

VISIT OF INDIAN DELEGATION TO LONDON, UK

23-26 MARCH, 2015



TOUR REPORT



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DEPARTMENT OF JUSTICE
MINISTRY OF LAW AND JUSTICE
GOVERNMENT OF INDIA

TOUR REPORT OF INDIAN DELEGATION VISITED LONDON, UK DURING 23-26 MARCH, 2015

A four member Indian delegation visited London, United Kingdom during 23-26 March, 2015 to study the system of judicial appointments in UK and other judicial reforms and best practices for replicating in the Indian context. The composition of the delegation was as under:

1. Shri Praveen Garg, Joint Secretary, Department of Justice
2. Shri V. Ponnuraj, Private Secretary to the Minister of Law and Justice
3. Shri Chandra Kant Reejonia, Deputy Secretary, National Mission for Justice Delivery and Legal Reform, Department of Justice
4. Shri Vijay Gopal, Under Secretary, Department of Justice.

The objectives of the delegation to visit UK closely related to the mandate of the Department of Justice which included understanding the process of judicial appointments and the challenges of justice delivery and legal reforms. The objectives included:

- i. To better understand the system of judicial appointments and the timely filling up of vacancies:*
- ii. To better understand the trial process, the concept of open courts and the use of AV recording in courts:*
- iii. To better understand the process of pre-trial conference:*
- iv. To better understand the mechanism and methods employed for judicial reforms in the country:*
- v. To better understand civil and criminal procedural reforms:*

The itinerary of the visit of the delegation was framed in consultation and with the approval of Ministry of Justice, UK Government for organizing various meetings. A copy of the Schedule of meetings finalized by the Ministry of Justice, UK Government is at **Annexure I**. The delegation landed London in the evening of 22nd March, 2015 (Sunday) and was escorted by the Protocol Officer of Indian High Commission in London, who took the members of the delegation to The Washington Hotel, Curzon Street where were the accommodations arranged for the delegation.

23rd March, 2015 (Monday)

Meeting with the Judge of Blackfriars Crown Court

The delegation reached the Blackfriars Crown Court at 1-15, Pocock Street, London, SE1 0BJ in the morning as per the Schedule. The delegation was welcomed by Mr. Gary O'Leary, Court Operation Manager who escorted the delegation to His Honour Judge Mr. Deva Pillay of Blackfriars Crown Court. Judge Pillay greeted each members of the delegation with '*namaskaram*' and introduced himself. Once the members of the delegation comfortably settled down in a small meeting room he asked

the aspirations and the expectations of the delegation from this visit. Shri Praveen Garg, the leader of the delegation introduced himself and other members of the delegation and conveyed the objectives of the visit of the Indian delegation to UK as stated above and also thanked that the Ministry of Justice of the UK Government for arranging meetings for the delegation which included a visit to a Crown Court and a meeting with a Judge of a Crown Court. Mr. Pillay was appointed to the South Eastern Circuit in 1997 and was also serving as a member of the Ethnic Minority Liaison Judges. Mr. Pillay informed about himself that he has been practicing since 1976 and has seen many Commissions come and go. He was practicing in South Africa and hails from Tamil Nadu in India. He briefly explained the system of the appointments of the Judges in UK. He informed that an advocate of 15-20 years of practice with good reputation is considered for appointment as Judge after a reference from sitting Judge. A Judge is appointed with the approval of Lord Chancellor. He referred to Lord Justice Auld Report which has reviewed the English criminal justice system and has reported the changes that have taken place from time to time. The Report was to examine the purpose, structure and working of the criminal courts in the [England and Wales] criminal justice system and to consider re-structuring and improving the composition of the criminal courts, introducing new criteria and procedures for allocating work between them and better matching of courts to cases; introducing a new structure for direction and better management of the criminal justice system as a whole, with a view to improving the quality of justice, efficiency and effectiveness of the criminal process; removing work from the criminal process that should not be there, and providing within it alternative forms of disposal for certain types of case; improving preparation for trial and trial procedures, and reform of the law of criminal evidence; and simplification of the appellate structure and its procedures. Mr. Pillay informed that the report has made recommendations but only few of them have been adopted. According to Mr. Pillay who is from South Africa the Indian Constitution is best suited for South Africa and that Indian Constitution is best to emulate. He puts sense of responsibility, honesty in profession and competence ahead of everything for the position of Judges. When asked if he puts subjectivity or objectivity criteria as suitable for appointment of Judges, he replied that it is difficult to state as it depends on various factors. According to him objectivity comes first and then the subjectivity. He informed that aspiring advocates are required to sit in examine and they are given practical cases to report for the skill test. He informed that when he came to practice he saw a lot of racism at that time, but it has now completely changed.

