

**DEPARTMENT OF LEGAL AFFAIRS  
(VIDHI KARYA VIBHAG)**

**1. FUNCTIONS AND ORGANISATION**

1.1 The Department has been allocated the following items as per the Government of India {Allocation of Business} Rules, 1961:-

1. Advice to Ministries on legal matters including interpretation of the Constitution and the laws, conveyancing and engagement of counsel to appear on behalf of the Union of India in the High Courts and subordinate courts where the Union of India is a party.
2. Attorney General of India, Solicitor General of India, and other Central Government law officers of the States whose services are shared by the Ministries of the Government of India.
3. Conduct of cases in the Supreme Court and the High Courts on behalf of the Central Government and on behalf of the Governments of States participating in the Central Agency Scheme.
4. Reciprocal arrangements with foreign countries for the service of summons in civil suits for the execution of decrees of Civil Courts, for the enforcement of maintenance orders, and for the administration of the estates of foreigners dying in India.
5. Authorization of officers to execute contracts and assurances of property on behalf of the President under Article 299(1) of the Constitution, and authorization of officers to sign and verify plaints or written statements in suits by or against the Central Government.
6. Indian Legal Service.
7. Treaties and agreements with foreign countries in matters of civil law.
8. Law Commission.
9. Legal Profession including the Advocates Act, 1961 (25 of 1961) and persons entitled to practice before High Courts.
10. Enlargement of the jurisdiction of Supreme Court and the conferring thereon of further powers; persons entitled to practice before the Supreme Court, references to the Supreme Court under Article 143 of the Constitution of India.
11. Administration of the Notaries Act, 1952 (53 of 1952)
12. Income-tax Appellate Tribunal.
13. Appellate Tribunal for Foreign Exchange
14. Legal aid to the Poor.

The Department has also been allocated administration of the following Acts:-

- (i) The Advocates Act, 1961
- (ii) The Notaries Act, 1952
- (iii) The Legal Services Authorities Act, 1987;
- (iv) The Advocates' Welfare Fund Act, 2001;
- (v) The National Tax Tribunal Act, 2005

1.2 The Department is also administratively in-charge of the Appellate Tribunal for Foreign Exchange, the Income Tax Appellate Tribunal, National Tax Tribunal and the Law Commission of India. The Department is also administratively concerned with all the matters relating to the Indian Legal Service. It is further connected with the appointment of Law Officers namely the Attorney General of India, the Solicitor General of India and the Additional Solicitor Generals of India. With a view to promote studies and research

in law and with a view to promoting Alternative Disputes Resolution Mechanism, improvement in legal profession, this Department sanctions grant in aid to certain institutions engaged in these fields like Indian Law Institute, International Centre for Alternative Dispute Resolution, Institute of Constitutional and Parliamentary Studies and Bar Council of India.

## **2. ORGANISATIONAL SET-UP**

The Department of Legal Affairs has a two tier set up, namely, the Main Secretariat at New Delhi and the Branch Secretariats at Mumbai, Kolkata, Chennai and Bangaluru. The nature of duties discharged can be broadly classified into two areas- Advice work and Litigation work.

### **MAIN SECRETARIAT –**

- (i) The set up at the Main Secretariat includes Law Secretary, Additional Secretaries, Joint Secretary and Legal Advisers and other Legal Advisers at various levels. The work relating to tendering of legal advice and conveyancing has been distributed amongst groups of officers. Each group is normally headed by an Additional Secretary or a Joint Secretary and Legal Adviser, who, in turn, is assisted by a number of other Legal Advisers at different levels.
- (ii) The litigation work in the Supreme Court on behalf of all the Ministries/Departments of the Government of India and some administrations of the Union Territories is handled by the Central Agency Section presently headed by an Additional Secretary.
- (iii) The litigation work in the High Court of Delhi on behalf of all the Ministries/Departments of the Government of India is processed by the Litigation (High Court) Section presently headed by an Deputy Legal Adviser.
- (iv) The litigation work in the Subordinate Courts in Delhi is handled by the Litigation (Lower Court) Section presently headed by an Assistant Legal Adviser.
- (v) The Department has a special cell, namely, Implementation Cell for dealing with the implementation of the recommendations of the Law Commission and the administration of the Advocates Act, 1961 and the Advocates' Welfare Fund Act, 2001. It also deals with the legal profession. This Cell is also concerned with the work of coordination under the Right to Information Act, 2005.
- (vi) There is one post of Joint Secretary & Legal Adviser each in Railway Board and Department of Telecommunications respectively and the incumbents to the posts function from the said offices. Further, there is one sanctioned post of Joint Secretary and Legal Adviser in the Department of Public Enterprises and the incumbent functions as an Arbitrator under the scheme of Permanent Machinery of Arbitration in that Department. One Deputy Legal Adviser functions as an Arbitrator in the Arbitration cases in the DGS&D. Further, one Deputy Legal Adviser functions from the Army Purchase Organisation under the Ministry of Defence. In addition, some posts of different levels such as Additional Legal Adviser, Deputy Legal Adviser and Assistant Legal Adviser also exist in the Ministry of Defence, Ministry of Labour, Ministry of Urban Development and DGS&D.

### **CREATION OF ILS**

With the development of the society the legal profession underwent a metamorphosis and several attempts have been made for proper dispensation of justice and to cater the legal needs of the society. One such attempt made in 1956 to cater the needs of the Government qualitatively is creation of Central Legal Service (the forerunner of the present Indian Legal Service). The Government of India in the Ministry of Law and Justice established Indian Legal Service under the Indian Legal Service Rules, 1957, which came into force

on the 1<sup>st</sup> October 1957. Since inception the officers of the Indian Legal Service have been rendering dedicated service to the nation by giving legal advice in important matters to various Ministries/Departments of the Government of India and drafting bills and ordinances which are introduced in Parliament. This service has given Governors to states, Secretary General to Parliament, Chief Election Commissioner and Election Commissioners, Judges to High Courts and Judicial Officers to various Tribunals like CAT, ITAT, DRT etc.

## **ROLE OF ILS**

The officers of the Indian Legal Service (ILS) never found lacking and being the principal legal organ of the Government of India rose to the challenges and acquitted well. The digital revolution has ushered in information economy has powered up new areas of wealth creation. This necessitates them to examine the legal structure, which will serve the information economy. They being the Principal legal advisers to the Government have responded effectively and speedily to the demands made upon them by the various organs of the Government and playing a pivotal role in both advisory as well as in drafting work. They play a role in shaping the very stones that will maintain the constitutional foundations, extend structures, and stand against weather adversity. They all are bricklayers of the Constitutional Cathedral.

### **2.1 ADVICE 'A' SECTION**

- a) During the period from 1.1.2014 to 31.12.2014, a total number of **6131** references were received from various Ministries/Departments of the Government of India for vetting of documents and **legal opinion/advice** on various issues (including references for advice received from the office of the Law Secretary, Addl. Secretaries and Joint Secretaries) which were duly attended and the opinion tendered by the Officers of this Department were forwarded to the respective Ministries/Departments, for needful action. In addition, the officers of this Department also participated in various International Meetings and Conferences. Total meetings attended by the officers of the department in other Ministries are 218.
- b) Apart from tendering legal advice, this section has dealt with references and other communications received by the Ministers and the Officers.
- c) The Section has handled **95** Applications received under the **RTI Act, 2005** pertaining to the advice A & B Sections in relation to the advices tendered by the officers of this Department.
- d) **329** references relating to **conveyancing** including a number of **International Agreements** were also dealt with.
- e) During the aforesaid period **95 Cabinet Notes** and **129 references** relating to **State Bills** and **Ordinances** were received for examination from legal and constitutional angles.

### **2.2 ADVICE 'B' SECTION**

- a) During the period from January 2014 to December 2014, a total number of **3853** references from various Ministries/Departments of the Government of India were received for vetting of documents and legal opinion/advice on various issues (including references for advice received from the office of the Law Secretary, Addl. Secretaries and Joint Secretaries), which were duly attended and the opinion tendered by the Officers of this Department were forwarded to the respective Ministries/Departments, for needful action.
- b) In addition, the officers of this Department also participated in various International Meetings and Conferences.

- c) Apart from tendering legal advice, this section has dealt with references and other communications received by the Minister and the Officers.
- d) 156 references relating to Parliament Questions and Assurances pertaining to the advice A & B Sections were also dealt with.
- e) During the aforesaid period, 127 Cabinet Notes, 774 SLP/AG/SG/ASG were received for examination from legal and constitutional aspects.

### **2.3 ADVICE 'C' SECTION**

- a) During the period under report, 19 new cases on different subjects were sent for the opinion of the Learned Attorney General for India, Solicitor General of India and Additional Solicitor General of India. Opinions on all matters were received and have been forwarded to the respective Ministries/Departments of the Govt. of India after the approval of the Law Secretary and Hon'ble MLJ.
- b) The Section has rendered general and secretarial assistance to the Officers in the Department of Legal Affairs and Legislative Department of the Ministry of Law and Justice including location of precedents on 600 different subjects.
- c) The record of 5368 files pertaining to period 1970 to 1990 has been weeded out from June, 2014 to December, 2014, in compliance of the directives of the Prime Minister's Office and the orders issued by this department.

### **2.4 CENTRAL AGENCY SECTION**

Central Agency Section (CAS) was setup in the year 1950. This office is responsible for conducting litigation before Hon'ble Supreme Court of India on behalf of all Ministries/ Departments of the Central Government and also on behalf of NCT of Delhi, Union Territories, the office of the Comptroller & Auditor General of India and all field offices under CAG i.e. Accountant General offices. All Special Leave Petitions on behalf of Union of India are filed after obtaining opinion of Law Officers on the feasibility of filing Special Leave Petitions/ Civil Appeals in the Supreme Court through Central Agency Section. This office is presently looked after by an Additional Secretary; who has been declared as in-charge of this office and has been delegated the power of Head of Department. She is assisted by 7 Government Advocates, 10 Gazetted, 49 Non Gazetted and 21 Group D staff. There are 496 Govt. Panel Counsels. The Central Agency Section functions from the Supreme Court Compound, New Delhi. The total budget allocation for the financial year 2013-2014 is Rs.21.50 Crores .

2. The activities of the Central Agency Section pertain to :

- References of the Ministries/ Departments of Government of India received through the Department of Legal Affairs, Ministry of Law and Justice to obtain the opinion of Ld. Attorney General, Ld. Solicitor General and Ld. Additional Solicitor Generals.
- Engagement of Law Officers/ approved Panel Counsels for various cases.
- Conduct and supervision of litigation on behalf of Union of India/ NCT of Delhi. C&AG and Union Territories in the Supreme Court of India.
- Supervision of records, R&I section, Fee Bill Unit, Personal Deposit Unit, Computer Cell and

Administration Division which includes Cash section also.

