

## FOREWORD

The Government attaches utmost importance to the need for improving Governance and service delivery to the common man. One of the improving initiatives in this direction is the effective use of IT based applications for reaching out to the public. Therefore, the Department of Justice has taken-up this initiative of preparing an e-Book.

As part of the Ministry of Law and Justice, the Department of Justice has been vested with the mandate of appointments, resignation and removal of the Judges of the Supreme Court and High Courts and their service conditions, apart from matters concerning infrastructure in subordinate judiciary, ICT enablement of Courts, access to justice, legal aid to the poor and justice reforms.

This e-Book presents a summary of its activities, and hopes that this will be useful to the citizens and act as an important step in bringing governance closer to the public.

D V SADANANDA GOWDA

Minister of Law and Justice

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## AN OVERVIEW

The Department of Justice is headed by Secretary, and its organisational setup includes four Joint Secretaries, six Directors/Deputy Secretaries and seven Under Secretaries.

The Department of Justice is responsible for the appointment, resignation and removal of Judges of the Supreme Court and High Courts by following the Memorandum of Procedures established for the purpose. It is also responsible for the legislation relating to conditions of service of these Judges, apart from the conditions of service of District Judges and higher judicial services of the Union Territories. Constitution and organization of the Supreme Court, High Courts, and the courts in the Union Territories is also under its remit. The Constitution also mandates setting up an All India Judicial Service. The Department of Justice also handles the legislation relating to the contempt of court and court fees.

Along with these statutory functions, the Department of Justice undertakes a number of developmental functions, such as ICT enablement of courts, supporting the State Governments in the development of infrastructure for the subordinate judiciary, legal aid to the poor, including through the National Legal Services Authority in consultation with the Supreme Court and through independent projects implemented with the plan budget. A National Mission on Justice Delivery and Legal Reforms has been functioning in the Department since 2011, and through its Advisory Council, periodical reviews of all the legal reforms and justice delivery initiatives is undertaken and recommendations made for further improvements in justice delivery.

## **CHAPTER 1**

### **APPOINTMENT OF JUDGES**

#### **SUPREME COURT OF INDIA**

The strength of Judges in the Supreme Court (including the Chief Justice of India) is 31. As on 01.01.2016, 26 Judges are in position.

#### **HIGH COURTS**

As on 01.01.2016, the sanctioned strength of Judges in the High Court is 1044 and a total of 601 Judges are in position.

#### **LEGISLATION:**

For change in the existing system for appointment of Judges in the Supreme Court and High Courts, the Constitution (Ninety Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 were published in Gazette of India on 31<sup>st</sup> December 2014. Both the Acts came into force on 13.04.2015 by notification in the Official Gazette.

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

However, the Constitutional validity of both the Acts was challenged in the Supreme Court. The Supreme Court pronounced its judgment on 16.10.2015 and declared both the Acts as unconstitutional and void. The Collegium system as existing prior to the enforcement of the Constitution (Ninety-Ninth Amendment) Act, 2014 was declared to be operative. The Supreme Court, however, asked for suggestions to improve the Collegium system and on 19.11.2015 reserved its judgment on that matter. The Supreme Court announced its verdict on 16.12.2015. It directed the Government to finalize the existing Memorandum of Procedure (MOP) by supplementing it in consultation with the Chief Justice of India, who will take a decision based on the unanimous view of the Collegium comprising the four senior most puisne Judges of the Supreme Court. Broad guidelines on various criteria such as eligibility, transparency, establishment of Secretariat, complaints and miscellaneous have been suggested for improvement in the system.

During the period of hearing of the case, only those Additional Judges whose terms were expiring were given extensions of three months at a time as per the orders of the Supreme Court dated 12.05.2015 and 15.07.2015. After the Judgment, all the proposals for

appointment of Judges of the Supreme Court and the High Courts are now being processed through the Collegium system.

### **INCREASING THE JUDGE STRENGTH OF THE HIGH COURTS**

Following the Joint Conference of Chief Justices and Chief Ministers held on 7.4.2013, a decision was taken to increase the number of judges of the High Courts by 25%. The then Chief Justice of India was consulted in the matter and he was agreeable to the same as an interim measure. After receiving the approval from the State Governments, the High Courts and with the approval of the Chief Justice of India, the strength of the Judges of the High Courts of Delhi, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Punjab & Haryana, Jharkhand, Karnataka, Orissa, Rajasthan, Uttarakhand, Chhattisgarh, Gujarat, Bombay, Patna, Manipur, Meghalaya and Madras has been increased. After enhancement of Strength of Judges of the said High Courts, the total strength of Judges of the High Courts increased from 906 in 01.04.2015 to 1044 as on 31.12.2015.