Apart from appointment of Judges, Mr. Pillay was also asked his views on reforms in justice, pendency and delays in lower courts. Mr. Pillay informed that in Crown Court a decision in a matter is required to be taken in 108 days (about 3 months time) and that the decision is delivered in most of the cases and exceptions are very rare and in special cases only. He also informed that the matters listed before the High Court are required to be decided within 28 days for direction. He referred to December 16, 2014 case in India for speedy trial in special cases as an example. On enquiry about average time taken in examination of a case, Mr. Pillay stated that earlier there was no time limit and that the caliber of the Judge is important. On asking about number of cases per Judge, he informed that they have to take up one case at a time to hear on daily basis till the matter is decided within time frame. Meanwhile, other matters of trivial nature come and go. There is no delay in delivery of judgments normally. It was observed after inter-action with Judge Pillay that there were very limited number of cases in the British Courts and that Judges has limited number of cases at a time to

deal with. However, they are required to complete hearing in time and deliver the judgments within prescribed time frame. About quality of judgments, Mr. Pillay asked the delegation to refer to the orders made by Justice Denning which are precise and clear.

The leader of the delegation thanked Judge Pillay for sparing some of his valuable time for the delegation and delivering an impressive account of the judicial system in UK with his own views and expectations. Mr. Pillay then took leave as he had to attend the Court, but before leaving he instructed Mr. O'Leary, Court Operation Manager to show the delegation his Court while in session. Mr. O'Leary then took the delegation to the Court room where the court was about begun its session when Judge Pillay was in seat. It was a big court room having elevated dais for the Judge and adequate space for advocates in front of the dais of the Judge. On the right side of the Judge there were space for jury members and on the left side were the space where they invited the members of the delegation to sit for observance of the court proceedings. There was a witness box and other space for court officials and staff besides the Judge's dais. Behind the lawyers seating area there was a glass box for the members of accused party. Once the delegation seated and that court was arranged in order, Judge Pillay arrived and took his seat at the dais. The members of the jury were called which were about 12 in number, half of them were women. After the permission was granted, the Woman Public Prosecutor took up the matter and presented her case. After observing the court proceedings for about half an hour, the delegation took permission to leave. Judge Pillay acknowledged the departure of the delegation from his court.

From the point of view of judicial infrastructure it was observed that there were number of court rooms in the court complex and that the court room which was visited by the delegation was very spacious having provision for seating of lawyers, jury members, accused party members, staff and public. The court was well equipped with modern equipments and had sufficient court staff. There was a CCTV camera and an LCD TV screen. However, on enquiry it was learnt that only audio recording was being made in that court. However, there was reportedly another court room where audio-video recording were being done. The court complex was a huge four-storey structure with all facilities for litigants and lawyers and strict security. There were people inside the court complex, however, the complex was not crowded as in Indian courts. A picture of the court building from the front is placed at **Annexure II**.

The delegation felt satisfied with the first meeting and the tour of court hall.

Meeting with Law Commission

In the afternoon the delegation visited the office of Ministry of Justice situated at 102, Petty France, London SW1H 9AJ. This is the building where the Ministry of Justice is housed with other the offices of Government agencies, like, Law Commission, Legal Aid Agency and Judicial Appointments Commission. The delegation was greeted by Mr. Ian Cochrane of Ministry of Justice who was actually responsible for arranging all the meetings for the Indian delegation during its visit to London. He was a jovial person who took the members of the delegation to the venue of the meeting to be held with the officers of the Law Commission of UK. The meeting held in room no 9.33A. The delegation was welcomed by the Chairman of the Law Commission for England & Wales, Rt Hon Lord Justice Sir David Lloyd Jones;