3. Government Advocates in the Central Agency Section are Advocates-on-Record of the Supreme Court. They appear before the Supreme Court in matters pertaining to the Union of India, NCT of Delhi, C&AG and Union Territories as per the Supreme Court Rules.

4. As per computerized record of Central Agency Section during the year 2014, the Central Agency Section has received 5166 new cases from various Departments of Government of India, NCT of Delhi, C&AG and Union Territories in which the Union of India or Union Territories are either petitioner or respondent.

## **2.5 LITIGATION IN DELHI (HIGH COURT)**

The Litigation (HC) Section handles the Litigation work in Delhi High Court on behalf of all the Ministries/Departments of Govt. of India except for Railways and Income Tax Departments. Officer-in-Charge is assisted by Superintendent (L) and other staff. The Section looks after the litigation work as follows: -

(a) The cases dealt with and contested in Delhi High Court are generally related to: -

Civil and Criminal Writ Petitions under Article 226 & 227 of the Constitution of India, Civil Misc. Applications, Division Bench Appeals, Company Applications, Execution Applications and Criminal Misc.

(b) And the cases dealt with and contested in Courts other than Delhi High Court relating to:

BIFR, AAIFR, National Consumer Dispute Redressal Commission, Industrial Tribunal-cum-Labour Court, Company Law Board, Un-lawful activities (Prevention) Tribunal, Debt Recovery Tribunal, Debt Recovery Appellate Tribunal, Immigration Appellate Committee, Appellate Tribunal for Electricity, TDSAT, Central Information Commission, District Consumer Form.

2. The Litigation work is dealt with by two Sections- Litigation (HC) Section 'A' and 'B' being supervised by Superintendent (L). Section 'A' deals with the advance notices pertaining to the Writ Petitions, Letters Patent Appeals (LPA), and Miscellaneous Petitions under Article 226 & 227 of the Constitution of India including matters of general nature. Section 'B' deals with the Original Revisions etc. and the Writ Petitions filed on behalf of the Union of India before the Hon'ble Delhi High Court. This Section also deals with the matters relating to other Courts/Tribunals as mentioned in para 1(b) above.

3. To conduct Central Government litigation, there is one Additional Solicitor General of India (ASG), nine Central Govt. Standing Counsels (CGSC), panels of Senior Counsel and Govt. Pleaders (GP). In matters of public importance and also involving complicated questions of Law, one of the Law Officers namely- Attorney General of India / Solicitor General of India / Additional Solicitor General of India is engaged. Close liaison is being maintained with the concerned Ministries/Departments and Counsels to safeguard the Government interests in Delhi High Court. The Officer-in-charge and other officers keep a close watch over the progress of the cases at each stage.

4. This Unit was allocated budget of Rs.6 crore in the B.E. for F.Y. 2014-15. During the period under the report, approximately 7000 professional fee bills pertaining to the Law Officers and Govt. Counsel have been received for payment. Further, 2000 fee bills are likely to be received till 31<sup>st</sup> March 2015. As on close of December, 2014 approximately 6500 fee bills to the tune of Rs.4.02 crore have been duly processed and paid to the concerned Law Officers and Counsel.

5. During the period from 1.4.2014 to 31.12.2014, Litigation (HC) Section has engaged Law Officers and Government Counsel in 3772 cases to conduct the litigation in Delhi High Court. Section wise details of receipt of cases and engagement of Govt. Counsel are as follows:

**LITIGATION HIGH COURT SECTIONS**

SECTION	Cases received from 1/4/2014- 31/12/2014	Cases expected from 01/01/2015 to 31/3/2015	Total
<b>A</b>	<b>3336</b>	<b>450</b>	<b>3786</b>
<b>B</b>	<b>436</b>	<b>130</b>	<b>566</b>
<b>Total</b>	<b>3772</b>	<b>580</b>	<b>4352</b>

**LITIGATION IN CAT (Principal Branch), DELHI**

6. The Litigation CAT (PB) Cell looks after the Cases/Litigation work relating to the Central Administrative Tribunal (CAT), Delhi and nominates the Counsels from the approved panel to defend the interest of Ministries/Departments of UOI in CAT, Delhi.

7. During the period from 1.4.2014 to 31.12.2014, Litigation CAT (PB) Cell has engaged Govt. Counsels in 835 cases to conduct the litigation in CAT (PB). Details of receipt of cases are as follows: -  
**LITIGATION IN CAT (PB) DELHI**

SECTION	Cases received from 1/4/2014- 31/12/2014	Cases expected from 01/01/2015 to 31/3/2015	Total
<b>CAT (PB) Cell</b>	<b>835</b>	<b>200</b>	<b>1035</b>

**LITIGATION (LOWER COURT) SECTION, TIS HAZARI**

(i) The Litigation work in District Courts/Consumer Forums/Tribunals in Delhi / New Delhi on behalf of all Ministries / Departments of Government of India except Railways and Income-tax Department is handled by Litigation (Lower Court) Section. The litigation work, in the above said Courts / Tribunals are looked after by an Deputy Legal Adviser & In-charge assisted by a Superintendent (Legal) / Assistant (Legal).

(ii) There is a panel of Additional Standing Government Counsels from where the counsels are nominated for contesting the cases. On receipt of request from the Ministry / Department, action is taken to engage a suitable counsel to appear on their behalf in the Courts. During the period under report this Section engaged Counsels in 472 cases. Close liaison is maintained with various Departments / Counsels at all times to safeguard the interest of the Government in the District Courts / Consumer Forums / Tribunals. Total number of cases pending in the District Court/Tribunal/Consumer Forum is 7847 as 31.12.2014.

(iii) Fee bills received from the counsel are scrutinized with regard to the terms and conditions of their appointment before certifying and making payments at the prescribed rates. During the period under report 365 fee bills were received and an amount of Rs.2249470/- was paid towards Professional Fee bills of Counsels.

(iv) In order to keep pace with the development of Information Technology in the Judiciary especially at the level of District Courts / Sub-ordinate Courts and also to **ensure effective functioning of Lower Court (Litigation) Section, a proposal for computerization of this Section was submitted to the Competent Authority along with the System-study Report conducted by the National Informatics Center (NIC).**

(v) The Deputy Legal Adviser, who is also the Branch Officer of this Section, has been designated as Central Public Information Officer under the Right to Information Act, 2005. The Superintendent (Legal) who supervises the Litigation (LC) Section.

## 2.6 JUDICIAL SECTION

The Judicial Section is responsible for the organization of litigation of the Government of India and Union Territories before the Supreme Court, various High Courts, the Central Administrative Tribunal and District and Subordinate Courts. Its functions include processing the appointments of the Attorney General of India, the Solicitor General and the Additional Solicitor General of India, Central Government Counsel in the Supreme Court, High Courts, the Central Administrative Tribunal, District and Subordinate Courts and Consumer Forums in some of the states for conducting litigation work on behalf of the Central Government, engagement of Law Officers and other Counsel on behalf of Ministries/Departments for the conduct of cases before the Supreme Court, High Courts, Tribunals, Commission of Inquiry, District and Subordinate Courts, Quasi-Judicial Authorities etc. Its functions also include formulation and settlement of their terms and conditions for conducting cases. The Judicial Section is also responsible for nomination of Arbitrators in disputes between the various Departments of the Government of India and private parties.

2. The Section is responsible for issuing statutory orders e.g. orders under GSR 167, authorizing various officers to sign and verify plaints and written statements in suits in any court of civil jurisdiction or in writ proceedings by or against Central Government under Rule 1 of Order XXVII of Schedule I to the Code of Civil Procedure, 1908. This Section also authorizes officers to sign contracts and agreements on behalf of President of India under Clause 1 of Article 299.

3. The Section is also dealing with the work of Reciprocal arrangements with foreign countries for the service of summons in civil suits, the execution of decrees of Civil Courts, the enforcement of maintenance orders, and the administration of the estates of foreigners dying in India inter-state.

4. India has acceded to The Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters and also Hague Convention on Taking of Evidence Abroad in Civil and Commercial Matters in the year 2007. Ministry of Law and Justice is the Central Authority for both the Conventions. Judicial Section is dealing with the work of service of summons/notices to Indian nationals through Judicial Authorities, received from the foreign countries under the said Conventions. Judicial Section also deals with forwarding of service of summons/notices originated from Judicial Authorities of the country to the Central Authorities of foreign countries.

5. During the period, Fourteen Law Officers were appointed, including Attorney General and Solicitor General were appointed in Supreme Court, Delhi High Court, Allahabad High Court, Bombay High Court, Madras High Court and Rajasthan High Court, Twenty eight Assistant Solicitors General were appointed in various High Courts. The fresh panel was prepared for Supreme Court and High Courts of Delhi and Patna, 406 fresh panel counsels were appointed in Delhi High Court, 59 panel Counsels in Patna High Court and 496 panel counsels in Supreme Court of India. Ministry of Law and Justice, Department of Legal Affairs, being the nodal Ministry for reciprocal arrangement with foreign countries, has entered into Mutual Legal Assistance Treaty in Civil and Commercial matters with Ukraine and Azerbaijan. Besides, Department of Legal Affairs is the Central Authority under Hague Convention of 1965 for service abroad of judicial and extra judicial documents in civil and commercial matters. Under this obligation, around 877 requests were processed. During the period, few notifications were also issued for authorizing various officers to sign and verify plaints and written statements in suits filed by or against Central Government under Order XXVII Rule 1 of the Code of Civil Procedure, 1908 and also authorizing officers to sign contracts and agreements on behalf of President of India under Article 299 of the Constitution. Apart from these, few Arbitrators were also nominated/appointed in disputes between Government and Private Parties.

## **2.7 NOTARY CELL**

The administration of the Notaries Act, 1952 and the Notaries Rules, 1956 are within the purview of the Notary Cell. The Notary Cell deals with examination/scrutiny of the Memorials/applications received from different States/Union Territories in the country and processing of these memorials for appointment of Notaries. This Cell conducts inquiries into the allegations of professional or other misconduct on the part of the Notaries. The Notary Cell also renews certificates of practice of notaries, issued by the Central Government. For sufficient reasons, it also grants extension of area of practice to the notary public, on receipt of an application for the purpose.

