REPORT NO.
107

सत्यमेव जयते

PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

ONE HUNDRED SEVENTH REPORT

ON

DEMANDS FOR GRANTS (2021-22) OF THE MINISTRY OF LAW AND JUSTICE

(*Presented to the Rajya Sabha on16th March*, 2021)

(*Laid on the Table of Lok Sabha on 16th March*, 2021)

Rajya Sabha Secretariat, New Delhi
March, 2021 / Phalguna 1942 (Saka)

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C O N T E N T S

**to be appended at printing stage*

COMPOSITION OF THE COMMITTEE

(Re-constituted on 13th September, 2020)

1. Shri Bhupender Yadav — *Chairman*

RAJYA SABHA

2. Shri Rajendra Gehlot
3. Shri Naresh Gujral
4. Shri Deepender Singh Hooda
5. Shri Sukhendu Sekhar Ray
6. Shri K. R. Suresh Reddy
7. Shri Shiv Pratap Shukla
8. Shri Vivek K. Tankha
9. Shri P. Wilson
10. *Shri Hardwar Dubey

LOK SABHA

11. Shri Pradan Baruah
12. Shri Pradeep Kumar Chaudhary
13. Shri Vinod Lakhamshi Chavda
14. Shrimati Veena Devi
15. Shri Jasbir Singh Gill
16. Shri Choudhury Mohan Jatua
17. Shri Raghurama Krishna Raju Kanumuru
18. Shri Jyotirmay Singh Mahato
19. Shri Malook Nagar
20. Shri B. Venkatesh Netha
21. Shri Suresh Pujari
22. Shri A. Raja
23. Shri Omprakash Bhupalsinh *alias* Pawan Rajenimbalkar
24. Shri Upendra Singh Rawat
25. Shrimati Sandhya Ray
26. Shri Kuldeep Rai Sharma
27. Shri Mahendra Singh Solanky
28. Shri B. Manickam Tagore
29. ^*Vacant*
30. $*Vacant*
31. *Vacant*

SECRETARIAT

Shri Pradeep Chaturvedi, Joint Secretary
Shri Vinay Shankar Singh, Director
Shri Amit Kumar, Deputy Secretary
Shri Goutam Kumar, Deputy Secretary
Shri Anurag Ranjan, Under Secretary
Shri Amin Ansari, Assistant Research Officer

Nominated w.e.f. 23.12.2020
^ Vacancy caused due to nomination of Shri P. P. Mohammed Faizal to another Committee w.e.f. 28.12.2020
$Vacancy caused due to demise of Shri Mohan S. Delkar on 22.02.2021.

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorized by the Committee to submit the Report on its behalf, do hereby present this One Hundred Seventh Report on Demands for Grants 2021-22 pertaining to the Ministry of Law and Justice.

2. In accordance with the constitutional requirement under Article 113, the estimated expenditure of Ministries/Departments of Government of India projected under various Demands for Grants for the upcoming financial year need to be voted by Parliament. As a sequel thereto, Demands for Grants of the relevant Ministries/Departments stand referred to concerned Department-related Parliamentary Standing Committee to make a close scrutiny thereof under Rule 270 of Rules of Procedure and Conduct of Business in the Council of States. While making scrutiny of Demands for Grants, the Committee has made an appraisal of performance, programmes, policies of the Ministry of Law and Justice *vis-à-vis* expenditure made out of Consolidated Fund of India in the current Financial Year.

3. In the Report, scrutiny of Demand Nos. 64, 65 and 66 pertaining to the Ministry of Law and Justice, Election Commission of India (ECI) and Supreme Court of India (SCI), respectively, for the Financial Year 2021-22 has been made by the Committee.

4. During the course of examination of the above Demands, the Committee heard the views of the Secretary, Department of Legal Affairs; Secretary, Legislative Department; Secretary, Department of Justice; Sr. Deputy Election Commissioner, Election Commission of India; the Registrar, Supreme Court of India; Director, Indian Law Institute; Vice President, Income Tax Appellate Tribunal, Member-Secretary, National Legal Services Authority and Director, National Judicial Academy in its sittings held on the 19th February, 2021.

5. The Committee, while making its observations/recommendations, has mainly relied upon the following:-

(i) Presentations made by the respective Secretaries of the three Departments of the Ministry;

(ii) Presentations made by the senior Officers of Organizations under administrative control of the Ministry;

(iii) Detailed Demands for Grants of the Ministry, Election Commission of India and Supreme Court of India for the Financial Year 2021-22;

(iv) Detailed Explanatory Notes on the Demands for Grants 2021-22 received from the Ministry, Election Commission of India and Supreme Court of India;

(v) Annual Report of the Ministry for the Year 2020-21 and the latest available Annual Reports of the attached Offices of the Ministry;

(vi) Written replies furnished by the Ministry and Organizations/Offices of the Ministry to the Questionnaires sent by the Committee Secretariat;

(vii) Expenditure Budget, 2021-22, (Ministry of Finance)

(viii) Prison Statistics India, 2019 (National Crime Records Bureau, Ministry of Home Affairs), New Delhi;

(ix) Written clarifications to the points/issues raised by Members in the meeting of the Committee.

6. The Report is based on facts, figures and submissions (both oral and written) tendered by Department/Institutions under the Ministry, to the Committee.

7. The Committee considered and adopted the Report in its sitting held on the 15th March, 2021 and presented to both Houses of Parliament on 16th March, 2021.

8. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

New Delhi,
16th March, 2021

BHUPENDER YADAV
Chairman,
Department-related Parliamentary Standing Committee on Personnel Public Grievances Law and Justice

ACRONYMS

ACI	Arbitration Council of India
AIJS	All India Judicial Services
AMF	Assured Minimum Facilities
BCI	Bar Council of India
BE	Budget Estimates
BSNL	Bharat Sanchar Nigam Limited
CEO	Chief Electoral Officer
CJI	Chief Justice of India
CPWD	Central Public Works Department
CSC	Common Service Centre
CSS	Centrally Sponsored Scheme
DEO	District Election Officers
DLSA	District Legal Services Authority
DoPT	Department of Personnel and Training
DPR	Detailed Project Report
ECI	Election Commission of India
EODB	Ease of Doing Business
EPIC	Electors' Photo Identity Card
ERO	Electoral Registration Officer
FTC	Fast Track Court
FTSC	Fast Track Special Court
EVM	Electronic Voting Machine
FY	Financial Year
ICT	Information Communication Technology
ILDR	Institute of Legislative Drafting and Research
ILI	Indian Law Institute
IMMP	Integrated Mission Mode Project
ISRO	Indian Space Research Organisation
ITAT	Income Tax Appellate Tribunal
LADCS	Legal Aid Defense Counsel System
LIMBS	Legal Information on Management and Briefing System
MCC	Model Code of Conduct
MMP	Mission Mode Project
MOF	Ministry of Finance
NALSA	National Legal Services Authority
NB	Nyaya Bandhu
NBCC	National Buildings Construction Corporation
NCRB	National Crime Records Bureau
NDIAC	New Delhi International Arbitration Centre
NIC	National Informatics Centre
NITI	National Institute for Transforming India
NERPAP	National Electoral Roll Purification and Authentication Programme
NM	Nyaya Mitra
NJA	National Judicial Academy
NJDG	National Judicial Data Grid
NVSP	National Voters Service Portal

OLW	Official Language Wing
PLV	Para Legal Volunteer
POCSO	Protection of Children from Sexual Offences
RE	Revised Estimates
SCI	Supreme Court of India
SLSA	State Legal Services Authority
SOP	Standard Operating Procedure
SVEEP	Systematic Voters Education and Electoral Participation
UTRCs	Under Trial Review Committee
UNDP	United Nations Development Programme
VSP	Vidhi Sahitya Prakashan
VVPAT	Voter-Verified Paper Audit Trail

CHAPTER - I

BRIEF OVERVIEW OF THE MINISTRY

1.0 The Ministry of Law and Justice owes its origin to the Charter Act, 1833 enacted by the British Parliament. In accordance with the Government of India (Allocation of Business) Rules, 1961, the Ministry comprises three Departments, namely, Legislative Department, Department of Legal Affairs, and Department of Justice. The key mandate of the Ministry includes providing policy support in administration of justice; furnishing legal advice to Government of India and defend Government of India in various Courts and Tribunals and draft Supreme and Subordinate legislations for Government of India, etc.

LEGISLATIVE DEPARTMENT

1.1. One of the primary responsibilities of the Legislative Department is to draft Bills on behalf of Ministries and Departments of Government of India. In addition, Ordinance promulgated by the President of India, Regulation made by President of India for Union Territories, Electoral Laws and Electoral reforms, maintenance of the updated Central Legislation under *Bharat Sanhita* (India Code) and authoritative translation of Central Legislation and Constitution of India in languages specified in the Eight Schedule to the Constitution under the Authoritative Text (Central Laws) Act 1973, publication and preparation of standard legal terminology, delimitation of Parliamentary and Legislative Assembly Constituencies, etc. are also assigned to the Department under Allocation of Business Rules, 1961. The Department also imparts training in legislative drafting to Officers of the Union/State Government.

1.2. It *inter-alia* administers Personal laws, Electoral laws, the Indian Contract Act, 1872, the Specific Relief Act, 1963, the Evidence Act, 1872, the Indian Trust Act, 1882, the Code of Civil Procedure, 1908, the Limitation Act, 1963, the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, the Representation of People Act, 1950 and the Representation of People Act, 1951. It also facilitates procurement of Electronic Voting Machine (EVM) for the Election Commission of India, Voter Verifiable Paper Audit Trail (VVPAT) Machines and reimbursement of election expenditure of State Assemblies.

1.3. The Department has following two wings under it for the progressive use of Hindi and other Scheduled languages:-

(i) **Official Languages Wing (OLW):** The Official Languages Wing has been entrusted with the preparation and publication of standard legal terminologies and for translating into Hindi language of Central Acts and Ordinances and Subordinate legislations, etc. 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 8th Schedule to the Constitution.

(ii) **Vidhi Sahitya Prakashan (VSP):** The Vidhi Sahitya Prakashan is mainly concerned with bringing out authoritative Hindi version of select reportable judgements of the Supreme Court and the High Courts, with the objective of promoting the progressive use of Hindi in the legal field. It brings out various publications of legal literature in Hindi and also holds exhibitions for giving wide publicity to legal literatures available in Hindi and to promote their sales.

ELECTION COMMISSION OF INDIA

1.4. The Legislative Department is the administrative Department for the Election Commission of India, an autonomous constitutional authority created under Article 324 of Constitution for superintendence, direction, control of elections to Parliament, State legislatures, and to the offices of the President and the Vice-President of India. The Election Commission of India is a multimember body (since 1993) headed by the Chief Election Commissioner, who acts as Chairman of the Commission. The Commission is assisted by Deputy Election Commissioners, Chief Electoral Officers (CEO), District Election Officers (DEO) and Electoral Registration Officers (ERO), appointed by the Election Commission under Representation of People Act, 1951. It recognizes/derecognizes political parties and allots symbols to them. It implements Model Code of Conduct (MCC) for smooth conduct of free and fair elections. It also observes 25th January as National Voters' Day to encourage young electors to take part in election process. There is an exclusive demand (Demand No. 65) under which budgetary allocation is sought for running the activities of Election Commission of India.

DEPARTMENT OF LEGAL AFFAIRS

1.5. The Department of Legal Affairs has a two-tier set-up, namely, the Main Secretariat at New Delhi and Branch Secretariats at Mumbai, Kolkata, Chennai and Bengaluru. The Department tenders legal advice to all Ministries and Departments of Government of India. It defends Government of India in all Courts and Tribunals where Government of India is a party. It appoints Attorney General for India, Solicitor General of India and Additional Solicitor General of India. In addition, Government Counsels are also engaged to defend Government of India in various courts and tribunals across the country. It is responsible for maintenance of standards of legal profession and legal education and is associated with legal reforms also. It is also responsible for appointment and renewal of Notaries across the country. Income Tax Appellate Tribunal, Indian Legal Service and Law Commission of India are within the administrative control of the Department. The Department has launched Legal Information Management and Briefing System to monitor pendency of cases on behalf of Central Government. It is also responsible for signing and implementation of Treaties and Agreements with foreign countries in matters of civil law.

1.6. It *inter-alia* administers the Advocates Act, 1961, the Advocates Welfare Fund Act, 2001, the Notaries Act 1952, the Arbitration and Conciliation Act, 1996, the Commercial Courts Act, 2015 and the New Delhi International Arbitration Centre Act, 2019**.** It has also taken initiatives to improve India’s ranking in “Ease of Doing Business Report” (EOBR) of World Bank by strengthening contract enforcement and arbitration mechanism.

1.7. Following Institutions/organizations are under the overall supervision of the Department of Legal Affairs:-

(i) Law Commission of India (LCI): - The Law Commission of India is a non-statutory body, constituted by the Government once in three years. The term of Twenty-first Law Commission ended on 31st August, 2018. The Twenty-second Law Commission was constituted in February, 2020 for the term of three years from the date of publication of its order in the Gazette.

(ii) Income Tax Appellate Tribunal (ITAT): - ITAT is one of the oldest Tribunals, set up under Section 252 of the Income Tax Act, 1961 to hear appeals against orders passed by authorities mentioned under Section 253 of the Income Tax Act. It has 63 Benches covering all cities having seats of High Courts.

(iii) Bar Council of India (BCI): - The Bar Council of India is a statutory body constituted under Section 4 of the Advocates Act, 1961, and it has been empowered, among other things, to lay down standards of professional conduct and etiquette for lawyers, and to maintain and improve the standards of legal education in the country.

(iv) New Delhi International Arbitration Centre (NDIAC): The New Delhi International Arbitration Centre (NDIAC), Act 2019 provides for the establishment and incorporation of the NDIAC as an independent and autonomous institution for arbitration and to make India a hub of institutional arbitration.

(v) Indian Law Institute (ILI):- The Indian Law Institute is a premier legal research institute founded on 27th December, 1956. The prime 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 has been granted Deemed University status in the year 2004.

DEPARTMENT OF JUSTICE

1.8. The mandate of Department of Justice entails administration of justice, legal aid and advice to weaker sections of the society and undertrials in jails, access to justice for marginalised sections of society, appointment/removal of judges of Supreme Court and High Courts, Family Courts, Fast Track Speial Courts, Gram Nyayalayas, infrastructural development of judiciary and modernization of court complexes, National Legal Services Authority, E-Courts Mission Mode Projects, Judicial Service Centres, maintenance of National Judicial Data Grid, administration of All India Judicial Service, etc. The Department of Justice has also been nominated as nodal Department for enforcement of contract parameter for World Bank's Ease of Doing Business Report. The Department also launched three new initiatives to improve justice delivery system; namely, *Nyaya Mitra* (NM) at courts to render assistance to reduce pendency, *Nyaya Bandhu* (NB) programme to offer *Pro-Bono* legal assistance and counsel to under privileged litigants. Tele Law-providing legal advice and consultation by empanelled lawyers *via* video conferencing, telephone at Common Service Centres. It *inter-alia* administers the Gram Nyayalaya Act, 2008, the Legal Services Authorities Act, 1987, the Family Courts Act, 1984, the Judges Protection Act, 1985, the Judicial Officers Protection Act, 1850, the Contempt of Courts Act, 1971, the Court Fees Act, 1870, etc. It also observes Legal Services Day on 9th December every year.

1.9. The Department of Justice is the administrative Department for the following institutions/autonomous bodies/policy initiatives:

a) **National Legal Services Authority (NALSA)**:- The National Legal Services Authority has been constituted under the Legal Services Authorities Act, 1987. The Chief Justice of India (CJI) is the patron-in-chief and second senior-most judge of the Supreme Court is the Executive Chairman of the Authority. NALSA monitors and evaluates implementation of legal aid programmes, and lays down policies, principles, guidelines and frames effective and economical schemes for the State Legal Services Authorities (SLSA) to implement the legal services programmes throughout the country. The State Legal Services Authorities, District Legal Services Authorities (DLSA), Taluk Legal Services Committees (TLSC), etc. provide free legal services to underprivileged litigants and organize Lok Adalats for speedy resolution of disputes. The prime objective of NALSA is speedy disposal of cases and reducing the burden of judiciary.

b) **Family Courts**:- The Family Courts Act, 1984 was enacted with a view to providing for establishment of Family Courts by the State Governments in consultation with the High Courts to promote conciliation and secure speedy settlement of disputes relating to marriage, family affairs and related matters. In accordance with the provisions of Section 3 of the Act, the State Government has to establish mandatorily Family Court for every area in the State comprising a city or a town population of which exceeds ten lakh. In other areas of the States, the Family Courts may be set up if the State Governments deem it necessary.

c) **Fast Track Special Courts:-** Fast Track Special Courts are set up for heinous crimes, crimes against women and children. The Government has approved a scheme for setting up 1023 Fast Track Special Courts across the Country for expeditious disposal of pending cases under Protection of Children from Sexual Offences (POCSO) Act, 2012 and rape cases.

d) **National Judicial Academy (NJA)**:- The National Judicial Academy is an autonomous body registered under the Societies Registration Act, 1860 and came into existence with effect from 17th August, 1993. The affairs of the Academy are managed by a Governing Council, chaired by the Chief Justice of India. The registered office of the Academy is in the Supreme Court Building at New Delhi and another office was established in August, 2000 at Bhopal. The main objectives of the Academy are to impart training to the Judicial Officers of the States/Union Territories and to study court management and administration of justice in States and Union Territories.

e) **National Mission for Justice Delivery and Legal Reforms:** The Mission was set up with twin objectives of increasing judicial access by reducing delays and arrears in the system and enhancing accountability at all levels through structural changes and setting performance standards and facilitating enhancement of capacities for achieving such performance standards. The schemes/initiatives under the Mission are Action Research and Studies on Judicial Reforms, Access to Justice for all, E-Courts Mission mode, Infrastructure development of Subordinate Judiciary, judicial performance evaluation, etc.

f) **Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary:** The government is implementing a Centrally Sponsored Scheme (CSS) for development of infrastructure facilities for judiciary since 1993-94. The scheme covers construction of court buildings and residential accommodations for Judicial Officers/Judges of District and Subordinate Courts. The fund sharing pattern of the Scheme has been revised to 60:40 (Centre: State) and 90:10 (Centre: State) for the eight North-Eastern and three Himalayan States from the year 2015-2016. In November, 2017, the Union Cabinet approved continuation of the Scheme up to 31st March, 2020 with an outlay of Rs 3,320 crore to be implemented in mission mode through the National Mission for Justice Delivery and Legal Reforms. The Scheme has been extended till the current Financial Year, and an Expenditure Finance Committee Memorandum has been sent to the Ministry of Finance for extension of the Scheme with a financial outlay of Rs. 8640 crore for five years (2021-22 to 2025-26).

g) **Computerization of District and Subordinate Courts: E-Courts Mission Mode Project (MMP) Phases – I and II**:- This Project is being implemented by the Department under the guidance of e-Committee, Supreme Court of India primarily for universal computerization of all District and Subordinate Court complexes. Initiated in 2010, the Phase-I of the Project concluded at a total cost of Rs 639.14 crore. The Phase II of the Project with an outlay of Rs 1670 crore, commenced in August, 2015 and was to be concluded in Financial Year 2019-20. However, an outlay of Rs. 250 crore is sought under BE of FY (2020-21). The scheme includes components such as computerisation of Courts, Wide Area Network (WAN) connectivity, Cloud connectivity in all Court complexes, use of solar energy in 5% of Court complexes, computerisation of the Public Prosecutors' Office, video-conferencing facility for jails, enhancement of ICT infrastructure of courts, digitization of old case records, computerisation of judicial libraries, upgradation of application software, SMS based services, Touch Screen Kiosks, etc.

h) **Establishment of Gram Nyayalayas under the Gram Nyayalayas Act, 2008 :-** The Gram Nyayalayas Act, 2008 has been enacted by the Parliament to provide for the establishment of the Gram Nyayalayas at the grass root level for the purpose of providing speedy and inexpensive access to justice to the citizens at their door steps. The Central Government meets fifty percent of the recurring expenses incurred on the setting up of these courts in the first three years, subject to a ceiling of Rs. 3.20 lakh per Gram Nyayalaya per annum.

i) **Designing Innovative Solutions for Holistic Access to Justice In India (DISHA):-** DISHA is the new scheme introduced in the Financial Year 2021-22 with an allocation of Rs.40 crore. It merges the previous two schemes of Department i.e., Action Research and Studies on Judicial Reforms including Access to Justice into one consolidated Pan India Scheme.

SUPREME COURT OF INDIA

1.10. The Department of Justice is the administrative Department for the Supreme Court of India. The Supreme Court came into existence on 28th January, 1950 by replacing the Federal Court of India and operated in the Chamber of Princes in Parliament House till 3rd August, 1958. The Supreme Court is the apex court in the judicial hierarchy of the land and is called the Temple of Justice. It is also the custodian of Fundamental Rights and Rule of Law. The strength of the apex court was enhanced over the years from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1977, 26 in 1986, 31 in 2009 and 34 in 2019 with the increase of case load on it. There is a separate demand, Demand No. 66 pertaining to the Supreme Court of India under which Rs. 334.96 crore have been allocated for the Financial Year 2021-22.

CHAPTER – II

OVERVIEW OF THE BUDGETARY ALLOCATIONS

2.0 The total proposed budgetary allocations for the Ministry of Law and Justice for the Financial Year (2021-22) are shown under the following three Demands: -

- **Demand No. 64** is the consolidated Budget Estimates pertaining to the Legislative Department, the Department of Legal Affairs, and the Department of Justice under the Ministry of Law and Justice;
- **Demand No. 65** pertains to the Election Commission of India; and
- **Demand No. 66** pertains to the Supreme Court of India. The expenditure incurred on the Supreme Court of India is *'charged'* expenditure.

2.1 The budgetary allocations under Demand Nos. 64, 65 and 66 for the Financial Year (2021-22) are given below:-

TABLE NO. 2.1

(Rupees in crore)

Demand No.	Ministry/ Institution	2019-2020		2020-21		2021-22	Variations in BE 2021-22 over BE 2020-21	Variations in BE 2021-22 over RE 2020-21
		RE	Actual	BE	RE	BE		
64*	Ministry of Law and Justice	3313.36	3221.53	2350.00	1768.46	2845.82	(+)495.82	(+)1077.36
65	Election Commission of India	286.68	248.70	270.00	206.00	249.16	(-)20.84	(+)43.16
66	Supreme Court of India	296.55	296.55	308.61	328.00	334.96	(+)26.35	(+)6.96
Grand Total		**3896.59**	**3766.78**	**2928.61**	**2302.46**	**3429.94**	**(+)501.33**	**(+) 1127.48**

** Includes Allocations of Rs.200 crore under Nirbhaya Funds for creation of Fast Track Special Courts in BE 2021-22*

2.2. As observed in the Table No.2.1, the Ministry of Law and Justice has been allocated Rs. 2845.82 crore in BE (2021-22), which is an increase of Rs. 495.82 crore over BE (2020-21) and Rs. 1077.36 crore over RE (2020-21). The Election Commission of India has been allocated Rs. 249.16 crore in BE (2021-22) which is a decrease of Rs. 20.84 crore over BE(2020-21) and increase of Rs 43.16 crore over RE (2020-21). The Supreme Court of India has been allocated Rs. 334.96 crore in BE(2021-22), which is an increase of Rs. 26.35 crore over BE(2020-21) and Rs. 6.96 crore over RE (2020-21).

Allocation for the Ministry of Law and Justice (Demand No. 64)
TABLE NO. 2.2

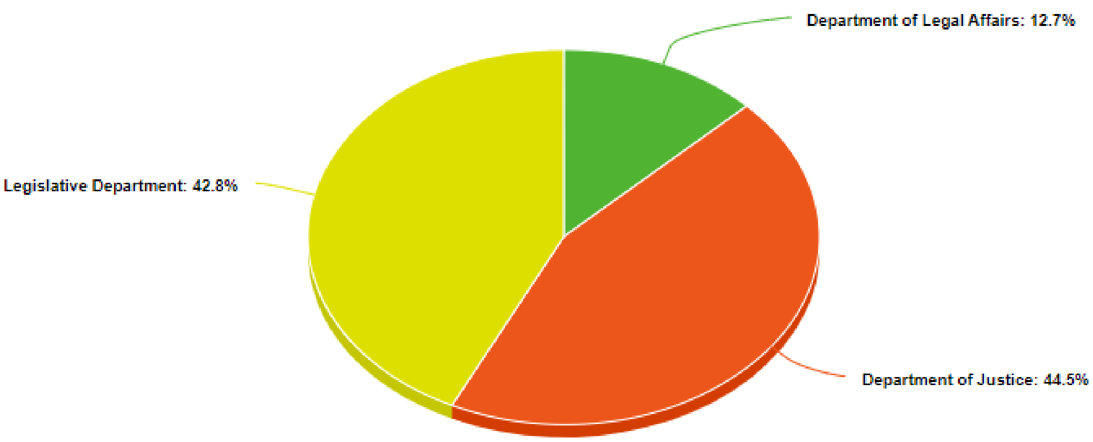
(Rs. in crore)

	Actuals 2019-20	BE 2020-21		RE 2020-21		BE 2021-22		Increase in BE (2021-22) over BE 2020-21 in Percentage	Increase in BE (2021-22) over RE 2020-21 in Percentage
		Scheme	Non-scheme	Schem e	Non-scheme	Schem e	Non-scheme		
Revenue	3171.91	1197.73	952.27	974.00	508.46	1122.82	623.00	(-)18.80	17.77
Capital	49.62	0.00	200.00		286.00		1100.00	450.00	284.62
Total	3221.53	1197.73	1152.27	974.00	794.46	1122.82	1723.00	21.10	60.92
Grand total	3221.53	2350.00		1768.46		2845.82		21.10	60.92

2.3 It can be observed that, out of the total allocation of Rs.2845.82 crore under Demand No. 64 for the Ministry of Law and Justice, Rs.1745.82 crore is allocated for revenue (61 percent approx.), and Rs. 1100 crore for capital head (39 percent approx).

