

## INITIATIVES TAKEN BY THE MINISTRY OF LAW & JUSTICE DURING THE TWO YEARS OF THE PRESENT GOVERNMENT

### INITIATIVES TOWARDS EASE OF DOING BUSINESS

- **Enactment of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015** To ensure speedy and fair disposal of 'commercial disputes', especially of high value, involving complex facts and questions of law, a new Act namely, the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015 has been enacted by Parliament. The establishment of commercial courts in India is a stepping stone to bring about reform in the civil justice system. These mechanisms will enable disposal of commercial disputes in a fair, time bound manner and at reasonable cost. It is Government's endeavour to make India an investor friendly destination and enhance its ranking in Ease of Doing Business.
- **Amendment to The Arbitration and Conciliation Act, 1996:** Amendment in the Arbitration and Conciliation Act, 1996 is a step towards making Arbitration as preferred mode for settlement of commercial disputes by making it more user-friendly, cost effective leading to expeditious disposal of cases. Accordingly, the Arbitration and Conciliation Act, 1996 has been amended. These amendments will facilitate India to become a hub of International Commercial Arbitration. Under the amended Act, provisions have been made for simplification of procedures, fixing time limit and minimum intervention by courts. For the first time, the provisions to fix time limits to decide an Arbitration case with the option to fast track the cases and the incentives by way of additional fee have been provided. Comprehensive provisions for costs regime applicable both to arbitrators as well as related litigation in Court have been provided.

### INITIATIVES TOWARDS BETTER MANAGEMENT OF LITIGATION

- Draft National Litigation Policy under formulation to make Government a responsible and efficient litigant. The salient features of draft policy are
  - to take preventive measures for reducing the new filing of cases by prescribing a procedure for proper dealing of the cases, extending benefit to similarly placed persons and avoiding litigation between Government departments and PSUs through intervention of empowered agencies

- Restricting appeals to minimum by careful scrutiny of the implications of the judgment; making appeal an exception unless it affects policy of the Government; minimal recourse to Supreme Court under Article 136
  - Effective presentation of the Government through assigning legal functions on legally trained persons, proper response to the claim of the petitioner, making efforts for clubbing of the cases and through effective and active ICT enabled case management system with Nodal officers
  - Effective handling of PILs, conducting training programmes and augmentation of internal capacity building measures
- A web portal Legal Information and Management Based System (LIMBS) set up for monitoring of Court Cases of the entire GOI.
  - Appointment of Law Officers and Panel Counsels
    - 19 Law Officers (including AG/SG).
    - 34 ASGs in High Courts.
    - Fresh panels of Counsels approved for Supreme Court/High Courts/Central Administrative Tribunals/Armed Forces Tribunal/District Courts.
  - Fee revision of Law Officers and Legal Counsels – Upwardly revised to the extent of 50% from the rates existing prior to 1.10.2015.

#### INITIATIVES TOWARDS MINIMUM GOVERNMENT MAXIMUM GOVERNANCE

- **Repealing of Obsolete and Redundant Laws:** Keeping in view of the Government's policy to repeal the obsolete and redundant laws which have lost their significance, four Acts have been enacted. They are (i) the Repealing and Amending Act, 2015 repealed 35 Acts; (ii) the repealing and Amending (Second) Act, 2015 repealed 90 Acts (iii) the Appropriation Acts (Repeal) Act, 2016 repealed 756 Appropriation Act including Appropriation (Railways) Acts and (iv) the Repealing and Amending Act, 2016 repealed 294 Acts. In total the aforesaid four enactments have repealed 1175 Acts.
- Major exercise for convergence of Tribunals to reduce the number of tribunals has been undertaken. High level Inter-Ministerial Group constituted for consideration of the issue.

## INITIATIVES TOWARDS DIGITAL INDIA AND E-GOVERNANCE

- Online system for receipt of applications for appointment of Notaries: A major change was introduced to receive applications for appointment of Notaries online along with supporting documents w.e.f. 1.1.2016. This facility is expected to result in reducing delays on account of postal delays, missing documents and queries due to incomplete documents. This will also facilitate the applicants to know the present status of their application.
- e-Governance and E-courts usage started in Income Tax Appellate Tribunal (ITAT) leading to faster disposal of cases with less hassles to litigants. The litigants need not go to the city of the Bench for hearing of their cases resulting into a lot of saving of time, energy and money. The experiment in ITAT, Ahmedabad operating E-court at Rajkot has been very successful. The idea is being replicated in Jabalpur, Guwahati, Jodhpur and Raipur. All zonal offices are being put on video conferencing.
- Digitisation work of Appeals has been undertaken in ITAT. Once the digitisation work is complete, all the appellate records shall be accessible from any station and any appeal can be taken by e-court in any location.
- Web portal named LIMBS has been introduced for Centrally monitoring cases of UoI pending in various courts and Tribunals. All the data pertaining to court cases of the Government shall be available at one place. The data shall be used for policy planning purposes.