2. About **2500** Notary Certificates have been renewed till 31.12.2014. About 358 Advocates/ applicants have been appointed as Notaries during the period from January, 2014 till 31.12.2014. So far, **10950** Notaries have been appointed by the Central Government in various parts of the country.

3. During the period under Report, interview boards were constituted to conduct interview for the selection of Notary Public in the States/UTs of Delhi, Uttarakhand, Uttar Pradesh, Andhra Pradesh, Maharashtra, Tamilnadu, & Puducherry. The results have been declared for the aforesaid states/UTs and the appointment letters to the selected candidates have also been issued.

## **2.8 IMPLEMENTATION CELL**

The Implementation Cell in this Department is allocated with responsibility of processing reports of the Law Commission, laying them before the Parliament and also forwarding reports to the Ministries/ Departments concerned for their examination/implementation. This Cell is also concerned with the administration of the Advocates Act, 1961, the Advocates' Welfare Fund Act, 2001, legal education and legal profession.

The Law Commission of India has submitted 262 reports till 30.04.2016. All these Report have been laid before both the Houses of the Parliament. All the Reports have also been forwarded to the concerned Administrative Ministries/Departments for their examination/ implementation. However, One Law Commission's Report number 239 was submitted by the Nineteenth Law Commission on the direction of Hon'ble Supreme Court in Writ Petition (C) No. 341/2004 in the matter of Virender Kumar Ohri Vs. Union of India & Ors., no action on this Report is to be taken by the Government.

The Implementation Cell, in pursuance of the recommendations of the Department Related Parliamentary Standing Committee on Personal, Public Grievances, Law & Justice, has been laying an Annual statement showing the status of pending Law Commission Reports before both the Houses of the Parliament since 2005. The last Statement (11<sup>th</sup>) was laid on the Table of both the Houses of Parliament (in Lok Sabha on 10.12.2015 and Rajya Sabha on 11.12.2015).

### **Ø Status of Reports of Law Commission of India**

#### **THE ADVOCATES ACT, 1961**

The Advocates Act, 1961 ("Act") was enacted to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils at State level and an All India Bar Council i.e. Bar Council of India. The Act recognizes only one class of persons who are entitled to practice the profession of law in India, namely, advocates, vide its section 29.

#### **THE ADVOCATES' WELFARE FUND ACT, 2001**



1. Social security in the form of financial assistance to junior lawyers and welfare schemes for indigent or disabled advocates has always been a matter of concern for the legal fraternity. Certain States enacted their own legislation on the subject. The Parliament enacted “**Advocates’ Welfare Fund Act, 2001**” applicable to the Union Territories and the States which do not have their own enactments on the subject, for creation of “Advocates’ Welfare Fund” by the appropriate Government. This Act makes it compulsory for every advocate to affix stamps of the requisite value on every Vakalatnama filed in any court, tribunal or other authority. Sums collected by the way of sale of “Advocates’ Welfare Funds Stamps” constitute an important source of the Advocates’ Welfare Fund.

2. Any practicing Advocate may become member of the Advocates’ Welfare Fund on payment of an application fee and annual subscription. The Fund shall vest in and be held and applied by the Trustee Committee established by the appropriate Government. The Trustee Committee after being satisfied about the genuineness of the claim made by a member of the fund, may under Section 19 of the said Act of 2001 allow *ex gratia* grant to such member from the fund in the case of his hospitalization or involving major surgical operation; or if he is suffering from tuberculosis, leprosy, paralysis, cancer, unsoundness of mind or from such other serious disease or disability.

3. Under Section 21 of the said Act of 2001, every advocate who has been a member of the Fund for a period of not less than 5 years shall, on his cessation of practice, be paid an amount at the rate specified in Schedule I of the Act: Provided that where the Trustee Committee is satisfied that a member of the Fund ceases to practice within a period of 5 years from the date of his admission as a member of such Fund as a result of any permanent disability, the Trustee Committee may pay such member an amount at the rate specified in Schedule I of the Act. Where a member of the Fund dies before receiving the amount payable under sub-section (1), his nominee or legal heir, as the case may be, shall be paid the amount payable to the deceased member of the Fund.

## **RIGHT TO INFORMATION ACT, 2005**

Under Right to Information Act, 2005, the number of receipts and 1<sup>st</sup> & 2<sup>nd</sup> appeals before the Appellate Officer & Central Information Commission from April, 2015 to 31<sup>st</sup> March, 2016 dealt in this Department are as under :-

(A)	Total Receipts	1664
(B)	First Appeals	64
(C)	Second Appeals	51

**Total request received online: 3398**

## **2.9 LIBRARY & RESEARCH SECTION**

- 1) The Library and Research Section looks after the requirements of legal books/ journals and other research materials of the Ministry of Law and Justice. This section provides reference and legal research service to its users.
- 2) During this year, Library and Research Section acquired 465 numbers of books and 521 volumes of law journals got bounded for reference.
- 3) The Library and Research Section subscribes to 19 Indian law journals, 3 foreign law journals and 40 magazines.
- 4) The Library and Research Section has acquired/subscribed to the following CD ROM/online services for retrieval of case laws, judgments and articles etc. for the use of officers of this Ministry.

- Ø AIR (SC) Reference CD ROM (1950-2013)
- Ø SCC online case finder
- Ø Grand Jurix (SC, HC, TRIBUNAL)
- Ø AIR High Court on CD ROM(1950-2013)
- Ø AIR Criminal Law Journal on CD ROM (1950-2013)
- Ø SCC Online Web (IP) Services.
- Ø Manupatra.Com Online (IP) Services
- Ø Westlaw India Online (IP) Services.

## 2.10 BRANCH SECRETARIAT, MUMBAI

Branch Secretariat of this Department at Mumbai tenders legal advice, handles litigation work pertaining to Bombay High Court, litigation pertaining to other subordinate courts which falls under the entire western region.

The Secretariat is presently headed by a Joint Secretary and Legal Adviser/ In-charge. He is assisted by two Additional Govt. Advocates, One Assistant Legal Adviser and Two Supt. (Legal), one Section Officer/DDO and other officials. The particulars regarding functioning, duties, organization etc. are as under :-

The procedure followed in the decision making process including the channels of supervision and accountability is as under:-

A. **LEGAL ADVICE** : The references received from various Ministries/Departments of Central Government seeking legal advice are examined at the first instance by the Superintendent (Legal) and thereafter put up to the In-charge who in turn mark the cases to the Additional Legal Adviser/ Assistant Legal Adviser/ Additional Govt. Advocate as per the distribution/ allotment of work. If required the advice matters are also referred to the Ld. Additional Solicitor General of India for his expert option. As far as the current year is concerned, this Branch Secretariat has received about 2800 cases being reference seeking advice and Branch Secretariat has almost disposed of all the cases and nothing is pending on date.

B. **LITIGATION** : The Litigation of this Branch Secretariat is headed by the Joint Secretary & Legal Adviser/ In-charge who in turn assisted by the Additional Govt. Advocate and Superintendent (Legal) in discharging the duties in handling the litigation matters filed in Bombay High Court either filed by the Government of India or against it. So also, the litigation pertaining to Subordinate Courts is handled by the Branch Secretariat. Wherever necessary the litigation is handled through the Advocates/ Counsel appointed/ empanelled on the Panel of Government of India for Bombay High Court on its ordinary original civil jurisdiction, Appellate Jurisdiction & criminal jurisdiction and through other counsel empanelled on different panels appearing before the different courts of law. About 880 litigation cases have been disposed of before the Hon'ble Bombay High Court.

C. **ADMINISTRATION**: The Joint Secretary & Legal Adviser/ In-charge is the head of the administration of the Branch Secretariat, Mumbai. He is assisted by the Section Officer, who also functions as DDO in handling the day-to-day administrative matters of the Branch Secretariat.

D. **OFFICIAL LANGUAGE** : The Joint Secretary & Legal Adviser/ In-charge of this Branch Secretariat also works in the capacity of “**Vibhagiya Rajbhasha Adhikari**” and other officers nominated by him work for promotion and maximum usage of Official Language in the Branch Secretariat. A “Rajbhasha Samiti” is constituted in this Branch Secretariat for effective implementation of Official Language Policy with following Members:-

- i) Shri H.P. Chaturvedi, JS&LA (Head of the Committee)
- ii) Shri Pankaj Kapoor, Addl. Govt. Advocate (Chairman)
- iii) Shri A.A. Ansari, Addl. Govt. Advocate (Member)
- iv) Shri Neeraj Kumar, Asstt. Legal Adviser (Member)
- v) Shri N.A. Pande, Suptd. (Legal) (Member)
- vi) Shri K. Santosh Ramanna, Supdt. (Legal)(Member)
- vii) Shri Atul Kumar Gupta, Asstt. (Legal) (Member)

The above Committee submits the periodical Reports to the In-charge.

**FACILITATION CENTRE:** The Branch Secretariat has taken an informal step in the interest of Pensioners/ ex-employees/ officers of this Branch Secretariat by introducing a Facilitation Centre for the Pensioners. The Pensioners with their requisition and queries can approach the centre, may enquire about the status of their own accounts, pensions etc. Thereafter the pensioners can get the required information which is provided to them as soon as possible or at the earliest on its being made available by the concerned section.

**PARTICIPATION IN NATIONAL/INTERNATIONAL LEGAL CONVENTION/ SEMINAR/ CONFERENCE TRAINING ETC.**

During the year under report, 2013-2014, the Joint Secretary and Legal Adviser of the Branch Secretariat participated in 5<sup>th</sup> convention of the State Parties Against Corruption (UNCAC) which was held from 25<sup>th</sup> November, 2013 to 29<sup>th</sup> November, 2013 at Panama city (Republic of Panama).

**2.11 BRANCH SECRETARIAT, KOLKATA**

The Branch Secretariat, Kolkata is headed by Joint Secretary & Legal Adviser / Senior Government Advocate, who also functions as overall In-charge. This Branch Secretariat has **eight** wings viz. **Advice, Administration, Cash & Accounts, Hindi, Counsel Fee Bill, Litigation, CAT/Lower Court and R&I Section.** In addition, this Branch Secretariat has a **Library** containing more than 8800 books under the supervision of Section Officer. The Litigation Wing of the Branch Secretariat, Kolkata looks after the entire litigation matters pertaining to the High Court at Calcutta both in the Original as well as Appellate Side. The Branch Secretariat Kolkata is functioning from 2<sup>nd</sup> and 3<sup>rd</sup> floor, Middle Building, 11, Strand Road, Kolkata-700001.