2.4. In BE (2021-22) , out of the total allocation of Rs.2845.82 crore for Demand No. 64 of the Ministry of Law and Justice, Rs. 1122.82 crore (39 percent approx) is allocated under for Scheme and Rs. 1723.00 crore (61 percent approx.) is for Non-Scheme. The allocations under Scheme in BE (2021-22) has increased by 15 percent (approx.) over RE (2020-21), whereas allocation for Non-Scheme has increased by 116 percent (approx) for the same period.

2.5. As against the total allocation of Rs 2845.82 crore for the Financial Year (2021-22), Rs. 1218.40 crore (42.8 percent) has been earmarked for the Legislative Department; Rs.1266.42 crore (44.5 percent) for the Department of Justice; and Rs. 361 (12.7 percent) for the Department of Legal Affairs.



Department-wise Allocations under Demand No.64

TABLE NO. 2.3

(Figure in crore)

Sl. No.	Name of the Department	Financial Year 2019-20 RE	Financial Year 2019-20 Actuals	Financial Year 2020-21 BE Revenue	Financial Year 2020-21 BE Capital	Financial Year 2020-21 RE Revenue	Financial Year 2020-21 RE Capital	Projections made to MoF for 2021-22	Financial Year 2021-22 BE Revenue	Financial Year 2021-22 BE Capital	Financial Year 2021-22 BE Total	% change BE 2020-21 to BE 2021-22	% change RE 2020-21 to BE 2021-22	Variation between Projections and BE 2021-22 (%)
1.	DEPT. OF LEGAL AFFAIRS	288.59	258.41	274.11	50.00	253.80	136.00	507.69	261.00	100.00	361.00	11.38	(-)7.38	(-)28.89
2.	LEGISLATIVE DEPARTMENT	1501.14	1445.58	534.00	150.00	117.88	150.00	2550.61	218.40	1000.00	1218.40	78.12	354.83	(-)52.23
3.	DEPARTMENT OF JUSTICE*	1523.63	1517.54	1341.89	0.00	1110.78	0.00	3438.05	1266.42	0.00	1266.42	(-)5.62	14.01	(-)63.16
	TOTAL	3313.36	3221.53	2150.00	200.00	1482.46	286.00	6496.35	1745.82	1100.00	2845.82	21.1	60.92	(-)56.19
	GRAND TOTAL	3313.36	3221.53	2350.00		1768.46			2845.82					

* *Includes Nirbahya Funds.*

2.6. The Committee was informed by the Ministry that as against the projected demand of Rs 6496.35 crore under Demand No. 64 for BE (2021-22), the Ministry of Finance has provided a total allocation of only Rs 2845.82 crore, which is a reduction of Rs 3650.53 crore (56.19 percent) against the projected demand.

2.7. The Committee observes that there is huge difference between projected demand and demand allocated to the Ministry for the forthcoming Financial Year. The Department of Legal Affairs has been allocated 28.89 percent less than the projected demand. Similarly, the allocations to Legislative Department and Department of Justice have been reduced by 52.23 percent and 63.16 percent, respectively, against their projected demand. The Committee feels that the Ministry has not been able to justify its projected demand to the Ministry of Finance, leading to reductions in allocations. The Committee recommends that in future, the Ministry should approach the Ministry of Finance with proper justifications for each scheme/project, along with utilizations trends so that it's allocations are not reduced *vis-à-vis its* projected demands.

Department-wise Utilisation of Allocations for the Ministry of Law and Justice

TABLE NO. 2.4

(Rs in crore)

Department	2019-20 Actuals	Financial Year 2020-21 BE	Financial Year 2020-21 RE	Actual expenditure Up to 31.01.2021	% Utilization over BE 2020-21	% Utilization over RE 2020-21
Department of Legal Affairs	258.41	324.11	389.80	220.17	67.93	56.48
Legislative Department	1445.58	684.00	267.88	207.34	30.31	77.40
Department of Justice*	1517.54	1341.89	1110.78	958.44	71.42	86.28
Total	3221.53	2350.00	1768.46	1385.95	58.97	78.37

* *Includes Nirbahya Funds.*

2.8. As against the allocations of Rs 1768.46 crore in RE (2020-21), the overall utilisation by the Ministry of Law and Justice is only Rs. 1385.95 crore (78.37 percent) in the Financial Year 2020-21 as on 31.01.2021. Out of Rs.389.80 crore allocations, only Rs.220.17 crore

(56.48 percent) has been utilised by the Department of Legal Affairs. Further, out of Rs. 267.88 crore and Rs. 1110.78 crore allocated to the Legislative Department and the Department of Justice in RE (2020-21), Rs. 207.34 crore (77.40 percent) and Rs. 958.44 crore (86.28 percent), respectively, have been utilized.

2.9. The Committee while observing the utilization trends has noted that the Departments under the Ministry has not been able to utilize funds allocated to them in the current Financial Year. The Committee also observes that on the one hand the Ministry has been seeking higher amounts while making projections to the Ministry of Finance, but on the other hand it is not able to utilize amount allocated to it. The Committee, accordingly, recommends the Departments, especially Department of Legal Affairs & Legislative Department to optimally utilise funds allocated to them.

LEGISLATIVE DEPARTMENT

2.10. The Committee has been informed that the budgetary allocations for the Legislative Department are under Non-scheme only. The following table is indicative of the increase/decrease in BE & RE (2020-21) over allocation in BE (2021-22) and expenditure of the Legislative Department up to the 31st January, 2021.

TABLE NO. 2.5

(Rs. in crore)

Sl. No.	Major Head/Name of the Unit	Financial Year 2019-20		Financial Year 2020-21		Expend. up to 31.1.2021	Projections made to MoF for 2021-22	BE 2021-22	Increase/ Decrease In BE 2021-22 over BE 2020-21	Increase/ Decrease In BE 2021-22 over RE 2020-21
		RE	Actuals	BE	RE					
1.	Legislative Department	26.04	23.42	26.75	25.63	20.04	31.06	28.10	1.35	2.47
2.	Official Language Wing	13.25	12.61	13.25	12.25	9.93	14.10	13.80	0.55	1.55
3.	Vidhi Sahitya Prakashan	6.79	6.10	7.00	6.50	4.77	7.60	7.00	0.00	0.5
4.	Social Security and Welfare	0.00	0	0.00	0.00	0.00	0.20	0.20	0.20	0.2
5.	Elections (Reimbursement to State/UTs)	1380.05	1378.48	437.00	68.50	48.63	428.87	164.30	(-)272.70	95.8
6.	EVMs professional service	0.01	0	50.00	5.00	0.08	125.99	5.00	(-) 45.00	0
	TOTAL (Revenue)	**1426.14**	**1420.60**	**534.00**	**117.88**	**83.45**	**607.82**	**218.40**	**(-)315.60**	**100.52**
7.	**EVMs for Election Commission (Capital)**	**75.00**	**24.97**	**150.00**	**150.00**	**123.89**	**1942.79**	**1000.00**	**850.00**	**850**
	Total	**1501.14**	**1445.58**	**684.00**	**267.88**	**207.34**	**2550.61**	**1218.40**	**534.40**	**950.52**

2.11. The Committee notes that out of total allocation of Rs. 267.88 crore in RE (2020-21), the Department has utilised only Rs. 207.34 crore (77 percent approx.) as on 31.1.2021. The Committee also observes that there is an increase of Rs.950.52 crore (355 percent approx.) in allocations in BE (2021-22) over RE (2020-21) for the Legislative Department. The Committee observes that the major reasons for increase is due to increased allocation of Rs. 850 crore in BE (2021-22) over RE (2020-21) under the head 'EVMs for Election Commission (Capital)'. This provision is meant for providing funds to Election Commission for procurement of Ballot Units, Control Units and Voter Verifiable Paper Audit Trial Units and ancillary expenditure on EVMs and destruction of obsolete EVMs. There is a marginal increase in allocations of Rs.2.47 crore for Secretariat expenditure.

2.12. The Committee notes that under the Revenue Heads of 'Elections (Reimbursement to State/UTs) in BE (2021-22) there is an increase of Rs. 95.8 crore over RE (2020-21), however, the allocation has decreased by Rs. 272.70 over BE (2020-21). The Department has submitted that the fluctuations of budgetary allocations are due to non-receipt of audit certificates for reimbursement of electoral expenses to State/UT governments. It has also submitted that in case State/UT governments submit audit certificates for reimbursement during the forthcoming Financial Year, additional requirement of funds will be projected to Ministry of Finance at RE (2021-22) stage.

2.13. The allocation for the Legislative Department is 42.8 percent of the total allocation under the Demand No. 64 for the Ministry of Law and Justice. The Committee observes that as against the projection of Rs.2550.61 crore to Ministry of Finance, the Legislative Department has been allocated only Rs. 1218.40 crore, including Rs. 1000 crore as Capital allocation for purchase of Electronic Voting Machines (EVMs).

2.14. The Committee is of the view that allocation of Rs. 1218.40 crore in BE (2021-22) against the demand of Rs. 2550.61 crore by the Legislative Department may adversely affect optimal execution of programmes and activities of the Department. The shortfall of Rs. 1332.21 crore in allocation in BE (2021-22) over the projections is too large to be ignored as major portion of the projection was for the capital expenditure for EVMs. The Committee is, therefore, of the considered opinion that the Department should undertake multi-pronged strategies to ensure that its budgetary allocation is appropriate, rational and adequate in meeting the requirements of the Department.

Election Commission of India (Demand No. 65)

2.15. Election Commission India is a constitutional authority created under Article 324 of Constitution. The entire expenditure incurred by the Election Commission of India is voted. Budgetary allocation of Rs 249.16 crore has been made for the Financial Year (2021-22), of which Rs 242.16 crore is for the revenue expenditure and Rs 7 crore is for the capital expenditure for pre-construction activities for additional office building and construction of Systematic Voters' Education and Electoral Participation (SVEEP) regional hub centers. The variation in allocations and projection made to the Ministry of Finance are reflected in the table below.

TABLE NO. – 2.6

(Rs. in crore)

Actual 2019-20	BE (2020-21)	RE (2020-21)	Projections to MoF for BE 2020-21	Expen. As on 31.1.2021	BE (2021-22)	Variations		
						BE 2021-22 over BE 2020-21	BE 2021-22 over RE 2020-21	BE 2021-22 over projections to MoF
279.92	270.00	206.00	468.36	156.95	249.16	(-)20.84	43.16	(-)219.2

2.16. The Committee notes that as against the projection of Rs. 468.36 crore, the Commission has been allocated Rs. 249.16 crore (53 percent approx) in BE (2021-22), leading to a shortfall of Rs. 219.2 crore. Further, the allocation in BE (2021-22) has increased by Rs. 43.16 crore over RE (2020-21). The variations in RE (2020-21) and BE (2021-22) is mainly on account of increase in salary (6 percent), domestic travel expenses(444 percent), foreign travel expenses (132.4 percent), professional services (46.5 percent), Voters' Awareness (67.38 percent), Training (62 percent) etc.

2.17. Out of the total Budgetary allocation made to ECI for the Financial Year (2021-22), 21.27 percent approx. is proposed to be incurred on Salary and allowances of the Commission and its employees, 22.73 percent on Information Technology, 23.60 percent on Voters Awareness, 10.06 percent on Training and 2.81 percent on Capital Section.

2.18. The ECI has submitted that allocation of Rs.7 crore in BE (2021-22) under capital head for construction of additional building for the Commission is substantially low as compared to the projection of Rs.25.50 crore made by it, and has submitted that to meet the construction cost of additional office building for the Commission, an additional demand may be projected after obtaining construction plan from CPWD/NBCC.

2.19. The Committee observes that the expenditure of the Commission till 31st January, 2021 is Rs. 156.95 crore (76 percent approx.), out of allocations of Rs. 206 crore in the current Financial Year. Further, the Committee observes that out of the total allocation of Rs.6 crore in RE (2020-21) for capital expenditure, no expenditure has been made, whereas Rs. 25.50 crore was projected by the Commission again for the Financial Year (2021-22). The Committee, accordingly, recommends the Commission to obtain and approve detailed construction plan from CPWD/NBCC and raise the demand for enhanced allocation during the RE stage. The Commission may share the status note of the construction plan with the Committee while submitting Action taken Replies.

DEPARTMENT OF LEGAL AFFAIRS

2.20. The Committee notes that the budgetary allocations for the Department of Legal Affairs are under Non-Scheme only. Further, as against the projection of Rs.507.69 crore to Ministry of Finance, the Department of Legal Affairs was allocated 361 crore only, which is 12.7 percent of the total allocation to the Ministry of Law and Justice under Demand No. 64 and 29 percent (approx.) less *vis-à-vis* projection to the Ministry of Finance.

2.21. The following table is indicative of the increase/decrease in Major Heads/Unit under the Department in BE (2021-22) over BE (2020-21) and RE (2020-21).

TABLE NO. 2.7

(Rupees in crore)

	Department/Institutions	2019-20		Financial Year 2020-21		Expenditure up to 31.01.21	Projections made to MOF for 2021-22	B.E. 2021-22	Increase/ Decrease BE 2021-22 over BE 2020-21	Increase/ Decrease BE 2021-22 over RE 2020-21
		RE	**Actuals**	**B.E.**	**R.E.**	--	--	--	--	--
1	Department of Legal Affairs	57.88	52.64	60.87	57.47	44.73	68.00	62.00	1.13	4.53
2	Indian Law Institute	3.00	3.00	3.00	3.00	0.00	4.00	3.00	0.00	0
3	Institute of Constitutional And Parliamentary Studies (ICPS)	0.00	0.00	0.00	0.00	0.00	2.50	1.50	1.50	1.5
4	New Delhi International Arbitration Centre (NDIAC)	0.00	0.00	3.00	1.25	0.00	4.50	1.00	-2.00	(-)0.25
5	Central Agency Section	10.24	9.95	10.40	10.18	8.27	10.61	10.90	0.50	0.72
6	Arbitration Council Of India(ACI)	0	0	9.00	3.00	0.00	9.00	4.50	-4.50	1.5
7	Law Commission	7.38	3.63	7.80	6.80	3.59	8.80	7.30	-0.50	0.5
8	Legal Adviser and Counsels	66.16	65.01	66.14	62.40	35.57	71.08	56.00	-10.14	-6.4
9	Income Tax Appellate Tribunal(ITAT)	108.93	99.53	113.90	109.70	77.16	123.70	114.80	0.90	5.1
10	Income Tax Appellate Tribunal(ITAT) (Capital Outlay)	35.00	24.65	50.00	136.00	50.85	205.50	100.00	50.00	-36
	Total	**288.59**	**258.41**	**324.11**	**389.80**	**220.17**	**507.69**	**361.00**	**36.89**	**-28.8**
	Capital		24.65	50.00	136.00	50.85	205.50	100.00	50.00	-36
	Revenue		233.76	274.11	253.80	169.32	302.19	261.00	-13.11	7.2

2.22. The budgetary allocation for the Department for Financial Year (2021-22) is Rs. 361 crore, which includes Capital Outlay of Rs. 100 crore and Revenue outlay of Rs. 261crore. The Committee observes that in BE (2021-22), there is a decrease of Rs. 146.69 crore (29 percent approx.) over projections made to the Finance Ministry.

2.23. As against the projection of Rs. 4 crore for BE (2021-22), Indian Law Institute (ILI) has been allocated Rs. 3 crore, which is same as allocation made in current financial year. Further, Rs. 1.5 crore has been allocated for Institute of Constitutional and Parliamentary Studies (ICPS), Rs.1 crore for New Delhi International Arbitration Centre (NDIAC), Rs. 114.8 crore for Income Tax Appellate Tribunal (ITAT), Rs. 100 crore for Income Tax Appellate Tribunal (ITAT) (Capital Outlay), Rs. 56 crore for Legal Adviser and Counsels, Rs. 7.3 crore for Law Commission of India etc.

2.24. The Committee also notes that as against the allocations of Rs 389.80 crore in RE (2020-21), the Department was able to spend only Rs. 220.17 crore (56.48 percent) as on 31.01.2021, which includes Rs. 50.85 crore under Capital expenditure and Rs. 169.32 crore under Revenue expenditure. The Committee also notes that there is under-utilisation of funds allocated to Income Tax Appellate Tribunal (ITAT) and ITAT (Capital Outlay) in the current financial year.

2.25. The Committee notes that allocations to the Department of Legal Affairs has reduced mainly on account of reduction of allocations under the heads Income Tax Appellate Tribunals (Capital Outlay) by Rs.36 crore and Legal Adviser and Counsels by Rs. 10.14 crore over RE (2020-21). Further, allocations for New Delhi International Arbitration Centre (NDIAC) have been reduced in the forth coming financial year over the current financial year due to non-utilisation of allocated funds.

2.26. The Committee, accordingly, recommends the Department to ensure that funds allocated to it, inclusive of the administrative bodies/Institutions, are optimally utilised. Further, the Committee is also of the considered view that allocations to attached institutions like ILI may be enhanced keeping in view the increasing revenue expenditure and Cost of Inflation Index (CII).

DEPARTMENT OF JUSTICE

2.27. The allocation for Department of Justice is Rs.1266.42 crore, which includes Rs.1122.82 crore (88.7 percent approx) under Scheme and Rs.143.6 crore (11.3 percent) under Non-Scheme. The Department of Justice has been allocated 44.5 percent of the total allocation under the budget allocated to the Ministry of Law and Justice under Demand No. 64.

2.28. The table given below is indicative of the increase/decrease from BE (2020-21) and RE (2020-21) in the allocation to BE (2021-22), including expenditure of Department of Justice up to 31st January, 2021.

TABLE NO. 2.8

Head	Financial Year 2019-20		Financial Year 2020-21		Projections made to MoF for 2021-22	BE 2021-22	Variations BE 2021-22 over BE 2020-21	Variations BE 2021-22 over RE 2020-21
	RE	Actuals	BE	RE				
Secretariat Expenditure of Department of Justice	16.55	15.13	21.98	16.50	24.13	19.50	**(-)2.48**	**3.00**
Secretariat Expenditure of National Mission for Justice Delivery and Legal Reforms	2.10	1.53	2.10	1.95	2.49	2.00	**(-)0.10**	**0.05**
National Judicial Academy	16.00	15.00	11.00	11.00	30.25	11.00	0.00	0
National Legal Services Authority (NALSA)	6.50	5.03	6.60	4.90	10.50	8.70	**2.10**	**3.8**
NALSA (Grants-in-Aid)	140.00	140.00	100.00	100.00	280.00	100.00	0.00	0
Supreme Court Legal Services Committee (SCLSC)	2.48	1.42	2.48	2.43	3.78	2.40	(-)0.08	(-)0.03

a) Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for judiciary including Assistance to States for Establishing and Operationalising Gram Nyayalayas.	990.00	990.00	762.00	599.00	1981.00	784.00	22.00	185.00
b)National Mission for Safety for Women(Nirbahya Funds)	140	140	150.00	160.00	521.40	200.00	50.00	40.00
c) E-Courts Phase-II (Integrated Mission Mode project) including North Eastern States	180.00	179.26	250.00	180.00	400.00	98.82	**(-)151.18**	**(-)81.18**
d) Action Research and Studies on Judicial Reforms including Access to Justice	30.00	30.16	35.73	35.00	84.50	0	**(-)35.73**	**(-) 35.00**
e)Designing Innovative Solutions for Holistic Access to Justice in India(DISHA)	0	0	0	0	0	40.00	40.00	40
f) All India Judicial Service	0	0	0	0	100.00	0	0	0
Grand Total	**1523.63**	**1517.53**	**1341.89**	**1110.78**	**3438.05**	**1266.42**	**(-)75.47**	**155.64**

2.29. As against the projection of Rs. 3438.05 crore, the Department of Justice has been allocated Rs. 1266.42 crore only in BE (2021-22), which includes Rs. 143.60 crore for Non-Scheme and Rs.1122.82 crore for Scheme. Under the non-Scheme allocations, the major component includes Rs. 100 crore Grants-in-aid to NALSA and Rs. 19.50 crore for Secretariat Expenditure of Department of Justice.

2.30. Out of the total allocation to the Department for the Financial Year (2021-22), Rs 784.00 crore (62 percent approx.) alone is allocated for the Central Sponsored Scheme for Infrastructure Development of Judiciary (including Gram Nyayalayas). Further, Rs.98.82 crore has been allocated for E-Courts Project Phase – II (including North Eastern States) and Rs. 40 crore for the new scheme of Designing Innovative Solutions for Holistic Access to Justice in India (DISHA). The above allocations under the Department of Justice, also includes Rs. 200 crore, as against allocations of Rs. 160 crore in RE (2020-21), under the head ‘National Mission for Safety of Women’ for setting up of Fast Track Special Courts (FTSC) from the *Nirbhaya* Fund.

2.31. The Department has submitted that as against the allocations in Revised Estimate of Rs.1110.78 crore, the actual expenditure, was Rs. 958.44 crore as on 31st January, 2021, which also includes expenditure of Rs. 556.56 crore (as against allocations of Rs. 754 crore) for Central Sponsored Scheme for Infrastructure Development of Judiciary.

2.32. The Committee notes that the overall allocation to the Department in BE (2021-22) has increased by Rs 155.64 crore over RE (2020-21) mainly due to increase in budgetary allocation under CSS for Infrastructure Development of Judiciary, National Mission for Safety of Women, and allocations under Designing Innovative Solutions for Holistic Access to Justice in India (DISHA). Further, there has been no change in allocations under Grants-in-aid to National Judicial Academy (NJA) and National Legal Services Authority (NALSA) in BE (2020-21), RE (2020-21) and BE (2021-22).

2.33. The Committee observes that huge projections were made for NALSA, CSS for Infrastructure Development of Judiciary, National Mission for Safety of Women, E-Courts Project Phase – II, and All India Judicial Services. However, the allocations for these schemes/projects were drastically reduced and in the case of All India Judicial Services (AIJS), no allocations have been made for the forthcoming Financial Year by the Ministry of Finance. The Committee, accordingly, recommends the Department to submit a status note on the projections made along with justifications and impact on schemes/projects due to reduced/no allocations.

National Judicial Academy

2.34. The Committee notes that NJA is a premier institution of the country for the training of judges of Higher Judiciary, judges of neighbouring countries, /District Courts and Tribunals etc. and plays an important role in leveraging soft power of the country in the field of judicial training and research. As against the projected demand of Rs. 34.25 crore for the Financial Year (2021-22), which includes Revenue Grant-in –aid of Rs. 28.25 crore and Rs. 6 crore as Capital Grant-in-aid, only Rs.11 crore has been allocated for NJA in BE (2021-22). The allocations and expenses of the National Judicial Academy for the last few years are as under:-

TABLE NO.2.9

Rs. in Crore

Year	Projection of Funds (A)	Funds allocated and released by Department of Justice (B)	Actual Expenses Incurred by NJA (C)	Shortfall in Allocation over Projections (B-A)	Short-fall of funds (Expenditure Over Allocations) (B-C)	Remarks
2017-18	16.76	10.00	14.69	(-) 6.76	(-)4.69	Shortfall met out from the funds available with NJA on account of lodging and boarding charges, registration fees, interest income and other miscellaneous receipts
2018-19	20.40	10.00	17.30	(-) 10.40	(-)7.30	
2019-20	27.00	15.00	16.90	(-) 12.00	(-)1.90	
2020-21	28.20	10.00	9.01 (upto December, 2020)	(-) 18.20	0.99 (upto December, 2020)	
2021-22	34.25	11.00	-----	(-)23.25	-----	

2.35. The NJA submitted that the amount allocated to it is not sufficient to meet even the recurring expenses leading to budget deficit over the past few years. Further, as against the total sanctioned strength positions of 124 employees, only 99 are in position and the NJA is in dire need of financial support to maintain some of the essential services, pay salary arrears as per recommendations of 7th Pay Commission and also to fill-up vacant positions.