The proposal to increase the strength of Judges of Allahabad High Court from 160 to 200 has been kept in abeyance till the necessary infrastructure becomes available to accommodate the enhanced strength of Judges in the said High Court.

While considering the increase in the strength of Judges of various High Courts, no change in the strength of Judges was proposed for the High Court of Sikkim in view of the low pendency of cases. The Gauhati High Court was also excluded for the time being as the strength of Judges of the Gauhati High Court continues to be 24 even after sanctioning 11 new posts for the newly established High Courts in the States of Manipur, Meghalaya and Tripura in 2013 earlier under the jurisdiction of Gauhati High Court.

The sanctioned strength of judges of High Courts will increase further after concurrence of the remaining High Courts/State Governments.

## **CHAPTER 2**

### **NATIONAL MISSION FOR JUSTICE DELIVERY AND LEGAL REFORMS**

#### **About the National Mission**

The National Mission for Justice Delivery and Legal Reforms was set up by the Central Government in August 2011, with the objective of facilitating timely delivery of justice.



#### **Goals of the Mission:**

- To increase access to justice by reducing arrears and delays.
- To enhance accountability through structural changes and setting performance standards and improving capacities.



#### **The Five Strategic Initiatives of the National Mission:**

1. Policy and Legislative Changes;
2. Re-engineering Procedures and Alternative Methods of Dispute Resolution;
3. Focus on Human Resource Development;
4. Leveraging ICT for Better Justice Delivery;
5. Developing Infrastructure Facilities for the Subordinate Judiciary.

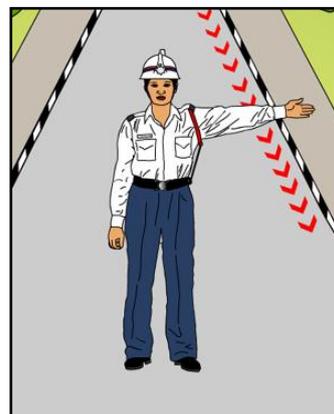
#### **Policy and Legislative Changes**

An Inter-Ministerial Group (IMG) was constituted in March, 2012, with Secretary (Justice) as its Chairperson. The IMG has given its recommendations for amendments to the Negotiable Instruments Act. To reduce pendency of cases arising from dishonour of cheques under the Negotiable Instruments Act, the Mission has requested the Department of Financial Services to introduce legislative and policy reforms.

The Motor Vehicles Act, 1988 is another legislation which is generating excessive litigation contributing to large pendency of cases in the courts. The National Mission has taken up the matter with the Ministry of Road Transport and Highways for introducing reforms to tackle this pendency. The Ministry of Road Transport and Highways has formulated the Road Transport & Safety Bill 2015 with a vision to provide a framework for safer, faster, cost effective and inclusive movement of passengers and freight in the country. The Bill provides for the use of technological solutions for monitoring and enforcement of traffic violations, with the objectives of enhancing transparency and to reduce scope for contesting the challans by traffic rules violators. This, coupled with the creation of systems for online collection of fines for violation of traffic rules, will result in speedier disposal of traffic challan cases.



Recently, the Law Commission of India undertook a comprehensive review of the working of the Arbitration and Conciliation Act, 1996 (Arbitration Act) to encourage speedy disposal of civil matters especially commercial matters through arbitration with minimum cost and intervention. The Commission had recommended various amendments to the Arbitration Act aimed at ensuring that the arbitration process is conducted expeditiously and effectively. Following this, the Ministry of Law & Justice has formulated a Bill to amend the Arbitration Act and introduced it in the Parliament. Government litigation is another area, which needs immediate attention. To this effect, the Ministry of Law and Justice has drafted a National Litigation Policy that seeks to guide the Government in acting as an efficient and responsible litigant. All states have also framed their State Litigation Policies. The emphasis now is on effective implementation of these policies. The National Mission continues to engage itself with State Governments to assist them in this matter.



### **Re-engineering of Procedures**

Several court procedures have been changed and modified to improve justice delivery for the citizen. For instance, there have been reforms in the service of process. The Code of Civil Procedure has been amended to provide service through speed post / fax / courier / e-mail / SMS. A brief with suggestions to implement legislative changes and address delays due to process service has been circulated to the High Courts. The High Court Rules are in the process of being amended to allow for charging only one-time process fee, framing of standardized processes for effective delivery of summons, and the registration of e-mail addresses and mobile phones (of whom) to ease the service of process.



The Code of Criminal Procedure has been reviewed to include provisions keeping in mind the need to expedite the disposal of cases. Section 309 provides that there will be day to day hearings, no adjournments and a time bound completion of

enquiry and trial. Further, the concept of plea bargaining has been introduced through Section 265A. Given that over 66% prisoners in the jails are under trial prisoners, the Government is prioritizing the release of those individuals who have completed half or more of their sentence, as per Section 436A of the CrPC.