## INITIATIVES TOWARDS COMPUTERISATION OF COURTS

- eCourts Mission Mode Project has been taken up for universal computerization of district and subordinate courts with an objective of providing designated services to litigants, lawyers and the judiciary. Phase –I of the project is complete now. Government of India in July, 2015 had approved the eCourts Phase-II project with a total cost of Rs. 1670 crore over a period of 4 years. The allocation of e-courts Phase-II project has been increased from Rs.227.13 crores in BE 2015-16 to Rs. 286 crores in BE 2016-17, including Rs.30 crores for North-East.
- eCourts Phase-II projects aims at automation of workflow management, enabling the courts to exercise greater control in management of cases. This will also include installation of touch screen based kiosks, use of e-filing, e-paymnet and mobile applications and composite set of services through Judicial Service centres.
- Case status information in respect of over 6.11 crore pending, decided cases and more than 2.4 crore orders/judgements pertaining to District and Subordinate Courts are available online.

- Over 4000 court officials and 14000 Judicial Officers have been trained on computerization of Judiciary. Laptops have been provided to 14,309 judicial officers.

### INITIATIVES TOWARDS JUSTICE DELIVERY

- Appointment of Judges in higher judiciary undertaken. 86 additional Judges made permanent, 51 new appointed and appointment of another 170 being processed.
- Judges' sanctioned strength of the High Courts increased from 906 on 01.06.2014 to 1065 as on 27.4.2016.
- Pecuniary jurisdiction of Delhi High Court was increased from Rs. 20 lakhs to Rs. 2 crore, facilitating access to justice within the vicinity of the location of District Courts, ensuring speedy justice to the litigants at their doorstep.
- Implementation of a Centrally Sponsored Scheme for Development of Infrastructure facilities for judiciary- Department of Justice has been implementing a Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary. On account of concerted efforts by all stakeholders, the availability of judicial infrastructure for subordinate courts has increased considerably in the recent past. More Court Halls are available than the working strength of Judges. 16513 Court Halls available and 2447 under construction as on 31.12.2015. 14420 Residential units for Judges available and 1868 under construction as on 31.12.2015. For development of infrastructure facilities for judiciary Rs.933 crore and Rs.563 crore sanctioned under the Centrally sponsored Scheme in 2014-15 and 2015-16. The allocation to the State and UT Plan for development of infrastructure facilities for judiciary has been increased from Rs.562.99 crores (RE 2015-16) to Rs.600 crores (BE 2016-17).

### INITIATIVES TOWARDS ACCESS TO JUSTICE PROJECTS

- 300 Paralegal Volunteers of Odisha, 400 Para Legal Volunteers of North Eastern States and 187 Para Legal Volunteers of J&K have been trained under the activities of State Legal Services Authorities.
- Incorporation of Legal literacy into National Literacy Mission Authority (NLMA). Activities started in States- 62 Districts of Uttar Pradesh and 31 Districts of Rajasthan.
- Establishing Helpdesks for Juveniles in Observation Homes in Maharashtra.
- Establishment of 50 voice based Legal Information Kiosks in the State of Chhattisgarh and Jharkhand.
- Established 46 Legal Aid Clinics in two most backward districts of Nagaland – Tuensang and Mon.
- MoU signed between DoJ and NLMA (National Literacy Mission Authority) for initiating legal literacy activities by SRC Assam, Shillong, J&K and Arunachal Pradesh.

## OTHER IMPORTANT INITIATIVES

- 21<sup>st</sup> Law Commission of India has been reconstituted in September, 2015. Chairman, one full time Member and two part time Members have been appointed.
- D/o Justice has already written to CBI and National Police Academy to conduct training programmes for Judicial Officers for sensitization in Cybercrimes and related issues.
- D/o Justice has taken up with all High Courts and Supreme Court for implementation of Incheon strategy to facilitate people with disability.
- Proper training to Judicial Officers in international best practices w.r.t. alternate dispute resolution, quick and easy entity structuring, restructuring, incorporation, evolution and exit, tax reforms in the light of Make in India and Start-up India.
- Process Re-engineering (PR) exercise taken up to modernize the existing processes and procedures and introduce new processes and procedures to expedite disposal of cases.
- Seventh edition of Legal Glossary containing 65000 words published. Last edition was published in 2001.
- The allocation for Plan expenditure for the Ministry has increased from Rs. 806.65 crores (RE 2015-16) to Rs. 900 crores (BE 2016-17) showing an increase of 11.5%. Substantial funds have been allotted under the head “Election related expenses” for purchase of new EVMs, keeping in view the General Elections 2019 and other assembly elections and for reimbursement to the States for election related expenses. Expenditure under Election Head increased from Rs. 2142.40 crores (RE 2015-16) to Rs.3649.29 crores (BE 2016-17) showing an increase of 70%.
- In BE 2016-17, Special funds of Rs.10 crores have also been allotted for construction of additional infrastructure in National Judicial Academy.
- Promotion of alternate Dispute Resolution Mechanism through National Legal Services Authority (NALSA) at the national level and State Legal Services Authorities at State level. In furtherance to the objectives enshrined in Article 39A of the Constitution to provide free legal aid to the poor and weaker sections of the society and ensure justice to all, and under the ambit of Legal Services Authorities Act, National Legal Services Authority (NALSA) at the national level has been established to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for legal aid. Central Government provides annual grant-in-aid to NALSA which is further distributed to SLSAs also. In 2016-17, Rs. 140 crore have been allocated for the purpose against Rs. 120 crore in RE 2015-16. In addition, State and District legal Services Authorities undertake preventive and strategic legal aid programmes and conduct Lok Adalats for amicable settlement of disputes. In 2015 alone, 1.33 crore cases have settled through Permanent Lok Adalats.

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