2.36. The Committee notes from the above Table no. 2.8 that NJA has been facing financial deficit for the last few years which has adversely affecting its ongoing activities. The Committee in its 101st Report on Demands for Grants (2020-21) of the Ministry of Law and Justice had recommended the Department to approach Ministry of Finance for enhanced allocations to NJA, so that its programmes and activities are not hampered due to financial constraints. However, the NJA has submitted that despite the recommendations of the Committee, the actual demand of the Academy for allocation of budget has not been considered, which has led to compromise in its activities. The Department of Justice in its written replies to questionnaire has submitted that it supports the enhanced requirement of funds as requested by NJA.

2.37. The Committee accordingly, recommends the Department to consider enhancing allocations to the NJA during the RE (2021-22) and pursue the matter with the Ministry of Finance, as it has become difficult for the NJA to meet its recurring expenditure. Further, the Committee desires that a status note along with the Action Taken Replies may also be submitted.

National Legal Services Authority (NALSA)

2.38. National Legal Services Authority (NALSA) had made projections for Rs. 280 crore, however, it has been allocated only Rs. 100 crore as Grants-in-aid in BE (2021-22), which is same as allocations made in BE & RE (2020-21). Details of projections of funds made by NALSA and amount allocated in BE (2021-22) and percentage change/variation over BE (2020-21) and RE (2020-21) is given below:

TABLE NO. 2.10

(Rs in crore)

Name of the Organisation/ Institution	**Actual 2019-20**	**BE 2020-21 (A)**	**RE 2020-21 (B)**	**Expenditure up to 15.02.2021**	**Projection To MoF for BE 2021-22 (C)**	**BE 2021-22 (D)**	Variations in BE 2021-22 over Projections to MoF **(D-C)**
NALSA	140	100.00	100.00	86.00	280.00	100.00	(-)180.00
Total	**140**	**100.00**	**100.00**	**86.00**	**280.00**	**100.00**	**(-)180.00**

2.39. The allocations for NALSA in BE (2021-22) is same as allocations made in both BE and RE (2020-21). However, the Committee observes that the allocation to NALSA in BE (2021-22) has reduced by 64 percent (approx.) as compared to projections. NALSA has submitted that in the total projection of Rs. 280 crore, Rs. 69.41 crore is allocated for Legal Services Clinics, Rs.45 crore for legal awareness, Rs. 52.5 crore for Legal aid representation in civil and criminal matters, Rs. 27.60 crore for Legal assistance at pre-arrest, arrest and remand stage, Rs. 28 crore for Lok Adalats, Rs.20 crore for legal services camps, Rs. 19.62 crore as front office expenses, Rs. 10 crore for Mediation etc. NALSA has further submitted that the reduced allocations of Grants-in-aid will affect its programmes and activities in the forthcoming financial year.

2.40. The Committee appreciates NALSA for optimally utilising the funds allocated to it, as 86 percent of the allocated amount has been utilized by NALSA as on 15th February, 2021. Since it becomes the responsibility of the Department to get the required funds allocated, the Committee recommends the Department of Justice to furnish its views on the projected demand of Rs. 280 crore by NALSA, along with reasons for non-allocation as per the projected demand.

Centrally Sponsored Scheme for the Infrastructure Facilities for Judiciary

2.41. Details of projections of funds made for Centrally Sponsored Scheme for the Infrastructure Facilities for Judiciary under the Ministry of Law and Justice to the Ministry of Finance and amount allocated in BE (2021-22) and change/variation over BE/RE (2020-21) is given below:

TABLE NO. 2.11

(Rs .in crore)

Name of the Scheme / Sub-Scheme	**Actual 2019-20**	**BE 2020-21**	**RE 2020-21**	**Projection to MoF for BE 2021-22**	**BE 2021-22**	**Variations**		
						BE 2021-22 Over BE 2020-21	**BE 2021-22 over RE 2020-21**	**BE 2021-22 over projections to MoF**
Centrally Sponsored Scheme for the infrastructure facilities for Judiciary including Gram Nyayalayas	990	762.00	599.00	1981.00	784.00	22.00	185.00	(-)1197.00

2.42. As per the submission made by the Department to the Committee, the Central Government has released an amount of Rs. 82, 88.30 crore since the inception of the Scheme in 1993-94, out of which Rs. 4844 crore (58.44 percent) has been released to the State Governments and UT administration since 2014-15 including Rs. 556.05 crore released to States during the current Financial Year (2020-21). As on 31.12.2020, there are 20,056 court halls/rooms available in District and Subordinate Courts and 2808 are under construction. Further, there are 17, 738 residential units available and 1843 are under construction. The Department has also submitted that adequate court rooms/court halls are available for the existing 19,315 judicial officers in Subordinate Courts. However, the focus of the Department is to match the court rooms/court halls with the sanctioned strength of 24,282 judicial officers in Subordinate Courts.

2.43. The Committee notes that the Department had projected Rs. 1981 crore in BE (2021-22) for CSS for the Infrastructure Facilities for Judiciary; however, the allocation made was only Rs.784 crore, which is 60 percent (approx.) less as compared to projection made to Ministry of Finance for the project. The Department in its written replies has submitted that reductions in allocations will result in lesser grants to the States which would eventually lead to construction of lesser number of ongoing projects of court halls and residential units under the Scheme. Statement of funds released to States during the last 3 years under the scheme is at **Annexure-I.** The Committee also observes that in the current Financial Year, as against allocations of Rs. 599 crore in RE (2020-21) an expenditure of Rs. 562.56 (94 percent approx.) has been incurred as on 31.01.2021.

2.44. **The Committee in its 101st report on Demands for Grants (2020-21) of the Ministry of Law and Justice had also observed that there was a 50 percent reduction in allocations over the projection of funds for the Financial Year 2020-21. Likewise, the Committee feels that such a drastic reductions of allocations for the CSS for the Infrastructure facilities for Judiciary may hamper the target set by Department for the Financial Year 2021-22, and accordingly, recommends the Department to approach**

Ministry of Finance once again with proper justification and get the allocations enhanced during the supplimentary grants.

e-Courts Project Phase-II

2.45. The eCourt Phase-II project was started in 2015 with an outlay of Rs 1670 crore, out of which a sum of Rs. 1547.92 crore has been released by the Government. As far the utilization of funds are concerned, the Department of Justice in its written replies to the Committee submitted that Rs. 155.87 crore has been utilized by the Department as on 01.02.2021 for the Financial Year (2020-21). Further, after utilizing the remaining amount of Rs. 23.25 crore (Rs. 180 crore-156.75 crore) in this current Financial Year, the remaining amount under the eCourt Project-II would be Rs. 98.82 crore (Rs. 1670 crore - 1571.18 crore), which has been allocated for the Financial Year (2021-22).

TABLE NO. 2.12

(Rs.in crore)

Actual 2019-20	BE (2020-21)	RE (2020-21)	Expenditure As on 01.02.2021	Projections to MoF for BE 2020-21	BE (2021-22)	Variations		
						BE 2021-22 over BE 2020-21	BE 2021-22 over RE 2020-21	BE 2021-22 over projections to MoF
179.26	250.00	180.00	155.87	400.00	98.82	(-)151.18	(-) 81.18	(-)301.18

2.46. The Committee observes that allocations for e-Courts Project Phase-II in BE (2021-22) have been decreased by RS. 301.18 crore (75 percent approx.) over the projection made to the Ministry of Finance, and as compared to allocations made in BE& RE (2020-21), there is a shortfall of Rs. 151.18 crore and Rs. 81.18 crore, respectively, in BE (2021-22). The reduced allocations in BE (2021-22) is due to exhaustion of funds under the e-Courts Project Phase-II, and the Department in its statement has informed the Committee that Detailed Project Report (DPR) for the next phase of the project, i.e., e-Courts Project Phase-III, is under progress and demands for it will be raised separately.

2.47. The Committee hopes that raising the demands for this project by the Department will be felt by the enhanced allocations at the RE stage of ensuing fiscal and also urges the Department that DPR may be done in time for enhanced allocations.

National Mission for Safety for Women (Nirbhaya Funds)

2.48. As a part of National Mission for Safety of Women (NMSW-Nirbhaya Fund), 1023 Fast Track Special Courts (FTSCs), including 389 POCSO Courts, are to be setup in the country Funds under the scheme are administered by the Department of Economic Affairs (DEA) of the Ministry of Finance (MoF) and Ministry of Women & Child Development (MWCD) is responsible for reviewing and monitoring the progress of sanctioned projects/ schemes.

TABLE NO.2.13

Rs. in Crore

Name of the Scheme / Sub-Scheme	BE 2020-21	RE 2020-21	Expend. as on 31.01.2021	Projection to MoF for BE 2021-22	BE 2021-22	Variations		
						BE 2021-22 over BE 2020-21	BE 2021-22 over RE 2020-21	BE 2021-22 over projections to MoF
National Mission for Safety for Women (Nirbhaya Funds)	150.00	160.00	88.89	521.40	200.00	(+) 50	(+)40.00	(-) 321.4

2.49. In this regard, Rs. 200 crore is earmarked for the Scheme for BE (2021-22), which is an increase of Rs. 40 crore over RE (2020-21), however, the allocated amount is Rs. 321.4 crore less as compared to projection by the Department for BE (2021-22).

2.50. The Committee views with serious concern that Department has been making higher projections, despite under-utilisation of funds under the scheme as only Rs. 89.89 crore has been released against the allocation of Rs. 160 in the current Financial Year. The Committee therefore recommends the Department to improve its spending record during the current fiscal year.

Supreme Court of India (Demand No. 66)

2.51. The Supreme Court of India is the highest Constitutional Court and also the final court of appeal in our country. The expenditure incurred on the Supreme Court of India is *'charged'* on the Consolidated Fund of India. Accordingly, entire Demand No. 66 is a 'charged' expenditure.

2.52. The variation between BE (2021-22) over RE/BE (2020-21) and projections made to Ministry of Finance are reflected in the table below.

TABLE NO. – 2.14

(Rs. in crore)

Actual 2019-20	BE (2020-21)	RE (2020-21)	Expend. As on 31.1.2021	Projections to MoF for BE 2020-21	BE (2021-22)	Variations		
						BE 2021-22 over BE 2020-21	BE 2021-22 over RE 2020-21	BE 2021-22 over projections to MoF
296.55	308.61	328.00	268.02	338.96	334.96	26.35	6.96	(-)4

TABLE NO. – 2.15
Detailed Explanation of Allocation

(Rs. in crore)

Heads	B.E. 2020-21	R.E. 2020-21	BE 2021-22	Variations	
				BE 2021-22 over BE 2020-21	BE 2021-22 over RE 2020-21
Salaries	239.96	250.00	260.00	20.04	10.00
Medical Treatment	9.00	9.00	9.00	NIL	NIL
Overtime Allowance	0.06	0.06	0.06	NIL	NIL
Domestic Travel Expenses	1.20	0.30	0.50	(-)0.70	(+)0.20
Foreign Travel Expenses	3.00	0.80	3.00	NIL	(+)2.20
Office Expenses	34.99	47.44	42.00	7.01	(-)5.44
Publications	0.40	0.40	0.40	NIL	NIL
Professional Services	10.00	10.00	10.00	NIL	NIL
Information Technology	10.00	10.00	10.00	NIL	NIL
Total	**308.61**	**328.00**	**334.96**	**(+)26.35**	**(+)6.96**

2.53. As against the projection of Rs. 338.96 crore, budgetary allocation of Rs 334.96 crore has been made for the Financial Year (2021-22), which is a shortfall of Rs. 4.00 crore. The entire allocation (100 percent) made to the Supreme Court in under revenue expenditure. The utilisation of funds was Rs. 268.02 crore as on 31.1.2021, and the Supreme Court in its written replies has submitted that since the Financial Years (2018-19), there has been no under-utilisation of funds.

2.54. The Committee notes that there is an increase of Rs.6.96 crore (2.12 percent) over RE (2020-21) for the Supreme Court of India. It can be also observed that allocations for Foreign and Domestic Travel expenses have increased by Rs. 2.2 crore and 0.2 crore, respectively, whereas allocations for Office Expenses has reduced by Rs.5.44 crore in BE (2021-22) over RE (2020-21). The Committee also observes that around 78 percent of the allocations made to the Supreme Court constitute expenditure relating to salary component.

2.55. The Committee appreciates the Supreme Court for optimal utilisation of funds allocated to it over the years.

CHAPTER III

LEGISLATIVE DEPARTMENT

3.0 Legislative Department plays an important role in assisting the Ministries/ Departments of the Government in achieving their policy objectives through legislation. The budgetary allocation of the Department in BE 2021-22 is Rs. 1218.40 crore (43 per cent approx. of the total budget allocation to the Ministry under Demand No. 64), which also includes provision for Rs.1000 crore for purchase of Electronic Voting Machines (EVMs).

Drafting of legislations:

3.1 The primary function of the Department is drafting of all principal Legislation of Central Government. Such drafting is done jointly by the concerned administrative Ministry and the Legislative Department. On a specific concern of the Committee raised in its meeting held on 19th February 2021 about poor drafting of Bills of the Government, which eventually get struck down in Courts, the Secretary informed that as a draftsman, the Legislative Department receives inputs from the Department of Legal Affairs regarding legality and constitutionality of the proposed legislation.

3.2 However, the Department has submitted that in January, 1989, with a view to increasing the availability of trained Legislative Counsel in the country, the Institute of Legislative Drafting and Research (ILDR) was established by the Legislative Department, Ministry of Law and Justice and it has been imparting theoretical as well as practical training in Legislative Drafting to the officers of the Central/State Governments and Union Territories. Besides, the newly inducted draftspersons of this Department are being imparted training in legislative drafting by attaching them to the Basic Course in legislative drafting which is of three months' duration. Further, the ILDR also imparts training in legislative drafting to all the draftspersons by inviting retired Secretaries and senior draftspersons from time to time to improve drafting skills.

3.3 On the issue of conducting public hearing/consultative with stakeholders in advance before enacting legislation, the Department has submitted that for an effective legislation, it is appropriate that the concerned Ministry/Department should place their proposals in the public domain before giving shape to the Bill so that the suggestions from the general public can be considered and appropriate provision can be made in the draft Bill. Experts of the concerned field can also contribute their experience in framing of a suitable legislation.

3.4 The Committee feels that legislation is one of the instruments of articulating the policy of the Government and the Legislative Department has a major role to play in formulating constitutionally valid and effective legislation. The Committee is of the view that the concerned administrative Ministries and Legislative Department should ensure that drafting of Bill is done by a person of high calibre having a sound legal background and experience; and it should also assess the impact from the point of view of scrutiny and judicial review.

Vacancies in the Department

3.5 The Legislative Department has informed the vacancy position at different levels as on 31st December, 2020 in that Department are as per the table given below:-

Table No. 3.1

Sl. No.	Name of the Post/ Groups	Sanctioned strength	Vacancy position
Draftspersons			
1.	Secretary	1	0
2.	Additional Secretary	2	0
3.	Joint Secretary and Legislative Counsel	5	0
4.	Additional Legislative Counsel	6	0
5.	Deputy Legislative Counsel	12	5
6.	Assistant Legislative Counsel	18	5
Others			
	Group 'A'	29	13
	Group 'B'	84	41
	Group 'C'	75	27
	Total -	**232**	**91**

Table 3.2

Vidhi Sahitya Prakashan

Sl. No.	Name of the Post/ Groups	Sanctioned strength	Vacancy position
1.	Group 'A' posts	12	6
2.	Group 'B' posts (Gazetted)	7	2
3.	Group 'B' posts (Non-gazetted)	21	9
4.	Group 'C' posts	35	9
	Total	**75**	**26**

Table 3.3

Official Languages Wing

Sl. No.	Name of the Post/ Groups	Sanctioned strength	Vacancy position
1.	Group 'A' posts	57	28

2.	Group 'B' posts	48	18
3.	Group 'C' posts	49	10
	Total	**154**	**56**

3.6 The Committee notes that almost 50% vacancies exist in Legislative Department and its two Wings. It is seen that out of 232 sanctioned posts in the Department, 91 posts are lying vacant. Similarly, in Vidhi Sahitya Prakashan, 26 of the 75 sanctioned posts are lying vacant. Even in Official Languages Wing, 56 of the 154 sanctioned posts were vacant till 31st December, 2020. Having large vacancies impedes the smooth and efficient functioning of the organization. The Committee feels that the Department should assess the impact of such a large number of vacancies on its working and vigorously pursue with recruitment agencies to fill up required vacancies of the Department urgently so that the work of Department is not hampered in terms of their mandate.

Translation of Statutes/ Rules in Scheduled Languages:

3.7 An updated information of publication of the Constitution and other Central Acts in scheduled languages was furnished to the Committee by the Legislative Department. The Committee finds that translation of Constitution is available in 16 Regional Scheduled Languages; however, the updation work is pending for last 15-20 years. Regarding translation of Central Acts in Regional Languages, the Committee finds that it is done only in 11 Scheduled Languages. While in the remaining languages, the work relating to translation of Central Government Acts has not even been initiated.

3.8 The Committee notes the lukewarm approach of the Department in bringing out translated version of Constitution and Central Government Acts in all the Scheduled Languages. The Committee feels that a country marked with linguistic diversities and unequal acquaintance with Hindi and English languages, non-translation of the Constitution and Central Government Acts into scheduled languages is an undesirable scenario and has deprived citizens of the country with equal access to laws, rules and regulation which are fundamental to the governance of the country.

3.9 The Committee notes the slow progress made in the said work in the last one year. The Committee reiterates its recommendation contained in 101st Report on Demands for Grants (2020-21) for expediting the translation works of authoritative texts of Constitution of India and Central Acts in all the regional languages mentioned under the Eight Schedule. The Committee, also recommends that the Department should evolve a suitable mechanism and expedite translation of authoritative texts of Constitution including its updated version incorporating amendments to the Constitution till recent time and other Central Acts on real time basis.

Repealing of obsolete laws

3.10 There had been many laws enacted long back, mostly during pre-independence period, which have become redundant in the present context and put up obstacles in running day to day administration. Repealing of many of such laws of colonial construct would be a progressive move as it would reduce unnecessary litigations etc. The Department has stated that total 1486 obsolete and redundant laws have been repealed by the Government of India from 2014 to 04th February, 2021. On the issue of including a sunset clause or a provision within the Act so that the Act shall cease to have effect after a specific date, unless it is extended by the Parliament, the Department has informed that the Ministry of Finance was suggested for inclusion of the sunset Clause in Appropriation Bills, whereas various administrative Ministries are yet to respond on this issue. However, the sunset clause has already been included by the Legislative Department in “The Mineral Laws (Amendment) Act, 2020 (2 of 2020)”.

3.11 The Committee notes that 1486 obsolete and redundant laws have been repealed by the Government of India from 2014 to 4th February, 2021. The Committee, however, feels that more such laws are required to be identified and repealed with broader political consensus. The Committee also believes that laws prevalent in any country should reflect current situation in society and polity and be in consonance with changing times. The Committee recommends that the Government should review and scrutinize laws which no longer serve their purpose and intended objectives from time to time with suggestions from all stakeholders and general masses and take initiative for their repealing. The Committee also recommends that the Department may explore provision of including sunset clause in all the proposed legislations.

ELECTION COMMISSION OF INDIA

3.12 The Election Commission of India is an independent Constitutional body created under Article 324 of the Indian Constitution. It prepares, maintains and periodically updates the electoral rolls, registers political parties/ candidates, supervises the conduct of elections, monitors the elections campaigns including funding and expenditure of the candidates, enforcing model code of conduct to make the entire electoral process free, fair, democratic and accessible for all its stakeholders. The Commission has been allocated budget of Rs. 249.16 crores under Demand No. 65 in BE 2021-22. In addition, provision for Rs. 1000 crore has been made separately to the Legislative Department for capital expenditure in procurement of EVMs for Election Commission.

Voters’ registration and awareness:

3.13 Election Commission has conducted 17 General Elections to the Lok Sabha and about 390 General Elections to the State Legislative Assemblies, apart from thousands of bye-elections, thus, facilitating peaceful, orderly and democratic transfer of power. Increased awareness amongst the electorates and enhanced electoral participation has been the key challenges before the Election Commission. The Commission has informed that for enrolment of names in electoral rolls and verification/ updation/ correction of entries of electors in the electoral rolls, the following programmes/ drives have been launched in recent years:-

- Special Drive – launched in 2017;
- Voter Verification and Information Programme (VVIP) – launched in 2019;
- Electors' Verification Programme (EVP) – launched in 2019; and
- Removal of discrepancies of Demographically Similar Entries (DSEs) and EPICs during SSR- launched in 2020.

3.14 The Commission has further submitted that conducting of nation-wide programmes on such a large scale has challenges and these challenges have been coped with the help of State machinery and work force deployed at grass root level including BLOs & supervisors etc. The Commission also stated that they have always endeavored to use the latest IT tools to verify and update the elector's information so that a healthy and error free electoral roll can be prepared, though these new technologies also have limitations in different geographical locations.

3.15 The Committee agrees that proper network connectivity is a prior requirement for the smooth functioning of any IT application and for collection of data. A grassroot worker has to face many challenges in remote areas or in places where internet connectivity is poor and this hampers the functioning of any special drive or programme launched by the Commission within the given time line. The Committee, accordingly, recommends the Election Commission for optimal utilization of IT tools for preparing error free voters list.

Systematic Voters Education and Electoral Participation Programme (SVEEP)

3.16 The Commission has submitted that voters' apathy is also one of the biggest challenges and to overcome this, the Commission has launched various programmes to sensitize and motivate electors for participation in electoral process through novel publicity measures. Election Commission of India's leitmotif has always been - "No voter to be left behind".

3.17 'Systematic Voters Education and Electoral Participation' Programme (SVEEP) is a flagship program of Election Commission to achieve the overarching goal of wider electoral participation. Enrolment of voters and purification of electoral roll is a major component of the SVEEP program. The primary objectives of this programme are :

a) increase electoral participation;

b) promote ethical and informed voting; and

c) continuous electoral education.

3.18 According to the Commission, it is extremely to familiarize and sensitize the electorate about the voting procedures and voter facilitation measures. This not only helps to increase voter turnout but also helps to build confidence and get ground level inputs and feedback. Under the aegis of SVEEP, several campaigns are launched to keep all stakeholders informed about electoral procedures and processes.

3.19 Election Commission has also informed that their constant endeavor is to ensure that every election is free, fair, accessible, participative and inclusive. Special campaigns are launched before election for citizens to verify their names in the electoral roll, make changes in particulars, new registration and corrections. VVIP programme launched in 2019 was one such elaborate program undertaken through multiple channels in order to correct and update the electoral roll. Besides this, the Commission also encourages use of the digital initiatives like NVSP and Voter Portal for easy registration and access to voter services at the click of a button. 1950 -single, unified Help line was also strengthened and made a significant part of SVEEP creatives and advertisements to reach out to the maximum number of people.

3.20 The Committee also notes the initiatives of the Commission particularly 'Systematic Voters Education and Electoral Participation' (SVEEP) for raising awareness among voters for informed voting so that they enthusiastically take part in the whole election process and cast their valuable votes. The Committee recommends that the Commission should vigorously continue with various electoral awareness programmes through mass media campaigns and by leveraging latest IT tools so that voters are provided with wider avenues in electoral participation.

COVID- 19 and Elections

3.21 The unprecedented and unpredictable impact of Covid 19 on elections compelled a reorientation of strategy and incorporation of Covid safety norms on part of ECI for their outreach activities. The Commission has informed that Bihar was the largest election in the world to be conducted amid the pandemic, and there was apprehension of a dip in voter turnout. SVEEP was geared towards ensuring that the Commission's elaborate health and sanitization measures were informed to the voters in order to boost their confidence of safe in-person voting at the polling station. Certain procedures and practices had been changed in order to take care of the norms of social distancing. All these were informed to the stakeholders using the extensive structures of SVEEP. The step by step Voters Guide was updated with the new safety measures and distributed to all households before election day. The creatives and posters were redesigned in order to highlight the aspect of Covid safety, use of masks, sanitizers and social distancing. These protocols were reiterated through various creative mediums in order to drive home the point that voting was safe and polling stations were sanitized spaces.

3.22 The Committee appreciates the handling of Legislative Assembly elections during peak of Covid-19 pandemic. Further, meticulous planning and wide publicity of Covid safety measures and related arrangements in the electoral process boosting-up the confidence of general electorates and resulted in wider participation of electorate with increased percentage of voting. The Committee also notes the initiatives taken by the Election Commission of India for registration, correction, removal of logical errors, and Demographically Similar Entries (DSEs). The Committee is of the view that the Commission should put in efforts to make voters' registration accessible and secure while discharging their functions.

Postal Ballot facility

3.23 Commission's recent initiative of extending postal ballot facility to voters who are 80 years and above, Persons with Disabilities (PwDs) and those who are Covid affected or under quarantine was also conveyed to the voters through SVEEP initiatives. This became all the more important in order to communicate that those who are Covid positive or under quarantine will not be disenfranchised in any way. Elaborate streamlined process was devised to ensure that this category of voters could also exercise their franchise without jeopardizing the health and safety of other voters. Once again, both traditional methods of advertising including door to door connect, Radio, TV and advertisements were used in combination with the more trendy social media outreach so that awareness could spread far and wide.