The National Mission is working with the Judicial Academies to promote judicial education in the country. A brief overview of legislative policy and judicial initiatives to expedite the disposal of criminal and civil cases in Indian courts was prepared with the objective of ensuring that information relating to legislative, policy and judicial initiatives pertaining to the subject of speedy disposal of cases is included in the training curriculum for judges and judicial officers enabling them to take recourse to the same for expediting trials in civil and criminal cases. Another area that the National Mission has been focusing its research is pre-trial hearing and case conferences. Finally, the National Mission works in close coordination with the Supreme Court's National Court Management System which has been in place since May 2012 and looks into court processes and rules, creation of a Court Development Plan, National Framework for Court Excellence, Human Resource Development in the Judiciary and standardization of judicial statistics.

### **Alternative Methods of Dispute Resolution**

In order to lessen the burden of pending cases in courts, it is important to emphasize the methods of Alternative Dispute Resolution (ADR). To this effect, Section 89 of the Code of Civil Procedure provides for the referral of cases to ADR. Besides this, High Courts have also framed **rules** to facilitate such referrals. ADR / Mediation Centres are being set up in High Courts as well as District and Subordinate Courts throughout the country.



### **Criminal Justice Reforms**

The Law Commission of India and other expert committees have over the past few years made several recommendations suggesting amendments to the existing framework of criminal justice system in the country. Some of these recommendations have already been implemented through amendments to the Indian Penal Code, the Code of Criminal Procedure and the Evidence Act. However, a need was felt for a more comprehensive review of the criminal justice system and the introduction of a comprehensive criminal legislation instead of bringing about amendment Bills in a piecemeal manner. Accordingly, a formal reference has been made to the Law Commission by the Ministry of Law and Justice requesting them to examine the matter in detail and provide a comprehensive report covering all aspects of criminal law.

## **Human Resource Development**

Filling up vacancies and increasing judicial strength is a priority area for the Government. The sanctioned strength of subordinate judiciary has increased to **20,358** in June, 2015. So far as the higher judiciary is concerned, in-principle, decision has been taken to increase the strength of judges by 25% in the High Courts. The sanctioned strength of High Courts as of 01.01.2016 stands at 1044 judges.

## **Action Research and Studies on Judicial Reforms**

As on date 6 projects have been sanctioned on various aspects of judicial reforms. A scheme on Action Research and Studies on Judicial Reforms is in operation since September 2013. Further, the National Mission continues to engage with the Bar Council of India on instituting legal education reforms and bar reforms including pro-bono lawyering.

## **Leveraging ICT for Better Justice Delivery**

As of December 2015, 13,672 subordinate courts have been computerised. E-Court Phase – II project sanctioned on 16th July, 2015 at a total cost of Rs. 1670 crore. The ambit of the e-courts provides for revamping, upgradation and customization of CIS software, optimum automation of case workflow and other improvements such as e-filing, automation of process service, administrative process automation including e-office facility and e-procurement. More details on e-Courts project are available in later portion of this compilation.

## **Infrastructure Facilities for Subordinate Judiciary**

A Centrally Sponsored Scheme has been in operation since 1993-94 to assist the States for the development of judicial infrastructure. It covers the works such as construction of court buildings and residential accommodation of judicial officers. Until 2011, the Central and State Governments used to contribute an equal share under the scheme but from the year 2011-12 onwards, the fund-sharing pattern has been revised with the Central Government contributing 75% of the funds. In the case of States in the



North Eastern Region the Central Government provides 90% of the funding. Central funding is, however, subject to budgetary allocation for the Scheme. Out of Budget allocation of Rs. 562.99 crore for the Scheme in the Current Financial Year (2015-16), Rs. 482.21 crore has been allocated to State / UTs as on 17th December, 2015. Fund sharing pattern of the Scheme has now been revised from 75:25 to 60:40 (Centre: State) (90:10 for the 8 North-

Eastern and 3 Himalayan States) with effect from 2015-16. As on 17th December, 2015, a sum of Rs. 4,859.52 Crore has been released to the States and Union Territories since 1993-94. Budget Estimates, Revised Estimates and Actual Releases of funds under the Scheme during the last four year and current year are given below.

