

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:4914
ANSWERED ON:26.08.2010
POLICY INITIATIVES
Tewari Shri Manish

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the number of policy initiatives and policy pronouncements on a host of issues cutting across the spectrum of the remit of the Ministry of Law and Justice have been made by the Government from 21-5-2009 to 1-7-2010;
- (b) the item/subject wise and policy initiative/pronouncement-wise details thereof;
- (c) whether any task forces were set up by the Government to study each of the policy initiatives/pronouncements and give considered recommendations;
- (d) if so, the details thereof;
- (e) whether the legal fraternity was consulted with regard to the efficacy and implementability of these policy initiatives and pronouncements;
- (f) if so, the steps taken to implement these policy pronouncements in the form of concrete actionable proposals; and
- (g) the details of audit done about the impact of these policy initiatives on the legal and judicial system, if any?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (DR. M.VEERAPPA MOILY)

(a) to (g) A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (g) of the Unstarred Question no. 4914 for answer in the Lok Sabha on 26.08.2010.

1. CONSULTATIONS:

(i) Department of Justice organized a National Consultation for strengthening of Judiciary toward Reducing Pendency and Delays` on 24-25 October, 2009 at Vigyan Bhavan, New Delhi which was, among others, attended by the Chief Justice of India, other Supreme Court Judges, Chief Justices of High Courts along with another Judge of every High Court, two District Court Judges from every High Court, State Law Secretaries, Advocate Generals of State Governments, representatives of Academia, eminent Jurists and the President and office bearers of the Bar Council of India. In the consultation, a Vision Statement containing an Action Plan was presented by Hon`ble MLJ to the Chief Justice of India.

(ii) Regional Meetings of the High Courts and the State Governments were held in Guwahati, Kolkata, Chennai, New Delhi and Goa in June-July, 2010 under the Chairmanship of Hon`ble Minister of Law and Justice to discuss the implementation of the Thirteenth Finance Commission`s grants, e-Courts, Mission Mode Project and other measures for Judicial Reforms.

(iii) The Chief Justices of High Courts, Law Ministers of the States, Executive Chairpersons of the State Legal Service Authorities, the Home/Law Secretaries and Finance Secretaries of the States participated in the meetings.

2. THIRTEENTH FINANCE COMMISSION

Department of Justice also submitted a Memorandum to Thirteenth Finance Commission (TFC) for providing grants to improve the justice delivery system in the country which was accepted by the TFC. The Government has also accepted the recommendations of the Thirteenth Finance Commission to provide a grant of Rs.5000 crore to the States for improving the justice delivery system in the country. The first installment of Rs.500 crores has already been released to the States. With the help of these grants, the States can, inter-alia, set up morning /evening/shift/special magistrates` courts, also organize more Lok Adalats and strengthen mediation with a view to reducing court pendencies.

3. NATIONAL MISSION FOR DELIVERY OF JUSTICE AND LEGAL REFORMS

A Vision Statement indicating an Action Plan was presented in the National Consultation organized by the Department of Justice in October, 2009. To implement the Action Plan contained in the Vision Statement, the Government has, in principle, decided to set up a

'National Mission for Delivery of Justice and Legal Reforms and a Special Purpose Vehicle' (SPV), that will manage and implement various actions plans. This is expected to serve to reduce arrears from an average of 15 years to an average of three years by 2012 after its strategies and definitive plan of action are completely implemented. A proposal for setting up the National Mission is under consideration.

4. GRAM NYAYALAYAS

The Gram Nyayaiayas Act, 2008, that was enacted to enable the State Governments to establish one or more Gram Nyayaiayas for every Panchayat at intermediate level to cater to specified Civil and Criminal cases in rural areas, was brought into force w.e.f 2nd October, 2009. Under the scheme, over 5000 Gram Nyayaiayas are likely to be set up across the country. As per the information available, 144 Gram Nyayaiayas have been notified so far out of which 47 have been operationalized. A grant of Rs. 1964.40 lakh has been released to the States so far for this purpose.

5. INCREASE IN THE AGE OF RETIREMENT OF JUDGES OF THE HIGH COURTS

The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its 39th Report had recommended to raise the retirement age of the Judges of the High Courts from sixty-two years to sixty-five years to be at par with the retirement age of the Judges of the Supreme Court.

The Government has decided to increase the age of retirement of Judges of the High Courts from sixty-two years to sixty-five years. Further necessary action to introduce an appropriate Bill in the Parliament to suitably amend the relevant articles of the Constitution is being taken.