Professor David Ormerod QC, Commissioner and leader of the Criminal Law Team; and Ms Elaine Lorimer, Chief Executive of the Law Commission. The members of the delegation introduced themselves to the Chairman and his associates and the leader of the delegation repeated its objectives for visiting UK with specific focus on intention of learning about Judicial Appointments and Justice delivery reforms in UK. As per records, the Chairman has been a judge of the Appeal Court since 2012 and has previously been a judge of the High Court, Queen's Bench Division since 2005. Before becoming a High Court judge he was Queen's Counsel, a Deputy High Court Judge, Chair of the Bar European Group (2004-05) and a Fellow of Downing College, Cambridge (1975-91). He introduced the delegation his colleague Professor David Ormerod QC, Heads of the Criminal Law team and Ms. Elaine Lorimer, the Chief Executive since 2012. It was informed that the Law Commission has five Commissioners, 24 lawyers and 16 Research Assistants. The Commissioners are experienced judges, barristers, solicitors or teachers of law and are appointed on a full time basis by the Lord Chancellor and Secretary of State for Justice for upto five years for heading different teams of specialized law. The Law Commission is expected to review laws which have become outdated and irrelevant after following a process of research and consultation. The Commission makes its recommendations to the Government and Government takes action on these recommendations for implementation with the approval of the Parliament. So far the Commission has consolidated 222 laws and has repealed 10 Statutes. Each year the Law Commission prepares its plan for taking up projects of law reforms or simplification of laws which are assigned to them by the Government or approved by the Lord Chancellor. The Commission held wide consultations with all stakeholders and make recommendations. The recommendations are laid before the Parliament. The recommendations are placed before the Parliamentary Committees for examination and public opinion with the support of sponsoring departments for adoption. Recently the Commission has taken up Criminal Law simplification, Kidnapping Law, Fire Arms Act, etc. While explaining the legal practice in UK it was informed that UK has well paid lawyers and that they are required to take up legal aid cases at reduced rate of remuneration and they cannot refuse legal aid cases as per Rule of Bar and Cab Rank law. It is considered professional misconduct if anyone refuse legal aid cases. Law Commission cannot say no to review any law if given by the Government and but cannot take up projects on its own. Law Commission had selected 9 out of 250 laws for review last year. 69% reports of the Law Commission of UK are implemented.

While informing about the comparative picture of Indian Law Commission, the leader of the Indian delegation informed that Law Reform has been a continuing process particularly during the last 300 years or more in Indian history and Law Commissions were constituted by the Government from time to time. Law Commissions were empowered to recommend legislative reforms with a view to clarify, consolidate and codify particular branches of law where the Government felt the necessity for it. The first such Commission was established in 1834 under the Charter Act of 1833 under the Chairmanship of Lord Macaulay which recommended codification of the Penal Code, the Criminal Procedure Code and a few other matters. Thereafter, the second, third and fourth Law Commissions were constituted in 1853, 1861 and 1879 respectively which, during a span of fifty years contributed a great deal to enrich the Indian Statute Book with a large variety of legislations on the pattern of the then prevailing English Laws adapted to Indian conditions. The Indian Code of Civil Procedure, the Indian Contract Act, the Indian Evidence Act, the Transfer of Property

Act. etc. are the products of the first four Law Commissions. After independence, the Constitution of India with its Fundamental Rights and Directive Principles of State Policy gave a new direction to law reform geared to the needs of a democratic legal order in a plural society. Though the Constitution stipulated the continuation of pre-Constitution Laws (Article 372) till they are amended or repealed, there had been demands in Parliament and outside for establishing a Central Law Commission to recommend revision and updating of the inherited laws to serve the changing needs of the country. The Government of India reacted favourably and established the First Law Commission of Independent India in 1955. Since then twenty more Law Commissions have been appointed, each with a three-year term and with different terms of reference. The Twentieth Law Commission was constituted through a Government Order with effect from 1st September, 2012. It has a three-year term, ending on 31st August, 2015. The Terms of Reference of the Twentieth Law Commission are

- (i) Review/Repeal of obsolete laws, Law and Poverty,
- (ii) Review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure,
- (iii) 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,
- (iv) Examine the existing laws with a view for promoting gender equality and suggesting amendments thereto,
- (v) Revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities and Recommend to the Government measure for making the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

The Reports of the Law Commission are submitted to the Ministry of Law for taking appropriate action in consultation with the concerned administrative Ministries. The reports of the Law Commission are cited in Courts, in academic and public discourses and are acted upon by concerned Government Departments depending on the Government's recommendations. The Law Commission of India has forwarded 243 Reports so far on different subjects.