3.24 The Committee also observes that error free electoral roll is the most important facet of electoral process in participative democracy. The Committee, in its 101st Report, has recommended the linkage of unique Aadhar ID number with Voter I-Card in order to streamline alterations in EPIC during change of ordinary residence by the electors. The Committee reiterates its recommendation that the Government may undertake appropriate action for the purpose of linking unique Aadhar Card number with Voter I-Card to purify the electoral roll. The Committee also appreciates the Commission's recent initiative of extending postal ballot facility to voters who are 80 years and above, Persons with Disabilities (PwDs) and those who are affected by Covid or under quarantine. However, the Committee desires that the Commission should make strict guidelines so that there is no undue influence on person voting through postal ballot.

One Nation One Election

3.25 An election whether it is for local bodies (Panchayati Raj Institutions), State Assemblies or for Lok Sabha, involves a lot of financial, security and human resources. A view in favour of 'One Nation, One Election' or simultaneous election, has emerged in recent times as frequent elections create stumbling block in the way of growth and good governance.

3.26 The first, second and third elections after promulgation of the Constitution were held simultaneously, however, premature dissolution of some Legislative Assemblies in 1968 and 1969 caused discontinuation of holding simultaneous election. The renewed emphasis on the concept of simultaneous elections was made in 1983 when the Election Commission brought out its first Annual Report and recommended for holding simultaneous elections for Lok Sabha and State Legislative Assemblies as it will reduce expenditure and ensure effective use of manpower and Human Resources. The Law Commission of India headed by Hon'ble Justice B.P. Jeevan Reddy in its 170th Report on Reform of Electoral Laws (1999) also favored holding of simultaneous elections to Lok Sabha and State Legislative Assemblies as it will ensure stability in governance.

3.27 The Committee has earlier examined the issue of simultaneous elections to Lok Sabha and State Legislative Assemblies in consultation with various stakeholders including Election Commission of India and in its 79th Report on the subject "Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies" in 2015 also held in favour of holding simultaneous elections for State Assemblies and the Lok Sabha and made following recommendation:-

> *"The Committee does not feel that simultaneous election in every five year cannot be held in near future but slowly it would reach in stages for which tenure of some of the State Legislative Assemblies need to be curtailed or extended. Extension of term of Legislature is not permissible except under proclamation of emergency. But election to Lok Sabha/ State Legislative Assemblies can be held six months before under Sections 14 & 15 of the Representation of People Act, 1951. The Law Commission of India in its One Hundred and Seventieth Report has suggested that election of same of Legislation Assemblies where term is ending six months after the General election to Lok Sabha can be clubbed with it but election result can be declared*

at the end of their tenure. This can be possible with the cooperation of political parties which represents political will of the people."

3.28 Further, the Niti Aayog's discussion paper on the subject 'Analysis of Simultaneous Elections: The What, Why and How' by S/Shri Bibek Debroy and Kishore Desai also supported the idea of simultaneous election as frequent elections force ruling regimes to adopt populist and politically safe measures rather than difficult structural reforms.

3.29 The Committee believes that elections are the very foundation on which democratic structure of a country are created. Democracy ensures diversity of views and opinions and elections are the means towards achieving this goal. However, having continuous elections around the year whether it is for local bodies, State Assemblies or Lok Sabha, put a big strain on the state machinery which further causes hurdles in governance. Our country remains in election mode throughout the year.

3.30 The Committee believes that holding simultaneous elections will reduce the burden on exchequer, expenditure of political parties and will also ensure that human resources are optimally utilised. The Committee also believes that simultaneous elections will reduce voters apathy of frequent elections and will enthuse general population and voters in particular which will ultimately enhance voters participation in the electoral process.

3.31 The Committee is of the view that idea of 'One Nation, One Election' or simultaneous election is not new to our country as the first three General Elections held in 1952, 1957 and 1962 were held simultaneously only and it can be brought into the mainstream with suitable amendments to the Constitution. In view of this, certain provisions of the Constitution may be amended to have fixed terms for local bodies, legislative assemblies and the Lok Sabha for holding simultaneous elections. The terms of Legislative Assemblies and the Lok Sabha are also required to be synchronized with one another and the mechanism in this regard requires to be evolved with political consensus as the term of the respective State Assemblies need to be reduced or increased.

Common Electoral Roll

3.32 At present, the Election Commission of India (ECI) prepares the electoral roll for Lok Sabha (House of the People) and State Assembly polls in accordance with the provisions as envisaged under Sections 13D, 14 and 15 of the Representation of the Peoples Act, 1950. The State Election Commissions (SECs) under Articles 243 K and 243 ZA of the Constitution hold elections for local bodies (Municipal and Panchayat) in their respective States based on their own voters' list. They also supervise local bodies elections. The Constitution gives power to the States to formulate their own laws to hold polls for local bodies. States have discretion to either have their own voters' list or to adopt the one prepared by the Election Commission of India (ECI). At present, all States, except Uttar Pradesh, Uttarakhand, Odisha, Assam, Madhya Pradesh, Kerala, Arunachal Pradesh, Nagaland and the Union Territory of Jammu & Kashmir have adopted EC's rolls for local body polls.

3.33 Now the idea of having a common or single voter list for conducting polls for Lok Sabha, Assembly and local bodies has gained currency in recent period as it is felt that with similar eligibility of electorates for participation in election process at all three levels, preparation of separation voters' list not only results in duplication of work but also creates unnecessary confusion amongst the electorates and the State machinery.

3.34 Election Commission of India (ECI) in its letter to the Government, way back in 1999, had stated that separate electoral rolls not only create confusion among the electors because their names might be present in one roll but absent in the other, or vice versa, but also result in duplication of effort and expenditure. The Election Commission of India (ECI) made a similar reference in 2004.

3.35 The National Commission to Review the Working of the Constitution under the Chairmanship of Justice M.N. Venkatachaliah had in its report submitted in 2002 also recommended that the Constitution should specifically stipulate a common electoral roll both for local elections to the Parliament and State Legislative Assemblies. Further, the Law Commission also recommended for Common Electoral Roll it in its 255th Report in 2015.

3.36 The Committee had earlier examined the issue of "Common Electoral Roll" while examining the Demands for Grants (2016-17) of the Ministry of Law and Justice and had submitted its 84th Report favouring Common Electoral Roll and made following the recommendation :-

> *"The Committee appreciates the work of Election Commission of India in checking bogus voting by electoral roll purification by linking it with Aadhar card. The Committee feels that a common electoral roll will reduce cost, time and check electoral malpractices in the country. The Committee, therefore, recommends that a common electoral roll be prepared in the country which can be used from panchayat level to Parliamentary elections with the State Election Commissions, to weed out multiple electoral rolls to check corrupt practices during elections. The Committee also recommends the ECI to ensure that no persons voting rights are hampered by wrongfully categorizing them as Doubtful voters as it will go against the very principle of electoral democracy".*

3.37 On this issue, the Commission has further informed that this matter is under consideration and a meeting was convened by Legislative Department on this subject with representatives from ECI & other concerned Ministries in the month of August, 2020. The Election Commission of India (ECI) also submitted that about 20 States are already using the Electoral Roll prepared by it for conducting their local body elections which are conducted by the State Election Commissions. The ECI has further informed that if the Representation of the People Act, 1950 is amended to have four qualifying dates for enrolment of eligible voters in the electoral roll against the single date as prescribed under section 14(b) of the said Act, the remaining States could be persuaded to use the ECI roll for conduct of local body elections. The matter is still under consideration along with a few other electoral reform proposals taken up by the ECI.

3.38 The Committee understands that preparation of common Electoral Rolls will require certain amendments in the Constitution, but it is good for the democratic health of our country as it will lessen the burden on exchequer. The Committee feels that wider consultation with all political parties should be held to reach a political consensus and State Governments should be persuaded to amend their respective laws for using voters' list prepared by ECI for conducting election to their Local Bodies.

3.39 **The Committee takes note of the submission of the Election Commission that about 20 States are already using the Electoral Roll prepared by Election Commission of India for conducting their Local Bodies elections which are conducted by the State Election Commissions. The introduction of common electoral roll will not only purify voters' list, check electoral malpractices and unnecessary duplication but also ensure that there is no discrepancy in Local Body and Assembly voters' list. The Committee in its 84th, 101st Report and 105th Report had recommended for common electoral roll in the country for election to Lok Sabha, State Assemblies and the Local Bodies. It believes that common Electoral Rolls can only help realizing simultaneous elections to the Lok Sabha, State Assemblies and Local Bodies. The Committee reiterates its recommendation for implementation of Common Electoral Roll in the country and desires that an all out efforts should be made in this regard.**

CHAPTER - IV

DEPARTMENT OF LEGAL AFFAIRS

4.0 The Department of Legal Affairs is a service-oriented Department and the Budget of the Department is mainly salary-based. As per the Government of India {Allocation of Business} Rules, 1961, it has been entrusted with the work of providing advice to Ministries on legal matters including interpretation of the Constitution and the laws, engagement of counsel to appear on behalf of the Union of India in High Courts and Subordinate Courts where the Union of India is a party.

4.1 The Department is also associated with the appointment of Law Officers of the Government in the Supreme Court and empanelment of Government Counsels in High Courts, Tribunals and District and Subordinate Courts. The Department is also concerned with appointment of Notaries and renewal of Notary certificates. The budgetary allocations include expenditure for Branch Secretariats of the Department, Central Agency Section, Income-Tax Appellate Tribunal (ITAT), New Delhi International Arbitration Centre, Law Commission of India (LCI), payment to Legal Advisers and Counsels and Grants-in-aid to the Indian Law Institute (ILI).

Shortage of staff

4.2. The Secretary, Department of Legal Affairs stated during his deposition before the Committee that inadequate staff strength is posing a serious challenge before the Department. He informed that the Department has a total sanctioned strength of 121 Indian Legal Service officers, out of which only 58 are in position and remaining 63 posts are vacant. Further, out of 456 sanctioned posts under various categories, only 289 are in position and 167 posts are vacant.

Table No. 4.1

Vacancy positions of Indian Legal Service Officers

S.No.	Name of the post	Sanctioned	Filled	Vacant
	Legal Advisers' Service cadre of ILS			
1.	Joint Secretary & Legal Adviser	13	03	10
2.	Additional Legal Adviser	20	2	18
3.	Deputy Legal Adviser	19	14	05
4.	Assistant Legal Adviser	39	26	13
	Total (A)	**91**	**45**	**46**
	Government Advocates' Service cadre of ILS			
5.	Senior Govt. Advocate	3	0	3
6.	Additional Govt. Advocate	9	7	2
7.	Deputy Govt. Advocate	3	2	1
8.	Assistant Govt. Advocate	4	2	2
	Total (B)	**19**	**11**	**08**
	Law Officer's Service cadre of ILS			
9.	Joint Secretary & Law Officer	01	-	01
10.	Additional Law Officer	02	01	01

11.	Deputy Law Officer	03	-	03
12.	Assistant Law Officer	05	01	04
	Total (C)	**11**	**02**	**09**
	Total (A+B+C)	**121**	**58**	**63**

4.3. The Committee observes that out of 13 posts of Joint Secretary& Legal Adviser, only 3 are in position. Further, out of 20 sanctioned posts of Additional Legal Adviser, only 2 are in position. Also there are large numbers of vacancies of other officers in the Department as seen from the above table. The Secretary, Department of Legal Affairs during the meeting of the Committee submitted that efforts are being made to fill-up the vacant posts in consultation with UPSC. The Secretary also apprised that recently, the UPSC has recommended candidature of 05 persons against vacant posts of Joint Secretary & Legal Adviser in ILS Cadre.

4.4. The Committee notes that there are large numbers of vacancies, particularly in the cadre of Indian Legal Services (ILS), where 53 percent (approx.) of sanctioned posts are vacant. The Committee in its 96th Report on Demands for Grants had also recommended for undertaking consultation with concerned agencies like DoPT, UPSC and SSC and expediting filling-up of these vacancies in a time-bound manner. However, the Committee notes that there is no improvement in filling-up the vacant positions in the Department over the last two Financial Years. The Committee notes that a separate Indian Corporate Law Service (ICLS) exists, whose recruitment is made through Civil Services Examination conducted by UPSC. Since the working domain of both the ILS & ICLS are law related, the Committee recommends the Department to explore the feasibility of integrating both the services with a common recruitment made through UPSC in a time bound manner.

Appointment and Vacancies of Notaries

4.5. The administration of the Notaries Act, 1952 and the Notaries Rules, 1956 are within the purview of the Notary Cell of the Department of Legal Affairs. As per the Schedule, under Rule 8(4A) of the Notaries Rules, 1956, Central Government has fixed the quota of maximum number of Notaries to be appointed by the Central Government as well as maximum number of Notaries to be appointed by State/UT Government. Under Section 3 of the Notaries Act, 1952, the Union Government has power to appoint notaries for whole or any part of India while the State Government has the power to appoint notaries for the whole or any part of that State. Under Section 6 of the said Act, the Central Government and other State Governments shall publish in Official Gazette a list of notaries appointed by that Government and those already in practice at the beginning of that year during the month of January each year.

4.6. Rule 3 of the Notaries Rules, 1956 provides qualification for appointment as Notary, and Rule 7A provides for constitution and composition of Interview Board. The Interview Board consists of senior officers of the Department of Legal Affairs who assess the legal knowledge of the applicant usually form Code of Civil Procedure, Commercial Law like Negotiable Instruments Act, Banking and Property Laws etc. The eligible applicants are selected based on their performance before the Interview Board, and recommendations of the Interview Board are placed before the Government for acceptance.

4.7. With regard to the query of the Committee on the initiatives/steps undertaken by the Department to implement recommendations of the Committee contained in its 101st Report on Demands for Grants (2020-2021) and 105th Report on Action Taken on the Demand for Grants (2020-21), regarding under-representation of notaries in certain districts/talukas, the Department has submitted that due to Covid-19 pandemic the process for appointment of new/fresh Notaries could not be finalized and proposals with respect to State of Gujarat, Andhra Pradesh, Assam, Bihar, Chandigarh, Chhatisgarh, Delhi, Goa, Himachal Pradesh, Haryana, Jharkhand, Kerala, Karnataka, Madhya Pradesh, Odisha, Tamil Nadu, Telangana, Uttar Pradesh, West Bengal and UT of Jammu & Kashmir are under consideration. It was stated that in the forthcoming exercise for selection/appointment of notaries in various States/UTs, the Department would ensure that notaries are appointed in under-represented States/districts.

Table No.4.2

State-wise sanctioned positions of Notaries vis-à-vis vacancies for the last three years

Sl.No.	State/UT	No. Sanctioned vacancies as per Schedule	No. of Notaries appointed prior to 2018	No. Notaries appointed in 2018	No. Notaries appointed in 2019	No. Notaries appointed in 2020	Available Vacancies
1	Andaman & Nicobar	50	0	0	0	0	50
2	Andhra Pradesh	865	412	172	0	0	281
3	Arunachal Pradesh	325	0	0	0	0	325
4	Assam	575	15	13	0	0	547
5	**Bihar**	**925**	**178**	**117**	**51**	**0**	**579**
6	Chandigarh	200	42	29	0	0	73
7	Chhattisgarh	400	12	182	0	0	206
8	Delhi	1600	548	324	0	0	728
9	Dadra & Nagar Haveli	25	0	0	0	0	25
10	Daman & Diu	50	0	0	0	0	50
11	Goa	63	16	16	0	0	31
12	Gujarat	5000	1682	1896	0	0	1422
13	Himachal Pradesh	300	4	95	0	0	201
14	Haryana	1500	1100	374	0	0	26
15	**Jharkhand**	**450**	**57**	**43**	**23**	**0**	**327**
16	Jammu & Kashmir	350	0	0	0	0	350
17	Kerala	1250	636	441	0	0	173
18	Karnataka	2000	1130	570	0	0	200
19	Lakshadweep	25	0	3	0	0	22
20	Meghalaya	175	1	1	0	0	173
21	Maharashtra	4200	2242	1949	0	0	9
22	Manipur	225	0	0	0	0	225
23	Mizoram	200	0	0	0	0	200
24	Madhya Pradesh	1125	74	193	0	0	858
25	Nagaland	200	0	0	0	0	200

Sl.No.	State/UT	No. Sanctioned vacancies as per Schedule	No. of Notaries appointed prior to 2018	No. Notaries appointed in 2018	No. Notaries appointed in 2019	No. Notaries appointed in 2020	Available Vacancies
26	**Odisha**	**750**	**80**	**56**	**10**	**0**	**604**
27	Punjab	1300	990	351	0	0	41 (excess)
28	Pondicherry	150	97	25	0	0	28
29	**Rajasthan**	**2000**	**1253**	**442**	**344**	**0**	**39 (excess)**
30	Sikkim	100	0	0	0	0	100
31	Tamil Nadu	1700	883	748	0	0	69
32	Tripura	100	19	7	0	0	74
33	Telangana	800	0	79	0	0	721
34	Uttar Pradesh	2650	1843	298	0	0	509
35	Uttarakhand	425	53	14	0	0	258
36	**West Bengal**	**450**	**261**	**80**	**11**	**0**	**98**
	Total	**32503**	**13628**	**8518**	**439**		

4.8. The Committee notes that there are a large number of vacancies of notaries in the country. The Committee observes that, as against the total sanctioned strength of 32, 503 notaries in the country, there are around 22, 500 notaries (70 percent approx.) and more than 9800 posts (30 percent approx.) are vacant. The Department in its written replies to the Committee submitted that no appointment of notaries had taken place in the year 2020 due to Covid-19 pandemic. However, the Committee notes that even in the year 2019, notaries were appointed in only four States viz. Bihar (51), Jharkhand (23), Odisha (10) and Rajasthan (344).

4.9. The Committee observes that in certain North-Eastern States like Mizoram, Nagaland & Sikkim and Union Territories of Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, and Jammu and Kashmir, 100 percent posts of notaries are vacant. The Committee is of the view that notary plays an important role in the existing legal set-up by providing services like affidavits & statutory declarations, witness and authentication of certain classes of documents, acknowledgment of deeds & other conveyances etc. and, therefore, recommends the Department to expedite the processe of appointment of notaries.

4.10. The Committee further recommends that the existing process of recommendation of notaries gives 100 percent weightage to Interview Board's decision. The Committee, therefore, feels that some broad parameters and transparent mechanisms may be devised by the Department for selection and appointment of notaries.

Grievances Redressal Mechanism and Transparency in Notary Work

4.11. Rule 10 of Notaries Rules, 1956 prescribes fee for Notarial work and the Notaries are bound to charge the prescribed fee for Notarial work. Further, Rule 10 (2) says that fee charged by Notary shall be displayed by him in conspicuous place inside as well as outside his chamber or office, and Rule 11(9) says that every notary shall grant a receipt for the fees charged by him and maintain a register showing all the fees and charges realized.

Table No.4.3

Fee Payable to a Notary for Doing Notarial act as per Notary Rules, 1956

(a) For noting an instrument		
	If the amount of the instrument does not exceed rupees 10,000	Rs. 50/-
	If it exceeds rupees 10,000 but does not exceed rupees 25,000	Rs. 100/-
	If it exceeds rupees 25,000 but does not exceed rupees 50,000	Rs. 150/-
	If it exceeds rupees 50,000	Rs. 200/-
(b) For protesting an instrument		
	If the amount of the instrument does not exceed rupees 10,000	Rs. 50/-
	If it exceeds rupees 10,000 but does not exceed rupees 25,000	Rs. 100/-
	If it exceeds rupees 25,000 but does not exceed rupees 50,000	Rs. 150/-
	If it exceeds rupees 50,000	Rs. 200/-
(c) For recording a declaration of payment for honour		Rs. 100/-
(d) Duplicate protests		Half the charge of original
(e) For verifying, authenticating, certifying or attesting the execution of any instrument		Rs. 35/-
(f) For presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security		Rs. 50/-
(g) For administering oath to, or taking affidavit from any person		Rs. 35/-
(h) For preparing any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate		Rs. 200/-
(i) For attesting or authenticating any instrument to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate.		Rs. 200/-
(j) For translating and verifying the translation of any document form one language to another		Rs. 100/-
(k) For noting and drawing up ship's protest, boat protest or protest relating to demurrage and other commercial matters		Rs. 200/-
(l) For certifying copies of document as true copies of the original		Rs. 10/- per page minimum Rs. 20/-
(m) For any other notarial act		Such sum as the appropriate Government may fix time to time

4.12. The Department in its written replies to the Committee submitted that no data is available with regard to excessive notary fee charged by notaries with the Department; nevertheless, the Committee was apprised charging of exorbitant fees amounts to professional misconduct and necessary amendments to this effect are proposed to be incorporated in the Notaries Rules.

4.13. The Committee notes that the Department has initiated digitalization of application processes of notaries and renewal of notary certificates, and has taken initiatives to explore possibilities for introducing digital signatures for notaries. The Committee also finds that there is no online grievance /complaint redressal mechanism available on the portal of the Notary Cell of the Department, and at present the grievances are redressed online through Centralized Public Grievance Redress and Monitoring System (CPGRAMS).

4.14. The Committee is of the view that COVID pandemic has highlighted the need for digital governance. Accordingly, the Committee appreciates the Department for introducing online submission of Notary Applications, and its efforts to automate processes of issue/renewal of Notary Certificates, and also exploring feasibility of introducing Digital Signatures for Notaries. The Committee is also of the view that digitization of appointment/renewal processes and introduction of Digital Signatures will help in bringing transparency. The Committee, accordingly, recommends the Department to expedite the introduction of Digital Signatures for Notaries and submit a status note to the Committee for its consideration.

4.15. The Committee observes that there is a need to have an online grievance/complaint redressal mechanism to receive complaint/grievances from general public against professional misconduct of Notaries. Therefore, the Committee recommends the Department to introduce online grievance/complaint redressal mechanism either by creating a dedicated internal grievance redressal in the portal or by creating a link of CPGRAMS in the Notary Cell Portal.

Appointment of Law Officers

4.16. The Committee was informed that there are three categories of Law Officers appointed by the Department, i.e., Attorney General for India (01), Solicitor General of India (01), and 23 Additional Solicitors General of India (ASGI), which includes 11 posts in Supreme Court of India and 12 for various High Courts, and their service conditions are governed by the Law Officers (Conditions of Service) Rules, 1987 as amended from time to time. In addition to this, the Department also empanels Counsels for Central Government litigation.

4.17. The Department informed that in the calendar year, 2020, 19 Additional Solicitors General of India were appointed/reappointed in the Supreme Court of India and various High Courts, apart from this, 21 Assistant Solicitor General of India were engaged/given extension of term, 42 Panel Counsels were engaged for the Supreme Court, and 1097 Advocates were empanelled across the country for Central Government litigation. The sanctioned strength and incumbency position of Additional Solicitor General of India in the Supreme Court and various High Courts are given below:-

Table No. 4.4
Sanctioned strength and incumbency position of ASGI

S.No.	NAME OF THE COURT	SANCTIONED STRENGTH	IN POSITION
1.	Supreme Court of India	11	11
2.	High Court of Delhi	1	1
3.	High Court of Bombay	1	1
4.	High Court of Calcutta	1	1
5.	High Court of Madras	1	1
6.	High Court of Karnataka	1	1
7.	Allahabad High Court	1	1
8.	High Court of Patna	1	1
9.	Punjab & Haryana High Court	1	1

S.No.	NAME OF THE COURT	SANCTIONED STRENGTH	IN POSITION
10.	High Court of Rajasthan	1	1
11.	High Court of Gujarat	1	1
12.	High Court of Jharkhand	1	0
13.	High Court of Andhra Pradesh, High Court of Telangana and High Court of Kerala	1	1
Total		**23**	**22**

4.18. The Committee notes that position of Attorney General and Solicitor General of India are filled-up, and except in the High Court of Jharkhand, all the positions of Additional Solicitors General of India are filled-up. The Committee also notes that out of 25 High Courts in the Country, Additional Solicitors General of India are engaged in only 12 High Courts.

4.19. On the issue of sanctioned post *vis-à-vis* in-position strength of Central Government Advocates/legal counsels in various High Courts, the Department of Legal Affairs has submitted that the concept of sanctioned post or vacant posts does not apply in case of panel counsel as they are engaged in various High Courts to represent Union of India for a particular term and as such they are not appointed against any civil post. Further, there is no criteria/methodology to project the required number of panel counsel for a court/ tribunal. The total number of panel counsel engaged in various High Courts as on 31.12.2020 is at **Annexure-II.**

4.20. The Committee appreciates that positions of Attorney General and Solicitor General of India are filled up, and only one position of Additional Solicitors General of India (ASGI) is vacant *i.e.* High Court of Jharkhand. However, the Committee finds it a cause of concern that out of total 25 High Courts in the country, ASGI are engaged in only 12 High Courts. The Committee, accordingly, desires the Department to furnish reasons for it and also its view on appointing ASGI in each High Court while furnishing its action taken replies to the Committee.

4.21. The Committee observes that the Department has 42 Panel Counsels in the Supreme Court, and 1097 Advocates have been empanelled across the country for Central Government litigation. However, the Committee finds that there is no criteria/methodology to project the required number of panel counsels for a Court/ Tribunal by the Department. The Committee, accordingly, feels that the Department needs to devise an objective methodology for projecting required number of panel counsels/advocates for each High Court/Tribunal in the country.