2. The Branch Secretariat is looking after litigation of the Union of India in the High Courts & Circuit Bench of Calcutta High Court in Port Blair and other High Courts and Ld. Courts below, covering 12 States of the Eastern Region. The Branch Secretariat also looks after the service matters relating to Central Government employees before the Central Administrative Tribunal, Calcutta Bench as well as the other benches of CAT at Cuttack, Guwahati, Patna and Circuit Benches at Sikkim and Andaman & Nicobar Islands. The Branch Secretariat renders legal advice and also conducts litigation pertaining to all the Central Government Ministries/Departments including the Income Tax Department, Customs and Central Excise (only advice work), Revenue Intelligence, FERA/FEMA, Ministry of Defence, Ministry of Home, Ministry of External Affairs and all other Central Government Offices having their offices at West Bengal, Assam, Nagaland, Manipur, Arunachal Pradesh, Meghalaya, Bihar, Jharkhand, Orissa, Tripura, Mizoram and Sikkim and Union Territory of Andaman and Nicobar Islands on receipt of references from concerned

Departments/Ministries. Counsel are also engaged to appear before the various Tribunals like CESTAT and ITAT etc. and in Arbitration matters before the Ld. Arbitrators on receipt of specific requests from Departments concerned.

3. Total 1126 number of references were received by the Advice Wing during 2014-15 up to December, 2014. Pleadings filed in various Courts as well as before Central Administrative Tribunals are also vetted by this Branch Secretariat.

4. In Litigation Wing, Government advocates who are regular employees act as Advocate-on-Records (in Original Side) and also act as Government Pleader within the meaning of Order XXVII Rule 8B(a) of the Code of Civil Procedure 1908. They are to make their appearance in the Court in Original side matters. In Appellate side matters they are to address the Court from time to time and get assistance from Junior Panel Counsel. If requested, the Government Advocates assist very Senior Counsel or Additional Solicitor General. In general, the Government Advocates get the matter heard/argued through a panel Counsel engaged for this purpose.

5. During 2014-15, the Senior Government Advocate, one Deputy Government Advocate and three Junior Central Government Advocate (one post of Junior Central government Advocate for Kolkata Branch has been transferred to Main Secretariat at New Delhi) act as Advocate-on-Records and on behalf of the Union of India and other Central Government petitioners/respondents in the Calcutta High Court and also appear before the court as government pleader. The total number of High Court cases received and conducted by the Litigation Division of the Branch Secretariat, Kolkata during 2014-15 up to December, 2014 was 2275. Apart from that many old pending cases have also been conducted by the Branch Secretariat, Kolkata on their listing. The number of cases disposed of during the said period was 1611 (some cases pertained to previous years). The number of cases expected to be handled during the whole of 2014-15 will be around 4200. As per records, the total number of Government cases pending in the Calcutta High Court till the end of December, 2014 was about 56311. Similarly, the number of cases received in the Branch Secretariat, Kolkata for engagement on service matters in CAT, Calcutta Bench during 2014-15 (up to December, 2014) was 469 and it is expected that total number of such cases will be around 600 during 2014-15. The number of cases in Courts below located in Kolkata area only including arbitration cases handled during March 2014 to January, 15 was 222.

6. Out of the sanctioned budget of Rs.1,60,00,000/- for payment towards Professional Fees to the Counsel, an amount of Rs.97,67,853/- has already been paid to them till December, 2014 for the cases relating to High Court at Calcutta. The remaining amount of the budget will be paid in the next three months of 2014-15.

7. The Branch Secretariat also certifies for payment, after due scrutiny, of the professional fee bills of the Government Counsel/Standing Counsel conducting matters in different Courts and also in the arbitration proceedings before the Arbitrators which are sent for vetting by the different Departments and Ministries of the Central Government. However, those bills are actually paid by the Departments. Professional Fee Bills for Standing Counsel in other High Courts of the Eastern Region are also vetted by this Branch Secretariat.

8. The Hindi Section is looked after by the Section Officer with the assistance of one Junior Hindi Translator for propagation/use of Hindi as official language in this Branch Secretariat. For this, several workshops / seminars have been organised in this Branch Secretariat. 'Hindi Diwas' was also celebrated in this Branch Secretariat with great enthusiasm. Till date, around 90% of the Officers/staff members have obtained the working knowledge in Hindi under the said Scheme. It is expected that by the year 2015, all the members of the staff will complete such courses/training.

9. A software named 'COSA' developed by NIC, Kolkata is in operation for preparation of pay bills of the employees of the Branch Secretariat, Kolkata. Necessary work has already been done in this regard. Further, the quarterly returns of Income Tax deducted at source are being prepared in the Electronic Media

and submitted to Income Tax Department through TIN Facilitation Centre in floppies/CDs. A new form, Form-24G has been introduced by the Income Tax Authority which is required to be filled up and submitted in electronic format by 10<sup>th</sup> of the following month in which TDS has been deducted by this Office. Also the weekly statement of expenditure is prepared using software 'CDDO2PAO' developed by Office in floppies/CDs. In addition information regarding licence fee payment for Government quarters is also required to be sent online to the Directorate of Estates using Government Accounting Management System (GAMS). 26 (twenty six) numbers of Personal Computers are in use at present in the Branch Secretariat, Kolkata. Provision of Local Area Network has been provided to each Section/ Officer's room of the Branch Secretariat, Kolkata. Almost all the Computers in the Branch Secretariat, Kolkata now have internet connection.

10. The Library in the Branch Secretariat, Kolkata, containing more than 8000 books, is under the supervision of Section Officer. It is very helpful for use in Litigation and also advice matters. Online legal library 'Manupatra' has also been subscribed by this Branch Secretariat.

11. One biometric attendance system, for employees in the Branch Secretariat, Kolkata is in operation w.e.f. 12<sup>th</sup> April, 2011. We have been in contact with NIC to develop a software programme for the Branch Secretariat, Kolkata through which all Court cases pending or newly filed cases may be monitored. Once the data entry is made the cases can be monitored online and instructions etc. to the advocates & the Departments may be given online. The programme once developed will be useful in rendering better service to the litigant of Central Government resulting in bringing down the cost.

## **2.12 BRANCH SECRETARIAT, CHENNAI**

Deputy Legal Adviser heads the Branch Secretariat at Chennai.

**ADVICE:** The Branch Secretariat renders legal advice to all Central Government Offices located in the States of Tamil Nadu, Kerala and the Union Territory of Pudhucherry. During the period from 01-04-2014 to 31-12-2014 about 942 references were received for advice and disposed off. About 475 references for advice are expected during the remaining period of current financial year 2014-2015.

**LITIGATION:** The Branch Secretariat, Chennai looks after the entire litigation work of Central Government (except cases relating to Railways, Telecom, Income-Tax, Central Excise and Customs, etc.) in the High Court of Madras, Madurai Bench of Madras High Court and High Court of Kerala. It also looks after the Central Government litigation work in the City Civil Courts, Presidency Courts of Small Causes, Subordinate Courts, Tribunals, Consumer Fora, etc. in Tamil Nadu and Kerala. Besides, the Branch Secretariat, Chennai has also been entrusted with the work of Central Government litigation before the Madras Bench of Central Administrative Tribunal at Chennai and Ernakulam Bench of Central Administrative Tribunal in Kerala.

During the period from 01-04-2014 to 31-12-2014 about 4772 litigation matters were received and about 4672 were disposed of which included receipts, fee bills and files opened regarding High Court/CAT/LC etc. and projection for the remaining period of three months pertaining to the litigation matters during the current financial year is expected to be about 1,700.

The Branch Secretariat keeps the Ministries and Departments of the Central Government informed about the important developments of their cases as well as the results of the litigation with suitable advice for further action, if required. Pleadings, affidavits etc., to be filed in the Courts/Tribunals/Consumer Fora/Arbitration matters in Tamil Nadu and Kerala are scrutinized and vetted at the draft stage. Functions of Branch Secretariat, Chennai also include engagement / nominations of the Counsel and collection of materials from the Central Government Departments involved in the cases for being passed on to the Counsel after necessary scrutiny of the documents from the legal angle.

**COUNSEL'S FEE BILLS:** The Branch Secretariat itself pays the fees directly from its centralized funds to the Additional Solicitor Generals of India, Assistant Solicitor General, Senior Panel Counsel and the Central Government Standing Counsels in respect of cases before the Madras High Court and Madurai Bench of Madras High Court. Fee Bills preferred by the Central Government Counsel for appearance before the Central Administrative Tribunal and Subordinate Courts are scrutinized / certified and sent to the Departments concerned for payment.

**MISCELLANEOUS:** During the period under report, various R.T.I. applications, appeals, statements and other references / litigation correspondence were received and dealt with.

There are 7 female employees working in this office , viz., 1 Deputy Legal Adviser, 1 Superintendent(Legal) , 2 Personal Assistants, 1 Senior Court Clerk and 2 Assistants(CSS) and other than general category employees, there are SC-4, ST-1, OBC-6, Ex-serviceman-1 and PH-1.

### **2.13 BRANCH SECRETARIAT, BENGALURU**

The Branch Secretariat has jurisdiction over the States of Karnataka and Andhra Pradesh handling the litigation and advice of various Central Government Department/Ministries. Deputy Legal Adviser heads the Branch Secretariat, Bengaluru.

**ADVICE:** The Branch Secretariat renders legal advice to all the Central Government Departments and offices located in the States of Karnataka and Andhra Pradesh. During the current year 2014-2015 about 850 references were received for advice and all advice cases were disposed during the period. The advice work includes scrutiny and vetting of pleadings i.e. statement of objections, counter affidavits to be filed before the High Courts i.e. High court of Karnataka, Bangalore, Circuit Benches of High Court of Karnataka at Dharwad and Gulbarga and High court of Andhra Pradesh respectively, reply statement to be filed before Central Administrative Tribunal, written statement, counter affidavits, counter statements, versions filed before District Courts, Subordinate Courts and various other Tribunals.

Examining the feasibility of filing SLP, Appeals, review etc. interpretation of laws guiding Departments on legal sustainability of their action and holding discussions with the administrative Departments, whenever necessary.

**LITIGATION:** The Branch Secretariat supervises the entire litigation of the Central Government Departments and offices in the High court of Karnataka, Bangalore, Circuit Benches of High Court of Karnataka at Dharwad & Gulbarga and High Court of Andhra Pradesh, Subordinate Courts located at Bangalore City and twin cities of Hyderabad and Secunderabad and CAT in both the States. This Branch Secretariat also looks after the work of Government litigation in the District Consumer Dispute Redressal Fora, the State Consumer Redressal Commissions of both the States Central Govt. Industrial Tribunal and Debt Recovery Tribunal. During the current year 2014-15 about 3700 litigation matters, which includes nomination of counsel, counsel fee bills and general correspondence relating to litigation were received. The function of the Branch Secretariat in this regard includes engagement / nomination of the Counsel and distribution of cases among the Central Government Counsel.

