onboarded</b>	
		March 2021			
M/o Law and Justice	52	47	5*	3**	

\* In two (02) DDOs EIS is not required at present.

\*\* Matter has been taken up with O/o CGA3. Non Tax Receipts Portal (NTRP) Module

<b>3. Non Tax Receipts Portal (NTRP) Module</b>			
<b>Ministry/Department</b>	<b>Total No. of PAOs</b>	<b>No. of PAOs on board PFMS</b>	<b>Remaining No. of PAOs</b>
M/o Law and Justice	4	4	NIL

## Salient Features of Appropriation Accounts 2019-20

(Rs. in crores)

MAJOR HEAD	Budget Estimates	Final Estimates	Expenditure	Excess(+) Saving (-)
<b><u>Grant No. 63</u></b>				
2052-Secretariat General Services	138.04	137.96	124.74	-13.21
2014-Administration of Justice	485.77	433.66	429.60	-4.06
2015-Election	1429.55	1380.06	1378.47	-1.58
2020-Collection of Taxes on Income & Expenditure	108.93	108.83	99.52	-9.30
2070-Other Administrative Services	14.17	13.02	9.72	-3.29
2552-North Eastern Areas	101.23	0.01	0	-0.01
3601-Grants-in-Aid to State Governments.	692.42	1073.00	1073.00	0
3602-Grants-in-Aid for UT Governments	50	56.83	56.83	0
4070-Capital Outlay on Other Administrative Services	135	110.01	49.61	-60.39
Amount surrendered during the year				-25.00
<b>Total</b>	<b>3155.11</b>	<b>3313.38</b>	<b>3221.49</b>	<b>-116.84</b>
<b><u>Appropriation No.65-Supreme Court of India</u></b>				
MH-2014 Administration of Justice (Charged)	269.46	296.55	296.55	0

(Source : Appropriation Accounts 2019-20)

## CHAPTER-III

### DEPARTMENT OF JUSTICE

#### 1. ORGANISATION AND FUNCTIONS:

Department of Justice forms part of the Ministry of Law and Justice. It is headed by Minister, Law & Justice. The Secretariat is headed by Secretary (Justice). The organizational setup includes four Joint Secretaries, seven Directors/Deputy Secretaries and eleven Under Secretaries. The sanctioned strength of the Department of Justice is 101, out of which, 44 posts are lying vacant. Out of 57 present incumbents, only 10 women officers/officials are working in this Department. The Organisational Chart of the Department of Justice is at **Annexure-IX**.

**1.1** 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; and
- xiii. Access to Justice Delivery and Legal Reforms;

## **2. APPOINTMENT OF JUDGES:**

### **2.1 THE SUPREME COURT OF INDIA**

As on 31.12.2020, against the sanctioned strength of 34 Judges in the Supreme Court, 30 Judges (including Chief Justice of India) are in position, leaving 4 vacancies of Judges to be filled in the Supreme Court of India. At present, 2 women Judges are functioning in the Supreme Court of India.

### **2.2 HIGH COURTS**

During the period 01.01.2020 to 31.12.2020, 66 fresh appointments of Judges were done in the High Courts, and 90 Judges of High Courts were appointed as Permanent Judges. Further, appointment of 07 Chief Justices of High Courts was done. 05 Chief Justice and 13 Judges of High Courts were transferred from one High Court to another. 03 Additional Judges were given fresh term.

As on 31.12.2020, against the sanctioned strength of 1079 Judges in the High Courts, 668 Judges are in position, leaving vacancies of 411 posts of Judges to be filled. 82 women Judges are functioning in various High Courts.

## **3. FAMILY COURTS:**

3.1 The Family Court 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 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 State, Family Courts may be set up if the State Governments deems it necessary.

3.2 Main objectives for setting up of Family Courts are to create a Specialized Court to deal with family matters exclusively through instituting a mechanism for conciliation of the disputes relating to Family expeditiously, to provide an inexpensive remedy and to have flexibility and an informal atmosphere in the conduct of proceedings.

3.3 A scheme of central financial assistance was started in the year 2002-03 for setting up of Family Courts. As per the scheme, Central Government provided 50 percent of the cost of construction of the building of the 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 was required to provide matching share. A grant of Rs. 11.50 Cr. was released to the State Governments till the year 2012-13. The component provided for grant for construction of building of Family Court and residential accommodation of the Judges, has been subsumed in the Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary. 729 Family Courts are functional in 25 States as on date.

## **4. FAST TRACK COURTS:**

Fast Track Courts (FTCs) are set up by the State Governments as per their need and resources in consultation

with the High Courts concerned. 14<sup>th</sup> Finance Commission recommended 1800 FTCs for dealing cases of heinous nature, cases related to women, children, senior citizen etc. and urged State Governments to utilize enhanced fund made available through devolution. 859 FTCs are functional in 20 States as on date.

## **5. SPECIAL COURTS FOR TRIAL OF CRIMINAL CASES INVOLVING ELECTED MPS/ MLAS:**

In compliance to Hon'ble Supreme Court Judgment in Ashwini Kumar VsUoI(WP (C) 699 of 2016 )10 Special courts (02 Special Courts in Delhi, and 01 each in the State of Andhra Pradesh, Telangana, Karnataka, Tamil Nadu, Maharashtra, Madhya Pradesh, Uttar Pradesh and West Bengal) are functional for expeditious trial and disposal of criminal cases involving elected MPs/MLAs.

## **6. ISO 9001:2015 CERTIFICATION:**

Department of Justice has been certified as ISO 9001:2015 QMS standards on 23.05.2019 (upgraded version) which is valid till 16.04.2022 subject to annual surveillance audit. Annual surveillance audit was conducted successfully in July 2020.

## **7. FAST TRACK SPECIAL COURTS:**

- 7.1 In pursuance of the Criminal Law (Amendment) Act, 2018, Union of India finalized a Centrally Sponsored Scheme in August 2019 for setting up of 1023 Fast Track Special Courts (FTSCs) across the country for expeditious trial and disposal of pending cases related to rape and Protection of Children from Sexual Offences (POCSO) Act, 2012. The Scheme had been initiated for a period of one year spread over two financial years (2019-20 and 2020-21). Total estimated cost of the project is Rs. 767.25 crore which has a Central share of Rs.474 crore to be incurred from Nirbhaya Fund. Keeping in view the direction of Hon'ble Supreme Court in Suo Motu Writ (Criminal) No. 1/ 2019 dated 25<sup>th</sup> July, 2019, 389 ePOCSO courts are proposed out of 1023 FTSC under the scheme for trial of POCSO Act cases exclusively in districts where pendency of such cases is more than 100.
- 7.2 Out of eligible 31 State/UTs where pending cases reported 65 and above, 28 have joined the scheme. Funds to the tune of Rs. 140 Cr. was released as central share in 2019-20 and Rs. 89.71 Cr. in F.Y. 2020-21 up to December 2020 for setting up of 842 identified FTSCs including 363 exclusive POCSO Courts. 603 FTSCs including 335 exclusive POCSO Courts are operational in 24 States / UT (as of 30.11.2020). States are being pursued vigorously for setting up and for making remaining FTSCs/exclusive ePOCSO Courts operational expeditiously.

## **8. NATIONAL JUDICIAL ACADEMY:**

- 8.1 The National Judicial Academy (NJA), Bhopal is an autonomous body established in 1993 under the Societies registration Act, 1860. This independent body functions with its office at the 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 provides facilities for training of ministerial officers working in the Supreme Court, study of court management and administration of justice in the State / Union Territories, organizing conferences, seminars, lectures and research in matters relating to court management and administration. The core objectives of the said Academy



have been to foster development of national judiciary in the country and strengthen administration of justice, judicial education, research and policy formulation.

8.2 The Hon'ble Chief Justice of India (CJI) is the Chairman of the General Body of the NJA as well as of the Governing Council of 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. In FY 2020-21, a total of Rs. 11 crore has been allocated to National Judicial Academy. NJA, Bhopal has proposed 32 online courses during the current Academic Year considering Covid-19 pandemic situation.

## **9. ECOURTS MISSION MODE PROJECT:**

As part of the national eGovernance Plan, the eCourt project is an integrated Mission Mode Project under implementation since 2007 for the ICT development of the Indian Judiciary based on the "National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary". The e-Court Integrated Mission Mode Project was launched with the objective of improving access to justice using technology. Under this project, 18,735 courts, across the country, have been computerised, so far with software compatibility and interoperability. Funds amounting to Rs. 156.75 crore have been released to the eCourts MMP during Financial Year 2020-21 (Till December 2020).

## **10. WIDE AREA NETWORK (WAN) CONNECTIVITY:**

The Wide Area Network (WAN) Project under eCourts project is aimed at connecting all District and Subordinate court complexes, spread across the country using various technologies like OFC, RF, VSAT. So far, 2931 sites have been commissioned out of 2992 sites with 10 Mbps to 100 Mbps bandwidth speed (completing 98% sites). This forms the backbone for the eCourts project ensuring data connectivity in courts across the length and breadth of the country. A committee has been set up by the Department of Justice to develop a SOP for lodging complaints and capacity upgradation of the WAN bandwidth to ensure seamless data transmission in view of the enhanced load during the COVID-19 pandemic.

## **11. NATIONAL JUDICIAL DATA GRID:**

Case Information Software (CIS) which forms the basis for the eCourt services is based on customized Free and Open Source Software (FOSS) which has been developed by NIC. Currently CIS National Core Version 3.2 is being implemented in District Courts and the CIS National Core Version 1.0 is being implemented for the High Courts.

Every single case has been provided a Unique Identification code which is called CNR number and QR Code. This has led to the development of National Judicial Data Grid (NJDG) as a new communication pipeline for judicial data transmission.