While discussing the functioning of the Law Commissions in the two countries it was observed that most of the recommendations of the Law Commission of UK are processed for adoption and implementation, whereas the adoption of the recommendations of many reports of the Indian Law Commission are still under consideration and at implementation stage. It was brought to the knowledge of the members of UK Law Commission that in India the legislations are made bilingual in English and Hindi which is mandatory. On enquiry it was informed by the Chairman, Law Commission that when there are varied opinions on a particular issue at public consultation the issue is thoroughly researched and recommendations are made after arriving at conclusive decision. It was informed that the review of laws are made by the Law Commission with the help of an Economist for economic assessment of a particular law and the economic assessment is taken into account by the Parliament while acting on such recommendations. Though generally the task of the Law

Commission is over once the recommendation report is made, however, sometimes Law Commission is invited by the Parliament for appearance and hearing if required. The leader of Indian delegation also informed that the present Government is trying to take remedial measures by effecting reforms in contractual and other laws for improving the status of the country in ease of doing business. The delegation was informed about the office of judicial complaints for receiving complaints against Judges and taking action on misconduct after following due and prescribed procedure.

The Chairman, Law Commission provided a list of recent reports and papers published on various issues and a list of projects of current law reforms on public law, criminal law, property family trusts and commercial/common law, and a list of pending reports in Westminster and Welsh Assembly. A copy of these lists is available at **Annexure III**. In addition, the delegation was also given a copy of Protocol between the Lord Chancellor on behalf of the Government and the Law Commission (**Annexure IV**), a copy of the Work of the Law Commission incorporating the Twelfth Programme (**Annexure V**) and a copy of the 48th Annual Report of the Commission for the year 2013-14 (**Annexure VI**).

After the end of discussions, the leader of Indian delegation expressed his gratitude to the members of the Law Commission in UK for providing invaluable information and insight of the working of the Commission by having a very fruitful and lively discussion. The delegation was also taken around the premises of the Law Commission in the building by introducing other Commissioners and staff of the Commission. The delegation was shown a gallery of photographs of earlier Chairman of the Commission. A picture of the frontal view of the building of Ministry of Justice is at **Annexure VII**.

24th March, 2015 (Tuesday)

Visit to the Supreme Court

The Indian delegation visited the Supreme Court of UK situated at Parliament Square, London SW1P 3BD. The delegation was received by Mr. Ben Wilson, Head of Communications who took the members of the delegation to the main court hall and explained about Supreme Court in detail. The delegation was taken to all main parts of the Supreme Court and gave a brief account of everything and every place visited.

The present Supreme Court of UK is of recent origin. The Constitutional Reform Act 2005 made provision for the creation of a new Supreme Court for the United Kingdom, to achieve a clear separation between their senior Judges and Parliament. Most of the inaugural twelve Justices of the Supreme Court were formerly Law Lords, who were appointed by the Queen from the ranks of Senior Judiciary.

The Supreme Court hears civil cases from all parts of UK, and criminal cases from England, Wales and Northern Ireland. The Court also hears 'devolution issues', matters which raise questions of constitutional importance about the exercise of devolved powers. In most cases, there is no automatic right of appeal to the Supreme Court. There is a Court of Appeal between the High Courts and the Supreme Court of UK. It is in the jurisdiction of the Supreme Court to decide constitutional questions, but

they do not strike down legislation passed by Parliament, which is a significant distinction between the system followed in India and USA.

The Supreme Court does not hold trials where guilt and innocence are decided. So, there is no dock or witness stand. Instead, points of law are discussed. The Courtrooms are specially designed to encourage an atmosphere of learned debate. Visitors are encouraged to watch the proceedings of the Supreme Court. Last year alone, the Supreme Court of UK had 100, 000 visitors. Besides, all hearings of the Supreme Court are routinely filmed and the live feed can be watched on their website.