6. THE NATIONAL LITIGATION POLICY

The National Litigation Policy, with a view to transform Government into an efficient and responsible litigant, was launched by this Ministry on 23.06.2010. The purpose underlying the said policy is to reduce Government litigation in courts so that valuable court time would be spent in resolving other pending cases so as to achieve the Goal in the National Legal Mission to reduce average Pendency time from 15 years to 3 years. The core issues involved in the litigation will be focused and addressed squarely so that the same is managed and conducted in a cohesive and coordinated manner. All stake holders concerned with the success of the policy have been requested to take necessary action to implement the policy in letter and spirit. This Ministry is in the process of constituting empowered committees at National level as well as Regional level as envisaged in the said policy.

07. REFORMS IN LEGAL EDUCATION

(i) The Ministry of Law & Justice, in collaboration with the Bar Council of India and National Law University, Delhi had organized a National Consultation for Second Generation Reforms in Legal Education on 1st & 2nd May, 2010 at Vigyan Bhavan New Delhi.

(ii) The said National Consultation was inaugurated by the Hon'ble Prime Minister of India and a Vision Statement was presented to him for bringing radical institutional reforms in the field of Legal Education. The vision statement focused on the reform agenda based on the three pillars of Expansion, Inclusion and Excellence in the field of legal education.

(iii) A Resolution was adopted in the Valedictory Session on 2nd May, 2010, for restructuring the system of legal education to impart substantial knowledge, enhance legal research and create legal practitioners with social responsibility and strong professional ethics, and to respond to the unmet legal needs of the deprived sections of the society.

(iv) It was resolved in the National Consultation that -

(a) four National level institutions at the regional level would be established as Centers of Excellence focused on research;

(b) in every state there will be a National law University;

(c) accreditation standards would be laid down to evaluate existing law schools/colleges to upgrade them and to create and provide opportunities to the students therein;

(d) National data base of all legal practitioners in the country would be maintained to track domain expertise and professional development for identifying lawyers for various roles and appointments including law officers and judges;

(e) modules for law teaching methods would be developed and also network for virtual class rooms would be established;

(f) the Indian law institute would refocus on research in law and conduct of specialized courses in various fields of law;

(g) National Digital Law Library should be established; and

(h) the Delivery of Justice and Law Reform Trust of India would develop courses for court administrators and managers.

In view of the Resolution, following three Bills have been prepared by the Law Ministry :-

(a) The National Law Schools Bill, 2010.

(b) The Centres for Advanced Legal Studies and Research Bill, 2010.

(c) The Higher Legal Education and Research Bill, 2010.

8. Initiatives relating to the Legislative Department-

Making of policy initiatives is an ongoing and long drawn exercise and it is not practicable to segregate it with reference to any specific period. However, the following policy initiatives pertain to the Legislative Department-

(a) Empowerment of Women:- Rendering gender equality by way of reservation of seats for women in Lok Sabha and the State Legislative Assemblies.

(b) Removal of gender inequality in personal laws.

(c) Implementation of the Law Commission of India's report making irretrievable breakdown of marriage as a ground of divorce.

(d) Bringing in comprehensive electoral reforms,

(e) Conferment of voting rights for citizens of India living abroad, owing to their employment, education or otherwise.

The implementation of above policy initiative are in progress as under:-

(a) The Constitution (One Hundred and Eighth Amendment) Bill, 2008 which inter alia seeks to provide as nearly as may be one-third of the total number of seats in the House of the People and to the Legislative Assemblies of the States including the National Capital Territory of Delhi reserved for women has been passed by Rajya Sabha on the 9th March, 2010 and is pending consideration of the Lok Sabha.

(b) The Personal Laws (Amendment) Bill, 2010 has been passed by both the Houses by the Parliament during the current Session of Parliament. The Bill is aimed at bringing gender equality in the matter of guardianship under the Guardians and Wards Act, 1890 and in the matter of giving in or taking in adoption of a son or a daughter by a father or mother under the Hindu Adoptions and Maintenance Act, 1956.

(c) The Marriage Laws (Amendment) Bill, 2010 has been introduced in Rajya Sabha on 4th August, 2010, The Bill seeks to provide irretrievable breakdown of marriage as a ground of divorce under the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954.

(d) A National consultation is considered necessary in this regard.

(e) After withdrawing the Representation of the People (Amendment) Bill, 2006, the Representation of the People (Amendment) Bill, 2010 has been introduced in Rajya Sabha on the 21st August, 2010 which seeks to amend the Representation of the People Act, 1950 for conferring voting rights to the citizens of India, who have not acquired the citizenship of any other country and who are absenting from their place of ordinary residence in India owing to employment, education and otherwise, outside India (whether temporarily or not).