Using NJDG developed under the eCourts Project, with elastic search technology, lawyers and litigants can today access case status information of 17.90 crore cases and more than 13.36 crore orders/judgments. The portal also provides information related to details of court registration, cause list, daily orders and final judgments. Access has now been provided to data of all High Courts and District Courts in the country. This

is an important tool to identify, manage and reduce case pendency. Recently a feature for showing the reason for delay in disposal of the case has been added. In consonance with the National Data Sharing and Accessibility Policy (NDSAP) announced by the Government of India, Open Application Programming Interface (API) has been provided to the Central and State Government to allow easy access to the NJDG data using a departmental ID and access key. This will allow the institutional litigants to access the NJDG data for their evaluation and monitoring purposes.

## **12. VIRTUAL COURTS:**

Nine Virtual Courts have been set up at Delhi (2 courts), Faridabad (Haryana), Pune & Nagpur (Maharashtra) Kochi (Kerala), Chennai (Tamil Nadu), Gauhati (Assam) and Bengaluru (Karnataka) to try traffic offences. The concept is aimed at reducing the footfalls in the court by eliminating the presence of the violator or advocate in the court. Virtual court can be managed by a virtual judge (which is not a person but an algorithm) whose jurisdiction can be extended to the entire state and working hours can be 24x7. As on 08.12.2020, these courts have handled 35,02,896 cases and realised Rs.130.72 cr. in fines. In November 2020, Delhi High Court has issued “Digital NI Act Courts-Project Implementation Guidelines” and set up 34 Digital Courts dealing with Negotiable Instruments Act cases. Besides being paperless, such Courts are environmentally friendly and have also led to saving of judicial manpower and added to the convenience of the citizens.

## **13. VIDEO CONFERENCING:**

Video conferencing emerged as the mainstay of the Courts during the COVID lockdown period as physical hearings and normal court proceedings in the congregational mode were not possible. Since COVID lockdown started, the District courts heard 39,56,840 cases while the High Court heard 15,90,918 cases (totaling to 55.47 lakh) till 31.12.2020 using video conferencing only. The Supreme Court had nearly 32,000 hearings during the lockdown period. To bring about uniformity and standardization in the conduct of VC, an overarching order was passed by the Hon’ble Supreme Court of India on 6<sup>th</sup> April 2020 which gave legal sanctity and validity to the court hearings done through VC. Further, VC rules were framed by a 5 Judge Committee which was circulated to all the HCs for adoption after local contextualization. So far, the VC rules have been adopted by 12 HCs. As part of the “Atma Nirbhar App Challenge” some Indian made Video Conferencing Apps have also been shortlisted and undergoing tests for use as Video Conferencing platform. One video conference equipment each has been provided to all Court Complexes including taluk level courts and additionally funds have been sanctioned for additional VC equipment for 14,443 court rooms. Funds for setting up 2506 VC Cabins and acquiring 1200 additional VC licenses have been made available. VC facilities are already enabled between 3240 court complexes and corresponding 1272 jails.

## **14. E-FILING & ESEWA KENDRAS:**

An e-filing system (version 1.0) has been rolled out for the electronic filing of legal papers. This allows the lawyers to access and upload documents related to the cases from any location 24x7 which makes coming to the court for filing of papers unnecessary. Further the details of the case entered in the e-filing application are consumed in the CIS software and hence chances of mistakes are minimized. Upgraded versions 2.0 and 3.0 have also been prepared which are more user friendly and have upgraded features like Advocates portfolio, Advocate clerk entry module, calendar and integration with social media platforms etc. Draft

eFiling rules have been formulated and circulated to the HCs for adoption. Supreme Court of India has also developed upgraded eFiling version 3.0 which has now been introduced on a pilot basis and undergoing final security audit. There has been a surge in the number of lawyers and litigants registering for the e filing during the COVID-19 pandemic. To promote eFiling, all Central & State Government departments including the PSUs have been requested to use e filing in all commercial disputes coming up in the commercial courts. eSewa Kendras have been rolled out to bridge the digital divide by providing e filing services to lawyers and litigants. Currently covering all High Courts and one District Court as pilot project, it is being expanded to cover all court complexes. eSewa Kendras have been set up at the entry point of the court complexes with the intention of facilitating the lawyer or litigant who needs any kind of assistance ranging from information to facilitation and e filing.

#### **15. E-PAYMENTS:**

e-Filing of cases requires facilities for ePayments of Court Fees which includes court fees, fines and penalties which are directly payable to the Consolidated Fund. E-filing of cases requires facilities for ePayments of court fees. Online payment of court fees, fines and penalties has been initiated through <https://pay.ecourts.gov.in>. Introduction of electronic collection of court fees and other civil payments require appropriate amendments in the existing Court Fees Act. 21 States have already amended the Court Fees Act.

#### **16. E-COURT SERVICES:**

As part of eCourt project, 7 platforms have been created to provide real time information on case status, cause lists, judgments etc. to lawyers/litigants through SMS Push and Pull (35000 SMS sent daily), email (3,50,000 sent daily), multilingual and tactile eCourts Services Portal (35 Lakh hits daily), JSC (Judicial Service centres) and Info Kiosks. On the National eTaal, the eCourts services portal has recorded 353 crore transactions in last one year making it the lead Mission Mode Project. In addition, Electronic Case Management Tools (ECMT) have been created with Mobile App for lawyers (with 51.1 lakh Android and 6.01 lakh IOS downloads till date) and JustIS app for judges (14,193 downloads till date).

#### **17. NATIONAL SERVICE AND TRACKING OF ELECTRONIC PROCESSES:**

National Service and Tracking of Electronic Processes (NSTEP) has been launched for technology enabled process serving and issuing of summons. A GPS enabled device is given to the Bailiff for the service of summons leading to greater transparency and speedy delivery of processes. It provides real time status update of service of summons besides tracking of geographical coordinates of the process server at the time of serving.

#### **18. COVID-19 SOFTWARE PATCH:**

A new software patch and court user manual for COVID-19 management has also been developed. This tool will help in smart scheduling of cases thereby enabling judicial officers to retain urgent cases and adjourn cases not urgent on cause list. A user manual for this patch has also been issued for the ease of the stakeholders.

#### **19. JUSTICE CLOCKS:**

To make effective use of database created through National Judicial Data Grid (NJDG) and to make the information available to public, LED Display Message Sign Board System called Justice Clocks have been

installed in 18 High Courts. The purpose of Justice Clock is to bring awareness to the public about justice sector, advertising the various schemes of the department and to give status of various fields to the public.

## **20. IEC CAMPAIGN:**

A website has been launched exclusively for the eCommittee. This website disseminates the eCourts Project related information to all stakeholders. Provision has been made for the High Courts to upload their achievements and their best practices. The eCommittee website has also been linked to the website of the DoJ.

At present, the District Court websites are functioning using the Drupal framework which was created more than 5 years back. The Drupal infrastructure is being upgraded with the latest S3waaS framework which has been created using FOSS technologies by the NIC.

Towards creating awareness and familiarization of e-Filing amongst lawyers, Webinars on e-Filing for Tamil Nadu, Goa, Maharashtra and Delhi Bar Council was organized during June 2020 which had more than 19000 viewers. A Manual on e-Filing entitled as “Step by Step Guide for e-Filing” has been prepared and made available on the e-Filing portal, in both English and Hindi, for use of advocates and litigants. It has also been released in 11 regional languages. A Brochure in English and Hindi on “How to register for e-Filing” has been made available on the e-Filing portal for the use of lawyers. It has also been released in 12 regional languages. As part of awareness campaign, a YouTube Channel has been created in the name of eCourts Services where video tutorials on e-Filing have been made available for larger outreach to stakeholders. 12 help videos on e-Filing in 7 regional languages apart from Hindi and English was prepared and circulated for the advocates as part of awareness raising programme. The said videos are available in the e filing portal help desk and also in the social media through the eCommittee YouTube channel. To conduct awareness programme for advocates on eFiling and ECMT tools under eCourt Services, training of trainers has already been undertaken by eCommittee of the Supreme Court at the National and State level. 25 Master Trainers have been trained in each High Court who in turn have already trained 461 Master Trainers across the country. These, 461 Master Trainers have in turn imparted training programme on eCourt Services and eFiling in each district of the country for advocates in their regional languages and also identified Master Trainer Advocates.

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

**21.1 Objectives:** 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 coordinated 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.

### **21.2 Advisory Council**

To advise on the goals, objectives and strategies of the National Mission and the Action Plan and its implementation, an Advisory Council has been constituted under the Chairmanship of Minister of Law and Justice with wide ranging membership which include Minister of State in the Ministry of

Home Affairs; Chairperson of the Department-related Parliamentary Standing Committee on Personnel, Public Grievance, Law and Justice; Minister of Law & Courts, Andhra Pradesh; Minister of Law, Justice & Parliamentary Affairs, Jammu & Kashmir; Attorney General of India; Chairperson, Law Commission of India; Secretary, Department of Legal Affairs; Secretary, Legislative Department; Solicitor General of India; Secretary-General, Supreme Court of India; Director, National Judicial Academy; and Chairman, Bar Council of India. Secretary, Department of Justice is the Convener of the Advisory Council. An Action Plan of the National Mission was formulated covering 5 strategic initiatives which are reviewed by the Advisory Council of the National Mission from time to time. The Advisory Council meets once in six months. Eleven meetings of the Advisory Council have been held so far.

### **21.3 Subordinate Judiciary**

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of the High Courts and State Governments concerned. As per information made available by the High Courts and respective State Governments, as on 21.12.2020 the sanctioned strength of Judicial Officers of District and Subordinate Courts is 24225. The number of Judicial Officers in position and vacant posts is 19345 and 4880 respectively.

### **21.4 Pendency in Courts**

The status of pendency of cases (as on 31.12.2020) in various courts in the country is given below:

Supreme Court	64426
High Courts	56,18,513
District and Subordinate Courts	3,63,75,984

At present, quarterly statistics relating to the total number of civil and criminal cases pending before the Supreme Court, High Courts and District & Subordinate Courts are made available by the Supreme Court. In addition, the National Judicial Data Grid (NJDG), provides data on cases pending in the District Courts and High Courts across the country. NJDG has been appreciated and acknowledged by the World Bank in the Ease of Doing Business Report, 2020. As an effective tool for generation of Case Management Reports.