The Indian delegation also visited the Library. It was pleasing to know that such a large library with every facility and modern technology was available for the users. It was a huge building of three storeys. Few photographs taken in the Supreme Court library are at **Annexure VIII**. The delegation was shown an ancient book on law of more than 350-years old. A photograph of the book is at **Annexure IX**. The Indian delegation also visited the Privy Council, where cases belonging to Countries such as the Caribbean Islands, Mauritius etc. are heard. In the Privy Courts, there are no symbols of the UK but flags of the respective countries from which the court of appeal comes are present. The delegation was also taken to a gallery of art where pictures and portraits of the former renowned Judges of UK were displayed. It was happy to see one of the portraits of an Indian Judge Mr. Shadi Lal who has a special place in the history of Judiciary in UK. A photograph of his portrait is placed at **Annexure X**.

The delegation thereafter met Ms. Jenny Rowe, Chief Executive of the UK Supreme Court. She gave delegation a warm welcome and exchanged views on the mandate, role and functions of the Supreme Courts in UK and India. She however expressed her disappointment for not being able to show the delegation proceedings of the Court as the Court had already closed early for the day. Nevertheless, it was a useful visit for the delegation to visit the Supreme Court of UK in London. The leader of the delegation appreciated her for receiving the delegation and extending full support. A picture of Supreme Court is at **Annexure XI**.

25th March, 2015 (Wednesday)

Meeting with Legal Aid Agency

The delegation visited the office of Ministry of Justice at 102, Petty France, London SW1H 9AJ to have a meeting with the Legal Aid Agency of UK. The Legal Aid is an integral part of the UK Justice system providing support to the most vulnerable people in society. The Indian delegation met with Mr. Terry Davies, Service Development Senior Manager, and Mr. Glenn Carrasco, Public Defenders Service.

The Legal Aid agency is an executive agency which provides both civil and criminal legal aid and advice in England and Wales. The agency was formed in April 2013 as a replacement for the Legal Services Commission, a non-departmental public body of the Ministry of Justice. This change was enacted to allow for greater ministerial control over the UK governments' legal aid budget. The annual budget for legal aid is huge. We were informed that it is approximately 2 billion pounds, and the legal aid spending per capita is very high compared to other European countries and the US. The legal aid agency enters into contract with law firms who agree to do legal aid work. The contracted law firms cannot refuse legal aid work once assigned to them unless

there is conflict of interest. In order to control cost, the Legal Aid agency has introduced fixed and graduated fees for majority of legal aid cases. They also have a call centre providing legal aid advice. One interesting fact is that the legal aid is provided to persons starting from the police station irrespective of criteria of means and merits.

Mr. Carrasco delivered a presentation on the Public Defenders Service. He informed us that the best of the Barristers start with public-funded work and a very high quality and appropriate service is provided to those who need it the most.

Meeting with the Judicial Appointments Commission

The United Kingdom has three separate Legal Systems. England and Wales have a combined Judicial System, while Scotland and Northern Ireland each have their own. The Constitutional Reforms Act, 2005, brought several key changes one of which was the establishment of an independent Judicial Appointments Commission, responsible for recommending candidates for Judicial Appointments. The Indian delegation visited the Office of the Judicial Appointments Commission (JAC), which is housed in the Ministry of Justice, and met Mr. Chris Stephens, Chairperson of the JAC, Ms Carol Morgan, Head of Operations, and Mr. Michael Johns-Perring, Acting Head of Commission Secretariat. The Judicial Appointments Commission consists of fifteen members – two from the Legal profession, i.e., one Barrister and one Solicitor, six Judges from top to entry levels, one lay Justice (Magistrate), and six other lay persons including the Chairperson.

The present Chairperson, Mr. Chris Stephens, specialises in Human Resource with a background in Commercial Enterprises. He has an Indian connection in the sense that he had developed the Human Resource in DHL, the international Courier company, in India. The Chairperson has come to India earlier and has met persons of eminence in legal field such as Shri Soli Sorabjee and Shri Justice Verma.