Bar Council of India

4.22. The Bar Council of India (BCI) is a statutory body constituted under the Advocates Act, 1961, which has been empowered among other things to lay down standards of professional conduct and etiquette for lawyers, maintain and improve the standard of legal education in the country and enforce discipline among the lawyers. The BCI also acts as an appellate authority in respect of disciplinary matters.

4.23. As per Section 12 of the Advocates Act, 1961, Bar Councils are required to maintain books of accounts. Section 12(2) requires auditing of accounts of Bar Council by qualified auditors. Section 12(4) requires the BCI to send copy of its accounts, together with a copy of the report of the auditors to the Central Government and its publication in the Gazette of India, and Section 45 of Advocates Act, 1961 provides for penalty on persons illegally practicing in courts and before other authorities. Further, under Section 49(d), the BCI is empowered to makes rules to regulate standards of legal education to be observed by Universities in India and the inspection of Universities for that purpose. Draft Rules of Legal Education – 2019 made by BCI lays down standards of legal education and prescribes time period for conduct of law classes in academic building. The Committee through the Department of Legal Affairs has asked the Bar Council of India to furnish replies to its questionnaire on various issues. In response, the Department has informed that the Bar Council of India has not given any categorical reply to the questionnaire of the Committee forwarded to the BCI.

4.24. The Committee notes that Bar Council of India is not responding to the questionnaire forwarded to them by Parliamentary Standing Committee through the Department of Legal Affairs, Ministry of Law & Justice. As per the Communication received from the Ministry, the Committee acknowledges the issues of providing grants flagged by the Council. On being enquired about the total number of Government/autonomous/private law colleges recognized by the Council during the last 15 years along with the details of de-recognized law institutes/universities, if any, the Council chose to remain silent on the issue and has not furnished any information. It is not understood why in this age of information the data which is expected to be readily available with the BCI has not been provided to the Committee. It is important to remember that the Council derives its powers from the Advocates Act, 1961 which is administered by the Department.

4.25. Further, the Committee is dismayed that the Council has also not shared any information with regard to audited income and expenditure statements, audited Reports, etc., which is mandated as per the Advocates Act 1961. The Committee is of the view that the BCI should furnish its audited financial records as mentioned in the Section 12 of the Advocates Act, 1961. The Committee also feels that the Department should have made concerted efforts in the matter ensuring that requisite information sought from BCI is provided to the Committee.

4.26. The Committee would like to draw the attention of the Department of Legal Affairs and the Bar Council that the New Education Policy (NEP) lays emphasis on online and blended mode of education in the country therefore, the rigidity of restricting the time for conducting of law classes especially in non-residential colleges/institutes appears to be contrary to the vision of NEP. The Committee, therefore, strongly believes that the Council should opt for a more flexible system, including online and blended mode, while deciding about the timing and venue of conducting the law classes. The envdeavour of the Council needs to be in the direction of promoting legal education in the country by way of being flexible in its approach so as to provide maximum opportunities to students to pursue law courses and not creating hurdle by way of putting restrictions such as timing and venue requirements for the law classes.

4.27. Further, on the issue of regulation of Legal Education, the Council again remained tight lipped and did not provide any information against the questions

forwarded to it for replies. The Committee desires that the Department should submit a status note after taking inputs from the Bar Council of India.

Income Tax Appellate Tribunal (ITAT) and Other Tribunals

4.28. The Income Tax Appellate Tribunal is a quasi-judicial body set up in January, 1941 and specialises in dealing with appeals under the Income Tax Act, 1961. ITAT is headed by a President and assisted by 10 Zonal Vice-Presidents, and 115 Members (both Accountant Members and Judicial Members). It has 63 Benches which are spread across 28 cities, and two New Circuit Benches at Varanasi and Dehradun are also made operational. It deals with second appeals in all matters of direct taxes, including appeals against the revisionary orders of Administrative Commissioners. The powers and functions of ITAT are exercised and discharged by the Benches constituted by the President of the Tribunal from amongst the Members thereof, which generally consists of one Judicial Members and one accountant Member. The orders passed by the ITAT are final; an appeal lies to the High Court only if a substantial question of law arises for determination.

4.29. The Committee in its 101st Report on Demands for Grants (2020-2021) had recommended for introduction of pre-mediation provisions in direct tax disputes on the lines of Commercial Courts Act, 2015 to settle direct tax disputes. In this regard, the ITAT mooted a proposal to introduce mediation process in their functioning by incorporating a new Section 255A in the Income Tax Act, 1961, which was forwarded to Department of Revenue. It was also informed to the Committee that the Department of Revenue has adopted faceless processes in which the interface between the tax payers and the Department are minimized through the use of electronic means. The Department of Revenue has also notified the e-Assessment Scheme and there is also proposal to introduce e-Appeal at the first appeal level. All these processes are geared towards improving the quality of assessment and minimization of discretion in the assessment and first appeal process. Further, '*Vivaad se Vishwas Scheme' (2020)* and a large number of pending tax disputes with Ministries/Departments/CPSEs are proposed to be resolved by implementation of all these initiatives and hence, the ITAT submitted that at present there is no need to set up a mediation panel for resolution for tax disputes with Ministries/Departments/CPSEs. Further, it also submitted that ITAT settlements are governed by the relevant tax laws and the legislative framework of Pre-Institution Mediation Settlement (PIMS) Mechanism as present in Commercial Courts Act, 2015, is not applicable in respect of ITAT.

4.30. The Supreme Court in the case of *Rojer Mathew Vs. South Indian Bank Ltd. & Ors (2019)* had directed the Government to conduct judicial impact assessment of all the Tribunals referred to in the Finance Act, 2017. In compliance of the directions of the Hon'ble Supreme Court of India regarding judicial impact assessment of the 19 (nineteen) Tribunals included in the 8th Schedule to the Finance Act, 2017, the Department informed that an Inter-Ministerial Group (IMG) was constituted consisting of Additional Secretary of Department of Legal Affairs as Chairman and Nodal Officers (at the level of Joint Secretary) of all the Ministries/Departments administering these 19 Tribunals along-with Joint Secretary level officers of the Department of Expenditure, Department of Justice and Legislative Department as Members. The first meeting of the IMG was held on 27.08.2020, in which it was decided to obtain detailed data/information in respect of all the Tribunals for making assessment. Data/information in respect of Nine Tribunals has been received, and an assessment will be undertaken once data/information from all the Tribunals is received.

4.31. The ITAT in its replies to the Committee on the strength of Members had apprised that out of total 126 sanctioned posts of, both Accountant and Judicial Members; 78 (62 percent approx) are in position and 48 (38 percent) are vacant. The highest number of vacancies are in the Bench of Mumbai (08), followed by Kolkata (05), and (03) each in Chennai & Jaipur. The rest of the Benches have vacancy positions of either 01 or 02 Members only. Further, there are also large number of vacancies of supporting staffs like private secretaries, office Superentendents, Clerks etc, in various Benches of ITAT. It was also informed that (05) Members retired in the Calender year 2020, however, no recruitment was made by ITAT as recruitment rules of ITAT is subjudice and pending in the Supreme Court.

Table No. 4.5

Yearly Institutionand & Disposal of Appeals

YEAR (APRIL TO MARCH)	INSTITUTION	DISPOSAL	PENDENCY AT THE END OF YEAR
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 December, 2020	6604	14864*	79756

** The Statement includes disposal of appeals under '**Vivad se Vishwas Scheme**' and through virtual hearing from May, 2020 to December, 2020.*

4.32. The Committee notes that from the Financial Years 2017-18 onwards, the total pendency of cases has decreased from 92817 in 2017-18 to 79756 in 2020-21. Financial Years 2018-19 onwards, the disposal rate of appeals in ITAT has also increased over the institution of cases. As against the institution of 51154 & 45842 cases in the Financial Years 2018-19 and 2019-20, 51766 & 50031 appeals were disposed. The disposal rate of cases is higher (14864) as compared to institution (6604) of cases in the current Financial Year because of inclusion of appeals disposed under the '*Vivad se Vishwas Scheme*' and also due to virtual hearing of cases conducted from May, 2020 to December, 2020.

4.33. The Committee also notes from the information provided to it **(Annexure-III)** that in some ITAT Benches large numbers of cases are pending *viz.* Delhi (22058), followed by Mumbai (14840), Ahmedabad (6255), Chennai (52280), and Hyderabad (4869). The Committee also finds that disposal rate in ITAT Benches in Delhi, Mumbai, Chennai, Hyderabad, Chandigarh etc. are lower compared to institution of cases in the calendar year 2019.

4.34. The Committee appreciates ITAT for reducing the pendency of cases over the years. However, it also observes that in the Financial Year 2020-21, the drastic increase in disposal of appeals was due to the disposal of cases under the *Vivad se Vishwas Scheme*'. The Committee feels ITAT Benches like Delhi, Mumbai, Chennai, Hyderabad, Chandigarh which have lower rate of disposal as compared to institution of cases needs to increase its disposal rate, and accordingly, recommends ITAT to take necessary steps in this regard and apprise the Committee of action taken and output of the same.

Law Commission of India (LCI)

4.35. The Law Commission of India is a statutory body constituted from time to time for the purpose to review / repeal of obsolete laws and makes its recommendations to Government for repeal of obsolete laws and for appropriate amendments in others as may be found necessary. The Twenty-second Law Commission was constituted for a period of three years w.e.f. 21st February, 2020.The Department in its written replies submitted that the Commission will commence its functioning once appointment of the Chairman and Members of the Commission are made, which is under process.

4.36. The Committee notes that the positions of the Chairperson and Members of the 22nd Law Commission are still vacant even after one year of the constitution of the Commission, and accordingly, recommends the Department to expedite the appointment process as one year has already elapsed since its constitution.

Promotion of Alternative Dispute Resolution (ADR)

4.37. Arbitration and Conciliation are methods of alternative dispute resolution, wherein a neutral third party is appointed for resolving disputes between parties. Arbitration award is binding on the parties and enforceable. Arbitrations are mainly conducted through *Ad-hoc* Arbitration or Institutional Arbitration. There are around 36 arbitral institutions functioning in the Country.

Table No.4.6

LIST OF INSTITUTIONS PROVIDING ARBITRATION FACILITIES

No.	Name
1.	Bombay Mill Owners Association, Mumbai
2.	Bombay Chamber of Commerce & Industry, Mumbai
3.	Cotton Textiles Export Promotion Council, Mumbai
4.	The Bengal Chambers of Commerce and Industry, Kolkata
5.	Bengal National Chamber of Commerce and Industry, Kolkata
6.	Indian Chamber of Commerce Council of Arbitration, Kolkata
7.	Calicut Chamber of Commerce & Industry, Calicut
8.	The Cochin Chamber of Commerce & Industry, Cochin
9.	The Indian Chamber of Commerce and Industry, Coimbatore
10.	Goa Chamber of Commerce & Industry, Panjim
11.	International Arbitration Centre – Goa, Panjim
12.	Hyderabad Kirana Merchants Association, Hyderabad
13.	Tuticorin Chamber of Commerce & Industry, Tuticorin
14.	The Madras Chamber of Commerce and Industry, Chennai
15.	The Madras Kirana Merchant's Association, Chennai
16.	The Southern India Chamber of Commerce and Industry, Chennai – looks after the work of the Indian Council of Arbitration in the Southern region
17.	The Travancore Chamber of Commerce, Alleppey
18.	Mumbai Centre for International Arbitration, Mumbai
19.	Indian Institute of Arbitration and Mediation, Cochin
20.	Hindustan Chamber of Commerce, Mumbai
21.	East Indian Cotton Association Ltd.
22.	Indian Merchants' Chamber Court of Arbitration, Mumbai

No.	Name
23.	Bharat Merchants' Chamber, Mumbai
24.	Indian Council of Arbitration, New Delhi
25.	The International Centre for Alternative Dispute Resolution, New Delhi
26.	PHD Chamber of Commerce and Industry, New Delhi
27.	Cotton Association of India, Mumbai
28.	Steel Chamber of India, Mumbai
29.	Delhi International Arbitration Centre, New Delhi
30.	Nani Palkhivala Arbitration Centre, Chennai
31.	Indian International & Domestic Arbitration Centre, Delhi
32.	International and Domestic Arbitration Centre India, Vadodara
33.	Arbitration Centre – Karnataka, Bangalore
34.	Cochin Institute of International Arbitration, Cochin
35.	Construction Industry Arbitration Council, New Delhi
36.	Council for National and International Commercial Arbitration, Chennai

4.38. Section 89(1) of the Code of Civil Procedure (CPC), 1908 provides for ADR Mechanisms. Besides the CPC, there are provisions in other laws to promote resolution of disputes through ADR mechanisms in the country. The Arbitration and Conciliation Act, 1996 provides for limited intervention of all judicial authorities in the arbitral process. It also provides for award of arbitration process in a time bound manner. The Department in its written replies to the questionnaire of the Committee submitted that ADR is being increasingly preferred by the parties, as it is a time-bound process. Further, data-base of arbitration conducted in India is not available, as most of the arbitration processes are conducted through *ad-hoc* mechanisms. In view of this in the Arbitration and Conciliation (Amendment) Act, 2019, a new section *i.e.* section 43K was inserted to maintain an electronic depository of arbitral awards made in India and other related records.

4.39. The Department informed that in its endeavour to make India a hub of International Commercial Arbitration and making arbitration process user friendly, cost effective, expeditious, and *inter-alia* taking into account the recommendations submitted by the Law Commission of India in its 246th Report and Supplementary Report and suggestions received from other stake holders, the Government amended the Arbitration and Conciliation Act, 1996, in 2015, 2019 and 2020 to promote institutional arbitration. New Delhi International Arbitration Centre Act, 2019 was enacted for the purpose of creating an independent and autonomous regime for institutionalized arbitration in the country, for which rules governing chairperson and Members of NDIAC have been framed and is under finalization.

4.40. The Committee appreciates the initiatives of the Government for enacting the NDIAC Act and making relevant amendments in the Arbitration and Conciliation Act, 1996, as per the evolving requirements. The Committee notes that arbitration processes are user friendly, cost effective, and expeditious as compared to litigation in courts. The Committee, accordingly, recommends the Department to expedite the process of appointment of Chairperson and Members of NDIAC so as to promote institutional arbitration and make India a hub of International Arbitration.

CHAPTER V

DEPARTMENT OF JUSTICE

5.0. The budget of the Department has the provisions of both Scheme and Non-Scheme Expenditures. The Department facilitates administration of justice, access to justice, legal aid, Lok Adalats and Fast Track Courts, implements the National Mission for Justice Delivery and Legal Reforms, monitors development of judicial infrastructure through a Centrally Sponsored Scheme, leveraging Information and Communications Technology (ICT) for improved justice delivery, formulates and implements policies for judicial reforms, facilitates the National Judicial Academy as a resource centre, etc. The Department of Justice has been allocated Rs. 1266.42 crore for the coming Financial Year, which also includes provision of Rs. 200 crore under National Mission for Safety of Women for establishment of Fast Track Special Courts. The detailed budgetary provisions of the Department of Justice are given in Chapter II of the Report.

Vacancy of Judges in Courts and Pendency of Cases

5.1. Constitution of India has provided for a unified judicial structure to administer justice with the Supreme Court of India being the Apex Court of appeal and final authority in interpreting constitutional provisions and laws made by both Union and the States. Judges of the Supreme Court and High Courts are appointed by the President under Articles 124, 217 and 224 of the Constitution of India. For appointment of Judges of the Supreme Court, Article 124 (1) provides that:-

> *"Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty-five years: Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted…"*

5.2. For appointment of Judges of the High Courts, Article 217(1) of the Constitution of India provides that:-

> *"Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court and shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty two years:…"*

5.3. The above mentioned constitutional provision is supported by the existing Memorandum of Procedure (MoP) for appointment and transfer of Judges in the High Courts prepared in 1998 pursuant to the Supreme Court Judgement in Second Judges Case and Third Judges Case. Under the said MoP, the power to initiate proposal for appointment of Judges of High Courts vests with the Chief Justice of the concerned High Court and appointment procedures are required to be initiated at least six months before and should be completed one month prior to the occurrence of vacancy.

Table No.5.1

Timelines Prescribed for various Authorities as per the MoP

Sl. No.	Constitutional Authority	Time Line
1	HC Collegium	Initiates the process least six months in advance before occurrence of the anticipated vacancy after consulting two puisne judge of the Bench.
2	Governor/CM of the concerned State	Have six weeks time to send his/her recommendation to the Union Law Minister.
3	Supreme Court Collegium	CJI after consulting two senior-most Judges of the Supreme Court within four weeks sends the recommendations to the Union Law Minister.
4	Union Law Minister	Within three weeks time put up recommendations to the PM who advice President on the appointment.
5	Prime Minister	No time limit prescribed.
6	President	No time limit prescribed.

5.4. The Department in its statement has informed the Committee that filling- up of vacancies in the High Courts is a continuous, integrated and collaborated process between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities both at the State and the Centre level. The High Courts are required to provide names of judges six months before occurrence of vacancies. However, the Department submitted that this time line is rarely adhered to. In some cases, High Courts are not initiating the proposal for appointment of Judges as per the Memorandum of Procedure; there is a delay upto 6 years in some High Courts in filling the vacancies. While every effort is being made to fill up the vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in Judge Strength.

Table No.5.2

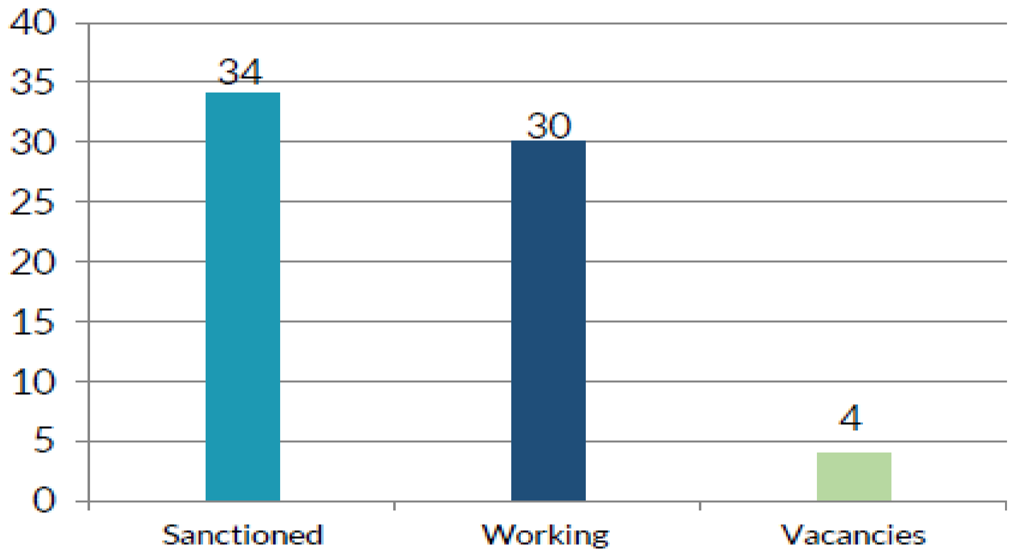
Details of 211 Vacancies Where High Courts Are Yet To Recommend Names

S. No.	Name of the High Court	Remaining vacancies for which recommendations are to be made			Date of Occurrence of First unfilled vacancy from Bar for which recommendation yet to be made		Date of Occurrence of First unfilled vacancy from Service for which recommendation yet to be made	
		Bar	Service	Total	Date of Occurrence of First unfilled vacancy from Bar	Delay in months	Date of Occurrence of First unfilled vacancy from Service	Delay in months
1	Allahabad	9	18	27	26-07-2020	13	20-09-2018	36
2	Andhra Pradesh	8	5	13	22-01-2016	68	14-01-2019	32
3	Bombay	4	5	9	11-12-2019	21	01-06-2020	15
4	Calcutta	3	7	10	28-09-2020	11	10-02-2018	43
5	Chhattisgarh	5	0	5	18-03-2015	78		
6	Delhi	9	14	23	21-09-2016	60	21-03-2018	42
7	Gauhati	2	0	2	23-09-2019	23		
8	Gujarat	17	4	21	18-03-2015	78	01-02-2019	31
9	Himachal Pradesh	1	0	1	07-10-2020	11	02-01-2017	56
10	Jammu & Kashmir &Ladakh	1	1	2	29-01-2017	56	27-07-2020	13
11	Jharkhand	4	0	4	01-07-2014	87		
12	Karnataka	3	4	7	15-01-2019	32	02-08-2019	25
13	Kerala	0	1	1			15-11-2019	22
14	Madhya Pradesh	7	1	8	25-07-2018	38	02-01-2021	8
15	Madras	2	3	5	13-10-2020	10	10-01-2019	32
16	Manipur	0	1	1			26-10-2015	71
17	Meghalaya	2	0	2	26-10-2015	71		
18	Orissa	8	4	12	14-10-2014	84	01-02-2018	43
19	Patna	7	10	17	21/01/2018	44	05-07-2016	63
20	Punjab& Haryana	14	16	30	24-07-2016	62	11-11-2015	70
21	Rajasthan	1	0	1	23-10-2019	22		
22	Sikkim	1	0	1	24-10-2015	71		
23	Telangana	4	0	4	13-08-2017	49		
24	Tripura	1	1	2	24-08-2016	24	07-01-2021	8
25	Uttarakhand	3	0	3	16-09-2019	23		
	Total	116	95	211				34

5.5. There are also instances of high rate of rejection, 40-50 percent (approximately), by the Supreme Court Collegium. Further, the National Judicial Appointments Commission Act, 2015 and the 99th Constitutional Amendment Act were struck down by the Supreme Court as unconstitutional, wherein it also directed for improving the existing Memorandum of Procedure. In reply to a specific question from the Committee, the Department has informed that during the last two years i.e. 2018 and 2019, average time taken for appointment of Judges in the Supreme Court of India is near about 41 days and in case of appointment of Judges in High Courts, it is between 5-7 months, respectively.

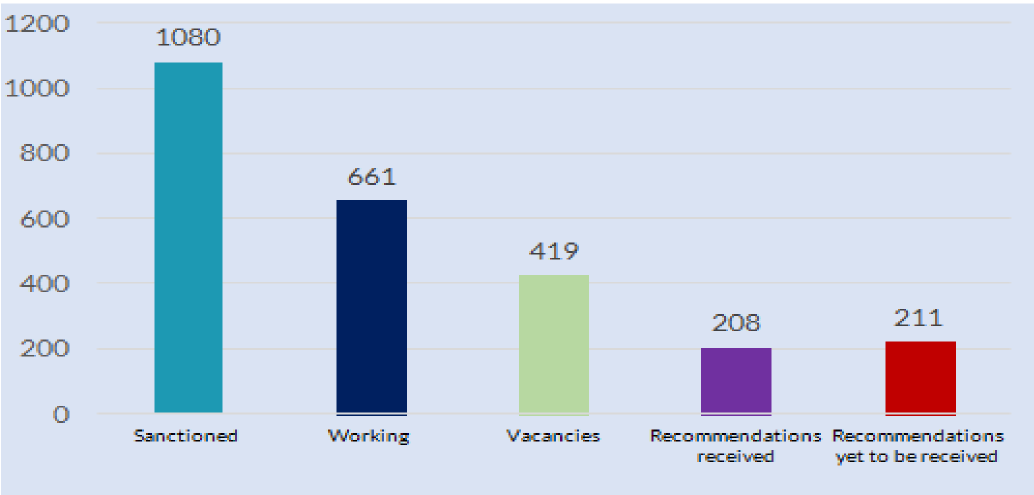
5.6. As against the approved strength of 34 Judges in the Supreme Court of India, only 30 Judges are in position. The Committee noted that in the years 2016, 2017, 2018 and 2019; 4, 5, 8 and 10 Judges respectively were appointed in the Supreme Court. No appointment of Judge has taken place in the year 2020 in the Supreme Court. In the High Courts, as against the approved strength of 1080 Judges, only 661 are in position with 419 vacancies. Further, there are 4.34 crore cases pending in country, which includes 3.77 crore in Subordinate Courts, 57 lakh (approx.) in High Courts and 66,000 (approx.) in the Supreme Court as on 28th February, 2021. Bar Graphs showing the approved strength, working strength and vacancies of Judges in the Supreme Court of India and the High Courts, as on 26th February, 2021 are given below:-

Bar Graph No. 5.1
Vacancies in the Supreme Court



Bar Graph No. 5.2

Vacancies in High Courts



5.7. The Department further submitted that as against 419 vacancies in the High Courts, 208 recommendations were received by the Department and 211 recommendations are yet to be received from High Courts Collegiums. The status of appointment proposals are given below:

Table No.5.3

STATUS OF PROPOSALS FOR FRESH APPOINTMENT OF JUDGES IN THE HIGH COURTS

SUBJECT	No. of cases
A. Proposals submitted and pending with Supreme Court Collegium (SCC)	
(a) Proposals submitted for SCC advice (fresh cases)	64
(b) SCC recommended cases submitted for reconsideration	11
(c) Deferred by SCC	17
Total	**92**
B. Proposals recommended by HCC and under examination with Government	
(I) IB report awaited	48
(II) Views of State Governments and IB inputs awaited	31
(III) Proposals being examined by Government for submission to SCC	02
(IV) Proposals recommended by SCC and under examination of the Government	34
(V) Proposals not considered by SCC and to be remitted to High Court	01
Total	**116**
Grand Total (A+B)	**208**

Note:-

(i) Out of 92 proposals submitted to Supreme Court Collegium for advice, 64 proposals were submitted on 11.12.2020(22), 29.01.2021 (31) & 9 and 22.02.2021 (11).