**COUNSEL'S FEE BILLS:** This Branch Secretariat itself processes counsel fee bills and pays the fees directly from its centralized funds to the Assistant Solicitor of India and Central Government Counsel in the High Court of Karnataka, Bangalore. So far as Circuit Benches of High Court of Karnataka at Dharwad and Gulbarga are concerned, the counsel fee bill is borne by the concerned Department on whose behalf the Counsel conducts the cases and not by the Branch Secretariat, Bangalore. The concerned Departments pay the fee for Central Government panel Counsel in CAT, District and subordinate Courts. Hence this Branch Secretariat is not certifying counsel fee bills. However, this

Ministry clarify as and when requested any doubt in this regard.

**Shifting of office to general Pool Office Accommodation:** The Branch Secretariat, Bengaluru has been shifted to newly allotted office space of (GPOA) in the 4th Floor of D-Wing, in the Kendriya Sadan, Koramangala, Bengaluru and started functioning in the new office premises from 15.10.2014

## **2.14 LAW COMMISSION OF INDIA**

The 20<sup>th</sup> Law Commission has been constituted with effect from September 1, 2012 to 31.8.2015. The Commission is consisted of a full-time Chairman (Mr. Justice A.P. Shah, former Chief Justice, Delhi High Court), four full-time Members including Member-Secretary (Mr Justice S.N. Kapoor, former Judge, Delhi High Court, Ms. Justice Usha Mehra, former Judge, Delhi High Court, Prof. (Dr.) Moolchand Sharma, former Vice-Chancellor, Central University of Haryana and Dr. S.S. Chahar, who is Member-Secretary, two ex officio Members (Secretary, Department of Legal Affairs – Shri P.K. Malhotra and Secretary, Legislative Department – Dr. Sanjay Singh and five part-time Members (One part-time Member resigned in July, 2014.

The terms of reference of the Twentieth Law Commission are as under:

### **A. Review/Repeal of obsolete laws:**

- (i) Identify laws which are no longer needed or relevant and can be immediately repealed.
- (ii) Identify laws which are not in harmony with the existing climate of economic liberalization and need change.
- (iii) Identify laws which otherwise require changes or amendments and to make suggestions for their amendment.
- (iv) Consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Department with a view to coordinating and harmonizing them.
- (v) Consider reference made to it by Ministries/Departments in respect of legislation having bearing on the working of more than one Ministry/Department.
- (vi) Suggest suitable measures for quick redressal of citizens' grievances, in the field of Law.

### **B. Law and Poverty:**

- (i) Examine the Law which affect the poor and carry out post-audit for socio-economic legislations.
- (ii) Take all such measures as may be necessary to harness law and the legal process in the service of the poor.

### **C. Keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure:**

- (i) Elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decision should be just and fair.
- (ii) Simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice.
- (iii) Improvement of standards of all concerned with the administration of justice.

D. Examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislations as might be necessary to implement the directive Principles and to attain objectives set out in the Preamble to the Constitution.

E. Examine the existing laws with a view for promoting gender equality and suggesting

amendments thereto.

F. Revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.

G. Recommend to the Government measures for bringing the statute book up to date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

H. Consider and convey to the government its views on any subject relating to law and judicial administration that may be specifically referred to it by the Government through Ministry of Law and Justice (Department of Legal Affairs).

I. Consider the requests for providing research to any foreign countries as may be referred to it by the Government through Ministry of Law and Justice (Department of Legal Affairs).

J. Examine the impact of globalization on food security, unemployment and recommend measures for the protection of the interests of the marginalized.

3. The 20<sup>th</sup> Law Commission had taken up various subjects in pursuance of its terms of reference.

4. The 20<sup>th</sup> Law Commission submitted the following reports during the year 2014-15:-

- i) Report No. 244 Electoral Disqualifications (24.02.2014)
- ii) Report No. 245 Arrears and Backlog: Creating Additional Judicial (wo) manpower (07.07.2014)
- iii) Report No. 246 Amendments to the Arbitration and Conciliation Act, 1996 (05.08.2014)
- iv) Report No. 247 Sections 41 to 48 of the Indian Succession Act, 1925 (02.09.2014)
- v) Report No 248 Obsolete Laws: Warranting Immediate Repeal (Interim Report) (12.09.2014)
- vi) Report No 249 Obsolete Laws: Warranting Immediate Repeal (Second Interim Report) (13.10.2014)
- vii) Report No 250 Obsolete Laws: Warranting Immediate Repeal (Third Interim Report) (29.10.2014)
- viii) Report No 251 Obsolete Laws: Warranting Immediate Repeal (Fourth Interim Report) (14.11.2014)
- ix) Report No. 252 Right of the Hindu Wife to Maintenance: A relook at Section 18 of the Hindu Adoptions and Maintenance Act, 1956 (06.01.2015)
- x)

5. The 20<sup>th</sup> Law Commission prepared following Consultation papers and circulated to elicit views/opinion from the public and concerned groups:

- i) Consultation Paper on Media Law (May, 2014)
- ii) Consultation Paper on Capital Punishment (May, 2014)
- iii) Consultation Paper on Adopting a Shared Parentage system in India (November, 2014)

## **2.15 INCOME TAX APPELLATE TRIBUNAL (ITAT)**

### **I. ORIGIN:**

Section 252 of the Income-tax Act, 1961 provides that the Central Government shall constitute an Appellate Tribunal consisting of as many Judicial Members and Accountant Members as it thought fit, to exercise the powers and discharge the functions conferred on the Appellate Tribunal by the said Act. The Income-tax



Appellate Tribunal was established on 25<sup>th</sup> January, 1941, in pursuance of a similar provision contained in the Indian Income-tax Act, 1922.

## **II. CONSTITUTION:**

The Income Tax Act, 1961 provides that, a Judicial Member of the Tribunal shall be a person, who has for at least 10 years held a Judicial Office in the territory of India or has been a Member of the Indian Legal Service and has held a post in Grade-II of that service or any equivalent or higher post for at least three years or who has been an advocate for at least ten years. An Accountant Member shall be a person, who has for at least 10 years been in practice of accountancy (a) as Chartered Accountant under the Chartered Accountants Act, 1949 (38 of 1949) or as a Registered Accountant under any law formerly in force or partly as a Registered Accountant under any law formerly in force or partly as such registered Chartered Accountant, and partly as such Chartered Accountant or who has been a Member of the Indian Income Tax Service, Group A and has held the post of (Additional) Commissioner of Income-tax or any equivalent or higher post for at least three years.

## **III. POWERS AND FUNCTIONS:**

3.1 The Income-tax Appellate Tribunal, constituted under the Income-tax Act, deals with second appeals in all matters of direct taxes and appeals against the revision orders of administrative Commissioners as well as orders of acquisition of properties under Chapter-XX A of the Income-tax Act.

3.2 The powers and functions of the Appellate tribunal are exercised and discharged by the Benches constituted by the President of the Tribunal from amongst the Members thereof. A Bench consists of one Judicial Member and one Accountant Member. The President or any other Member of Tribunal authorized in this behalf by the Central Government may, sitting singly, dispose of any case which has been allotted to the Bench of which he is a Member and which pertains to an assessee whose total income as computed by the Assessing Officer in the case does not exceed five lakhs rupees and the President may, for the disposal of any particular case, constitute a Special Bench consisting of three or more Members, one of whom shall necessarily be a Judicial Member and one Accountant Member, subject to the provisions of the Income-tax Act, 1961.

## **IV. PROCEDURE AND RULES:**

4.1 The Appellate Tribunal has the power to regulate its own procedure and the procedure of its Benches in all matters arising out of the exercise of its powers or in the discharge of its functions, including the places at which the Benches shall hold their sittings.

4.2 The Appellate Tribunal has, accordingly, framed its own rules called the Income-tax (Appellate Tribunal) Rules, 1963. The said Rules are best suited for the expeditious disposal of all matters pending before the Income-tax Appellate Tribunal. The Tribunal functions not only as the final fact finding authority in matters concerning Income-tax but also in all matters of taxation such as Wealth-tax, Gift-tax and Expenditure tax etc. The Appellate Tribunal is manned by efficient personnel discharging their functions to the best of their ability and holding the scales of justice evenly between the tax payer and the Revenue without fear or favour.

4.3 Generally, appeals are heard by a Bench consisting of one Accountant Member and one Judicial Member. However, in appropriate cases, at the discretion of the President, a Bench may consist of more than two Members.

4.4 The matters which the Appellate Tribunal disposes of are of vital importance involving revenue to the tune of millions of rupees. The Tribunal is entrusted with the responsible task of deciding intricate questions of law and fact. The presence of both the Judicial and Accountant Members guarantee

that questions of fact which arise for their consideration are properly enquired into and that the accountancy point, as also the legal angle, have been weighed properly. The Tribunal allows the representatives of both the parties to appeal before it and invariably hears them before passing any order. The Members hear the parties, peruse the evidence on record, make their own notes, refer to the authorities cited at the Bar and then pass final orders. The procedure is, by itself, a guarantee that questions of facts are properly and judicially decided and inference drawn by the Tribunals are beyond reproach.