A series of provisions have been introduced in procedural laws to enable the expeditious disposal of criminal and civil cases. In case of civil trials, relevant amendments to the Code of Civil Procedure (CPC) including provisions limiting the number of adjournments that may be granted to each party, allowing service of summons through email; providing for dismissal of suit where summons are not served in consequence of plaintiffs failure to pay costs; and limiting the time limit for filing of written statement by the defendant. Similarly, in the Code of Criminal Procedure (Cr.P.C.) several amendments have been made to ensure speedy disposal. These include, amendment of Section 309, Cr.P.C. to discourage unnecessary adjournments; amendment of Section 320, Cr.P.C. to rationalise the list of compoundable offences; insertion of a new Chapter XXIA on plea bargaining; insertion of Section 436A for release of undertrial prisoners who have undergone half of the maximum imprisonment; and permitting the use of audio/video technology in criminal cases.



## 21.5 Reforms under Enforcing Contracts Indicator of World Bank's Doing Business Report:

World Bank Report on Doing Business measures regulations that enhance business activity and those that constrain across 11 indicators. Department of Justice (DoJ) is the nodal department for the Enforcing Contract indicator. The performance of any country in "Enforcing Contracts" indicator is measured against the time taken for disposal of a commercial dispute; costs involved in resolving a commercial dispute; the quality of judicial processes and good practices followed by the commercial courts.

This department has created a Task force under the Chairmanship of Secretary, Department of Justice, with members from the Department for Promotion of Industry and Internal Trade (DPIIT), Department of Legal Affairs (DoLA), the High Court of Delhi, Bombay, Karnataka and Calcutta and the Law Departments of Delhi, Maharashtra, Karnataka and West Bengal and the e-Committee of the Supreme Court. The Task Force has held 11 meetings so far. The concerted efforts of the Government and the Indian judiciary in implementing reforms under the "Enforcing Contracts" Indicator has led to India's rank improving to 163<sup>rd</sup> rank in 2020 from 186<sup>th</sup> in 2014. This jump of 23 ranks is a result of the game-changing reforms undertaken by the government over the past 6 years.

### Enforcing Contracts indicator measures the following parameters:

- a. Time estimates for commercial cases: This includes time taken during filing and service phase, trial and judgment phase, and enforcement of judgment phase.
- b. Cost estimates for commercial cases: This includes attorney fees, court fees (upto judgment only) and expert fees, and enforcement fees.
- c. Quality of Judicial Process Index: This includes court structure and proceedings, case management, court automation, and alternative dispute resolution.

## 21.6 Following are some of the key reforms undertaken in Enforcing Contracts indicator in this year:

The Department has spearheaded following steps for exclusive and focused attention to resolve commercial disputes expeditiously and strengthen the "Enforcing Contracts" regime and institutionalized these steps in collaboration with judiciary, as follows:

- i. For speedy resolution of commercial cases, the government introduced the Commercial Courts Act, 2015 (as amended in 2018) which led to establishment of "**Dedicated Commercial Courts**" at district level in Delhi and Mumbai. The specified value of commercial cases to be resolved in these commercial courts is starting from Rs 3 lakhs. These courts have exclusive jurisdiction as well as exclusive manpower. There are 22 Dedicated Commercial Courts in Delhi; 4 Dedicated Commercial Courts in Mumbai; 2 Dedicated Commercial Courts in Bengaluru with 7 more to be established soon and 2 Dedicated Commercial Courts in Kolkata and 2 more to be set up. This structural reform introduced by the government is aimed at facilitating settlement of commercial disputes expeditiously for litigants and lawyers and at the same time instill confidence in the corporate investors.



- ii. To promote fair and unbiased adjudication of commercial matters, the government in collaboration with the judiciary is implementing eCourts project. Under this project, for enhancing judicial transparency and court automation, **“Random and Automatic Allocation”** of commercial cases has been made operational. All newly filed commercial cases in the Dedicated Commercial Courts are automatically and randomly allocated to the judges using the latest Case Information System (CIS 3.2) software. This digital reform of the government which was lacking previously, focuses on creating a system which is faceless, transparent and credible case allocation to judges. It has not only improved the ease of doing business but aided in a paperless and environmentally friendly court procedure.
- iii. **“Case Management Hearing or pre-trial conference facility”** under CPC Order XV-A of the Commercial Courts Act, 2015 introduced by the government has been made operational by this government for all commercial cases in Delhi, Mumbai, Bengaluru and Kolkata. It is held before the trial and narrows down contentious issues/evidentiary questions, expedites trial process and discourages any delay tactics. The aim is to speed up case disposal by streamlining the trial process, thus benefitting the litigants as well as lawyers.
- iv. To reinforce the Prime Minister’s flagship Digital India program that has become a mass movement in the past 4 years, the initiatives under Enforcing Contracts indicator have galvanized efforts such as **“e-Filing Facility”**. e-filing has made filing of cases real time and online which means that cases can be filed by a lawyer from home or any location, any time 24x7. e-filing system is aimed at promoting paperless filing and create time and cost saving efficiencies by adopting technology-driven solution to file cases before courts in India.
- v. **“e-Summons”** is the process of issuing and serving the summons electronically through email followed by SMS alert which is generated through eCourt Services Portal is fully operational in Delhi and Mumbai Courts. This pioneering initiative of the government in consonance with the Digital India vision will save time and resources by automatically delivering the summons to parties in dispute.
- vi. The government introduced the Commercial Courts (Amendment) Act, 2018 that ushered in game-changing policy initiative of **“Pre-institution mediation and settlement”** of commercial cases where no urgent interim relief is contemplated and for this purpose, through subject expert mediators empanelled by the District Legal Services Authorities. The Pre-Institution of Mediation & Settlement (PIMS) Rules, 2018 (as amended in 2020) has been notified. This has led to dispute avoidance and reduced clogging of cases in commercial courts. In addition, it has boosted investors’ confidence in contract enforceability regime.
- vii. The vision of Digital India and the eCourts project is to transform the judicial system of the country by ICT enablement of courts. In order to enhance judicial productivity, both qualitatively & quantitatively, making the justice delivery system accessible, cost effective, reliable and transparent, **“Electronic Case Management Tools (ECMTs)”** has been introduced. It enables better and efficient justice delivery process and court management are available through eCourts Services web portal, eCourts Services Mobile App and JustIS Mobile App. Judges and lawyers can access them from both eCourt Services web portal

and mobile application anywhere and anytime. Integration of Electronic Case Management Tools in one digital platform has been done which is a key reform under Enforcing Contracts in World Bank's Ranking.

- viii. JustIS app is an essential tool for Judicial Officers and has been made available exclusively for India's judicial officers to empower them. It gives a quick glance of the number of listed cases on the present day, undated cases, received by the Institution and by transfer in the last month, current pending and disposed commercial matters in the current month. The eCourts app aims to enhance judicial productivity and workflows by providing case information with speed and accuracy to lawyers and litigants.
- ix. The government has recognized that an effective and faster system of resolution of high value commercial disputes needs specialized forums for expeditious adjudication. **Special Commercial Benches in High Courts** have been set up in Delhi, Allahabad, Odisha and Andhra Pradesh High Courts to hear high value commercial cases above Rs. 500 crores.
- x. The government felt that the Specific Relief Act, 1963 is not in tune with the rapid economic growth happening in our country. The government introduced the Specific Relief (Amendment) Act, 2018. Section 20B of this amended Act mandates establishment of **Designated Special Courts for infrastructure projects**. Currently, 22 High Courts have established **Designated Special Courts for infrastructure projects**. High Court(s) of Calcutta, Karnataka, Allahabad and Madhya Pradesh High Courts have allocated specific days in a week for hearing of such matters so that these courts function as dedicated courts for infrastructure contracts on such days.

## **22. SCHEME FOR ACTION RESEARCH AND STUDIES ON JUDICIAL REFORMS:**

- 22.1 A Plan Scheme for Action Research and Studies on Judicial Reforms was formulated by the Department of Justice in September, 2013 with necessary approval of Standing Finance Committee. The objective of the Scheme is to promote action research and studies in the field of Judicial Reforms. So far, 45 projects have been sanctioned under the Scheme out of which 33 projects have been completed. Actionable Points from recommendations given by implementing agencies have been forwarded to authorities concerned for their appropriate consideration.

## **23. CENTRALLY SPONSORED SCHEME (CSS) FOR DEVELOPMENT OF INFRASTRUCTURE FACILITIES FOR THE JUDICIARY:**

- 23.1 **Objective and Scope:** Development of Infrastructural Facilities for Judiciary in the States is the prime responsibility of the State Governments concerned. However, to augment the resources of the State Governments, a Centrally Sponsored Scheme (CSS) for development of infrastructure facilities for the judiciary was launched by the Central Government in the year 1993- 94. The scheme, as it stands now, covers construction of court buildings and residential quarters for Judges / Judicial Officers of District and Subordinate Courts.
- 23.2 Since inception of the Scheme, the Central Government has provided financial assistance amounting to Rs. 7975.81 crore to State Governments / Union Territories. Out of this, an amount of Rs.4531.50

crore has been provided since 2014-15 till 31.12.2020 (57.13%), which includes Rs. 982.00 crore in 2019-20 and Rs. 302.93 crore released during 2020-21 (as on 21.12.2020). As per information collected from High Courts as of December 31, 2020, there were 19,966 court halls / court rooms available for District and Subordinate Courts in the country. In addition, 2,827 court halls / court rooms were under construction. Comparing these figures with the working strength of 19,345 judges / judicial officers reported by High Courts as of December, 2020, adequate court rooms / court halls are available for the current strength of judicial manpower. 3,985 Court Halls and 2,587 Residential Accommodation were constructed / completed since 2014-15 till 31.12.2020, out of this 192 court halls and 126 residential units have been constructed in the year 2020-21. Focus is now to match the availability of court rooms / court halls with the sanctioned strength of 24,225 judicial officers / judges in District and Subordinate Courts. Considerable progress has also been made with regard to availability of residential units for judicial officers in District and Subordinate Courts. As of December 31, 2020, 17,752 residential units were available and 1,858 residential units were under construction.