Rs. in Crore

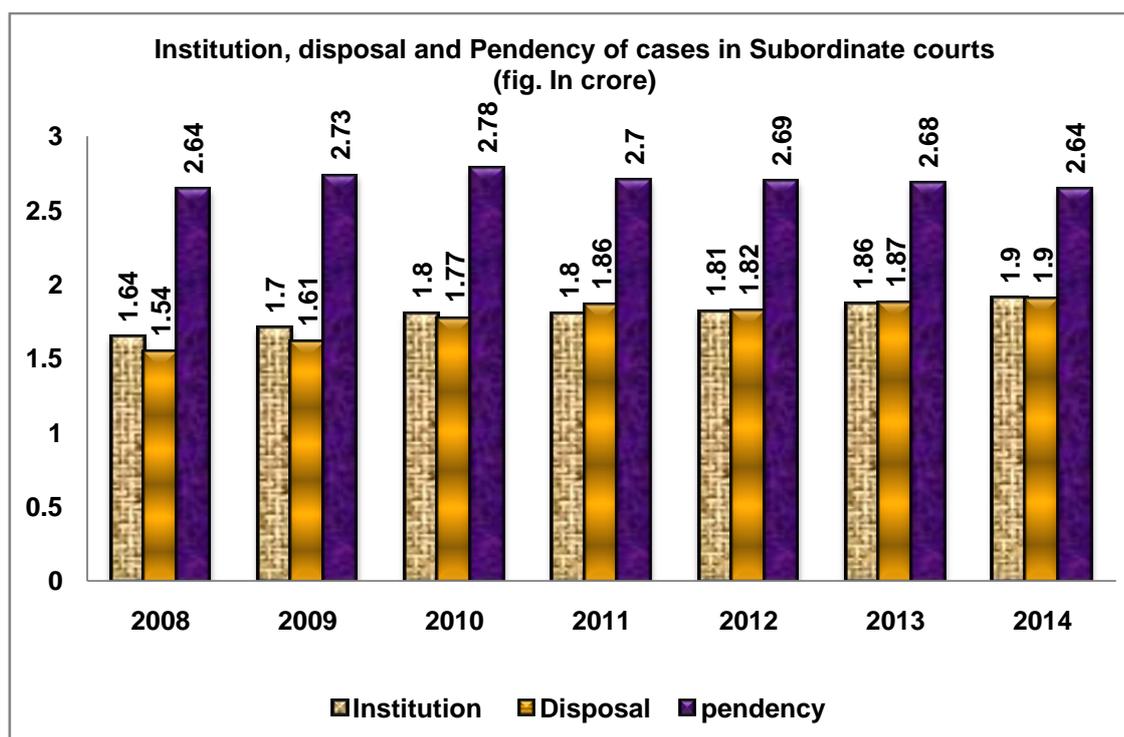
Year	Budget Estimate (BE)	Revised Estimate (RE)	Actual Expenditure
2011-12	542.90	623.43	595.74
2012-13	660.00	723.66	708.20
2013-14	911.00	895.00	895.00
2014-15	935.99	936.00	933.00
2015-16	562.99	990.00*	482.21**
<b>Total</b>			<b>3614.15</b>

\*Proposed

\*\*Expenditure upto 17th December, 2015

### Pendency Reduction Drive

The trend of increasing pendency of cases in the subordinate courts has been checked. Pendency at that level has declined marginally from 2.77 crore in 2010 to 2.64 crore in 2014.



### Challenges in the Reform Process

The National Mission is confronting many challenging in attainment of its ideals of laying down a framework of improved justice delivery for the citizenry. Pendency of cases in courts is yet to decline substantially. Large number of vacancies in the

courts are still unfilled. The State Governments need to invest even more in setting modern, robust, efficient and improved judiciary.

### **Further Initiatives**

- Increasing judicial strength, timely filling up vacancies of Judges / Judicial Officers and commensurate expansion of judicial infrastructure.
- Effecting legislative changes in Negotiable Instruments Act, Motor Vehicle Act and Arbitration and Conciliation Act to reduce litigation.
- Initiating comprehensive reforms in the administration of criminal justice system in the country.
- Promoting, Alternate Dispute Resolution (ADR) mechanisms to reduce the burden of cases in the courts.
- Effective implementation of National and State Litigation policies to reduce Government litigation.
- Empowering human resource involved in justice disbursement through strengthening judicial training and increased coordination with the Bar to promote expeditious disposal of cases.

## **CHAPTER 3**

### **eCourts Mission Mode Project**

#### **A. eCourts Mission Mode Project (Phase-I):**

In the year 2007, the Cabinet Committee on Economic Affairs (CCEA) approved a project on computerisation of 13,348 District and Subordinate Courts over a two year period at the cost of Rs.441.80 crore. In the year 2010, in view of cost and time over-runs, CCEA approved the computerisation of 14,249 district & subordinate courts (12,000 courts by March 2012 and 2,249 courts by March 2014) with an enhanced scope and a revised budget of Rs.935 crore.