The Judicial Appointments Commission has a responsibility to develop and implement its own selection processes. Its duties include selection of candidates based on merit, character, and the need to encourage diversity, both social and ethnic. The JAC assesses candidates on criteria such as intellectual capacity, personal qualities, ability to understand and deal fairly, authority and communication skills, and efficiency. For posts requiring particular leadership skills, the efficiency criterion is replaced by leadership and management skills. The character check of the judges involves their holding good standing in their profession, good standing with the law, good income-tax record, and whether they have been involved in violations of law which includes even traffic violations as the Road Traffic Act is part of the total Table of Statutes.

The selection process commences with a request from Her Majesty's Courts and Tribunals Service or the Ministry of Justice to the JAC. The vacancy request includes the number of vacancies, job description and eligibility requirements. The vacancies are then advertised to a JAC website. The candidates submit their applications to JAC electronically. Every application received by the JAC is vetted to ensure that the candidate meets the entry requirements. The candidates are shortlisted through online test or by a paper sift, designed to assess the candidates' ability. They are given case studies, just an hour prior to the test, where they have to identify the issues and apply the law.

The JAC meets every fortnightly for appointments and every month for deciding on policy matters. The decisions are reached by consensus. We were informed by the Chair that there had been only one instance of appointment by voting. On an average, the JAC makes around 600 appointments in a year. Last year, they made 806 appointments. An interesting information shared with the delegation was that the High Court Judge is paid 25% more than the salary paid to the Prime Minister. The JAC has posted a wealth of information on their website which can be accessed at www.judicialappointments.gov.uk

26th March, 2015 (Thursday)

Meeting with Bingham Centre for the Rule of Law, British Institute of International and Comparative Law (BIICL)

The leader of the delegation was approached by the representative of the British Institute of International and Comparative Law in London who showed interest in meeting with the Indian delegation. With the cancellation of the scheduled meeting with the Crown Prosecution Service, the delegation decided to drop-in at the Bingham Centre for the Rule of Law of the Institute situated at Charles Clore House, 17 Russell Square, London WC 1B 5JP. The delegation was warmly greeted by Dr. Lawrence McNamara, Deputy Director and his associate and Research Fellow Ms. Justine N Stefanelli. He talked about the Institute and its functioning. He informed that the Bingham Centre was launched in 2010 to honor the work and career of Lord Bingham of Cornhill, a great judge and passionate advocate of the rule of law. The Centre is the only international centre of excellence solely dedicated to the study, promotion and enhancement of the rule of law worldwide. The Centre does its job by defining the rule of law as a universal and practical concept, highlighting threats to the rule of law, promoting high quality studies and training, and supporting capacity building on the rule of law and demonstrating how the rule of law upholds respect for human dignity and enhances economic development and political stability. The Centre is engaging a combination of high quality studies and practical assistance, the Centre seeks to balance its work on the rule of law between five categories of business and finance, development and transitional societies, access to justice, international and regional standard setting and training and education. The Centre is a part of British Institute of International and Comparative Law, a leading independent legal research organization founded in 1958 and presently headed by Professor Sir Jeffrey Jowell KCMG QC as Director.

While discussing the matter of judicial appointments it was informed by Dr McNamara that a report is being finalized giving details of judicial appointments in the Commonwealth countries. He also informed that the report is likely to be finalized and released by April, 2015. The Indian delegation was very happy to know about this report as the Department of Justice in the Government of India has been looking for information on judicial appointments in other countries for defending its case in the Supreme Court challenging the Judicial Appointments Commission. It was also informed by Dr McNamara that they are also organizing an International Conference on the subject in London on 5th May, 2015. He also discussed about the indicators for Access to Justice, policy and legal aid, information collection, analysis, Litigation Advocate Services, Mediation, Judicial Review Statutes, etc. Dr. McNamara also gave to the members of the Indian delegation a copy of a report on 'Immigration Detention

and the Rule of Law' by Michael Fordham QC, Justine Stefanelli and Sophie Eser to make the delegation understand the situation. A copy of the publication on 'Streamlining Judicial Review in a Manner Consistent with the Rule of Law' by Michael Fordham QC, Martin Chamberlain QC, Iain Steele and Zahra Al-Rikabi (**Annexure XII**), along with a copy of the Newsletters of Bingham Centre for Spring 2014 and Autumn 2014 (**Annexure XIII and IV**) were also given to the members of the delegation giving details of various activities undertaken by the Centre.