- 23.3 The Guidelines of the Scheme have been revised from 2018-19 for smooth and effective implementation of the Scheme. The revised guidelines include weightage criteria, a scientific formula, has been adopted from the year 2018-19 for inter-state distribution of funds under the Scheme. The criteria is based on 4 parameters, namely, (i) number of court halls left for construction with reference to sanctioned strength of judicial officers in the State/UT (ii) number of residential units left for construction with reference to sanctioned strength of judicial officers in the State/UT (iii) working strength of judicial officers with reference to sanctioned strength of judicial officers in the State/UT, and (iv) pendency of 10 years and more old cases in subordinate judiciary. Based on such criteria the tentative allocation of funds to States/UTs is informed to the State Governments and UT Administrations in advance at the beginning of the financial year to enable them to submit their proposals accordingly.
- 23.4 Nyaya Vikas Web Portal and Mobile App Version 2.0. An on-line monitoring system has been developed with the technical assistance of National Remote Sensing Centre of ISRO. For the purpose, the web portal and mobile app named “Nyaya Vikas” have been developed for monitoring of construction projects which was launched by Hon’ble Minister of Law and Justice on 11th June, 2018. The State Governments have nominated Nodal Officer at State level and Surveyors & Moderators for each project to enter and upload data/information relating to ongoing and completed projects. Based on the experience and observations of the Users at the Central and State level, Nyaya Vikas web portal and Mobile App has been upgraded and version 2.0 has been launched and is live from 01.04.2020. The Users in all States and Union Territories are entering data through web portal and uploading photographs through mobile app with geo-tagging. Total number of projects entered in the portal is 1909, including 1000 completed, 824 under construction and 85 proposed. 1521 projects have been geo-tagged.

## **24. GRAM NYAYALAYAS:**

- 24.1 The Gram Nyayalayas Act, 2008 came into force with effect from 2nd October, 2009. The Act provides for establishment of Gram Nyayalayas at intermediate Panchayat level for the purpose of

providing access to justice to the citizens at their doorstep. A copy of the Act has been placed on the website of Department of Justice. In terms of Section 3(1) of the Gram Nyayalayas Act, State Governments, after consultation with the High Court concerned, may, by notification, establish one or two more Gram Nyayalayas for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous group Panchayats. Establishment of Gram Nyayalayas is, therefore, not mandatory on the part of State Governments as per the Act. However, State Governments are requested from time to time to establish Gram Nyayalayas.

24.2 402 Gram Nyayalayas have been notified by 12 States, out of which 225 Gram Nyayalayas are functional. To encourage the states, the financial assistance is provided for non-recurring expenses for setting up of Gram Nyayalayas, and for meeting the cost of recurring expenditure towards running these Gram Nyayalayas for the first three years. The recurring and non-recurring assistance is subject to financial ceilings as provided in the guidelines of the scheme. The Central Government is providing assistance to states for Gram Nyayalayas which include Rs. 18.00 lakh per Gram Nyayalaya towards cost of establishing the Gram Nyayalaya as a Ministry of Law and Justice one-time assistance (Rs. 10 lakh for office building, Rs. 5 lakh for vehicle and Rs. 3 lakh for furnishing the office) and Rs. 3.20 lakh per Gram Nyayalaya per annum as recurring expenditure for a period of three years. As on 10th December, 2020 a sum of Rs. 72.38 crore has been sanctioned to States so far which include Rs. 3.78 crore in 2020-21. Details are given below:

Sl. No	Name of the State	Gram Nyayalyas Notified	Gram Nyayalayas operational	Funds sanctioned so far (in Rs. lakh)
1	Madhya Pradesh	89	89	2456.40
2	Rajasthan	45	45	1240.98
3	Karnataka	2	2	25.20
4	Odisha	22	16	337.40
5	Maharashtra	39	24	497.62
6	Jharkhand	6	1	75.60
7	Goa	2	0	25.20
8	Punjab	9	2	25.20
9	Haryana	3	2	25.20
10	Uttar Pradesh	113	14	1323.20
11	Kerala	30	30	828.00
12	Andhra Pradesh	42	0	378.00
	<b>Total</b>	<b>402</b>	<b>225</b>	<b>7238.00</b>

## 25. SECOND NATIONAL JUDICIAL PAY COMMISSION (SNJPC):

The Supreme Court of India vide its order dated 09.05.2017 in Writ Petition No. 643/2015 directed to appoint a Judicial Pay Commission to review the pay scales, emoluments and service conditions of the Judicial Officers of Subordinate Judiciary in India. Accordingly, Second National Judicial Pay Commission has been established under the Chairmanship of Shri Justice (Retd.) P.V. Reddi of the Supreme Court.

In February 2020 SNJPC submitted its final report to Supreme Court of India and also provided a copy of report to Department of Justice. On 28.02.2020 Supreme Court considered the report and directed all the State Governments and UTs to file their responses with respect to each recommendation, if any, within the period of four weeks. On 22.06.2020 Affidavit on behalf of Union of India was filed in Supreme Court of India. Now the matter is under consideration of Hon'ble Supreme Court of India.

## 26. MEMORANDUM OF UNDERSTANDING (MOU) WITH MOROCCO:

A Memorandum of Understanding on Judicial Sector Co-operation was signed between Supreme Court of India and Supreme Council of the Judicial Power of the Kingdom of Morocco on 24.07.2020 in Rabat.

## 27. REDRESSAL OF GRIEVANCES:

Department of Justice (DoJ) receives large number of Citizen's grievances from citizens directly and through online CPGRAMS Portal. 9377 grievances have been received during the year. 9639 grievances have been disposed off during this period. The Department has been rated as one of the largest grievances receiving Departments by the Department of Administrative Reforms & Public Grievances. Besides, large number of grievances is also received through post. Detailed guidelines for disposal of grievances by Department of Justice have been uploaded on website [www.doj.gov.in](http://www.doj.gov.in) for information/guidance of grievance holders/citizens.

## 28. ACCESS TO JUSTICE:

### Constitutional Mandate

The Preamble to the Indian Constitution recognizes Justice as one of the foremost deliverables to be secured for the people of India. Building upon the constitutional provisions contained in Articles 14, 21 and 39A, Department of Justice (DoJ) through its Access to Justice Programme, has undertaken various initiatives /projects to enhance accessibility to legal aid and promote legal literacy amongst people in a need-based, localized and contextualized manner.



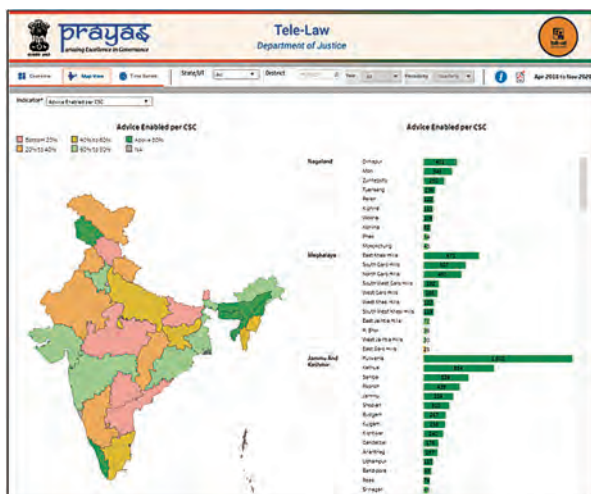
## 29. PROGRAMMES UNDER ACCESS TO JUSTICE:

29.1 Tele-Law: Reaching the Unreached, programme launched in, 2017 has witnessed significant growth during the year 2020-2021. Seeking to provide free legal advice to the marginalized sections of the society through Video Conferencing/Telephone facility available at the Common Service Centres (CSCs) by dedicated pool of Panel Lawyers, the programme enabled advice to 5,26,132 beneficiaries

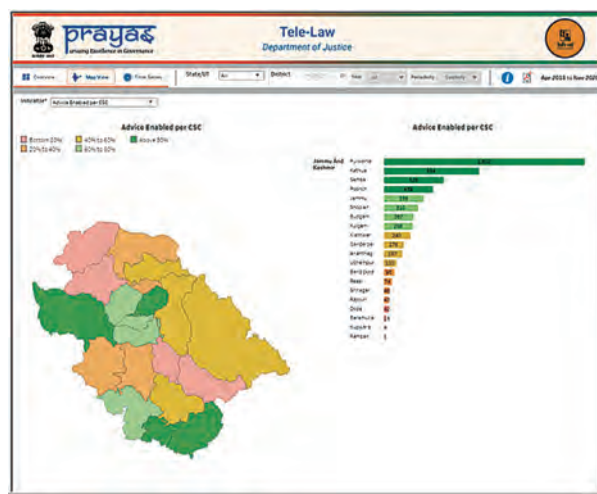


that includes 1,60,317 women, 1,16,267 Scheduled Caste, 95,254 Scheduled Tribe and 1,58,596 OBC beneficiaries.

- 29.2 Currently operational in 29860 CSCs covering 285 districts across 29 States/UT in the country including 115 Aspirational Districts, this program has proved its immense potential, strength and utility for the citizens in these trying Pandemic times. To enable easier access of the services to the unreached, specific interventions were taken during this period.
- 29.3 E- Brochure and Pamphlets on Tele-Law & E-Tutorial on use of Tele-law Mobile App has been translated in 22 languages and uploaded on Tele-law public portal. Radio jingle (translated in 22 languages) was broadcast through All India Radio in 285 Districts. E-booklet on Tele-Law titled “Voices of the Beneficiaries” was released that captures real life stories and benefits received under the Tele-Law programme.
- 29.4 Tele-Law Data, being captured on dedicated Tele-Law dashboard, is now pushed on Prayas Dashboard that facilitates review of ongoing flagship programmes and other important initiatives of the Government of India for high level monitoring.