The objective of the eCourts Project is to provide designated services such as status of registration of cases, Case status, Cause list, daily order sheets and final orders/judgments to the citizens as well courts by ICT enablement of all district and subordinate courts in the country. The following are important components of the project:

- a) **Core components:** Site preparation, Computer Hardware, Local Area Network (LAN), internet connectivity through WAN, installation of standard application software, data entry of cases, technical manpower and service initiation.
- b) **Other components:** laptops and printers with internet for judges, ICT upgradation at Supreme Court and High Courts, power back-up (UPS and DG sets), digital signatures, district court websites, Central Data Centre and Video-Conferencing facility.
- c) **Enabling components:** change management and process re-engineering initiatives.
- d) **Outcome:** Improved, efficient and transparent services delivery integrating every court in the National Judicial Data Grid (NJDG).

The services being delivered to citizens include

## Progress of the Project

As on 1<sup>st</sup> December, 2015, more than 95% of the mandated activities have been completed. Status of implementation as on 1<sup>st</sup> December, 2015, for main components of the project is given as under:

S. No.	Module	Status as on 1.12.2015	% Completion
1	Sites funded	14249	100.00
2	Sites readiness	14249	100.00
3	Hardware installation	13436	94.29
4	LAN installation	13683	96.02
5	Software deployment	13672	95.95

In addition to the above, ICT infrastructure of the Supreme Court and High Courts has also been upgraded. Progress on other activities of the project as of 1<sup>st</sup> December, 2015 is given below:

I. **Laptops to Judicial Officers:** Laptops have been provided to 14,309 judicial officers.

II. **Software:** A unified national core application software - Case Information System (CIS) software - has been developed and deployment at all computerised courts. Entry of data regarding past cases has been initiated, and data in respect of over 5.5 crore cases is available online.

III. **Judicial Service Centre:** Judicial Service Centre (JSC) have established at all computerised courts which serves as a single window for filing petitions and applications by litigants/ lawyers as also obtaining information on ongoing cases and copies of orders and judgments etc.

IV. **Change Management and Training:** As a part of Change Management exercise, over 14,000 Judicial Officers have been trained in the use of UBUNTU-Linux OS and over 4000 court staff have been trained in CIS software.

V. **Process Re-engineering:** eCommittee has initiated the Process Re-engineering (PR) exercise; PR Committees have been set up in all High Courts to study and suggest simplification in existing rules, processes, procedures and forms.

VI. **Video Conferencing** facilities in courts and jails: Based on experience of pilot, it was decided in consultation with the eCommittee of Supreme Court of India to

provide VC facilities for 488 Court complexes and 342 jails, Video-Conferencing equipment has been delivered at 667 locations.

VII. ***Service Delivery and National Judicial Data Grid (NJDG)***: The national e-Courts portal (<http://www.ecourts.gov.in>) has become operational and has been opened for public access. The portal provides online services to litigants such as details of case registration, cause list, case status, daily orders, and final judgments. Currently, litigants can access case status information in respect of over 5.59 crore pending and decided cases and more than 1.93 crore orders/judgments pertaining to district and subordinate Courts. NJDG data will also help the judiciary in judicial monitoring and management and the Government to get data for policy purposes.

## **B. eCourts Phase-II :**

The Union Cabinet chaired by the Hon'ble Prime Minister gave its approval for Phase-II of eCourts Mission Mode Project on 16<sup>th</sup> July 2015. It envisages enhanced ICT enablement of court through universal computerisation, use of cloud computing, digitisation of case records and enhanced availability of e-Services through e-filing, e-payment gateways and mobile payments.

Based on the Policy Document prepared by the eCommittee of Supreme Court in consultation with all the High Courts in the country and approved by the Hon'ble Chief Justice of India, Department of Justice is in the process of implementing eCourts Phase -II project. The project has been approved at the cost of Rs.1670 crores for the duration of four years or until it is completed, whichever is later.

The following are the targets proposed to be achieved under eCourt Phase II:

- i. Computerisation of around 5751 new courts
- ii. Enhanced ICT enablement of existing 14,249 computerised courts with additional hardware.
- iii. Connecting all courts in the country to the NJDG through WAN and additional redundant connectivity, equipped for eventual integration with the proposed interoperable criminal justice system (ICJS).
- iv. Citizen centric facilities such as Centralised Filing Centres and touch screen based Kiosks in each Court Complex.
- v. Provision of laptops, printers, UPS and connectivity to Judicial Officers not covered under Phase I and replacement of obsolete hardware provided to Judicial Officers under Phase I.
- vi. Installation of Video Conferencing facility at remaining 2500 Court Complexes and 800 jails.