(ii) Out of 92 proposals submitted to Supreme Court Collegium, 17 proposals were deferred by the SCC. The oldest deferred case is dated 11.9.2018.

5.8. The Committee observes that, out of the total 208 proposals received by the Department of Justice, 92 proposals (44.23 percent) are with the Supreme Court Collegium; 116 proposals (55.76 percent) are with the Department of Justice for examination. Further, out of the total 116 proposals pending with the Government, 48 proposals (41.37 percent) are due to non-receipt of IB Report, 31 proposals (26.72 percent) are due to awaiting views of State Government, and 34 proposals (29.31 percent) are pending due to examination of the proposals recommended by Supreme Court by the Government.

Table No.5.4

Number of Judges appointed in Supreme Court and High Courts during last 5 years (calendar Year-wise)

Detail	2016	2017	2018	2019	2020
Judges appointed in the Supreme Court	04	05	08	10	--
Judges appointed in the High Courts	126	115	108	81	66
Additional Judges made Permanent in High Court	131	31	115	68	90
Additional Judges given fresh term	22	05	02	07	03

Table No.5.5

There are also positions of Chief Justice vacant in following High Courts

(As on 31.12.2020)

Sl. No.	Name of High Court	Date from which vacant
1	Gauhati	w.e.f 21.09.2020
2	Common High Court for Union Territory of Jammu & Kashmir and Union Territory of Ladakh	w.e.f 09.12.2020
3	Madhya Pradesh	w.e.f 30.09.2020
4	Uttarakhand	w.e.f 28.07.2020

5.9. The Department in its written replies to questionnaire has submitted that in the calendar year 2020, as against the retirement of 69 High Court judges, only 66 Judges were appointed in various High Courts and as against retirement of 3 Judges Supreme Court, no appointment has been made.

5.10. The Committee observes that despite recommendations of the Committee made in its 101st Report, there was no improvement in appointment of High Court Judges in the last one year and instead the vacancy positions have increased from 37 to 39 percent.

5.11. The Committee also observes that appointment of High Court judges has gone down from 126 in 2016 to only 66 in the year 2020, which is a decrease of 52 percent (approx.) over appointment made in the year 2016. Also there are vacancy positions of Chief Justice in 4 High Courts. The Committee is concerned over the non-finalization of Memorandum of Procedure between the Executive and the Judiciary, leading to delay in filling the vacancies in the High Courts, which is adversely affecting administration of justice.

5.12. The Committee noted that in the Supreme Court of India and High Courts, 12 per cent (approx.) and 39 per cent (approx.) posts of Judges respectively are vacant. Number-wise, the highest numbers of judges' vacancies are in the High Court of Allahabad (64), Calcutta (40), Punjab and Haryana (37), Delhi (31), Patna (31) and Bombay (30). Further, as compared to 1st February, 2020, the vacancy positions of Judges have increased by 2.09 per cent as on 1st February, 2021, which is 5.63 per cent in the High Court of Allahabad, Calcutta (11.11 percent), Madhya Pradesh (7.54 per cent), Patna (7.55), Punjab & Haryana (8.24 per cent) etc.

5.13. While discussing the issues of vacancy positions of judges and pendency of cases in the country, Members of the Committee felt that the huge pendency of cases at all levels of judicial hierarchy can be dealt by increasing the number of working days of judges.

5.14. The Members of the Committee expressed that there is a need to revisit the age of retirement of High Court judges to compensate for the large number of vacancies existing in High Courts. The Committee also notes that retirement age in different tribunals has now been increased up to 70 years for Chairman and 65 years for Members, and this Committee also in its Eighty-seventh Report on "Inordinate Delay in Filling up the Vacancies in the Supreme Court and High Courts" has recommended for raising retirement age of High Court judges to 65 years. The Committee is of the view that when Judges of Supreme Court can work upto 65 years of age, there is no rationale in retiring the High Court Judges at 62, and therefore, reiterates and recommends the Department to raise the age of retirement of High Courts judges from 62 to 65 years so that there is uniform age of retirement in both Supreme Court and High Courts.

5.15. The Committee notes that there are still a large number of vacancies of Judges in High Courts. The Committee had also taken note of the problem in its previous Reports. It is of the view that justice delivery system in the country is moving towards a stage, where both vacancy positions of judges and pendency of cases are increasing year after year and this state of affairs may erode the trust of public on the justice delivery system. The Committee strongly recommends that existing vacancy positions of judges need to be filled up immediately and the vacancies arising in future should be filled strictly as per the extant guidelines. The Committee also recommends the Department to request all the stakeholders, including High Court Collegiums, to expedite the process of initiation of recommendations so that appointments are not delayed.

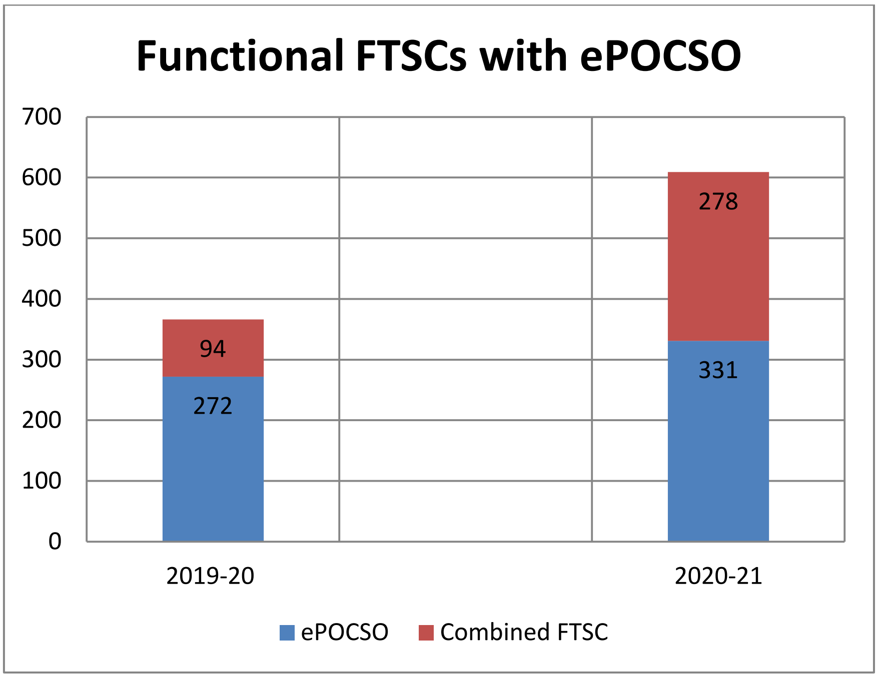
5.16. The Committee is of the opinion that composition of higher judiciary should reflect the socio-economic diversity and inclusiveness and accordingly, it recommends that the Department should submit its considered view to the Committee on the matter such as social diversity statistics in the appointment in Higher Judiciary to provide effective representation.

Fast Track Special Courts

5.17. In furtherance of the Criminal Law (Amendment) Act 2018, under the Centrally Sponsored Scheme for setting up of 1023 Fast Track Special Courts (FTSCs) including 389 POCSO Courts across the country for expeditious trial and disposal of pending cases related to Rape and Protection of Children from Sexual Offenses (POCSO) Act, 2012, in a time bound manner. The FSTC Scheme was initiated for a period of one year spread over two financial years (2019-20 and 2020-21).

5.18. For the Financial Year 2021-22, Rs. 200 crore has been allocated under the National Mission for Safety of Women for creation /establishment of Fast Track Special Courts (FTSC). Out of 1023 FTSC proposed under the scheme, 609 Fast Track Special Courts, including 331 e-POCSO Courts, are functional as on 31.12.2020 in the Country **(Annexure-IV)** and Rs. 140 crore in FY (2019-20) and Rs. 89.71 crore (upto 31.12.2020) were released to various States. The Department has submitted that regular monitoring is being done of the State/UT Governments and High Courts for operationalizing earmarked FTSCs and furnishing case disposal statistics.

Bar Graph No.5.3



5.19. The Department in its written replies to the Questionnaire of the Committee submitted that 28 States have joined the scheme, and remaining States are being pursued vigorously for setting up FTSCs/exclusive e-POCSO Courts. The present scheme is for one year, concluding on 31.03.2021. Third Party Evaluation of the Scheme has been conducted and process of Expenditure Finance Committee (EFC) for continuance of the scheme for 2 more years (2021-22 & 2022-23) is under process. The Evaluation study, also observed that effective disposal of POCSO Cases depended to a large extent on the effective investigation by police personnel and there were also delays in getting DNA & Forensic Science Laboratories (FSL) Reports.

5.20. The Committee appreciates the initiative of the Department for setting up Fast Track Special Courts in the country. However, as against the target of 1023 FTSCs, only 609 FTSC are functional as on 31.12.2020, leading to a shortfall of over 40 per cent (approx.) FSTCs. The Committee accordingly, recommends the Department to expedite the establishment of remaining FTSC.

Centrally Sponsored Scheme for Development of Infrastructure Facilities for the Judiciary

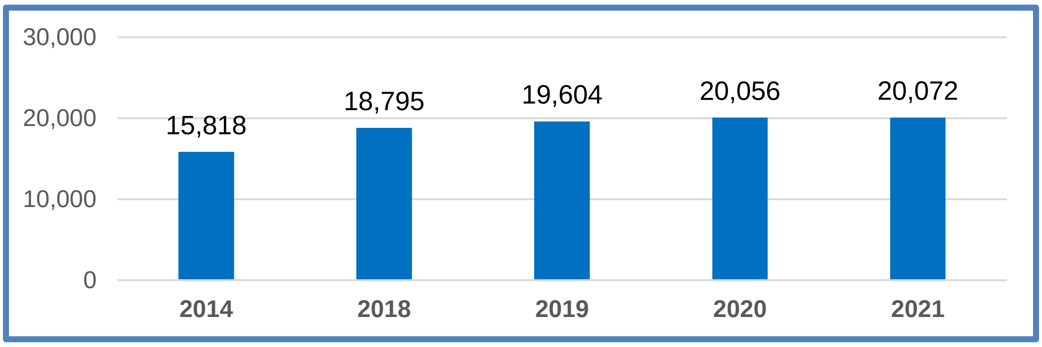
5.21. The Centrally Sponsored Scheme (CSS) has been in operation since 1993-94 with a funding pattern of 50:50 to States (changed to 60:40 with effect from 2015-16) and 90:10 in respect of North-eastern and Himalayan States, for infrastructural development of Subordinate Courts. Through this Scheme, the Central Government augments the resources of the State Governments by providing financial assistance for the development of infrastructure facilities for Subordinate Judiciary. It covers the construction of court buildings and residential accommodations of judicial officers of District and Subordinate Judiciary.

5.22. The Central Government has provided financial assistance of Rs. 82, 88.81 crore to State Governments/ Union Territories since the inception of the Scheme. Out of this, an amount of Rs. 556.57 crore has been provided during the current Financial Year (9th February, 2021). Some of the major problems faced while implementing the scheme are reduced funding and delay in receipt of Utilisation Certificates (UC) from some States like Odisha, Jharkhand, Uttarakhand etc.

5.23. As against the working strength of 19315 judicial officers there were 20,072 court halls/ court rooms available in District and Subordinate Courts and 3846 court rooms/ court halls were under construction as on 31st January, 2021. The focus of the Government is to match the availability of court rooms/court halls with the sanctioned strength of judicial officers, which is 24, 282.

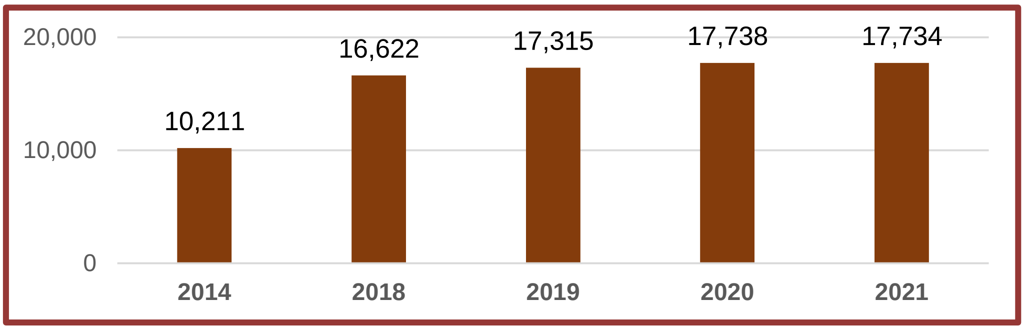
Bar Graph No. 5.4

Year-wise availability of Court Rooms/ Halls



Bar Graph No. 5.5

Year-wise availability of Residential Units



5.24. The Department further submitted that there are also 17734 residential units available and 1842 residential units are under construction. The projects are geo tagged through *Nyaya Vikas* web portal and mobile app and as on 16.02.2021, 1576 projects have been geo-tagged.

5.25. The Committee observes that the sanctioned strength and the working strength of Subordinate Judiciary are 24,282 and 19315, respectively and a total of 20072 court rooms/ halls and 17734 residential units are available for the Subordinate Judiciary, and the focus of the Department is to match the Court rooms/ halls with sanctioned strength of the Subordinate judges. The Committee appreciates the Department as sufficient numbers of Court rooms/halls has been constructed as compared to working strength of judicial officers. The Committee hopes that the Department would also match the residential units in this Financial Year.

5.26. The Committee lauds the initiative of Nyaya Vikas that includes geo-tagging the completed and ongoing projects in States and is of the view that geo-tagging will go a long way in bringing transparency in the projects under CSS for Development of Infrastructure Facilities for the Judiciary. However, the Committee is constrained to note that only 1576 projects have been geo-tagged so far, and accordingly, recommends the Department to expedite geo-tagging of all the ongoing projects for effective monitoring and implementation of the Scheme.

Gram Nyayalayas

5.27. The Gram Nyayalayas Act, 2008 came into force *w.e.f.* 2nd October, 2009. The Act provides for establishment of Gram Nyayalayas at the grass root level with a view to providing access to justice to citizens at their doorsteps. To encourage the States, the Central Government formulated a scheme for providing financial assistance for non-recurring expenses for setting up of Gram Nyayalayas @ Rs. 18.00 lakh per Gram Nyayalaya (Rs. 10 lakh for office building, Rs 5.00 lakh for vehicle and Rs. 3.00 lakh for furnishing the office). In addition, a provision was made in the scheme for recurring assistance for 50 percent of expenditure up to a ceiling of Rs. 3.20 lakh per annum per Gram Nyayalaya for the first three years. The recurring and non-recurring assistance is subject to financial ceilings as provided in the guidelines of the scheme.

5.28. Till date, a sum of Rs. 74.60 crore has been released under the scheme for establishing and operationalization of Gram Nyayalayas. A sum of Rs.8. crore, which is same as the allocation in current Financial Year (2020-21), has been allocated for Gram Nyayalayas for Financial Year 2021-22 for establishing and operationalization of Gram Nyayalayas. The 12th Five Year Plan presumed that 2500 Gram Nyayalayas[1] may be required to be set-up at the tune of Rs. 1356 crore spread over the plan period. However, so far 402 Gram Nyayalayas has been notified in twelve States and only 225 Gram Nyayalayas are operational in the country.

5.29. The Department in its statement has submitted that Central Government has no role in setting up of Gram Nyayalayas or its operationalization and as per the Section 3 (1) of the Gram Nyayalayas Act, 2008, it is for the State Governments to decide on the establishment of Gram Nyayalayas in consultation with the respective High Courts depending on local conditions. Further, the Act does not make setting up of Gram Nyayalayas mandatory even for State Governments. However, the Department in its written replies to the Committee submitted that some States have indicated that they do not feel the need of such Nyayalayas either on account of low population/low case pendency in the State, while some have informed that they have already in place a system analogous to the Gram Nyayalayas.

[1] Report of the Working Group for the Twelfth Five Year Plan (2012-2017).Planning Commission of India.

5.30. Referring to the recommendations of National Productivity Council in 2017 for enhancing the allocation under the Scheme, the Supreme Court of India in the *National Federation of Societies for Fast Justice & Anr. Vs. Union of India & Ors (2020)* had directed the Central Government to consider the proposal of increasing non-recurring expenditure from Rs. 18 lakhs at present to Rs. 35 lakhs and increasing recurring expenditure from Rs. 3.2 lakhs to Rs. 15 lakhs.

5.31. The Department in its written replies has informed that in the latest third party evaluation of the scheme undertaken by NITI Aayog through KPMG[2], it was reported that the Scheme has not been able to make successful headway and remains plagued by different issues with restricted impact on beneficiaries and overall effectiveness, however, it still remains relevant considering the huge pendency of cases in lower judiciary and absence of a substitute scheme in most States. The Department has also suggested for re-launching the scheme with revised guidelines for better implementation.

5.32. The Committee observes that the pace of establishment of Gram Nyayalayas has been very slow, and as against the target of 2500 Gram Nyayalayas under the XII Five Year Plan, only 402 Gram Nyayalayas have been notified by twelve States so far and out of these only 255 are functional. The slow pace of establishment was due to various issues and the Committee appreciates the Department for conducting Third Party evaluation and proposal to re-launch the scheme with revised guidelines for its effective implementation. The Committee, accordingly, recommends the Department to expedite the process to re-launch the scheme and submit a status note on the scheme while submitting Action taken Replies.

e-Court Mission Mode Project

5.33. The objective of e-Courts Integrated Mission Mode Project (e-Courts IMMP) is one of the National e-Governance Plan (NeGP), being implemented for universal computerization of all District and Subordinate Court complexes. The Phase-I of eCourts was concluded in 2014 in which 13, 672 Court sites were computerized. Phase-II of the project started in 2015 with an outlay of Rs 1670 crore out of which a sum of Rs. 1547.92 crore has been released by the Government and 18735 District and Subordinate Courts have been computerized so far. The time period for implementation of eCourts Project Phase-II is four years (2015-19) or until the project is completed, whichever is later.

Table No.5.6

The major beneficiary High Courts under the project

Sr. No	High Courts	Released (in Rs. Cr.)
1	Bombay	125.24

[2] One of the Big Four accounting Firms

Sr. No	High Courts	Released (in Rs. Cr.)
2	Allahabad	109.48
3	Madhya Pradesh	74.05
4	Gujarat	72.82
5	Telangana & Andhra Pradesh	70.29
6	Madras	70.15
7	Rajasthan	67.8
8	Gauhati (Assam)	67.28
9	Karnataka	65.38
10	Patna	55.82
11	Punjab & Haryana	54.13
12	Odisha	46.41
13	Calcutta	37.09
14	Kerala	35.03
15	Chhattisgarh	27.31
16	Delhi	26.8
17	Jharkhand	24.25
18	Jammu & Kashmir and Ladakh	18.98
19	Tripura	16.9
20	Uttarakhand	11.65
21	Gauhati (Arunachal Pradesh)	11.64
22	Himachal Pradesh	10.27
23	Meghalaya	9.74
24	Manipur	8.52
25	Gauhati (Mizoram)	7.57
26	Gauhati (Nagaland)	7.15
27	Sikkim	6.81
28	Andhra Pradesh	1.96
29	Telangana	1.79
Total		**1142.31**

5.34. The main features of the Project include provisioning of basic infrastructure for Information and Communication Technology (ICT) enablement of District and Subordinate courts, which consists of various modules, primarily such as computer hardware, Local Area

Network (LAN), internet connectivity and installation of standard application software at district and subordinate courts.

5.35. As on date, ICT enablement of 18,735 District and Subordinate courts across the country under the eCourts project have been completed. Judicial proceedings/ decisions of District and Subordinate courts of the country are available on the eCourts portal (http://www.eCourts.gov.in). eCourts services such as details of case registration, cause list, case status, daily orders, and final judgments are made available to litigants and advocates through SMS (Push and Pull), email, web, mobile application and Judicial Service Centers. Some of the major achievements under the eCourt Project are:-

- Case Information Software (CIS) which forms the basis for the e court services is being implemented in High Court and District Courts, where every single case has been provided a Unique Identification Code which is called CNR number and QR Code.
- New software patch for COVID-19 management has been developed for smart scheduling of urgent court cases.
- National Judicial Data Grid (NJDG) as a database for judicial information helps litigants and lawyers to access details of case registration, cause list, daily orders and final judgements.
- Nine virtual courts have been set-up at Delhi (2 Courts), Faridabad, Pune, Nagpur, Kochi, Chennai, Guwahati and Bengaluru to try traffic offences. As on 20th January, 2021, these courts have handled 41, 98,095 cases and realised Rs. 139.25 crore in fines.
- Video Conferencing (VC) and eSewa Kendra facilities are being established in High Court and District Courts.
- E-payment (online payment) of court fees, fines and penalties has been initiated through https://pay.ecourts.gov.in.

5.36. Video Conferencing (VC) facilities have been enabled in High Court and District Courts, and since the COVID-19 lockdown, District Courts have heard 45, 73, 159 cases, High Courts have heard 20, 60318 cases, and Supreme Court have heard 52, 353 cases as on 31.12.2020. Video Conference equipment has been provided in all Court Complexes including taluk level courts and additionally funds have been sanctioned for additional VC equipment for 14,443 court rooms, and VC facilities are enabled between 3240 court complexes and corresponding 1272 jails. A detail of functioning of courts through Virtual/Physical mode is enclosed at **Annexure-V.**

5.37. Further, Central & State Government Departments, including the PSUs, have been requested to use *e-filing* in all commercial disputes. As a Pilot Project, in High Courts and one District Court *E-Sewa Kendras* have been established to bridge the digital divide by providing e-filing services to lawyers and litigants. The Department in its written replies submitted that these achievements were possibly only due to the robust digital infrastructure created during Phase-I and Phase-II of the e-Court Project.

5.38. The Committee believes that the e-Court project has created a base for the extension of judicial services through virtual means in transparent, time bound and cost effective manner and the effectiveness of virtual courts/hearings will depend on the optimal deployment, extension and utilization of these technologies.

5.39. The Committee observes that e-Court project has already digitally connected courts and has also improved the digital infrastructure leading to operationalisation of video conferencing facilities between courts and jails, virtual courts for traffic matters, juvenile cases, NRI cases etc. resulting in beneficial for all the stakeholders. In virtual courts, a lawyer can submit his court documents digitally saving his time and money, a judge can have access to information relating to the case at the click of the mouse, litigants can appear and testify via videoconferencing, reduced frequency to court for law enforcement agencies etc. The Committee believes that Video conferencing (VC) facilities created in High Court and District Courts, and also between 3240 court complexes and corresponding 1272 jails in the country under the eCourt project has played an important role in running the justice delivery system during the COVID-19 pandemic.

5.40. The Committee notes that under the e-Court Project, ICT infrastructure of not only District and Subordinate Court complexes, but also of the Supreme Court and High Court has also been upgraded. However, the Committee feels that the true potential of e-Courts project is yet to be realized as only limited applications/functions like e-filing, e-pay, case tracking etc. are being operationalised. Since, there is no end to development of modern information and communication technologies, the Committee recommends that e-Court project needs to be continuously upgraded by making more litigant friendly, interactive, providing attendance/leave of judges dealing with the case, disposal rate, SMS/eMail about case status to litigants after each hearing, deploying Artificial Intelligence and Blockchain to automate routine judicial process, including provisions of complaint and grievance redressal by litigants against court staffs/officials etc.

5.41. The Committee also believes that advanced technologies, particularly Blockchain and Artificial Intelligence technology, it can supplement judicial process and help in reducing judicial delays. Blockchain can help in preserving cryptographically safe digital record management ensuring its authenticity. Artificial Intelligence can assist the judges in making predictions, or take decisions, based on previous experiences in a case. It can also help in allocating cases to judges/judicial officers based on their area of expertise. The Committee, accordingly, recommends the Department to explore the possibility of introduction and integration of these technologies with the justice delivery system under the eCourt Project and submit its status note to the Committee during the Action Taken Replies.