State Level Granularity



District Level Granularity

### 30. NYAYA BANDHU (PRO BONO LEGAL SERVICES):

This programme (launched in 2017), is the Department’s initiative to spearhead Probono culture across the country. Following supporting measures have been undertaken in financial year 2020-2021:-

- 30.1 **Nyaya Bandhu Apps (Android & iOS) application** has been developed to create a database of pro bono advocates. On the eve of “71<sup>st</sup> Constitution Day” the Nyaya Bandhu (iOS version) was launched and hosted on UMANG –that serves for more than 2.0 Cr registered users. 2292 lawyers have registered so far under this programme.





30.2 **Probono Panels in High Courts** have been created with support from Registrar Generals of High Courts to provide state specific decentralized pool of Pro Bono Advocates.

30.3 **Pro Bono Club Scheme** has been rolled out to instill in the young minds an understanding and philosophy on Pro bono and to assist the registered Pro Bono advocates in researching and legal drafting.



30.4 DoJ has also sought the cooperation of High Courts and State Bar Councils in publicizing the Nyaya Bandhu initiative through distribution of Nyaya Bandhu IEC materials within their networks. Nearly 7.2 lakh Nyaya Bandhu pamphlets in 22 regional languages have been dispatched to High Courts and Bar Councils across the country.



### 31. SPECIFIC INITIATIVES FOR NORTH EAST AND UT OF JAMMU & KASHMIR AND LADAKH (NEJK):

Since 2012, DoJ “Access to Justice NEJK Project” is instrumental in undertaking the local initiatives to address the legal needs of the marginalized and vulnerable sections of the society, to improve the capacity of justice delivery systems and legal services authority and to enhance legal awareness of the vulnerable populations in the States/UTs<sup>1</sup>. Focus areas include Legal Aid, Legal Awareness and Legal Literacy.



31.1 158 Legal Aid Clinics have been established where Panel Lawyers and PLVs provide the assistance to the needy, through which 33,586 beneficiaries (belong to the marginalized section) have been facilitated.

31.2 To sensitize people total 1156 sessions have been conducted at village/block level in which 1,09,596 community members have participated. Simultaneously, 13306 awareness sessions have been conducted for Panchayati Raj officials, 884 for Village Chiefs (Gaon Buras and Gaon Buris) and 1454 for Preraks. State legal Service Authorities conducted 20 legal literacy training and sensitization programme for 1000 headmen in the States.

31.3 To spread legal literacy, IEC material regarding 69 Social Welfare Laws has been developed and translated in 23 dialects/languages. 8,30,900 copies have been disseminated between the underprivileged and marginalised in the remote areas due to which more than 1 lakh beneficiaries have taken recourse to legal help.

<sup>1</sup>Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Tripura, Sikkim, Nagaland and UT of Jammu & Kashmir and Ladakh

## 32. CITIZENS' DUTIES AWARENESS PROGRAMME (CDAP):

- 32.1 Aimed to instill constitutional values in the lives of common man special one year Pan India Awareness drive was undertaken from 26<sup>th</sup> November, 2019 to 26<sup>th</sup> November, 2020, under the aegis of DoJ. Titled as CDAP, it witnessed participation from 48.6 Cr citizens, 86+ Ministries/ Departments of Government of India, States/UTs, Judiciary, NSS/NYK Volunteers, Indian citizens across India and NRIs overseas. Participation was also seen among 31 lakh



elected representatives of Gram Panchayats where 14,500 Special Gram Sabhas were held to promote the Indian Constitution & Fundamental Duties. Grass-root campaign in 1000 digital villages under the CSC network, covering 310 districts across 16 states that reached to more than 4,84,000 villagers.

- 32.2 Digital mechanisms were used to leverage the activities effectively such as Online Preamble Reading (21.86 lakh), Online Pledge taking (1.90 lakh), Webinars (10,600), Special E-tickets (14.5 Cr), Social Media (10.95 Cr). Large pool of Promotional tools such as Brochure, Flyers, Posters, Standees, Quiz Banks, Preamble Walls have been made available on DoJ website.

## 33. NATIONAL LEGAL SERVICES AUTHORITY:

- 33.1 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.

- 33.2. In every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee has 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 LokAdalats in the State. 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.

### 33.3 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:

- a) To Provide Free and Competent Legal Services to the eligible persons covered under Section 12 of the Legal Services Authorities Act, 1987;
- b) To organize Lok Adalats for amicable settlement of disputes and
- c) To organize legal awareness camps in the rural areas.

### **33.4 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; and
- d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.
- e) During the year, total 7.11 lakh eligible persons have been benefited through legal aid services in the country.

### **33.5 Lok Adalats:**

33.5.1 In order to facilitate alternative method of dispute resolution, NALSA conducts Lok Adalats. It is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled / compromised amicably. Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987. Under the said Act, the award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal lies against such an award before any court of law.

33.5.2 There are three types of Lok Adalats namely Regular Lok Adalats, National Lok Adalats and Permanent Lok Adalats.

- i. Regular Lok Adalats are organized by the Legal Services Authorities/Committees as per the convenience/discretion of the State/District authorities, for settlement of both pre-litigation and post-litigation cases.
- ii. National Lok Adalats are conducted quarterly for settlement of cases (both pre-litigation and post-litigation) in all the courts from the Supreme Court of India to the Taluk Courts on a single day.
- iii. Permanent Lok Adalats are permanent establishments set up in most of the Districts to

provide compulsory pre-litigative mechanism for settlement of disputes related to Public Utility Services.

33.5.3 Details of Lok Adalats organized and number of cases disposed of in these Lok Adalats during 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21 is as under:

S.No.	Year	Lok Adalat		National Lok Adalat
		No. of Lok Adalats organized	Total number of cases settled	Total number of cases settled
1	2016-17	1.19	17.24	96.62
2	2017-18	1.09	19.28	57.31
3	2018-19	1.16	10.46	58.95
4	2019-20	1.02	5.45	52.00
5	2020-21	0.22	4.20	13.44
	<b>Total</b>	<b>4.68</b>	<b>56.63</b>	<b>278.32</b>

(In lakh)

**Note:** The number of cases settled includes both pre-litigation and pending cases.

In addition, 10748 sittings of Permanent Lok Adalats were held during 2020 and 17059 cases were settled and total value settlement comes to Rs. 87.34 crore.

#### 33.5.4 E-Lok Adalat:

Each year, thousands of people through the Lok Adalats to settle their cases that are either pending or at a pre-litigation stage. However, in the scenario of pandemic when protocols of public health and social distancing were being followed, it was difficult to conduct such face-to-face settlement of disputes. As most offline services remained closed, online services became the need of the hour. In order to adapt to these challenges, the Legal Services Authorities innovatively leveraged technology and introduced E-Lok Adalats.

33.5.5 The main objective of the E-Lok Adalats was to improve people's accessibility to this Alternative Dispute Resolution (ADR) forum during the pandemic and reduce the burden on courts by settling not only the pending cases but also cases which are at the pre-litigation stage. Another objective was to implement a cost effective and time saving mechanism of dispute resolution for the effected parties.

33.5.6 E- Lok Adalat has been conceptualized in a way that it facilitates party interaction and the exchange of information, allowing an opportunity to effectively solve a dispute. Pre-Lok Adalat sessions are held to identify cases fit for settlement and to facilitate settlement between the parties.

33.5.7 The first E-Lok Adalat was organized in Madhya Pradesh on 27.06.2020. Since then, 30 E-Lok Adalats have been organized in the country and a total number of 3,01,410 cases have been disposed of through the said E-Lok Adalats. **(Footnotes)**





### 33.6 Legal Awareness Camps

Legal illiteracy poses a serious threat in achieving the growth and development of a nation as legal awareness empowers oneself in knowing the law and his rights under the law thereby promoting the enhancement of legal culture in the society. With the aim to eradicate such legal illiterateness from the society, the Legal Services Institutions conducts legal awareness camps every year in different parts of the country and raises awareness amongst the masses of the different laws and beneficial schemes of the Government. During the year 1.46 lakh legal awareness camps were held for different sections of the people.

### 33.7 Legal Services/Empowerment Camps

Legal Empowerment Camps were organized with broad objectives of bridging the gaps of information and access to citizen's rightful entitlements. During the year 1,46,568 camps were held in which around 1.94 crore people received various benefits under the law. In the said camps, efforts were made to identify poor, weaker and marginalized people and to connect them to their entitlements available under the law and welfare schemes. Legal aid functionaries not only identified such people but also helped them in filing up forms relating to welfare schemes and completing the necessary formalities.



### 33.8 Internship programmes

NALSA organized a winter internship programme for law students in two batches viz. from 7<sup>th</sup> to 29<sup>th</sup> January, 2020 and 21<sup>st</sup> January to 12<sup>th</sup> February, 2020. Students from various law colleges/universities from all over the country participated in the internship programme, which was of about 3 weeks in duration. There were two batches totalling 80 students who had the opportunity to participate in the internship. During their initial assignment with the District Legal Services Authority, for about 10 days the students had the opportunity to make field visits to Jails/Observation Home/JJBs/Children's Homes/Courts/Mediation Centres etc. After their assignment with the DLSA, the students interned for a week with the Delhi State Legal Services Authority and thereafter, completed their internship with NALSA.

### 33.9 Legal Aid Defence Counsel System (LADCS)

The National Legal Services Authority through the 'Legal Aid Defence Counsel System' provided legal aid in criminal matters (in Sessions Courts, at the first instance). LADCS worked with the aim of creating institutional capacity to effectively provide legal aid to the needy in the criminal justice system. Legal Aid Defence Counsel System has been implemented on a pilot basis in one district in each of the 17 SLSAs selected. It is being implemented in the following states: Andhra Pradesh, Assam, Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Maharashtra, Meghalaya, Odisha, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand and West Bengal. During the year legal assistance was provided in 17058 Sessions Cases in the Districts through LADC.