The leader of the delegation expressed his appreciation to Dr. McNamara for meeting the delegation and for providing useful information on various subjects of interests to the delegation.

Outcome of the visit

The Indian delegation during its visit to London, UK during 23-26 March, 2015 held useful meetings and inter-active discussions with the senior representatives of Law Commission, Supreme Court, Legal Aid Agency and Judicial Appointments Commission. The Chairman of the Law Commission obliged delegation by having a meaningful interaction with the delegation, along with his senior colleagues which provided valuable information to the delegation. He also shared his views and experience on various activities of the Law Commission. The tour of Supreme Court situated in one of the ancient and well preserved buildings of the Parliament provided life time opportunity to the delegation to see the interior decor of the Apex Court. The delegation was also allowed to see the Court Halls and take pictures. The presentation by the Head of Communications was every educative and the meeting with CEO was quite worthwhile. The meeting with Legal Aid Agency of UK was an eye opener for the Indian delegation as it was learnt that the legal aid in UK is provided to each and every litigant and that they have a budget of two billion British Pounds every year. The legal aid service in UK is an area, which could be looked into for further study and exploration. The budget for legal aid service in India needs to be increased to ensure justice to the deprived sections of the population.

Meeting with the Chairman and members of Judicial Appointments Commission (JAC) of UK was the most satisfying for the delegation as it resulted in finding many solutions and means for setting up a similar Commission in India in search of which the delegation had come to visit UK. The delegation got first-hand knowledge about JAC in UK and how it has evolved and progressed after coming into being as a result of the Constitution Reforms in 2005. It was very interesting to know as to how it has been functioning independently, free from any political influence. It was educative to know that skill tests are conducted for the aspirants and how the selection process gradually proceed and conclude in ultimately producing the quality judiciary to the nation. A lot remains to be learnt in due process of setting up JAC in India. Based on the experience of UK the NJAC proposed to be set up in India may explore the possibility of considering having panel interviews for appointment of the candidates. Candidates could be given case studies for the judgment for testing their knowledge and ability before appointment. A picture of the delegation visiting Ministry of Justice for the meeting is at **Annexure XV**.

An inter-active session with the Judge of Blackfrairs Crown Court gave a broad knowledge of judicial system and justice system in UK. It was a pleasure for the

delegation to see the kind and genuine openness of the Judge who shared his education, knowledge, views and experience. His vast experience in the field gave added and valuable inputs in understanding the Civil and Criminal Justice system in UK. The judges of Crown Court or City Court has handful of cases for hearing and deciding with all facilities at their disposal. The little pendency of cases in courts of UK is, therefore, the major difference for every aspect of judiciary and judicial system between UK and India. The tour of the court complex gave a clear picture of the extent of magnificent infrastructure they create for litigants and lawyers, the supportive staff they provide to the Judges/Courts and the use of information and communication technology in their daily routine work. The delegation was also able to visit Bingham Centre for the Rule of Law of British Institute of International and Contemporary Law on their invitation and had a fruitful deliberation with the Deputy Director and Research Fellow as they came to know about numerous activities being undertaken by the Centre on various issues relating to Rule of Law. It was also an opportunity for the delegation to get the views of experts, outside the Government system, on the working of judicial system of the country, especially, on the working of JAC in UK.

On the whole the visit of the Indian delegation to UK was a success and satisfied as the delegation was able to achieve its objectives of understanding the judicial appointments system in UK, the judicial reforms and justice delivery system in UK. The delegation was able to get useful and valuable information from every place they visited. The field visits to Crown Court, Supreme Court and other places gave requisite exposure to the delegation to feel the functioning of the judicial system in UK, especially after the Constitution Reforms in 2005. It was a learning experience for the delegation to gain knowledge to enable its members to see the whole judicial system in UK in Indian context for making the judicial system in India better and improved through their individual effort in the sector in which they are responsible in their respective Departments.