National Legal Services Authority (NALSA)

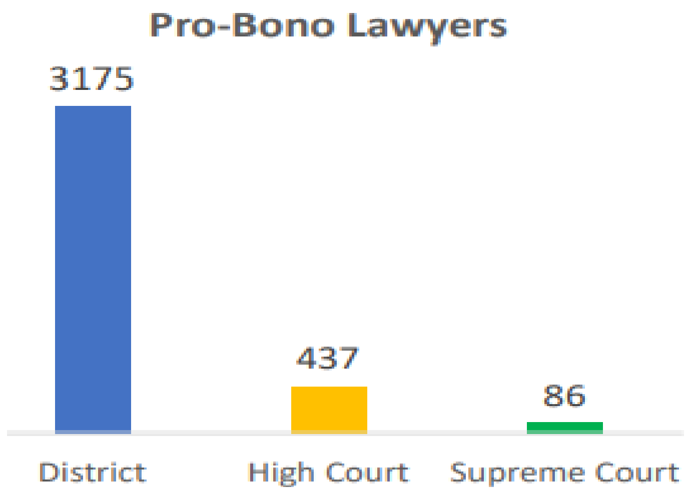
5.42. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for making legal services available under the Act. In every State, a State Legal Services Authority (SLSAs) and in every High Court, a High Court Legal Services Committee has been constituted. District Legal Services Authorities (DLSAs), Taluk Legal Services Committees have been constituted in the Districts and most of the Taluks to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State. Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme in so far as it relates to the Supreme Court of India. Further, NALSA has initiated *Legal Aid Defense Counsel System (LADCS)* where lawyers are engaged full-time basis for conducting legal aid cases in Session Courts on pilot basis and has commenced in 11 States viz. Odisha, Jharkhand, Maharashtra, Gujarat, Chattisgarh, Uttarakhand, Kerala, Rajasthan, Uttar Pradesh, Andhra Pradesh and Karnataka. NALSA is also in the process of conducting impact evaluation study on its activities.

5.43. Lok Adalat is one of the Alternative Disputes Resolution Mechanisms. It is a forum where the disputes/cases pending in the court of law or at pre-litigation stage are settled amicably. The Lok Adalat has been given statutory status under the Legal Services Authorities Act, 1987 and is organized by the Legal Services Authorities on regular basis for settlement of cases pending before courts and also for matters at pre-litigative stage, under the guidance of NALSA. NALSA introduced e-Lok Adalats in June, 2020 to settle disputes combining technology and ADR Mechanism and through which 4.07 lakh cases were disposed between June-December, 2020.

5.44. The Member-Secretary, NALSA during his deposition during the Demands for Grants (2021-22) before the Committee submitted that there is one Supreme Court Legal Services Committee, 36 State Legal Services Authorities, 39 High Court Legal Services Committees, 670 District legal Services Authorities and 2277 Taluk legal Services Committees in the country.

5.45. NALSA also engaged *pro-bono* lawyers, and during current financial year, a total of 1913 cases were dealt by these *pro-bono* lawyers in various courts. The details of engagement of pro-bono lawyers are given below:-

Bar Graph 5.6



5.46. There are 48,775 panel lawyers empanelled in various High Court Legal Services Committees and District legal Services Authorities. In year 2020-21, legal assistance was provided to 4.46 lakh persons and 90,430 legal awareness programmes were held. Around 30 lakh cases were disposed of through Lok Adalats, and legal assistance was provided to 76 thousand prisoners at remand stage. There are 1084 legal services clinics and these clinics provided legal aid to around 1.82 lakh prisioners.

5.47. The Committee appreciates the activities of NALSA in general and during the Covid-19 in particular for keeping its activities functional during the pandemic. The Committee also appreciates NALSA for conducting Alternative Dispute Resolutions (ADR) mechanisms through Lok adalats/eLok adalats, as they are less time consuming and free from technicalities of case law and through which NALSA was able to dispose of 4.07 lakh cases between June-December, 2020. The Committee further appreciates NALSA for providing legal assistance to prisoners during the pre-arrest, arrest, remand stage, and bail applications and 1084 legal services clinics are functioning in various jails.

5.48. While appreciating NALSA for its present activities, the Committee expresses its concern on the plight of vulnerable sections, where NALSA should have been involved effectively. As per the data available in the public domain, out of total number of prisoners in the country, approximately 70 percent under trials. Further, there are a large number of under trial prisoners who have spent more time in jail than the actual sentence prescribed under the relevant Sections/Acts in case of conviction. There are number of prisoners who are unable to arrange bail due to non- furnishing of personal bail bonds/surety. Accordingly, the Committee recommends that NALSA should evaluate their cases on priority basis, and in this regard the Ministry is directed to submit a Status Note after getting replies from NALSA.

Benches of Supreme Court of India

5.49. As per the Article 130 of the Constitution of India, the Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint. Further, Article 39A says that *"the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities"*.

5.50. Time and again the issue of creation of regional Benches of Supreme Court of India has been raised. The Tenth Law Commission of India in its 95th report on *Constitutional Division within the Supreme Court-A Proposal For (1984)* recommended for two Divisions, namely (a) Constitutional Division, and (b) Legal Division, where matter involving a substantial question of law/interpretation of the Constitution to come under Constitutional Division, and other matter coming to the Supreme Court to be assigned Legal Division.

5.51. The Eleventh Law Commission in its 125th Report on the *Supreme Court-A Fresh Look (1988)* reiterated the recommendations of previous Law Commission for splitting the Supreme Court into two halves and its implementation. The Commission observed as under:-

> *"The Supreme Court sits at Delhi alone. Government of India, on couple of occasions, sought the opinion of the Supreme Court of India for setting up a Bench in the South. This proposal did not find favour with the Supreme Court. The result is that those coming from distant places like Tamil Nadu in the South, Gujarat in the West and Assam and other States in the East have to spend huge amount on travel to reach the Supreme Court. There is a practice of bringing one's own lawyer who has handled the matter in the High Court to the Supreme Court. That adds to the cost. And an adjournment becomes prohibitive. Adjournment is a recurrent phenomenon in the Court. Costs get multiplied. Now if the Supreme Court is split into Constitutional Court and Court of Appeal or a Federal Court of Appeal, no serious exception could be taken to the Federal Court of Appeal sitting in Benches in places North, South, East, West and Central India. That would not only considerably reduce costs but also the*

litigant will have the advantage of his case being argued by the same advocate who has helped him in the High Court and who may not be required to travel to long distances. Whenever questions of constitutionality occur, as pointed out in that report, the Supreme Court can sit en banc at Delhi and deal with the same. This cost benefit ratio is an additional but important reason for reiterating support to the recommendations made in that report[3]*."*

5.52. The Eighteenth Law Commission in its 229th report on *Need for division of the Supreme Court into a Constitution Bench at Delhi and Cassation Benches in four regions at Delhi, Chennai/Hyderabad, Kolkata and Mumbai (2009)* observed as under:-

We are today also in dire search for solution for the unbearable load of arrears under which our Supreme Court is functioning as well as 6 the unbearable cost of litigation for those living in far-flung areas of the country. The agonies of a litigant coming to New Delhi from distant places like Chennai, Thiruvananthapuram, Puducherry in the South, Gujarat, Maharashtra, Goa in the West, Assam or other States in the East to attend a case in the Supreme Court can be imagined; huge amount is spent on travel; bringing one's own lawyer who has handled the matter in the High Court adds to the cost; adjournment becomes prohibitive; costs get multiplied[4].

5.53. The Commission recommended for a Constitution Bench to deal with constitutional and other allied issues, and four Cassation Benches be set up in the as Northern zone at Delhi, Southern zone at Chennai/Hyderabad, Eastern zone at Kolkata and Western zone at Mumbai to deal with all appellate work arising out of the orders/judgments of the High Courts of the particular region.

5.54. This Committee has been recommending time and again for setting up of Benches of the Supreme Court in other parts of the country, with a view to providing justice to the poor, for whom it is impossible to visit the national capital. This Committee in its Second[5], Sixth[6], Fifteenth[7], Twentieth[8] and Twenty Sixth[9] Reports on the Demands for Grants of the Ministry of Law and Justice had recommended for setting up of Benches of the Supreme Court in Southern, Western and Eastern parts of the country on the premise that it is not possible for the people living in far-flung and remote areas to come to the National Capital for seeking justice for various reasons.

5.55. The Committee directs the Department to submit its considered view on the matter for its consideration.

RECOMMENDATIONS/OBSERVATIONS AT A GLANCE

[3] 125th Report on the Supreme Court- A Fresh Look (1988). Law Commission of India
[4] 229th Report on Need for division of the Supreme Court into a Constitution Bench at Delhi and Cassation Benches in four regions at Delhi, Chennai/Hyderabad, Kolkata and Mumbai (2009). Law Commission of India
[5] https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/18/18/2_2016_6_11.pdf
[6] https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/18/18/6_2016_6_11.pdf
[7] https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/18/18/15_2016_6_11.pdf
[8] https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/18/18/20_2016_6_11.pdf
[9] https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/18/18/26_2016_6_11.pdf

RECOMMENDATIONS/OBSERVATIONS AT A GLANCE

CHAPTER – II

OVERVIEW OF THE BUDGETARY ALLOCATIONS

1. The Committee observes that there is huge difference between projected demand and demand allocated to the Ministry for the forthcoming Financial Year. The Department of Legal Affairs has been allocated 28.89 percent less than the projected demand. Similarly, the allocations to Legislative Department and Department of Justice have been reduced by 52.23 percent and 63.16 percent, respectively, against their projected demand. The Committee feels that the Ministry has not been able to justify its projected demand to the Ministry of Finance, leading to reductions in allocations. The Committee recommends that in future, the Ministry should approach the Ministry of Finance with proper justifications for each scheme/project, along with utilizations trends so that it's allocations are not reduced *vis-à-vis its* projected demands.

(Para 2.7)

2. The Committee while observing the utilization trends has noted that the Departments under the Ministry has not been able to utilize funds allocated to them in the current Financial Year. The Committee also observes that on the one hand the Ministry has been seeking higher amounts while making projections to the Ministry of Finance, but on the other hand it is not able to utilize amount allocated to it. The Committee, accordingly, recommends the Departments, especially Department of Legal Affairs & Legislative Department to optimally utilise funds allocated to them.

(Para 2.9)

Legislative Department

3. The Committee is of the view that allocation of Rs. 1218.40 crore in BE (2021-22) against the demand of Rs. 2550.61 crore by the Legislative Department may adversely affect optimal execution of programmes and activities of the Department. The shortfall of Rs. 1332.21 crore in allocation in BE (2021-22) over the projections is too large to be ignored as major portion of the projection was for the capital expenditure for EVMs. The Committee is, therefore, of the considered opinion that the Department should undertake multi-pronged strategies to ensure that its budgetary allocation is appropriate, rational and adequate in meeting the requirements of the Department.

(Para 2.14)

Election Commission of India (Demand No. 65)

4. The Committee observes that the expenditure of the Commission till 31st January, 2021 is Rs. 156.95 crore (76 percent approx.), out of allocations of Rs. 206 crore in the current Financial Year. Further, the Committee observes that out of the total allocation of Rs.6 crore in RE (2020-21) for capital expenditure, no expenditure has been made, whereas Rs. 25.50 crore was projected by the Commission again for the Financial Year (2021-22). The Committee, accordingly, recommends the Commission to obtain and approve detailed construction plan from CPWD/NBCC and raise the

demand for enhanced allocation during the RE stage. The Commission may share the status note of the construction plan with the Committee while submitting Action taken Replies. (Para 2.19)

Department Of Legal Affairs

5. The Committee, accordingly, recommends the Department to ensure that funds allocated to it, inclusive of the administrative bodies/Institutions, are optimally utilised. Further, the Committee is also of the considered view that allocations to attached institutions like ILI may be enhanced keeping in view the increasing revenue expenditure and Cost of Inflation Index (CII).

(Para 2.26)

Department Of Justice

6. The Committee observes that huge projections were made for NALSA, CSS for Infrastructure Development of Judiciary, National Mission for Safety of Women, E-Courts Project Phase – II, and All India Judicial Services. However, the allocations for these schemes/projects were drastically reduced and in the case of All India Judicial Services (AIJS), no allocations have been made for the forthcoming Financial Year by the Ministry of Finance. The Committee, accordingly, recommends the Department to submit a status note on the projections made along with justifications and impact on schemes/projects due to reduced/no allocations.

(Para 2.33)

National Judicial Academy

7. The Committee accordingly, recommends the Department to consider enhancing allocations to the NJA during the RE (2021-22) and pursue the matter with the Ministry of Finance, as it has become difficult for the NJA to meet its recurring expenditure. Further, the Committee desires that a status note along with the Action Taken Replies may also be submitted. (Para 2.37)

National Legal Services Authority (NALSA)

8. The Committee appreciates NALSA for optimally utilising the funds allocated to it, as 86 percent of the allocated amount has been utilized by NALSA as on 15th February, 2021. Since it becomes the responsibility of the Department to get the required funds allocated, the Committee recommends the Department of Justice to furnish its views on the projected demand of Rs. 280 crore by NALSA, along with reasons for non-allocation as per the projected demand.

(Para 2.40)

Centrally Sponsored Scheme for the Infrastructure Facilities for Judiciary

9. The Committee in its 101st report on Demands for Grants (2020-21) of the Ministry of Law and Justice had also observed that there was a 50 percent reduction in allocations over the projection of funds for the Financial Year 2020-21. Likewise, the Committee feels that such a drastic reductions of allocations for the CSS for the Infrastructure facilities for Judiciary may hamper the target set by Department for the

Financial Year 2021-22, and accordingly, recommends the Department to approach Ministry of Finance once again with proper justification and get the allocations enhanced during the supplimentary grants. (Para 2.44)

10. The Committee hopes that raising the demands for this project by the Department will be felt by the enhanced allocations at the RE stage of ensuing fiscal and also urges the Department that DPR may be done in time for enhanced allocations. (Para 2.47)

National Mission for Safety for Women (Nirbhaya Funds)

11. The Committee views with serious concern that Department has been making higher projections, despite under-utilisation of funds under the scheme as only Rs. 89.89 crore has been released against the allocation of Rs. 160 in the current Financial Year. The Committee therefore recommends the Department to improve its spending record during the current fiscal year. (Para 2.50)

Supreme Court of India (Demand No. 66)

12. The Committee appreciates the Supreme Court for optimal utilisation of funds allocated to it over the years. (Para 2.55)

CHAPTER III

LEGISLATIVE DEPARTMENT

Drafting of legislations:

13. The Committee feels that legislation is one of the instruments of articulating the policy of the Government and the Legislative Department has a major role to play in formulating constitutionally valid and effective legislation. The Committee is of the view that the concerned administrative Ministries and Legislative Department should ensure that drafting of Bill is done by a person of high calibre having a sound legal background and experience; and it should also assess the impact from the point of view of scrutiny and judicial review. (Para 3.4)

Vacancies in the Department

14. The Committee notes that almost 50% vacancies exist in Legislative Department and its two Wings. It is seen that out of 232 sanctioned posts in the Department, 91 posts are lying vacant. Similarly, in Vidhi Sahitya Prakashan, 26 of the 75 sanctioned posts are lying vacant. Even in Official Languages Wing, 56 of the 154 sanctioned posts were vacant till 31st December, 2020. Having large vacancies impedes the smooth and efficient functioning of the organization. The Committee feels that the Department should assess the impact of such a large number of vacancies on its working and vigorously pursue with recruitment agencies to fill up required vacancies of the

Department urgently so that the work of Department is not hampered in terms of their mandate. (Para 3.6)

Translation of Statutes/ Rules in Scheduled Languages:

15. The Committee notes the slow progress made in the said work in the last one year. The Committee reiterates its recommendation contained in 101st Report on Demands for Grants (2020-21) for expediting the translation works of authoritative texts of Constitution of India and Central Acts in all the regional languages mentioned under the Eight Schedule. The Committee, also recommends that the Department should evolve a suitable mechanism and expedite translation of authoritative texts of Constitution including its updated version incorporating amendments to the Constitution till recent time and other Central Acts on real time basis.

(Para 3.9)

Repealing of obsolete laws

16. The Committee notes that 1486 obsolete and redundant laws have been repealed by the Government of India from 2014 to 4th February, 2021. The Committee, however, feels that more such laws are required to be identified and repealed with broader political consensus. The Committee also believes that laws prevalent in any country should reflect current situation in society and polity and be in consonance with changing times. The Committee recommends that the Government should review and scrutinize laws which no longer serve their purpose and intended objectives from time to time with suggestions from all stakeholders and general masses and take initiative for their repealing. The Committee also recommends that the Department may explore provision of including sunset clause in all the proposed legislations.

(Para 3.11)

Voters' registration and awareness:

17. The Committee agrees that proper network connectivity is a prior requirement for the smooth functioning of any IT application and for collection of data. A grassroot worker has to face many challenges in remote areas or in places where internet connectivity is poor and this hampers the functioning of any special drive or programme launched by the Commission within the given time line. The Committee, accordingly, recommends the Election Commission for optimal utilization of IT tools for preparing error free voters list. (Para 3.15)

Systematic Voters Education and Electoral Participation Programme (SVEEP)

18. The Committee also notes the initiatives of the Commission particularly 'Systematic Voters Education and Electoral Participation' (SVEEP) for raising awareness among voters for informed voting so that they enthusiastically take part in the whole election process and cast their valuable votes. The Committee recommends that the Commission should vigorously continue with various electoral awareness programmes through mass media campaigns and by leveraging latest IT tools so that voters are provided with wider avenues in electoral participation. (Para 3.20)

COVID- 19 and Elections

19. The Committee appreciates the handling of Legislative Assembly elections during peak of Covid-19 pandemic. Further, meticulous planning and wide publicity of Covid safety measures and related arrangements in the electoral process boosting-up the confidence of general electorates and resulted in wider participation of electorate with increased percentage of voting. The Committee also notes the initiatives taken by the Election Commission of India for registration, correction, removal of logical errors, and Demographically Similar Entries (DSEs). The Committee is of the view that the Commission should put in efforts to make voters' registration accessible and secure while discharging their functions. (Para 3.22)

<u>Postal Ballot facility</u>

20. The Committee also observes that error free electoral roll is the most important facet of electoral process in participative democracy. The Committee, in its 101st Report, has recommended the linkage of unique Aadhar ID number with Voter I-Card in order to streamline alterations in EPIC during change of ordinary residence by the electors. The Committee reiterates its recommendation that the Government may undertake appropriate action for the purpose of linking unique Aadhar Card number with Voter I-Card to purify the electoral roll. The Committee also appreciates the Commission's recent initiative of extending postal ballot facility to voters who are 80 years and above, Persons with Disabilities (PwDs) and those who are affected by Covid or under quarantine. However, the Committee desires that the Commission should make strict guidelines so that there is no undue influence on person voting through postal ballot. (Para 3.24)

<u>One Nation One Election</u>

21. The Committee believes that elections are the very foundation on which democratic structure of a country are created. Democracy ensures diversity of views and opinions and elections are the means towards achieving this goal. However, having continuous elections around the year whether it is for local bodies, State Assemblies or Lok Sabha, put a big strain on the state machinery which further causes hurdles in governance. Our country remains in election mode throughout the year. (Para 3.29)

22. The Committee believes that holding simultaneous elections will reduce the burden on exchequer, expenditure of political parties and will also ensure that human resources are optimally utilised. The Committee also believes that simultaneous elections will reduce voters apathy of frequent elections and will enthuse general population and voters in particular which will ultimately enhance voters participation in the electoral process. (Para 3.30)

23. The Committee is of the view that idea of 'One Nation, One Election' or simultaneous election is not new to our country as the first three General Elections held in 1952, 1957 and 1962 were held simultaneously only and it can be brought into the mainstream with suitable amendments to the Constitution. In view of this, certain provisions of the Constitution may be amended to have fixed terms for local bodies, legislative assemblies and the Lok Sabha for holding simultaneous elections. The terms of Legislative Assemblies and the Lok Sabha are also required to be synchronized with one another and the mechanism in this regard requires to be evolved with political consensus as the term of the respective State Assemblies need to be reduced or increased. (Para 3.31)

Common Electoral Roll

24. The Committee understands that preparation of common Electoral Rolls will require certain amendments in the Constitution, but it is good for the democratic health of our country as it will lessen the burden on exchequer. The Committee feels that wider consultation with all political parties should be held to reach a political consensus and State Governments should be persuaded to amend their respective laws for using voters' list prepared by ECI for conducting election to their Local Bodies.

(Para 3.38)

25. The Committee takes note of the submission of the Election Commission that about 20 States are already using the Electoral Roll prepared by Election Commission of India for conducting their Local Bodies elections which are conducted by the State Election Commissions. The introduction of common electoral roll will not only purify voters' list, check electoral malpractices and unnecessary duplication but also ensure that there is no discrepancy in Local Body and Assembly voters' list. The Committee in its 84th, 101st Report and 105th Report had recommended for common electoral roll in the country for election to Lok Sabha, State Assemblies and the Local Bodies. It believes that common Electoral Rolls can only help realizing simultaneous elections to the Lok Sabha, State Assemblies and Local Bodies. The Committee reiterates its recommendation for implementation of Common Electoral Roll in the country and desires that an all out efforts should be made in this regard.

(Para 3.39)

CHAPTER - IV

DEPARTMENT OF LEGAL AFFAIRS

Shortage of staff

26. The Committee notes that there are large numbers of vacancies, particularly in the cadre of Indian Legal Services (ILS), where 53 percent (approx.) of sanctioned posts are vacant. The Committee in its 96th Report on Demands for Grants had also recommended for undertaking consultation with concerned agencies like DoPT, UPSC and SSC and expediting filling-up of these vacancies in a time-bound manner. However, the Committee notes that there is no improvement in filling-up the vacant positions in the Department over the last two Financial Years. The Committee notes that a separate Indian Corporate Law Service (ICLS) exists, whose recruitment is made through Civil Services Examination conducted by UPSC. Since the working domain of both the ILS & ICLS are law related, the Committee recommends the Department to explore the feasibility of integrating both the services with a common recruitment made through UPSC in a time bound manner. (Para 4.4)

Appointment and Vacancies of Notaries

27. The Committee observes that in certain North-Eastern States like Mizoram, Nagaland & Sikkim and Union Territories of Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, and Jammu and Kashmir, 100 percent posts of notaries are vacant. The Committee is of the view that notary plays an important role in the existing legal set-up by providing services like affidavits & statutory declarations,

witness and authentication of certain classes of documents, acknowledgment of deeds & other conveyances etc. and, therefore, recommends the Department to expedite the processe of appointment of notaries. (Para 4.9)

28. The Committee further recommends that the existing process of recommendation of notaries gives 100 percent weightage to Interview Board's decision. The Committee, therefore, feels that some broad parameters and transparent mechanisms may be devised by the Department for selection and appointment of notaries. (Para 4.10)

<u>Grievances Redressal Mechanism and Transparency in Notary Work</u>

29. The Committee is of the view that COVID pandemic has highlighted the need for digital governance. Accordingly, the Committee appreciates the Department for introducing online submission of Notary Applications, and its efforts to automate processes of issue/renewal of Notary Certificates, and also exploring feasibility of introducing Digital Signatures for Notaries. The Committee is also of the view that digitization of appointment/renewal processes and introduction of Digital Signatures will help in bringing transparency. The Committee, accordingly, recommends the Department to expedite the introduction of Digital Signatures for Notaries and submit a status note to the Committee for its consideration.

(Para 4.14)

30. The Committee observes that there is a need to have an online grievance/complaint redressal mechanism to receive complaint/grievances from general public against professional misconduct of Notaries. Therefore, the Committee recommends the Department to introduce online grievance/complaint redressal mechanism either by creating a dedicated internal grievance redressal in the portal or by creating a link of CPGRAMS in the Notary Cell Portal. (Para 4.15)

<u>Appointment of Law Officers</u>

31. The Committee appreciates that positions of Attorney General and Solicitor General of India are filled up, and only one position of Additional Solicitors General of India (ASGI) is vacant *i.e.* High Court of Jharkhand. However, the Committee finds it a cause of concern that out of total 25 High Courts in the country, ASGI are engaged in only 12 High Courts. The Committee, accordingly, desires the Department to furnish reasons for it and also its view on appointing ASGI in each High Court while furnishing its action taken replies to the Committee. (Para 4.20)

32. The Committee observes that the Department has 42 Panel Counsels in the Supreme Court, and 1097 Advocates have been empanelled across the country for Central Government litigation. However, the Committee finds that there is no criteria/methodology to project the required number of panel counsels for a Court/ Tribunal by the Department. The Committee, accordingly, feels that the Department needs to devise an objective methodology for projecting required number of panel counsels/advocates for each High Court/Tribunal in the country.

(Para 4.21)

Bar Council of India

33. The Committee notes that Bar Council of India is not responding to the questionnaire forwarded to them by Parliamentary Standing Committee through the Department of Legal Affairs, Ministry of Law & Justice. As per the Communication received from the Ministry, the Committee acknowledges the issues of providing grants flagged by the Council. On being enquired about the total number of Government/autonomous/private law colleges recognized by the Council during the last 15 years along with the details of de-recognized law institutes/universities, if any, the Council chose to remain silent on the issue and has not furnished any information. It is not understood why in this age of information the data which is expected to be readily available with the BCI has not been provided to the Committee. It is important to remember that the Council derives its powers from the Advocates Act, 1961 which is administered by the Department. (Para 4.24)

34. Further, the Committee is dismayed that the Council has also not shared any information with regard to audited income and expenditure statements, audited Reports, etc., which is mandated as per the Advocates Act 1961. The Committee is of the view that the BCI should furnish its audited financial records as mentioned in the Section 12 of the Advocates Act, 1961. The Committee also feels that the Department should have made concerted efforts in the matter ensuring that requisite information sought from BCI is provided to the Committee. (Para 4.25)

35. The Committee would like to draw the attention of the Department of Legal Affairs and the Bar Council that the New Education Policy (NEP) lays emphasis on online and blended mode of education in the country therefore, the rigidity of restricting the time for conducting of law classes especially in non-residential colleges/institutes appears to be contrary to the vision of NEP. The Committee, therefore, strongly believes that the Council should opt for a more flexible system, including online and blended mode, while deciding about the timing and venue of conducting the law classes. The envdeavour of the Council needs to be in the direction of promoting legal education in the country by way of being flexible in its approach so as to provide maximum opportunities to students to pursue law courses and not creating hurdle by way of putting restrictions such as timing and venue requirements for the law classes. (Para 4.26)

36. Further, on the issue of regulation of Legal Education, the Council again remained tight lipped and did not provide any information against the questions forwarded to it for replies. The Committee desires that the Department should submit a status note after taking inputs from the Bar Council of India.