### 33.10 Standardising process for better delivery and monitoring

NALSA released a 'Handbook of Formats: Ensuring Effective Legal Services' prepared in collaboration with the Commonwealth Human Rights Initiative (CHRI), the Handbook is a step towards NALSA's priority of improving the quality of legal services by strengthening documentation and reporting by Legal Services Institutions across the country. The Handbook, consists of two sections: the first section contains formats for legal aid providers i.e. panel lawyers, retainer lawyers, remand lawyers, jail visiting lawyers and lawyers attached to police stations and for community and convict paralegal volunteers and the second section



includes formats for Legal Services Institutions including registers for the Front Office, attendance registers, clinics and for the Monitoring and Mentoring Committees. This handbook contains formats that will enhance data collection, enabling NALSA to analyse trends and patterns emanating from data, and identification of issues at the micro level.

### **34. MISCELLANEOUS ACTIVITIES OF THE DEPARTMENT:**

#### **34.1 RIGHT TO INFORMATION ACT, 2005:**

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

- (a) A Section Officer of the Department has been designated as CAPIO to collect and 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 have been placed on the RTI portal of the Department's official website (<http://doj.gov.in>) as required under section 5(i) 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(i) 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 (i) of RTI Act, 2005 in respect of Under Secretaries working under them and who have been designated as CPIOs.
- (e) During the year 2020 (01.01.2020) to 31.12.2020), 352 RTI applications and 8 Appeals were received manually and 4387 RTI Applications and 153 appeals were received online in the Department and forwarded to the concerned CPIOs /Public Authorities for providing information requested for.
- (f) As per para 1.4.1 of the DOPTs guidelines issued vide their O.M. No.1/5/2011-IR dated 15.04.2013, the Department is uploading all RTI's and Appeals' replies on the website regularly.

The details of total no. of RTI applications received during 2020 are as follows:-

<b>Matter</b>	<b>Online</b>	<b>Offline</b>
RTI	4387	352
Appeal	153	8

#### **34.2 EMPOWERMENT OF WOMEN:**

Redressal of Complaints pertaining to Sexual Harassment at Workplace: 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-constituted for redressal by aggrieved women employees of the

Department on 24.11.2020. The Committee consists of three women employees, (including one Member from an NGO) and two male employees.

### **34.3 SWACHH BHARAT ABHIYAN:**

As per policy guidelines of Government of India, Swachh Bharat programme has been implemented in the Department. During the year 2020-2021, 'Swachhta Pakhwada' was observed from 01.09.2020 to 02.10.2020 and another programme namely 'Swachhta Hi Sewa' was observed and activities like beautification of lawn, plantation of trees inside campus, extensive cleaning drive, weeding out of old records, disposal of old and obsolete items and voluntary Shramdaan by officers/officials of Department of Justice etc. were undertaken. During the FY 2020-21, Rs.35 lakh was earmarked for works under Swachhta Action Plan for renovation of toilets and canteen area, procurement of cleaning devices and other equipment. An expenditure of Rs.19.03 lakh has so far been incurred.

### **34.4 IMPLEMENTATION OF E-OFFICE:**

In keeping with the policies of the Government for moving towards paperless office, this Department has taken the initiative to operationalize eOffice. Special steps have been taken with the help of NIC to impart training to all officers/officials on eOffice for smooth implementation and optimal utilization of eOffice system. As a result, Department of Justice is one of the top performing Ministries/Departments of Government of India who have moved into complete eOffice platform.

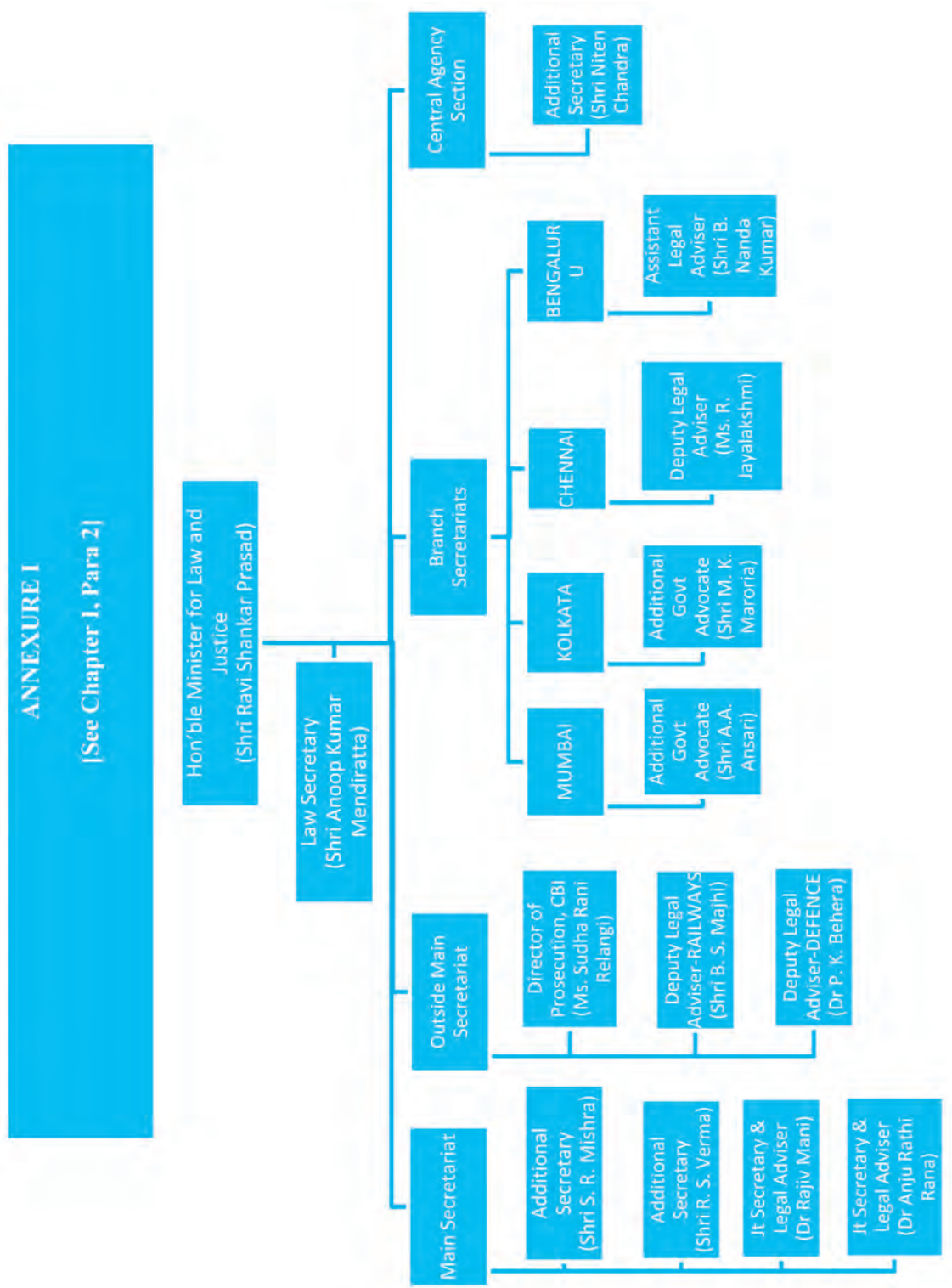
## **35. IMPLEMENTATION OF OFFICIAL LANGUAGE POLICY:**

Official Language Section has been set up in the Department. It assists in discharging the responsibilities of implementation of Official Language policy of Union of India, the Official Languages of Act, 1963, the Official Language Rules, 1976 and the compliance of directions/instructions issued by Department of Official Languages from time to time. It is also entrusted with the work of promoting the progressive use of Hindi in the Department in addition to the translation work. The progress made in the implementation of official language is monitored through Quarterly Meetings. In the year 2020-21, the meetings of Departmental Official Language Implementation Committee (OLIC) were held in every quarter to review the implementation of progressive use of Hindi in the Department. Two schemes are being implemented in the Department for promoting the use of Hindi. One relates to noting and drafting in Hindi while another is relating to dictation in Hindi. Under the scheme of Noting and Drafting, certificates and cash awards were given to 04 officers and employees on Hindi Diwas 14<sup>th</sup> September, 2020. One Hindi workshop was organized on 20.03.2020.

### **35.1 Hindi Fortnight and Hindi Diwas:**

In order to promote and encourage the implementation of Official Language in the Department, Hindi Diwas was organized on 14th September, 2020. On the occasion of Hindi Diwas, message of Hon'ble Minister of Home Affairs was read out in the presence of Secretary (Justice). In his address, Secretary (Justice) urged the officers and officials of the Department to do their maximum work in Hindi. In addition to this, Hindi Fortnight was organized in the Department from 1<sup>st</sup> September, 2020 to 14<sup>th</sup> September, 2020. During observance of Hindi Fortnight, three competitions i.e. Hindi Essay, Hindi Typing and Hindi Dictation were organized. Total 34 officers/officials participated in these competitions. Cash prizes (First: Rs.2500/-, Second: Rs.2000/- and Third: Rs.1500/- along with certificates were given away to the winners of each competition.