## V. PENDENCY OF APPEALS:

5.1 At the beginning of the year 2014, the Pendency of the appeals was 83744 and as on 1<sup>st</sup> January, 2015, the number of appeals pending in the Income-tax Appellate Tribunal stands at 100567. The detailed statement showing comparison of number of Members, Institution, Disposal and Pendency for the year 2013 and 2014 is as under:-

Year	No. of Members	Institution	Disposal	Pendency
2013	78	45760	32848	83732
2014	68	46652	29817	100567

5.2 It will be seen from the following table that the commitment to reduce pendency is showing encouraging results after all the newly created Benches were made functional:

Year	Institution	Disposal	Pendency at the end of year
2004-2005	57331	78901	137164
2005-2006	45283	73979	108468
2006-2007	43192	65524	86136
2007-2008	44356	59653	70839
2008-2009	40372	55889	55322
2009-2010	41648	49353	47617
2010-2011	44250	36293	55574
2011-2012	42346	33816	64104
2012-2013	43934	33752	74286
2013-2014	46031	31886	88643
Upto 1.1.2015	34219	22295	100567

## VI. EFFORTS FOR REDUCTION OF PENDENCY:

6.1 Necessary instructions have already been issued to all the Benches to scrutinize and identify cases,

which are covered by decisions of I.T.A.T., High Courts, and the Supreme Court and post them on priority basis. This includes group and small matters. The Bar is also requested to bring to the notice of I.T.A.T., all such covered cases for out of turn posting. Besides, Search & Seizure and Appeals u/s 263 are also being given priority in their disposal. A special drive started some time ago to dispose of Single Member Cases is already showing remarkable progress in reducing SMC Pendency. Its impact in reducing the SMC pendency is as under:-

Month	Total Pendency
January, 2014	664
February, 2014	767
March, 2014	782
April, 2014	897
May, 2014	1003
June, 2014	1012
July, 2014	1024
August, 2014	1009
September, 2014	1068
October, 2014	1072
November, 2014	1071
December, 2014	1134

The pendency figure of Wealth Tax Cases is as under:-

Month	Total Pendency
January, 2014	369
February, 2014	381
March, 2014	414
April, 2014	473
May, 2014	497
June, 2014	518
July, 2014	515
August, 2014	479
September, 2014	484
October, 2014	491
November, 2014	494
December, 2014	508

6.2 There are 63 sanctioned Benches of the I.T.A.T. wherein the required strength of the Members is 126 and presently have 68 Members and some of the Benches are not regularly functioning resulting in increase of pendency thereof. The Government conducted interviews during the month of April, 2014 to June, 2014 at various stations i.e. Delhi, Mumbai, Chandigarh, Chennai, Hyderabad, Kolkata, Bhubaneshwar etc. to fill up the vacant post of 48 Members of the ITAT and presently other formalities are under process. On joining of new Members, the ITAT would be in a better position to reduce the pendency further.

6.3 Due to inadequate number of Members, several Benches of the Tribunal have become non-functional causing difficulties to litigants and increase in pendency of appeals, and this has become a matter of great concern to the Tribunal. Therefore, there is a need to utilize information for dispensation of justice in the I.T.A.T. by introducing E-Courts/E-Benches and it will make non functioning Benches operational to reduce pendency of these Benches. Accordingly, Nagpur Bench has been connected to Mumbai Benches and started

E-Court hearing of appeals by video conferencing since 10.12.2012 successfully.

6.4 Inspired by the successful functioning of e-Court at Nagpur Bench, ITAT is planning to setup E-Court at ITAT, Rajkot connecting to ITAT, Mumbai/New Delhi. A meeting with the Bar Associations and the Income Tax Department has been convened and the idea of setting up E-Court at Rajkot has been overwhelmingly welcomed. Accordingly, all technical infrastructures have been put in place. Very soon, the E-Court at ITAT, Rajkot connecting to ITAT, Mumbai/New Delhi will be made functional.

7.5 During the year 2014, 46652 appeals under various acts have been instituted before the Tribunal and the Tribunal disposed of 29817 appeals which show that ITAT is discharging its functions very efficiently as the percentage of disposal stand at 63.91%.

## **VII. COMPUTERISATION:**

7.1 The process of computerization started in the Income Tax Appellate Tribunal in early 2000s and in recent years, this process has gained great momentum with several innovative projects being implemented in day-to-day activities of the Tribunal. Over the years, various projects have been undertaken and implemented by the Tribunal to live upto its motto “**Sulabh Nyay- Satvar Nyay**”.

## **ACHIEVEMENTS:**

- (a) **ITAT Online Project:** This pilot project is the first initiative to automate the process of judicial administration in the Tribunal starting from receipt and registration of appeals and applications till disposal and uploading of Tribunal orders. This project was commissioned and implemented in all Benches of the Tribunal in phased manner. ITAT Online is a web-based application which can be accessed from anywhere and anytime. As of now, all Benches of ITAT have been connected to the ITAT Online database and activities like registration, data updation, Tribunal order uploading, etc. are being carried out through the web application. Web-cum-Database Server of this Project has been setup in-house and connected by an exclusive high speed 4 Abps (1:1) Internet Leased Line on Fiber Optic Cable technology.
- (b) **ITAT Official Website:** As an extension to the ITAT Online Project, Official Website of Income Tax Appellate Tribunal has been created and commissioned to deliver judicial and general information to the general public. Dynamic information like Cause Lists, Constitution, Case Status, Order Search, Pronouncement Search, etc. have been provided to cater the judicial information needs of the litigants before the Tribunal. This apart, static information like Holiday Lists, Tenders & Auctions, Notice Board, Right to Information, etc. has been made accessible to the litigants in particular and public in general. This website has been widely used and appreciated.
- (c) **NICE Mail:** In furthering the utilization of Information and Communication Technology in general administration and effective communication between various Benches, Members and officers, ITAT has subscribed for E-Mail services offered by National Informatics Centre. NICE Mail accounts have been created for all Benches, Zones, Members, Registry Officers, Sr. PS/PS and all sections of Head Office. In recent years, due to its ease, fastness, simplicity and economic-any-ecological advantage over conventional methods of communication, usage of E-Mail has started to gain acceptance of the users.
- (d) **Infrastructure Upgradation:** ITAT has always been conscious that better computerization needs better infrastructure. Accordingly ITAT has been replacing the old and obsolete computers, printers and other equipments with the latest ones in phased manner. 30 computers and printer have been purchased for the use of Members and staff of ITAT, Mumbai Benches. All Members of ITAT have already been provided with laptops for their official use.

## **VIII. Future Projects:**

**(a) Redevelopment of Official Website and Web Application**

(i) ITAT has been contemplating to revamp its Official Website and Web Application to make them more informative, user friendly and compliant to the guidelines and standards. Also, ITAT has given assurance to the Parliamentary Committee on Official Language to make the website and application fully and functionally bilingual. ITAT has also agreed to the request of Income Tax Department for sharing the ITAT Online data with the National Judicial Reference System (NIRS) project, for which also we have to make certain changes in the Web Application.

(ii) Accordingly, to fulfill the above requirements, ITAT has taken up redevelopment of the Bi-lingual Project. ITAT has also included in the project a new Citizen-to-Government(C2G) Module namely, 'e-Filing' to enable to litigants before the Tribunal to file appeals and applications online from their door-steps. Provision is also made in the Project to facilitate and ensure paperless environment in due course.

(iii) The development of this project is likely to start in the current financial year and sufficient funds have been earmarked for this project. ITAT is ambitious and committed to complete the development and inaugurate the new website and web application in this Platinum Jubilee year (2015) itself.

**IX. OWN BUILDINGS OF I.T.A.T.:**

9.1 To have its own office building I.T.A.T has made a beginning for acquiring office accommodation. And in that direction land is purchased for Income Tax Appellate Tribunal, Pune, Bangalore and Jaipur for office-cum residential quarters.

9.2 Ministry has conveyed the concurrence of their Competent Authority for Rs. 17,80,61,400 towards purchase of land for construction of office-cum-residential complex for ITAT, Lucknow Benches, Lucknow.

9.3 Ministry has also conveyed the concurrence of their Competent Authority for Rs. 17,70,50,675/- towards construction of office-cum-residential complex and soil investigation on the land acquired by ITAT, Pune Benches, Pune at Akurdi, Pune.

9.4 Ministry has further conveyed the concurrence of their Competent Authority for Rs. 15,07,65,092/- towards construction of office building for ITAT, Bangalore Benches, Bengaluru at Surve No. 51, BTM Layout, Tavarekere Village, Bengaluru.

9.5 Ministry has approved the proposal to hire two flats at Vision Park-II, D-Block, Miramar, Tonca, Goa by the Income Tax Appellate Tribunal for use of two Members of the Income Tax Appellate Tribunal, Panaji Bench, at a rent of Rs. 40,000/- each per month and accordingly acquired the said flats by Members of ITAT, Panaji.

9.6 Ministry has conveyed the concurrence of the Competent Authority to the tune of Rs. 57,04,433/- towards carrying out addition/partition/alteration/electrical work for new office premises of ITAT, Ranchi Bench, Ranchi. The said work is in progress and will be completed in the end of February, 2015.

9.7 Government of Odisha has been allotted a plot of land measuring 1.601 Acre situated at CDA, Cuttack to the Income Tax Appellate Tribunal, Cuttack Bench for construction of office building and staff quarters. The construction work for official building and staff quarters at ITAT, Cuttack would be started on execution of lease deed before competent authority.

9.8 As informed by the CPWD, Jaipur, construction work on the plot of land i.e. G-4, Rajamal Residency Area, C-Scheme, Jaipur, acquired by ITAT which is under process and accordingly, the said work would be completed in the first week of September, 2015 as per agreement.

## **X. Facilities for Members:**

9.1 The Hon'ble Supreme Court of India vide order dated 19.9.2003 in SLP (L) Mos.6905/1998 & TP(C) Nos. 659 and 672-673 of 1998 in the case of Union of India and others Vs. All Gujrath Federation of Tax Consultants had directed the Government to provide the various facilities to the Members of Income Tax Appellate Tribunal and every effort has been made by the ITAT to provide the said facilities to the Members.

## **XI. BENEVOLENT FUND:**

11.1 A Benevolent Fund, the corpus of which has been built out of voluntary contributions by the officers and staff, also exists in the Income-tax Appellate Tribunal. The President, Income-tax Appellate Tribunal, is the patron. Officers and staff contributes voluntarily to this fund and disbursements are made to officials in need of medical or other emergent situations on the recommendation of Committee formed under the Rules.

## **XII. RIGHT TO INFORMATION ACT, 2005:**

12.1 It is being implemented by the Income Tax Appellate Tribunal.

## **XIII. IMPLEMENTATION OF OFFICIAL LANGUAGE POLICY:**

13.1 Official Language Implementation Committees have been constituted at all the Benches of Income-tax Appellate Tribunal, with a view to keeping a watch and providing guidance for proper implementation of the official language policy prescribed by Department of official language, Government of India.

13.2 Progress in achieving the targets set for Hindi correspondence and its implementation is monitored by the concerned Benches and their quarterly reports regarding progressive use of Hindi is regularly scrutinized by Head Quarters at Mumbai Income Tax Appellate Tribunal. Training in Hindi/Hindi Typing/Hindi Stenography is offered by nominating sufficient No. of officials under Hindi Teaching Scheme., Department of official language, Government of India.

13.3 Hindi workshops are also held in the Benches for proper implementation of the Official Language Policy and to encourage the use of Hindi and to remove the hesitation of officers / employees to work in Hindi.

13.4 Every endeavor is being made for the progressive use of Hindi by putting the Hindi Work as much as required in accordance with the provisions of the Official Language Act, 1963.