- vii. Computerisation of States Judicial Academies, District Legal Services Authorities, Taluk Legal Services Committees.
- viii. Creating a robust Court Management System through digitisation, document management, Judicial Knowledge Management and learning tools management.
- ix. Installation of Cloud network and solar energy resource at Court Complexes.
- x. Facilitating improved performance of courts through change management and process re-engineering as well as improvement in process servicing through hand-held devices.
- xi. Enhanced ICT enablement through e-filing, e-Payment and use of mobile applications.
- xii. Citizen centric service delivery

A consolidation of all the initiatives and measures proposed to be taken up and installation of the components planned in Phase-II of the project will result in multi-platform services for the litigants under the Charter of Services. These services include, *inter alia*, case registration, cause lists, daily case status, and final order/judgment uploading which have been provided in Phase I.

Further, e-filing of cases, e-payment of court fees, process service through email and through process servers having hand held devices, receipt of digitally signed copies of judgments are some of the services to be added in Phase II. The Charter of Services will serve as a guiding baseline to make Phase-II of the Project as litigant service centric as possible. Lawyers will get daily cause list through SMS, email and on the website. One of the primary advantages of computerization of courts will be the '*automation of workflow management*'. This would enable the courts to exercise greater control over the management of cases in the docket.

The services envisaged under the project will thus cater to all stakeholders including the judiciary, litigants and lawyers. ICT enablement will make the functioning of courts efficient and transparent, which will have an overall positive impact on the justice delivery system.

## **CHAPTER 4**

### **Family Courts**

The Family Courts Act, 1984 provides for establishment of Family Courts by the State Governments in consultation with the High Courts with a view to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs and the matters connected therewith. Under Section 3(1)(a) of the Family Courts Act, it is mandatory for the State Governments to set up a Family Court for every area in the State comprising a city or a town whose population exceeds one million. In other areas of the States, the Family Courts may be set up if the State Governments deems it necessary.

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

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

3. In March, 2015, it was decided to converge the Family Court Scheme (Plan) with the Centrally Sponsored Scheme for infrastructure facilities for Subordinate Judiciary. Under the Family Court (Non-Plan) Scheme, an amount of Rs.5 lac was to be given per court. A total amount of Rs.2296.43 lacs has been given to the States. The amount given is not in multiples of 5 as funds allotted could not be utilized in many cases fully. The Family Court Scheme has been discontinued from 2016-17 as this is the responsibility of the State concerned.

4. As per the reports received from the State Governments, 438 Family Courts are functional in the country at present as given below:-

**NUMBER OF FAMILY COURTS FUNCTIONAL**

S.No.	Name of the State	Number of Family Courts functional in the State
1	Andhra Pradesh	14
2	Arunachal Pradesh	-
3	Assam	03
4	Bihar	39
5	Chhattisgarh	19
6	Delhi	15
7	Goa	-
8	Gujarat	17
9	Haryana	07
10	Himachal Pradesh	-
11	Jammu & Kashmir	-
12	Jharkhand	21
13	Karnataka	27
14	Kerala	28
15	Madhya Pradesh	44
16	Maharashtra	22
17	Manipur	05
18	Meghalaya	-
19	Mizoram	04
20	Nagaland	02
21	Odisha	17
22	Punjab	7
23	Puducherry	01
24	Rajasthan	28
25	Sikkim	04
26	Tamil Nadu	14
27	Telangana	12
28	Tripura	03
29	Uttar Pradesh	76
30	Uttarakhand	7
31	West Bengal	02
	Total	438

## CHAPTER 5

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

#### Memorandum of the Department of Justice

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

#### *I. Pendency Reduction*

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

*(Rs 858.82 crore)*

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

*(Rs 4144.11 crore)*

- iii. Establishment of Family Courts in districts without such courts

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

(Rs 541.06 crore)

**II. Re-designing existing court complexes to become more litigant friendly**

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

(Rs 1400 crore)

**III. Augmenting technical support for ICT enabled courts**

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

(Rs 479.68 crore)

**IV. Scanning and Digitalisation of Case Records of High Courts and District Courts**

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

(Rs 752.50 crore)

**V. Enhancing Access to Justice**

- i. Support for Law School based Legal Aid Clinics (Rs.50.50 crore)  
ii. Organising LokAdalats (Rs 93.61 crore)  
iii. Support for Mediation/Conciliation in ADR centres (Rs 300 crore)  
iv. Incentives to Mediators/Conciliators (Rs 503.44 crore)

**VI. (a) Training and capacity building of judges, public prosecutors, mediators, lawyers: Refresher, ongoing**

(Rs 550 crore)

**(b) Establishment of State Judicial Academies in Manipur, Meghalaya and Tripura**

(Rs.75 crore)

Total financial requirements of funds for the above initiatives, state wise, were also conveyed to the 14<sup>th</sup> Finance Commission.