**ANNEXURE-I**  
 (See chapter-1, para 2)  
**ORGANISATION CHART OF THE DEPARTMENT OF LEGAL AFFAIRS**



## ANNEXURE-II

[See Chapter I, Para 21]

**Total number of Employees of I.T.A.T. including SCs, STs, OBCs, ExS, PH upto 01.01.2021.**

GROUP A	No of employees	GEN	SC	ST	OBC	Ex-service men	PH
President	1	1	-	-	-	-	-
Vice President	9	5	-	-	4	-	-
Accountant Member	33	17	4	1	11	-	1 (O.H.)
Judicial Member	36	22	7	1	6	-	-
Registrar	1	1	-	-	-	-	-
Deputy Registrar	1	1	-	-	-	-	-
Assistant Registrar	10	4	2	1	3	-	-
Hindi Officer	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>91</b>	<b>51</b>	<b>13</b>	<b>3</b>	<b>24</b>	<b>-</b>	<b>-</b>

GROUP B	No of employees	GEN	SC	ST	OBC	Ex-servicemen				PH			
						SC	ST	OBC	GEN	SC	ST	OBC	GEN
Senior P.S.	88	47	13	1	27	-	-	-	-	-	-	-	-
Private Secretary	17	6	4	1	6	-	-	-	-	-	-	-	-
Superintendent	4	4	-	-	-	-	-	-	-	-	-	-	-
Office Suptd.	54	35	8	3	8	-	-	-	-	-	1	-	-
Hindi Translator	-	-	-	-	-	-	-	-	-	-	-	-	-
Senior Accountant	1	1	-	-	-	-	-	-	-	-	-	-	-
Librarian	2	2	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>166</b>	<b>95</b>	<b>25</b>	<b>5</b>	<b>41</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>

Note: 07 post of Sr. Hindi Translator filled on Ad-hoc basis

GROUP C	No of employees	GEN	SC	ST	OBC	Ex-servicemen				PH			
						SC	ST	OBC	GEN	SC	ST	OBC	GEN
Upper Division Clerk	91	42	17	4	28	2	-	-	-	-	-	-	1
Steno Grade 'D'	01	1	-	-	-	-	-	-	-	-	-	-	-
Lower Division Clerk	106	48	19	9	30	-	-	1	-	-	-	3	-
Staff Car Driver	10	11	2	11	1	1	4	4	-	-	-	-	
<b>TOTAL</b>	<b>232</b>	<b>101</b>	<b>47</b>	<b>15</b>	<b>69</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>

	No of employees	GEN	SC	ST	OBC	Ex-servicemen				PH			
						SC	ST	OBC	GEN	SC	ST	OBC	GEN
Multi-Tasking Staff	162	51	62	14	35	-	-	3	5	3	-	1	2
<b>TOTAL</b>	<b>162</b>	<b>51</b>	<b>62</b>	<b>14</b>	<b>35</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>

### ANNEXURE-III

[See Chapter I, Para 23]

STATEMENT SHOWING THE TOTAL NUMBER OF GOVERNMENT SERVANTS AND THE NUMBER OF SCHEDULED CASTES, SCHEDULED TRIBES, OTHER BACKWARD CLASSES, EX-SERVICEMENT AND PHYSICALLY HANDICAPPED AMONGST THEM AS ON THE 01.01.2021.

#### DEPARTMENT OF LEGAL AFFAIRS

Group	Total No. of Employees	Scheduled Castes	% of total employees	Scheduled Tribes	% of total employees	Other Back-ward Classes	% of total employees	Ex-service-men	% of total employees	Physically Handicapped	% of total employees
Group 'A'	144	39	27.08	7	4.86	15	10.41	-	-	2	1.38
Group 'B'	161	22	13.66	9	5.59	27	16.77	3	1.86	5	3.10
Group 'C' (excluding safaiwala)	235	61	25.95	11	4.68	34	14.46			1	0.42
Group 'C' (safaiwala)	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>540</b>	<b>122</b>	<b>22.59</b>	<b>27</b>	<b>5.00</b>	<b>76</b>	<b>14.07</b>	<b>3</b>	<b>0.55</b>	<b>08</b>	<b>1.48</b>

\* 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 2020-21  
Department of Legal Affairs**

**Scheduled Castes**

Group of post	Total no. of vacancies	Total no. of vacancies	Total no. of vacancies reserved	Total no. of vacancies reserved	No. of SC candidates appointed	Short-fall	No. of ST candidates appointed against vacancies reserved for SCs in the third year of carry forward	No. of SC vacancies carried forward to next year	No. of reservations lapsed after carrying forward for 3 years	No. of reservations lapsed from 1980 till the end of the year previous to the year of review	Progressive total of reservation lapsed (col. 10+11)
	Notified	Filled	Out of col.2	Out of col.3							
1	2	3	4	5	6	7	8	9	10	11	12
Other than Lowest rung – Group 'A' and Lowest rung of Group 'A'	—	—	—	—	—	—	—	—	—	—	—
Group 'B'	—	—	—	—	—	—	—	—	—	—	—
Group 'C' (excluding Safaiwala)	03	—	—	—	—	—	—	—	—	—	—
Group 'C' (Safaiwala)	—	—	—	—	—	—	—	—	—	—	—

## Scheduled Tribes

Group of post	Total no. of vacancies reserved	Total no. of vacancies reserved	No. of ST candidates appointed	Short-fall	No. of SC candidates appointed against vacancies reserved for STs in the third year of carry forward	No. of ST vacancies carried forward to next year	No. of reservations lapsed after carrying forward for 3 years	No. of reservations lapsed from 1980 till the end of the year previous to the year of review	Progressive total of reservation lapsed (col. 19+20)
	Out of col.2	Out of col.3							
	13	14	15	16	17	18	19	20	21
Other than Lowest rung – Group ‘A’ and Lowest rung of Group ‘A’	—	—	—	—	—	—	—	—	—
Group ‘B’	—	—	1	—	—	—	—	—	—
Group ‘C’ (excluding Safaiwala)	—	—	1	—	—	—	—	—	—
Group ‘C’ (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 CSCS 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' (i) Other than Lowest rung (ii) Lowest rung of Group 'A'	—	37	—	—	14	—	—	—	—	—	—
Group 'B'	-	30	—	—	5	—	—	—	—	—	—
Group 'C' (excluding Safaiwala)	—	1	—	—	—	—	—	—	—	—	—
Group 'C' (Safaiwala)	—	—	—	—	—	—	—	—	—	—	—

	13	14	15	16	17	18	19	20	21
'A'	—	—	—	—	—	—	—	—	—
'B'	—	—	—	—	—	—	—	—	—
'C' (excluding Safaiwala)	—	—	—	—	—	—	—	—	—
'C' (Safaiwala)	—	—	—	—	—	—	—	—	—

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

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

	13	14	15	16	17	18	19	20	21
Lowest rung of 'A'	—	—	—	—	—	—	—	—	—
'B'	—	—	—	—	—	—	—	—	—
'C' (excluding Safaiwala)	—	—	—	—	—	—	—	—	—
'C' (Safaiwala)	—	—	—	—	—	—	—	—	—

## ANNEXURE-IV

[See Chapter I, Para 23]

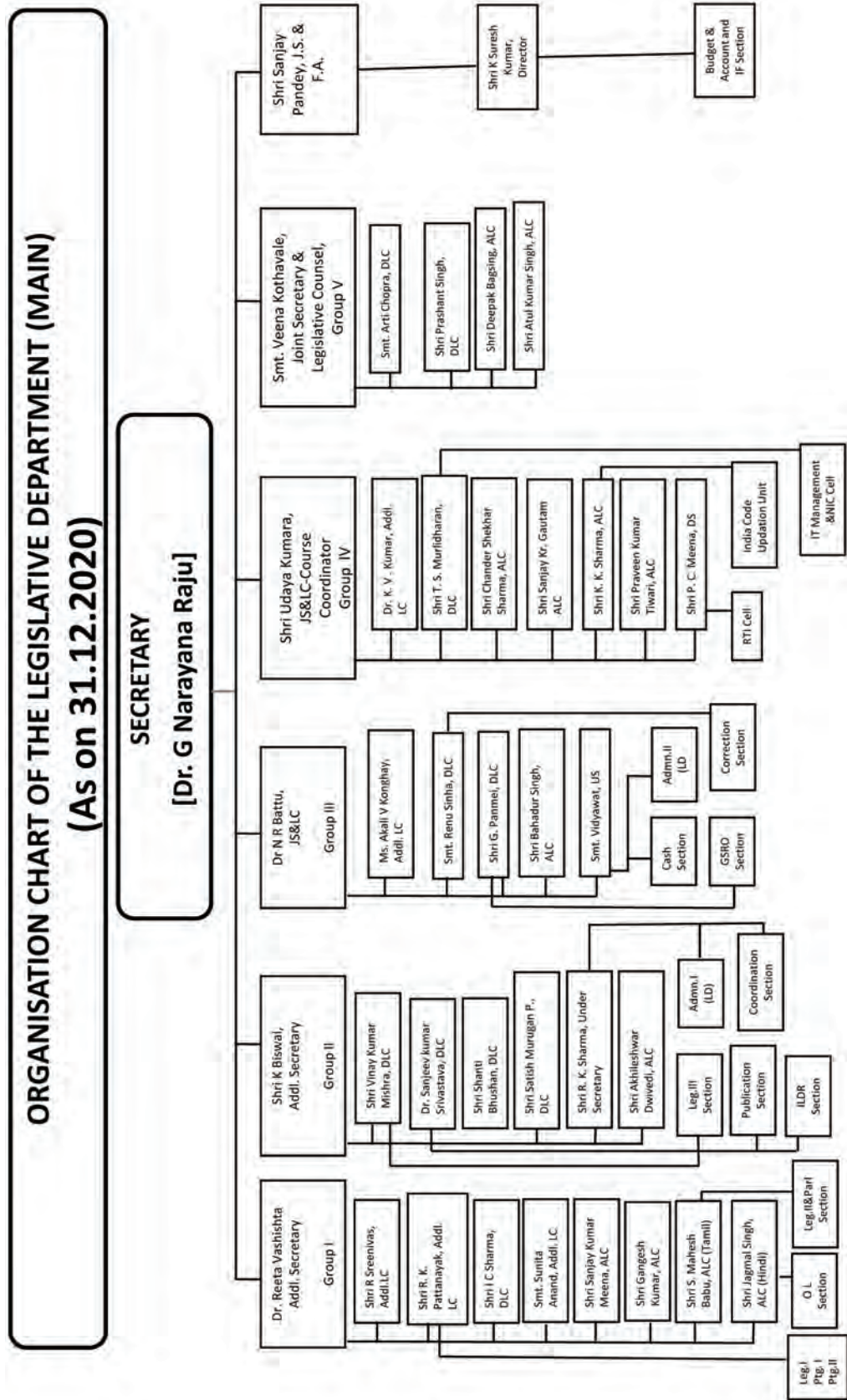
### REPRESENTATION OF FEMALE EMPLOYEES

GROUPS	DEPARTMENT OF LEGAL AFFAIRS (Including Legislative Department)	
	TOTAL NO. OF EMPLOYEES	NO. OF FEMALE EMPLOYEES
GROUP A	144	38
GROUP B	161	44
GROUP C(Excluding Safaiwala)	235	17
GROUP C (Safaiwala)	-	-
<b>TOTAL</b>	<b>540</b>	<b>99</b>

GROUPS	INCOME TAX APPELLATE TRIBUNAL	
	TOTAL NO. OF EMPLOYEES	NO. OF FEMALE EMPLOYEES
GROUP A	91	9
GROUP B	166	53
GROUP C	232	57
MTS	162	7
<b>TOTAL</b>	<b>651</b>	<b>126</b>

[See Chapter 2, Para 2]

Organisation Chart of Legislative Department



## ANNEXURE-VI

(See Chapter- II, Para 35)

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 31<sup>ST</sup> DECEMBER, 2020 .