13.5 This year sufficient funds were provided to purchase Hindi Books at all these Benches. As per the implementation of official language policy in all offices of Income Tax Appellate Tribunal to make an expenditure of the purchase of Hindi Books which is 50% of total library grant was allotted this year, in accordance with the target fixed by the Department of official language, Government of India.

13.6 With a view to create awareness about the use of Hindi in official work as well as to accelerate the pace of its progressive use, Hindi Day & Hindi Fortnight have been organized at all benches.

## **2.16 APPELLATE TRIBUNAL FOR FOREIGN EXCHANGE (ATFE)**

The Appellate Tribunal for Foreign Exchange (ATFE) was established under section 18 of Foreign Exchange Management Act (FEMA), 1999. Under section 19 of FEMA, the Central Government or any person aggrieved by an order passed by Special Director, Enforcement Directorate, or made by an Adjudicating

Authority other than referred to in sub-Section (1) of Section 17, may prefer an appeal to the Appellate Tribunal that may be filed within 45 days from the date of receiving the order by the aggrieved person or after depositing the penalty amount.

In the year 2013, the Tribunal has decided only 27 matters but since Justice V.K. Mathur, the Hon'ble Chairperson has joined this Tribunal, about 29 matters have been decided while about 61 interim applications like dispensation of pre-deposit, application for condonation of delay and other miscellaneous applications have been passed & disposed. Final and interim orders/judgments are also being published in the law journal like Taxman and Manupatra. Some of the leading judgments have already been published and rests of the orders/decisions are under publication. The Tribunal is pursuing proposal for the development of its own website with the help of FNIC so that the litigants may have access it. Proposal for library, restructuring of staffing, grant of financial powers etc. are being pursued.

### **Composition of the Tribunal**

Section 20(1) The Appellate Tribunal shall consist of a Chairperson and such number of Members as the Central Government may deem fit. At present One Chairperson and two full time Members are functioning.

Phone No.

- |  |              |
|--|--------------|
| 1. Justice Vinay Kumar Mathur, Hon'ble Chairperson                                   | 011-23316359 |
| 2. Dr. H.K. Mudgil, Hon'ble Member   | 011-23738154 |
| 3. (Vacant) Member   | 011-23711710 |
| 4. Shri Jagannath, A.L.A./Registrar, also<br>First Appellate Authority under RTI Act | 011-23714281 |
| 5. Shri Rakesh Kumar, PS, also C.P.I.O. under RTI Act                                | 011-23738154 |

The statement showing the total number of pendency, disposal of appeals and filing of fresh appeals during the year of 2014 is as under. The statement is based on as per the record/information available with the registry:-

Total number of pending matters at the end of year 2013	Total number of fresh appeals filed during the year of 2014.	Total number of matters remanded back by the different High Courts during the year of 2014	Total number of Appeals A+B+C	Total number of Appeals finally disposed of during the year of 2014	Number of Interim Applications/ Misc/ matters disposed off during the year of 2014	Total number of pending Appeals at the end of year 2014
870	96	11	977	49	61	977-49= 928

### **2.17 THE INDIAN LAW INSTITUTE (ILI)**

**Introduction:-** The Indian Law Institute is a Premier Legal Research Institute in the country, established on December 27, 1956. The objectives of the Institute are to cultivate the science of law, to promote advanced studies in legal research with a view to relating law with socio-economic development and needs of the people, to ensure systematization of law, to encourage and conduct investigation in legal and related fields, to undertake documentation of important legal materials, to improve legal education system, and to publish studies in the form of books and periodicals. Hon'ble Chief Justice of India is the Ex-officio President of the

Institute. The Institute has been granted Deemed university Status in 2004 vide Government of India, Ministry of Human Resource Development Notification No. F.9-9/2001-U.3 dated 29.10.2004.

## Academic Programmes

After the declaration of Deemed University in the year 2004, the institute launched research oriented LL.M. programme. The admission in LL.M. programme is strictly on merit in Common Admission Test (CAT). Presently, the following programmes are conducted by the institute:-

Programme(s)	Students Enrolled in academic session 2014-15
LL.M.- 1Year (Full Time)	25
LL.M.-2 Year (Full Time)	37
P.G. Diploma Courses (Alternative Dispute Resolution, Corporate Laws and Management, Cyber Law and Intellectual Property Rights Laws)	191
Ph.D in Law	05
Total No. of Students	258

- There are 24 scholars enrolled for Ph.D. Programme as on date.
- The Institute also conducts on line e-learning certificate courses on IPS and Cyber Law of three months duration. The online Cyber Law Course batch No. 17,18 & 19 was completed and Batch of 28,29 & 30 of Online IPR course was completed.

### Performance-cum-achievement Report (from 1.4.2014 to 31.12.2014)

#### A. Research Publications Released

##### i. Journal of Indian Law Institute (JILI)

The Indian Law Institute has been publishing the quarterly journal, the Journal of the Indian Law Institute (JILI). It contains research articles on topics of current importance. It is a referred journal of international repute.

##### ii. Index to Indian Legal Periodicals

The Index to Indian Legal Periodicals, published yearly by the Indian Law Institute, indexes periodicals (including year books and other annual publications) pertaining to law and related fields being received by the ILI Library.

##### iii. ILI Newsletter (Quarterly)

The Indian Law Institute has been publishing quarterly 'ILI Newsletter'. The newsletter contains details of the activities undertaken by the Institute during the quarter and the forthcoming activities. It also carries the *case comments by the ILI Research faculty* on the leading cases decided by the Supreme Court during the quarter.

##### iv. Digitization of Library Documents

The ILI digitized more than 2.5 lakh pages of the ILI publication and rare documents and



available in DVD form.

#### Activities in ILI(Seminar/conference/training/workshop/visits/special lectures)

- Students of Erasmus School of Law, Erasmus University of Rotterdam, Netherlands visited Institute on 3.4.2014 during their Corporate Law Tour in India for a Corporate Research Project.
- Visit of students of Bimal Chandra college of law, Murshidabad on 4.4.2014.
- Hon'ble Mr. Justice Kalyan Shrestha, Judge, Supreme Court of Nepal led a delegation from Nepal visited the Indian Law Institute on 29.5.2014.
- As approved by the Academic Council, CAT for admission to the LL.M. Programmes was conducted on 14.6.2014 at Delhi.
- Seminar on Need for Restraint in Expressing Views in Subjudice Matters at Cuttack was organized on 21.6.2014.
- Prof.(Dr.) S. Sivakumar visited the Supreme court of Bhutan on 26.6.2014 to discuss about the Restatement of Indian Law Project with the Hon'ble Chief Justice of Bhutan Mr. Lyonpo Sonam Tobdye.
- As approved by the Academic Council, admission test for Ph.D. was conducted on 10.8.2014. Five candidates have been selected on merit for admission to Ph.D. programme 2014.
- Students of Hoogly Mohsin College, West Bengal visited the institute on 27.8.2014.
- Shri Kishore Singh, UN Special Rapporteur, Right to Education United Nations, Geneva/New York visited the institute on 2.9.2014.
- Students of Mody University of Science and Technology, Lakshmangarh, Rajasthan visited the institute on 9.9.2014.
- Students of Durgapur Law College, West Bengal visited the institute on 15.9.2014.
- Training programme for the officers of National Human Rights Commission (NHRC) was organized from September 19-20, 2014 and 17.10.2014
- Workshop on prosecution complaint under PMLA was organized by Enforcement Directorate on 01.11.2014 inaugurated by Hon'ble Mr. Justice Anil R. Dave, Judge, SC.
- The Institute is organizing its First Annual Law Conference on the theme "Human Rights: Contemporary Issues and Challenges" on 10.12.2014
- The Institute organised a conference in association with NHRC on December 20-21, 2014.
- Twelve Special Lectures/Interaction with ILI faculty members/students were conducted.

#### Projects

- The National Investigation Agency (NIA) Ministry of Home Affairs, Govt. of India has entrusted a project to prepare a compendium of Terrorism Related cases and to draft a model investigation and procedural manual". The work is under progress.
- The project on "Meaning and status of pendency in Allahabad High Court and Calcutta High Court" entrusted by Department of Justice, Ministry of Law and Justice is under process.
- The CBI Academy Ghaziabad has entrusted a project for the development of a module on Primacy of Rule of Law to be introduced in the training modules for the officers of the CBI and other law enforcement agency.
- Restatement of Indian Law: Hon'ble Chief Justice of India, President of ILI has constituted the "Restatement of Indian Law Committees" on Direct-Indirect Taxes, Constitutional law and Criminal law.

**FORECAST OF ACTIVITIES  
(FROM 1.1.2015 TO 31.03.2015)**

## **I. Publications**

The following research publications are proposed to be published during the above period:

- i. Journal of the Indian Law Institute (Quarterly publication)
- ii. ILI Newsletter with Case Comments and Legal Jottings (Quarterly publication)
- iii. Annual Survey of Indian Law – 2013 (already under print)
- iv. New Book on “Environmental Law” and revision/updation of books on A Treatise on Consumer Protection Laws”and “Right to Bail”.

## **II. TRAINING PROGRAMMES/ SEMINARS/ RESEARCH PROJECTS**

- i. The Finance Committee, Academic Council, Library Committee, Fund Utilization Committee and Administrative Committee meeting of ILI are expected during the above period to finalize various issues.
- ii. Four Special Lectures/Interaction with ILI faculty members/students have been planned.

## **III. Examination/admission:**

- (i) End Trimester/Semester Examination of LL.M. 1/2/3 Years will be commenced during the above period /June 2014.
- (ii) P.G. Diploma Courses will be completed and exam will be held during the above period/April, 2014.
- (iii) E-learning Courses batch No. 20 of Online Cyber Law & 31 of Online IPR Course will be completed by March, 2014

## **2.18 The International Centre for Alternative Dispute Resolution (ICADR)**

The International Centre for Alternative Dispute Resolution (ICADR) was registered under the Societies Registration Act, 1860 on 31<sup>st</sup> May, 1995. It is an autonomous organisation working under the aegis of the Ministry of Law and Justice, Government of India, with its Headquarters at New Delhi and Regional Centres at Hyderabad and Bengaluru. It has been established to promote, popularise and propagate alternative dispute resolution methods to facilitate early resolution of disputes and to indirectly reduce the burden of arrears in Courts.