(Para 4.27)

Income Tax Appellate Tribunal (ITAT) and Other Tribunals

37. The Committee notes that from the Financial Years 2017-18 onwards, the total pendency of cases has decreased from 92817 in 2017-18 to 79756 in 2020-21. Financial Years 2018-19 onwards, the disposal rate of appeals in ITAT has also increased over the institution of cases. As against the institution of 51154 & 45842 cases in the Financial Years 2018-19 and 2019-20, 51766 & 50031 appeals were disposed. The disposal rate of cases is higher (14864) as compared to institution (6604) of cases in the current

Financial Year because of inclusion of appeals disposed under the *'Vivad se Vishwas Scheme'* and also due to virtual hearing of cases conducted from May, 2020 to December, 2020. (Para 4.32)

38. The Committee appreciates ITAT for reducing the pendency of cases over the years. However, it also observes that in the Financial Year 2020-21, the drastic increase in disposal of appeals was due to the disposal of cases under the *Vivad se Vishwas Scheme'*. The Committee feels ITAT Benches like Delhi, Mumbai, Chennai, Hyderabad, Chandigarh which have lower rate of disposal as compared to institution of cases needs to increase its disposal rate, and accordingly, recommends ITAT to take necessary steps in this regard and apprise the Committee of action taken and output of the same.

(Para 4.34)

Law Commission of India (LCI)

39. The Committee notes that the positions of the Chairperson and Members of the 22nd Law Commission are still vacant even after one year of the constitution of the Commission, and accordingly, recommends the Department to expedite the appointment process as one year has already elapsed since its constitution.

(Para 4.36)

Promotion of Alternative Dispute Resolution (ADR)

40. The Committee appreciates the initiatives of the Government for enacting the NDIAC Act and making relevant amendments in the Arbitration and Conciliation Act, 1996, as per the evolving requirements. The Committee notes that arbitration processes are user friendly, cost effective, and expeditious as compared to litigation in courts. The Committee, accordingly, recommends the Department to expedite the process of appointment of Chairperson and Members of NDIAC so as to promote institutional arbitration and make India a hub of International Arbitration. (Para 4.40)

CHAPTER V
DEPARTMENT OF JUSTICE

Vacancy of Judges in Courts and Pendency of Cases

41. The Committee notes that there are still a large number of vacancies of Judges in High Courts. The Committee had also taken note of the problem in its previous Reports. It is of the view that justice delivery system in the country is moving towards a stage, where both vacancy positions of judges and pendency of cases are increasing year after year and this state of affairs may erode the trust of public on the justice delivery system. The Committee strongly recommends that existing vacancy positions of judges need to be filled up immediately and the vacancies arising in future should be filled strictly as per the extant guidelines. The Committee also recommends the Department to request all the stakeholders, including High Court Collegiums, to expedite the process of initiation of recommendations so that appointments are not delayed.

(Para 5.15)

42. The Committee is of the opinion that composition of higher judiciary should reflect the socio-economic diversity and inclusiveness and accordingly, it recommends

that the Department should submit its considered view to the Committee on the matter such as social diversity statistics in the appointment in Higher Judiciary to provide effective representation.

(Para 5.16)

Fast Track Special Courts

43. The Committee appreciates the initiative of the Department for setting up Fast Track Special Courts in the country. However, as against the target of 1023 FTSCs, only 609 FTSC are functional as on 31.12.2020, leading to a shortfall of over 40 per cent (approx.) FSTCs. The Committee accordingly, recommends the Department to expedite the establishment of remaining FTSC. (Para 5.20)

Centrally Sponsored Scheme for Development of Infrastructure Facilities for the Judiciary

44. The Committee lauds the initiative of Nyaya Vikas that includes geo-tagging the completed and ongoing projects in States and is of the view that geo-tagging will go a long way in bringing transparency in the projects under CSS for Development of Infrastructure Facilities for the Judiciary. However, the Committee is constrained to note that only 1576 projects have been geo-tagged so far, and accordingly, recommends the Department to expedite geo-tagging of all the ongoing projects for effective monitoring and implementation of the Scheme. (Para 5.26)

Gram Nyayalayas

45. The Committee observes that the pace of establishment of Gram Nyayalayas has been very slow, and as against the target of 2500 Gram Nyayalayas under the XII Five Year Plan, only 402 Gram Nyayalayas have been notified by twelve States so far and out of these only 255 are functional. The slow pace of establishment was due to various issues and the Committee appreciates the Department for conducting Third Party evaluation and proposal to re-launch the scheme with revised guidelines for its effective implementation. The Committee, accordingly, recommends the Department to expedite the process to re-launch the scheme and submit a status note on the scheme while submitting Action taken Replies.

(Para 5.32)

e-Court Mission Mode Project

46. The Committee notes that under the e-Court Project, ICT infrastructure of not only District and Subordinate Court complexes, but also of the Supreme Court and High Court has also been upgraded. However, the Committee feels that the true potential of e-Courts project is yet to be realized as only limited applications/functions like e-filing, e-pay, case tracking etc. are being operationalised. Since, there is no end to

development of modern information and communication technologies, the Committee recommends that e-Court project needs to be continuously upgraded by making more litigant friendly, interactive, providing attendance/leave of judges dealing with the case, disposal rate, SMS/eMail about case status to litigants after each hearing, deploying Artificial Intelligence and Blockchain to automate routine judicial process, including provisions of complaint and grievance redressal by litigants against court staffs/officials etc. (Para 5.40)

47. The Committee also believes that advanced technologies, particularly Blockchain and Artificial Intelligence technology, it can supplement judicial process and help in reducing judicial delays. Blockchain can help in preserving cryptographically safe digital record management ensuring its authenticity. Artificial Intelligence can assist the judges in making predictions, or take decisions, based on previous experiences in a case. It can also help in allocating cases to judges/judicial officers based on their area of expertise. The Committee, accordingly, recommends the Department to explore the possibility of introduction and integration of these technologies with the justice delivery system under the eCourt Project and submit its status note to the Committee during the Action Taken Replies. (Para 5.41)

<u>National Legal Services Authority (NALSA)</u>

48. While appreciating NALSA for its present activities, the Committee expresses its concern on the plight of vulnerable sections, where NALSA should have been involved effectively. As per the data available in the public domain, out of total number of prisoners in the country, approximately 70 percent under trials. Further, there are a large number of under trial prisoners who have spent more time in jail than the actual sentence prescribed under the relevant Sections/Acts in case of conviction. There are number of prisoners who are unable to arrange bail due to non- furnishing of personal bail bonds/surety. Accordingly, the Committee recommends that NALSA should evaluate their cases on priority basis, and in this regard the Ministry is directed to submit a Status Note after getting replies from NALSA.

(Para 5.48)

<u>Benches of Supreme Court of India</u>

49. The Committee directs the Department to submit its considered view on the matter for its consideration. (Para 5.55)

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Annexure-I

Statement of funds released during the last 3 years under the Centrally Sponsored Scheme for the Development of Infrastructure Facilities for Judiciary.

(Rs in crore)

Sl. No.	State	Release in 2017-18	Release in 2018-19	Release in 019-20	Release in 2020-21	Total
1	Andhra Pradesh	0.00	10.00	20.00	10.28	40.28
2	Bihar	42.90	62.04	87.62	50.72	243.28
3	Chhattisgarh	0.00	19.68	19.83	7.84	47.35
4	Goa	0.00	3.15	4.06	3.80	11.01
5	Gujarat	50.00	15.02	16.49	11.50	93.01
6	Haryana	15.00	11.91	14.06	20.00	60.97
7	Himachal Pradesh	0.00	4.08	5.72	5.50	15.30
8	Jammu & Kashmir	10.00	19.01	10.00	0.00	39.01
9	Jharkhand	50.00	9.59	13.74	9.05	82.38
10	Karnataka	50.00	38.12	44.04	26.72	158.88
11	Kerala	25.00	30.82	15.82	13.00	84.64
12	Madhya Pradesh	50.00	79.42	66.90	42.61	238.93
13	Maharashtra	50.00	10.58	61.09	21.11	142.78
14	Odisha	0.00	22.50	35.69	0.00	58.19
15	Punjab	50.00	26.47	39.78	14.08	130.33
16	Rajasthan	17.34	17.41	64.21	29.90	128.86
17	Tamil Nadu	0.00	6.09	38.71	18.17	62.97
18	Telangana	0.00	10.00	5.65	16.00	31.65
19	Uttarakhand	25.00	22.02	28.50	0.00	75.52
20	Uttar Pradesh	75.00	128.06	169.66	111.00	483.72
21	West Bengal	17.34	35.22	61.43	31.07	145.06
	Total (A)	**527.58**	**581.19**	**823.00**	**442.35**	**2374.12**
	NE States					
1.	Arunachal Pradesh	0.00	0.00	2.69	5.00	7.69
2.	Assam	20.00	32.09	36.54	25.00	113.63
3.	Manipur	0.00	8.87	9.66	5.00	23.53
4.	Meghalaya	8.63	14.82	22.85	7.71	54.01
5.	Mizoram	20.00	5.94	5.24	5.00	36.18
6.	Nagaland	20.00	3.21	3.42	5.00	31.63
7.	Sikkim	0.00	2.57	2.78	2.06	7.41

8.	Tripura	0.00	0.00	18.82	7.74	26.56
	Total (B)	**68.63**	**67.50**	**102.00**	**62.51**	**300.64**
	Union Territories					
1	A & N Islands	0.00	1.31	0.17	1.71	3.19
2	Chandigarh	0.00	0.00	0.00	0.00	0.00
3	Dadra & Nagar Haveli	0.00	0.00	0.00	0.00	0.00
4	Daman & Diu	0.00	0.00	0.00	0.00	0.00
5	Delhi	25.00	0.00	48.52	45.00	118.52
6	Lakshadweep	0.00	0.00	0.00	0.00	0.00
7	Puducherry	0.00	0.00	3.31	0.00	3.31
8	Jammu and Kashmir (UT)	0.00	0.00	5.00	5.00	10.00
9	Ladakh	0.00	0.00	0.00	0.00	0.00
	Total (C)	**25.00**	**1.31**	**57.00**	**51.71**	**135.02**
	Grand Total (A+B+C)	**621.21**	**650.00**	**982.00**	**556.57**	**2809.78**

ANNEXURE-II

Existing strength of Panel Counsel engaged by Department of Legal Affairs before various High Courts in India as on 31st December, 2020

Sl. No.	Name of High Court / Bench of High Court	Existing Strength of Panel Counsel (Category wise)				Total existing strength of Counsel
I	II	III				IV
			Category	Strength		
	High Court of Delhi		(i) Central Govt. Standing Counsel	32		449
			(ii) Special Counsel	7		
			(iii) Sr. Panel Counsel	242		
			(iv) Govt. Pleader	168		
2	High Court of Bombay, Pr. Bench at Mumbai		(i) Spl. Counsel	17		158
			(ii) Sr. Panel Counsel Group-I	59		
			(iii) Sr. Panel Counsel Group-II	52		
			(iv) Jr. Panel Counsel	30		
3	High Court of Bombay, Nagpur Bench		(i) Sr. Panel Counsel	0		13
			(ii) Central Govt. Counsel	13		
4	High Court of Bombay, Aurangabad Bench		(i) Sr. Panel Counsel	2		13
			(ii) Central Govt. Counsel	11		
5	High Court of Bombay Goa Bench		(i) Sr. Panel Counsel	0		3
			(ii) Central Govt. Counsel	3		
6	High Court of Calcutta Pr. Bench at Kolkata (There are two kinds of Panel)	**General Panel**	(i) Special Counsel	6	206	221
			(ii)Sr. Counsel Group-I	65		
			(iii)Sr.Counsel Group-II	93		
			(iv)Jr.Counsel	42		
		Income Tax Panel	(i)Spl.Counsel	0	15	
			(ii)Sr. Counsel Group-I	8		
			(iii)Sr.Counsel Group-II	0		
			(iv) Jr.Counsel	7		
7	High Court of Calcutta, Circuit Bench at Port Blair		(i) Special Counsel	1		2
			(ii) Sr. Counsel Group-I	0		
			(iii) Sr. Counsel Group-II	0		
			(ii) Jr. Counsel	1		

II

8.	High Court of Calcutta, Circuit Bench at Jalpaiguri	(i) Sr. Panel Counsel	19	44
		(ii) Central Govt. Counsel	25	
9.	High Court of Madras Pr. Bench at Chennai	(i) Sr. Panel Counsel	29	93
		(ii) Central Govt. Counsel	64	
10.	High Court of Madras, Madurai Bench	(i) Sr. Panel Counsel	28	72
		(ii) Central Govt. Counsel	44	
11.	High Court of Karnataka, Pr. Bench at Bengaluru	(i) Sr. Panel Counsel	16	110
		(ii) Central Govt. Counsel	94	
12.	High Court of Karnataka, Dharwad Bench	(i) Sr. Panel Counsel	4	12
		(ii) Central Govt. Counsel	8	
13.	High Court of Karnataka, Gulbarga Bench	(i) Sr. Panel Counsel	3	5
		(ii) Central Govt. Counsel	2	
14.	Allahabad High Court (PB) at Allahabad	(i) Sr. Panel Counsel	24	243
		(ii) Central Govt. Counsel	219	
15.	Allahabad High Court, Lucknow Bench	(i) Sr. Panel Counsel	28	98
		(ii) Central Govt. Counsel	70	
16.	High Court of Madhya Pradesh, Pr. Bench at Jabalpur	(i) Sr. Panel Counsel	2	20
		(ii) Central Govt. Counsel	18	
17.	High Court of Madhya Pradesh, Bench at Indore	(i) Sr. Panel Counsel	2	17
		(ii) Central Govt. Counsel	15	
18.	High Court of Madhya Pradesh, Bench at Gwalior	(i) Sr. Panel Counsel	3	13
		(ii) Central Govt. Counsel	10	
19.	High Court of Patna	(i) Sr. Panel Counsel	9	45
		(ii) Central Govt. Counsel	36	

	High Court of Uttarakhand at Nainital	(i) Sr. Panel Counsel	3	36
		(ii) Central Govt. Counsel	33	
21	High Court of Himachal Pradesh at Shimla	(i) Sr. Panel Counsel	5	13
		(ii) Central Govt. Counsel	8	
22.	Punjab & Haryana High Court at Chandigarh	(i) Sr. Panel Counsel	64	136
		(ii) Central Govt. Counsel	72	
23	High Court of Jammu & Kashmir at Jammu	(i) Sr. Panel Counsel	3	34
		(ii) Central Govt. Counsel	31	
24.	High Court of Jammu & Kashmir at Kashmir	(i) Sr. Panel Counsel	1	7
		(ii) Central Govt. Counsel	6	
25.	High Court of Rajasthan, Pr. Bench at Jodhpur	(i) Sr. Panel Counsel	5	24
		(ii) Central Govt. Counsel	19	
26	High Court of Rajasthan, Bench at Jaipur	(i) Sr. Panel Counsel	18	61
		(ii) Central Govt. Counsel	43	
7.	High Court of Gujarat at Ahmedabad	(i) Sr. Panel Counsel	1	27
		(ii) Central Govt. Counsel	26	
8.	High Court of Kerala at Ernakulam	(i) Sr. Panel Counsel	6	97
		(ii) Central Govt. Counsel	91	
).	High Court of Judicature at Hyderabad for the state of Telangana	(i) Sr. Panel Counsel	10	63
		(ii) Central Govt. Counsel	53	
).	High Court of Andhra Pradesh at Amravati	It a new High Court made after the bifurcation of High Court at Hyderabad, a separate panel for this High Court is yet to be created.		0
1.	High Court of Orissa at Cuttack	(i) Sr. Panel Counsel	6	24
		(ii) Central Govt. Counsel	18	
	High Court of Chhattisgarh at	(i) Sr. Panel Counsel	0	11
		(ii) Central Govt. Counsel	11	

75

33.	High Court of Jharkhand at Ranchi	(i) Sr. Panel Counsel (ii) Central Govt. Counsel	6 18	24
34.	Gauhati High Court at Guwahati	(i) Sr. Panel Counsel (ii) Central Govt. Counsel	2 26	28
35.	Gauhati High Court, Kohima Bench	(i) Sr. Panel Counsel (ii) Central Govt. Counsel	0 5	5
36.	Gauhati High Court, Aizawl Bench	(I) Sr. Panel Counsel (Ii) Central Govt. Counsel	0 1	1
37.	Gauhati High Court, Itanagar Bench	(i) Sr. Panel Counsel (ii) Central Govt. Counsel	0 3	3
38.	High Court of Sikkim at Gangtok	(i) Sr. Panel Counsel (ii) Central Govt. Counsel	2 1	3
39.	High Court of Meghalaya at Shillong	(i) Sr. Panel Counsel (ii) Central Govt. Counsel	0 2	2
40.	High Court of Manipur at Imphal	(i) Sr. Panel Counsel (ii) Central Govt. Counsel	3 3	6

Annex-III

INCOME-TAX APPELLATE TRIBUNAL, MUMBAI.

SUMMARY STATEMENT SHOWING INSTITUTION, DISPOSAL AND PENDENCY OF APPEALS, CROSS OBJECTIONS, REF. APPLNS. AND HIGH COURT ORDERS BEFORE INCOME TAX APPELLATE TRIBUNAL, FOR THE YEAR 2019-2020, BETWEEN 1ST APRIL, 2019 TO 31ST MARCH, 2020.

BENCHES		THE PENDENCY AS ON 01.04.2019	INSTITUTION	DISPOSAL		THE PENDENCY AS ON 31.03.2020
MUMBAI BENCHES	A	14714	8865	677)	8739	14840
	B			708)		
	C			894)		
	D			1478)		
	E			581)		
	F			421)		
	G			854)		
	H			529)		
	I			278)		
	J			282)		
	K			381)		
	SMC			1656)		
PUNE ZONE						
PUNE BENCH	A	5818	2215	1230)	3424	4609
	B			1009)		
	C			647)		
	SMC			416)		
	WT			122)		
NAGPUR BENCH		954	421		339	1036
RAIPUR BENCH		1117	281		299	1099
PANAJI BENCH		814	249		82	981
DELHI ZONE						
DELHI BENCHES	A	21391	9040	834)	8373	22058
	B			865)		
	C			715)		
	D			1131)		
	E			699)		
	F			1051)		
	G			1161)		
	I-1			454)		
	I-2			286)		
	SMC-1			1045)		
	SMC-2			21)		
	Meerut Camp			111)		
DEHRADUN (Circuit Bench)		777	96		40	833
AGRA BENCH		1127	335		836	626
LUCKNOW ZONE						
LUCKNOW BENCH	A	1021	771	188)	415	1377
	B			163)		
	WT			12)		
	SMC			52)		
ALLAHABAD BENCH		510	190		160	540
VARANASI (Circuit Bench)		394	287		264	417
JABALPUR BENCH		801	160		351	610

KOLKATA BENCHES	A B C D WT SMC	3551	2682	813) 729) 765) 183) 3) 868)	3361	2872
PATNA		507	245		316	436
CUTTACK BENCH		922	656		655	923
GUWAHATI BENCH		667	448		478	637
RANCHI BENCH		687	280		397	570
CHENNAI ZONE						
CHENNAI BENCHES	A B C D	4933	3656	808) 852) 891) 758)	3309	5280
BANGALORE ZONE						
BANGALORE BENCHES	A B C	5535	2560	1189) 1213) 1215)	3617	4478
COCHIN BENCH		636	868		1175	329
AHMEDABAD ZONE						
AHMEDABAD BENCHES	A B C D SMC	7260	2584	724) 890) 825) 616) 534)	3589	6255
SURAT BENCH		3060	476		1016	2520
INDORE BENCH		2237	1113		1454	1896
RAJKOT BENCH		1656	362		727	1291
HYDERABAD ZONE						
HYDERABAD BENCHES	A B WT SMC	4780	1886	623) 523) 60) 591)	1797	4869
VISAKHAPATNAM BENCH		825	859		832	852
CHANDIGARH ZONE						
CHANDIGARH BENCHES	A B SMC	1774	1802	662) 653) 319)	1634	1942
AMRITSAR BENCH		1619	645		569	1695
JAIPUR BENCH	A B WT SMC	1567	1362	495) 552) 1) 386)	1434	1495
JODHPUR BENCH		551	448		349	650
TOTAL		**92205**	**45842**		**50031**	**88016**
LAST YEAR TOTAL		92817	50735		51766	92205

Average effective functioned Bench per Month = 42.70

Average disposal per effective Bench per month = 47.92

*Note 1:- Regarding difference of 389 appeals after Physical verification, done in June, 2019, same are added in Institution of respective benches. (10 appeals in Jabalpur, 95 appeals in Ahmedabad, 186 appeals in Chandigarh and 98 appeals in Jaipur Bench/es). In July, 2019, difference of 33 appeals after Physical verification at Patna bench, same are added in Institution of said Bench.

**Note 2:- As Dehradun (Circuit Bench) was formed in June, 2019, 777 appeals transfered from Delhi Bench to Dehradun, were shown as opening balance against Dehradun Bench. Also 18 appeals (returned back to Delhi Benches, conveyed in the statement of January, 2020) the difference is adjusted in Institution of Dehradun (Circuit Bench).

Annexure- IV

S.NO.	States/UTs	Functional FTSCs as on 31.12.2020	Out of functional FTSCs, Exclusive POCSO Courts Functional as on 31.12.2020
1.	Andhra Pradesh	08	08
2.	Bihar	45	45
3.	Chhattisgarh	15	11
4.	Delhi	0	0
5.	Gujarat	35	24
6.	Assam	7	7
7.	Mizoram	0	0
8.	Nagaland	1	0
9.	Maharashtra	25	25
10.	Goa	0	0
11.	Himachal Pradesh	3	3
12.	J&K	0	0
13.	Jharkhand	22	8
14.	Karnataka	14	14
15.	Kerala	23	0
16.	Madhya Pradesh	67	26
17.	Manipur	2	0
18.	Meghalaya	4	4
19.	Odisha	15	15
20.	Punjab	3	3
21.	Haryana	16	12
22.	Chandigarh	1	0
23.	Rajasthan	45	26
24	Tamil Nadu	14	14
25.	Tripura	3	1
26.	Telangana	19	9
27.	Uttar Pradesh	218	76
28.	Uttarakhand	4	0
	Total	**609**	**331**

V

Annexure

urrent status of virtual hearing in Courts as on 28th January, 2021

S.No	High Court	In High Courts		In District Courts	
		Physical Courts have started	Online/VC Courts are still functioning	Physical Courts have started	Online/VC Courts are still functioning
1	Allahabad	Yes	Yes	Yes	Yes
2	Andhra Pradesh	No	Yes	No	Yes
3	Bombay	Yes	Yes	Yes	No
4	Calcutta	Yes	Yes	Yes	Yes
5	Chhattisgarh	Yes	No	Yes	No
6	Delhi	Yes	Yes	Yes	Yes
7	Gauhati - Arunachal Pradesh	Yes	No	Yes	No
8	Gauhati - Assam	Yes	Yes	Yes	Yes
9	Gauhati - Mizoram	Yes	No	Yes	Yes
10	Gauhati - Nagaland	Yes	Yes	Yes	Yes
11	Gujarat	No	Yes	Yes	Yes
12	Himachal Pradesh	No	Yes	No	Yes
13	Jammu and	No	Yes	Yes	Yes
14	Jharkhand	No	Yes	No	Yes
15	Karnataka	Yes	Yes	Yes	Yes
16	Kerala	Yes	Yes	Yes	Yes
17	Madhya Pradesh	Yes	Yes	Yes	Yes
18	Madras	Yes	Yes	Yes	No
19	Manipur	No	Yes	No	Yes
20	Meghalaya	Yes	Yes	Yes	Yes
21	Orissa	No	Yes	Yes	Yes
22	Patna	Yes	Yes	Yes	Yes
23	Punjab and Haryana	No	Yes	Yes	Yes
24	Rajasthan	Yes	Yes	Yes	Yes
25	Sikkim	No	Yes	Yes	Yes
26	Telangana	Yes	Yes	Yes	Yes
27	Tripura	Yes	Yes	Yes	No
28	Uttarakhand	Yes	Yes	Yes	Yes