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

The Department of Justice in the Union Government has submitted a comprehensive proposal, which covers areas like reduction in pendency of cases, re-designing existing court complexes to make them more litigant friendly, enhancing access to justice and capacity building of personnel. The Commission noted that the proposal amounting to Rs. 9,749 crore has been arrived at after an extensive consultation process with the States and merits favourable consideration. The Commission in its report has endorsed the proposal of the Department and urged State Governments to use the additional fiscal space provided by the commission in the tax devolution to meet such requirements.

## **CHAPTER 6**

### **GRAM NYALAYAS**

The Gram Nyayalayas Act, 2008 envisages setting up of Gram Nyayalayas at intermediate panchayat level in the States / UTs to which the Act extends. So far, 10 States have notified 194 Gram Nyayalayas. A total of 160 have started functioning in the States of Madhya Pradesh (89), Rajasthan (45), Maharashtra (10), Orissa (13), Haryana (2) and Punjab (1). Rs. 3,749.00 lakhs have been released so far to these States under Gram Nyayalayas Scheme.

## CHAPTER 7

### NATIONAL LEGAL SERVICES AUTHORITY (NALSA)

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. The statute *ibid* provides a nationwide uniform network for providing free and efficient legal services to the weaker sections of the society. 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.

In every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee have been constituted. District Legal Services Authorities, Taluk Legal Services Committees have also been constituted in the Districts and most of the Taluksto give effect to the policies and directions of the NALSA 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 in the Supreme Court of India.

#### **Functioning of NALSA**

NALSA lays down principles, policies, 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:

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

#### **I. FREE LEGAL SERVICES**

The Free Legal Services include:-

- a) Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings;
- b) Providing service of lawyers in legal proceedings;

- c) Obtaining and supply of certified copies of orders and other documents in legal proceedings.
- d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

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

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

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

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

**Enhancing Quality of Legal Services**

As per the **NALSA (Fee and Competent Legal Services) Regulations, 2010** only highly competent legal practitioners are enrolled on the panel of Legal Services Authorities to provide free legal services to the persons eligible under Section 12 of the Act. The minimum experience prescribed for this is three years at the Bar and the panel lawyers are selected through a stringent procedure to test their competence, integrity and suitability. In most of the States, separate panels of expert lawyers are maintained for different types of cases like civil, criminal, constitutional law, environmental law, labour laws, family laws etc. Provisions are also made to engage in case of need, Senior Advocates though not included in the panel. Panel lawyers are forbidden from asking for or receiving any fee, remuneration or any valuable consideration in any manner or from any person who has been provided legal services through them.

**Front Offices:**

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

**Village Care and Support Centres:**

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

**Training of Panel Lawyers**

With a view to developing a team of highly competent panel lawyers, NALSA's Committee headed by Hon'ble Mrs. Justice Manju Goel developed a Training Manual for Panel Lawyers which was released on 21-22 March, 2015 at Ranchi. It was felt that in order to impart training to the lawyers based on the said module, there was a need to train some competent persons from each State/UTs as Master Trainers who would in-turn train the panel lawyers. Accordingly, a Training of Trainers (ToT) for Advancing Lawyering Skills was organized by NALSA from 11-13 July, 2015, 25-27 July, 2015 & 22-24 August, 2015. The training programme was inaugurated by Hon'ble Mr. Justice H.L. Dattu, Chief Justice of India and Patron-in-Chief, NALSA. The training was very successful and about 120 participants including Member Secretaries, States Legal Services Authorities, Retired Judicial Officers and Panel Lawyers from each State/UTs were trained as Master Trainers.

**Fee Structure for the Legal Services Lawyers:**

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

## II. LOK ADALATS

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

## III. LEGAL LITERACY AND AWARENESS

### Tools used for Awareness

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

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

1. NALSA (Victims of trafficking and Commercial Sexual Exploitation) Scheme 2015.
2. NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015.
3. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.
4. NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons), Scheme, 2015.
5. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.
6. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015.
7. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.

## **CHAPTER 8**

### **Access to Justice Project**

The Department of Justice is implementing two projects on Access to Justice.

#### **Access to Justice –UNDP Collaboration**

The first project is the Access to Justice Project in collaboration with UNDP for the period 2013-2017 with a total budget of Rs 25 crore covering eight States – Bihar, Chhattisgarh, Jharkhand, Odisha, Madhya Pradesh, Maharashtra, Rajasthan & Uttar Pradesh. The Project objectives include providing trained panel lawyers and trained paralegals to Legal Services Authorities, implementing Legal literacy strategy and content through Sakshar Bharat, States Institute of Rural Development (SIRDs) and law schools, gathering evidence for improving effectiveness of existing Fast Track Courts and Judicial training and assisting the National Mission on Justice Delivery and Legal Reforms to enhance legal awareness of people belonging to marginalized groups.