Group	No. of Employees	SC	%	ST	%	OBC	%	Ex-Service-men	%	Physically Handicapped	%
A	84	11	13.10	8	9.52	18	21.42	-	-	2	2.38
B	90	20	22.22	2	2.22	14	15.56	-	-	2	2.22
C	112	29	25.89	8	7.14	18	16.07	-	-	-	-
<b>Total</b>	<b>286</b>	<b>60</b>	<b>20.98</b>	<b>18</b>	<b>6.29</b>	<b>50</b>	<b>17.48</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>1.40</b>



## ANNEXURE-VII

(See Chapter- II, Para 35)

### REPRESENTATION OF FEMALE EMPLOYEES IN THE LEGISLATIVE DEPARTMENT

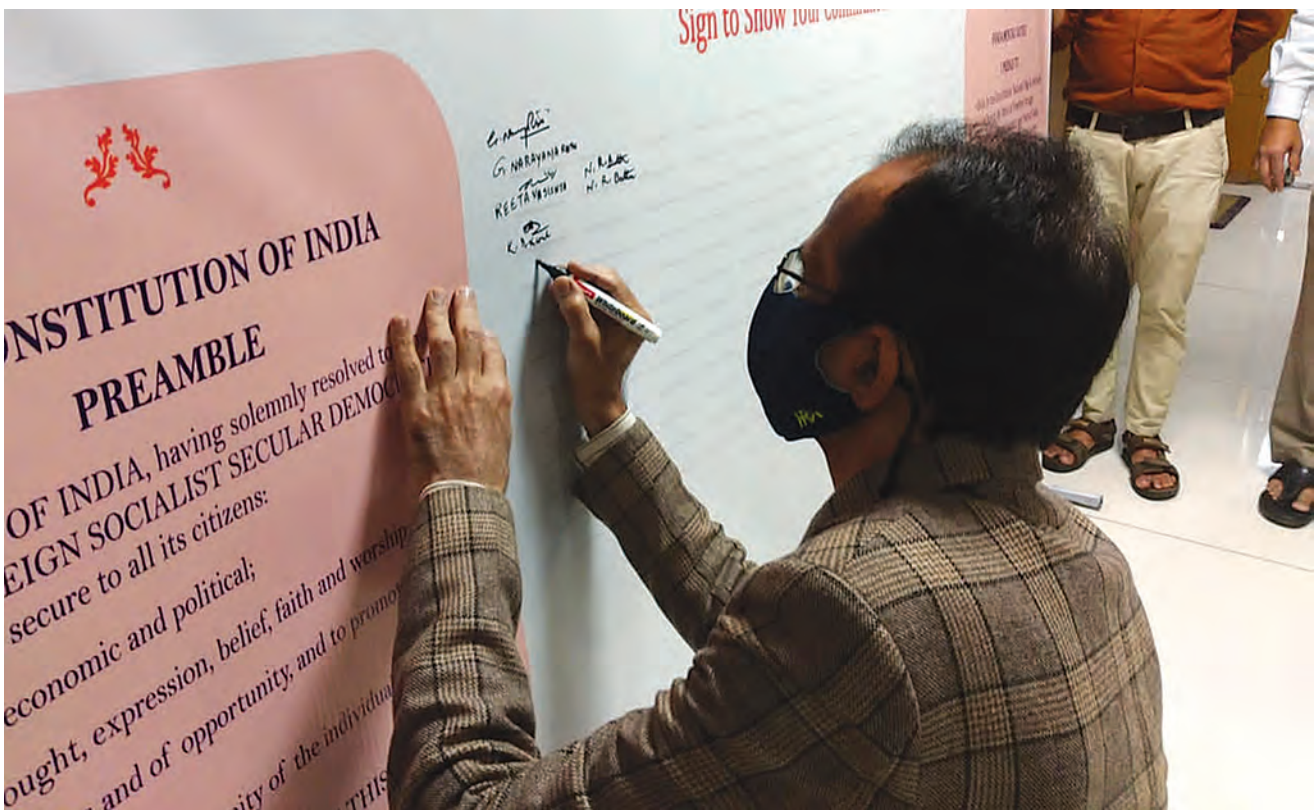
AS ON 31st DECEMBER, 2020

<b>GROUP</b>	<b>Total No. of Employees</b>	<b>No. of Female Employees</b>	<b>Percentage(%)</b>
Group 'A'	84	19	22.62
Group 'B'	90	28	31.11
Group 'C'	112	13	11.61
<b>Total:-</b>	<b>286</b>	<b>60</b>	<b>20.98</b>

**ANNEXURE-VIII**  
(See Chapter- II, Para 36)







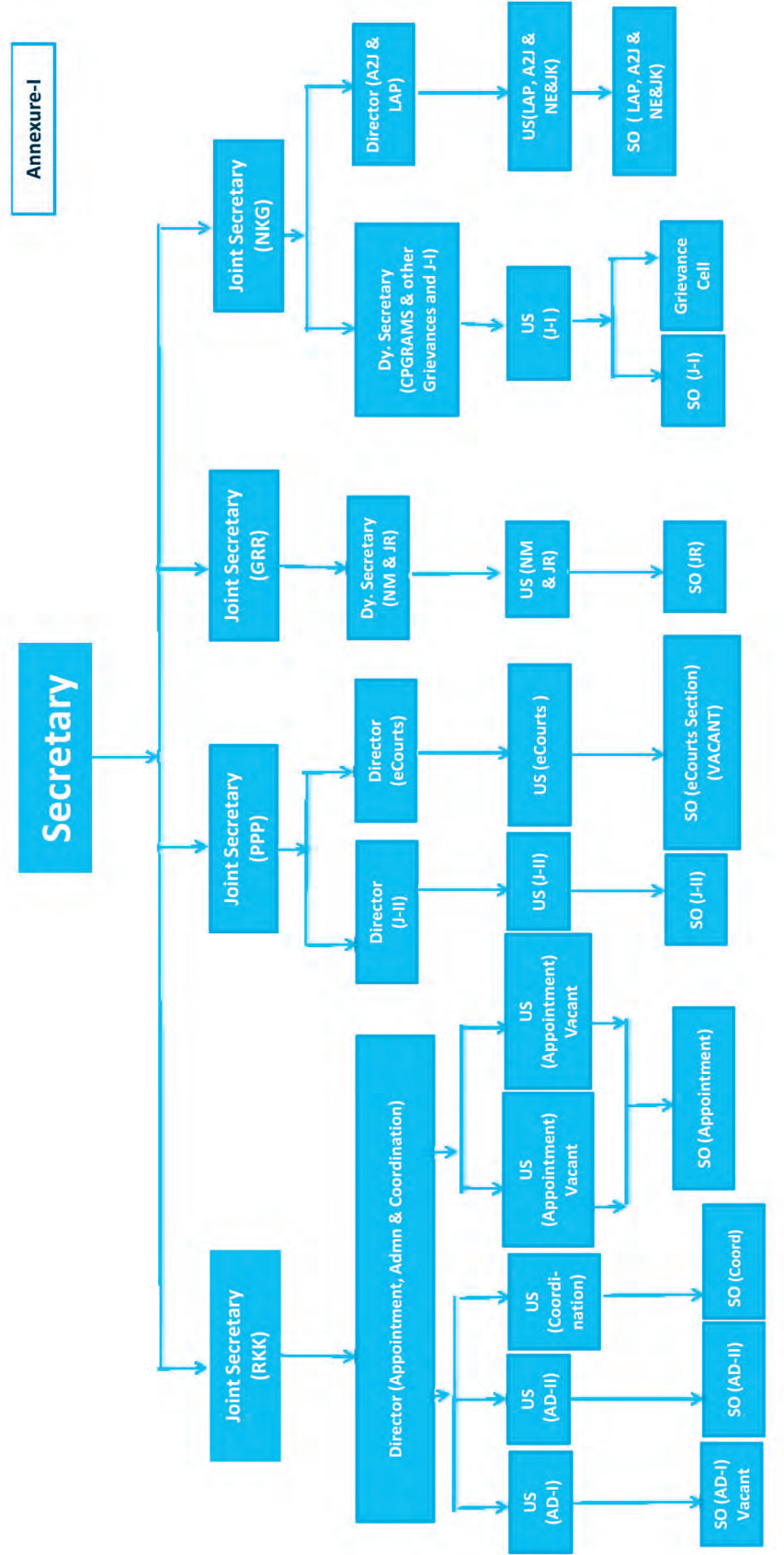




# ANNEXURE – IX

(See Chapter- III, Para- 1)

## Organisation Chart of Department of Justice



RKK : Shri Rajinder Kumar Kashyap  
 PPP: Shri Pravash Prashun Pandey

GRR : Shri G. R. Raghavender  
 NKG : Shri Niraj Kumar Gayagi



GOVERNMENT OF INDIA

**Ministry of Law and Justice**