## **2. Rules and Bye-laws framed and adopted by ICADR**

- a. The ICADR Arbitration rules, 1996 (including provisions for Fast Track Arbitration)
- b. The ICADR Conciliation Rules, 1996
- c. The ICADR Mini Trial Rules, 1996

- d. Rules and Regulations
- e. Financial Bye-Laws
- f. Service Bye-laws
- g. BBye-laws for Regional Offices

### **3. Arbitration Cases**

(i) The Centre at New Delhi has so far received 48 cases for arbitration and 3 cases for conciliation 4 cases for conciliation. . The Arbitral Tribunals have disposed of 39 arbitration cases and hearings in remaining 9 cases are in progress.

(ii) ICADR continues to receive several requests from Departments of the Government of India/PSU's for appointment of arbitrators in cases where Government of India is a party. The ICADR has been furnishing panels of arbitrators to the Government of India for appointment of arbitrators.

(iii) Arbitration Halls at the offices of the Centre at New Delhi and Hyderabad are being utilised frequently by the Government Departments, PSUs and Private parties for conduct of Arbitration Cases on payment of nominal charges by the parties. Since October 2005 till 15<sup>th</sup> December, 2014, 577 hearings by different Ministries and other parties and 429 hearings by Arbitrators appointed by ICADR in various cases have taken place in ICADR's new Headquarters building. Similarly 710 hearings by Arbitrators have taken place in Regional Office Hyderabad from 1999 till 15<sup>th</sup> December, 2014.

### **4. Seminars/ Workshops/Training Programmes/Lectures/Diploma Courses**

The ICADR organised one International Conference, four Training Programmes in Mediation and ADR continues with its PG Diploma Courses in ADR (2014) and FDR (2014) during the above mentioned period. ICADR, HQ has started its monthly News Letter in November, 2014.

### **5. Agreements**

The ICADR has Cooperation Agreements with the following Foreign Organisations:

- (A) The Arbitration and Mediation Centre of the World Intellectual Property Organisation of Geneva.
- (B) The Thai Arbitration Institute Bangkok
- (C) The Korean Commercial Arbitration Board, Seoul, (Korea)
- (D) The Chartered Institute of Arbitrators, London and
- (E) The Association of Arbitration Courts of Uzbekistan.

The said Agreements cover three areas, namely, mutual exchange of information, mutual assistance in the conduct of proceedings and mutual assistance in organising training and other activities.

ICADR has also entered into a Memorandum of cooperation(MOC) with the following organisations:

- (1) International Council of Consultants(ICC) and construction Industry Development Council (CIDC) to jointly work in collaboration with Singapore International Arbitration

Centre towards strengthening the ADR movement.

(2) India CIS chamber of Commerce and Industry, New Delhi mainly to popularize arbitration and mediation as means of settling disputes arising out of international and domestic commercial transactions.

ICADR has also entered into a Memorandum of Understanding(MOU) with the following organisations:

(1) Alternative Dispute resolution Centre, Kochi, Kerala for promoting ADR in Kerala and jointly organizing training Programmes/Seminar/sConferences on Mediation and Arbitration and also undertaking Resrach Studies in the field of ADR.

(2) National Law University, Delhi to jointly conduct P.G. Diploma Courses in Alternative Dispute Resolution, Family Dispute Resolution both on regular basis and through proximate education and for conducting Training Programmes in Arbitration and Mediation.

(3) Damodaram Sanjivayya Natinal Law University (DSNLU, Visakhapatnam. Under this MOU, DSNLU will be conducting PG Diploma in ADR (Regular Cou8rse for 6 months) at Vishakhapatnam in collaboration with ICADR.

(4) ICADR has also entered into a Memorandum of Understanding with Jindal Global Law School, O.P. Jindal Global University, Sonipat, Haryana, India to jointly promote the learning and teaching of ADR methods and research therein by developing new Courses and organizing various Workshops, Seminars, Conferences, Training Programmes etc. in the field of ADR.

Strength of Women employeeyes/SC/ST/OBC/Handicapped:

	Headquarters	Hyderabad	Bengaluru
Total employees	25	10	3
Female Employees	6	1	1
SC	4	-	-
ST	1	-	-
OBC	3	5	1
Handicapped	-	-	-

The female employees are getting all facilities as per Government Rules.

Forecast of likely activities during 1.1.2015 to 31.3.2015:

1 ICADR, Headquarters in association with National Law University, Delhi plans to start P.G. Diploma Courses in ADR and Training Programmes in Arbitration and Mediation.

2 ICADR, Headquarters proposes to organize Training Programme in Mediation and Arbitration.

3 ICADR, Regional office, Hyderabad plans to organize various Training Programmes on ADR and also continue with its P.G. Diploma Courses in ADR and FDR and will soon advertise for the said Courses for 2015.

4 ICADR, Regional office, Bengaluru plans to organize 3 Training Programmes and 1

workshop on ADR during this period.

## **2.19 BAR COUNCIL OF INDIA**

The Bar Council of India was constituted under 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 laydown, maintain and improve the standards of legal education in the country. While the State Bar Councils are the authorities for enrolment as Advocates, the State Bar Councils and the Bar Council of India enforce discipline among Lawyers. The Bar Council of India acts as appellate authority in respect of disciplinary matters.

The Bar Council of India meets at regular intervals to transact business in accordance with the agenda circulated to the Members. At the meetings, the Council also conduct removal proceedings under Section 26(1) where persons are enrolled either by misrepresentation or by suppressing essential facts, deals with references received from State Bar Councils under Section 26(1) where the State Bar Council propose to reject the enrolment application on one reason or other and hear and decide revision petitions under Section 48A of the Advocates Act, 1961 where complaints against advocates for professional or other misconduct filed by individuals are dismissed by State Bar Councils summarily.

The Bar Council of India generally meets once in three months. From 01.4.2014 to 31.12.2014 Bar Council of India held its General Council 10 meetings. The Council during the above meetings considered 19 references under Section 26(2) of the Advocates Act 1961, out of which 7 accepted, 4 rejected 1 reminded back and 7 are still pending.

The Legal Education Committee consists of 10 Members, out of which 5 members are members of the Bar Council of India and 5 Members are co-opted from outside under Section 10(2b) of the Advocates Act, 1961. During this period Legal Education Committee held 6 meetings.

The Bar Council of India has sent various inspection teams consisting of its members and the reports submitted by the team are placed before the Legal Education Committee and the decision are taken in accordance with the recommendation of the Legal Education Committee. The Bar Council of India on the basis of inspection report and recommendation of the Legal Education Committee granted approval of affiliation to 92 new colleges. The Council granted extension of affiliation to 223 existing colleges during above period. The Legal Education Committee also declined affiliation to 2 college and have given show cause notice to 14 colleges as to why their affiliation should not be withdrawn pointing out the deficiencies such as lack of facilities and infrastructure.

The Executive Committee consists of 9 Members of the Bar Council of India and is elected for 2 years. During the above period Executive Committee held 3 meetings.

One of the important function of the Bar Council of India is to lay down the standard of professional conduct or etiquette for Advocates under Section 7(1)(b),(c) read with Section 49(1)(c) of the Advocates Act, 1961 and enforce the same among the Advocates. The Disciplinary Committee held 72 meetings upto 31.12.2014 during which it disposed/dismissed 53 cases.

The Bar Council conducted All India Bar Examinations on 7<sup>th</sup> September, 2014 and November, 2014.

It is expected that two Council meetings, one Legal Education Committee meeting and two executive committee meetings will be held during the period of 1.1.2015 to 31.3.2015.

## **2.20 Institute of Constitutional and Parliamentary Studies (ICPS)**

The Institute of Constitutional and Parliamentary Studies was set up on 10<sup>th</sup> December, 1965 with an aim to promote and provide for Constitutional and Parliamentary Studies with special reference to the evolution and working of the Indian Constitution in all its aspects.

#### Performance Report of the Institute for the Period 1.4.2014 to 31.12.2014

During the period under report, following activities have been taken at the Institute:

#### **Diploma Courses**

Institute offers Parliamentary Fellowship Programme and two diploma courses, one in Constitutional Law and another in Parliamentary Institutions and Procedures. The three courses offered by the Institute are post-graduate part-time courses and are an annual feature. Classes for the three courses are held in the evening at the Institute's premises. Since Institute does not have its own faculty, therefore, guest faculty is hired from outside to deliver lectures for the three courses.

Admissions to the three courses for the current academic year 2013-14 were held in the June-July 2013 a total of 47 students have been enrolled for the three courses. Subsequent to an Induction Programme organised during last week of July 2014 for the benefit of the students, classes for the courses are being held since Aug 02, 2014.

#### **Journals**

Institute published two quarterly research journals viz. Journal of Constitutional and Parliamentary Studies (in English) and Loktantra Samiksha (in Hindi). The two are prestigious and well referred publications of the Institute having ISSN: 0022 – 0043 and ISSN: 0024 – 595X, for the English and Hindi journal, respectively.

During the period under report, Jan-June 2014 issues of both the journals have been edited and would be published soon. Also the work of editing of scripts for the July-Dec issues of both the journals is in progress.

#### Forecast of Activities for the Period 1.1.2015 to 31.3.2015

#### **Research and Academic Activities**

The Executive Council of the Institute, which met on Dec 15, 2014 under the chairmanship of Shri S.S. Ahluwalia, MP (Lok Sabha) and the newly designated Senior Vice-President of the Institute deliberated at length on issues related to the Institute including its research and academic activities. The Executive Council is meeting again on Dec 22, 2014 *inter alia* to draw a chart of research and academic activities to be undertaken by the Institute.

#### **Diploma Courses**

Examination for the students of three courses for the current academic session 2014-15 would be conducted in Feb-March 2015 subsequent to the completion of course curriculum. The students of Fellowship Programme have to submit a Project Report on a theme decided by them in consultation with the faculty which is followed by viva-voce examination. The students of the two diploma courses have to write their written examination besides submitting an essay paper.

#### **Journals**

During the remaining period for the current financial year, Jan-June 2014 issues of both the journals would be published.

Also, the July-Dec 2014 issue of both the journals, which are being edited presently, would be published before the end of the year 2014-15.

### **3. RESULTS FRAMEWORK DOCUMENT (RFD)**

The Central Government has taken a decision to put in place the Performance Monitoring and Evaluation System (PMES) in respect of every Ministry/Department. Results Framework Document (RFD) is the central instrument which has been designed for implementing the PMES. The Performance Management Division in the Cabinet Secretariat monitors the preparation and working of RFD. The RFDs for Department of Legal Affairs have been prepared, finalised and uploaded on the website of this Department. The tasks as per the RFD 2014-2015 are being undertaken to achieve the goal of best performance by the Department.