A number of activities have been undertaken to meet these objectives. Three agreements have been signed:

- a) with the National Literacy Mission Authority (NLMA) mainstreaming of legal literacy initiatives on 2nd June 2015,
- b) with State Institute of Rural Development (SIRD) to initiate a Legal Literacy Campaign in 10 blocks of Barabanki district of Uttar Pradesh, and
- c) with Common Services Centers (CSC) e-Governance Services India Limited on mainstreaming of legal literacy through 500 Common Services Centers (CSCs) in Rajasthan.

In addition, fifty voice-based legal information kiosks have been installed in Chhattisgarh and Jharkhand to provide legal information and raise legal awareness of the masses. AID India, Antodaya and BGVS have been commissioned to conduct legal aid and legal empowerment initiatives in Jharkhand, Odisha and Madhya Pradesh. Tata Institute of Social Sciences (TISS), Mumbai and National Law University (NLU) Odisha have established campus and community based legal aid clinics to facilitate marginalized sections in accessing justice. TISS has also established helpdesks in Observation Homes in Maharashtra to provide socio-legal guidance to those faced with the juvenile justice system. Partners for Law in Development (PLD), an NGO, have conducted a study on “Making Court Room Procedures Friendly to Women: Study of the Trial Courts of New Delhi”. Two short films on Protection of Children from Sexual Offences Act (POCSO) are being developed.

In addition, during 2014-15, the project has reached out to 34,314 persons through various community level initiatives in Chhattisgarh and Jharkhand. During 2015-16, training of 200 Resource Persons and 600 Preraks is planned through NLMA, literacy programmes are proposed to be conducted in 10 blocks of Barabanki district, community level initiatives to reach out to more than 50000 persons are proposed in Jharkhand, Odisha, Rajasthan and Uttar Pradesh, and legal awareness is proposed to be undertaken through 500 CSCs in Rajasthan.

### **Access to Justice – North East Region and Jammu & Kashmir (NE&JK)**

The second project is the Access to Justice -NE and J&K Project, implemented by the Department of Justice during the period 2012 to 2017 at a cost of Rs. 30 crore, covering the eight North Eastern States and the State of Jammu and Kashmir, which have so far been under-represented and unheard in the arena and discourses of access to justice.

The objectives of the program are to address the legal needs of the marginalised and vulnerable sections of the society in these States, strengthen their access to their rights & entitlements, support justice delivery mechanism in improving their capacities to serve the people and support innovative activities to enhance legal awareness of the people

To start with, a study was undertaken to 'Identify Gaps in the Legal Empowerment of People in all the States of North East including Sikkim' in order to understand the strengths and weakness of custom based dispute resolution mechanisms prevailing in the region. The study recommended strengthening trust of local people in the existing judicial system by proper training of the stakeholders of custom based dispute resolution about the basic and modern principles of justice delivery. The study also drew attention towards increasing violence against women in North East and suggested, inter alia, innovative initiatives like documentation of customary laws and dedicated training among women to make them aware about constitutional rights guaranteed to them.

Legal aid clinics (LACs) have been established in forty six villages of Mon and Tuensang districts of Nagaland and developed as centres of awareness programs and training of para legal volunteers, lawyers, students and local people. In addition, four hundred para legal volunteers and lawyers empanelled with the State Legal Services Authorities have been trained in North Eastern States. On the lines of North East, a program for training of para legal volunteers (PLVs) has been initiated for the State of Jammu and Kashmir also.

A study is being undertaken to assess the status of orphan children and orphanages in Jammu and Kashmir in order to cull out the reasons behind growing number of orphan children in Jammu and Kashmir. The findings of the study will be used to draft

guidelines for governing orphanages and share with the State Government to take necessary and corrective measures.

The Department of Justice has signed a memorandum of agreement with the University of Kashmir to expand the outreach of the access to justice activities in the State. Another Memorandum of Understanding has been signed with National Literacy Mission Authority (NLMA) for legal literacy initiatives in Northeast and Jammu Kashmir.

## **CHAPTER 9**

### **NATIONAL JUDICIAL ACADEMY**

National Judicial Academy (NJA), Bhopal is an autonomous body established in 1993 (w.e.f.17.08.1993) under the Societies Registration Act, 1860. This independent body functions under the administrative control of the Department of Justice with its office at the Supreme Court of India and having its campus at Bhopal, Madhya Pradesh. This is an Apex body to impart judicial training to Judges/Judicial officers of the country and provide facilities for training of ministerial officers working in the Supreme Court, study of court management and administration of justice in the States/Union Territories, organisation of conferences, seminars, lectures and research in matters relating to court management and administration. The core objects of the said society have been to foster development of National judiciary in the country and strengthen administration of justice judicial education, research and policy formulation.

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

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

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

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