

Jaisalmer House,
26, Mansingh Road, New Delhi – 11.
Dated: 13.02.2017.

OFFICE MEMORANDUM

Subject: **Minutes of Eighth Meeting of Project Sanctioning Committee (PSC) to consider Research / Project Proposals received under 'Plan Scheme for Action Research and Studies on Judicial Reforms' - Regarding.**

Please find enclosed herewith minutes of eighth meeting of Project Sanctioning Committee (PSC) chaired by Secretary, Department of Justice, on 05th February, 2018 to consider Research / Project Proposals received under 'Plan Scheme for Action Research and Studies on Judicial Reforms' for your kind information and record.



(Z. A. Khan)

Under Secretary to the Government of India

Enclosure: As Above.

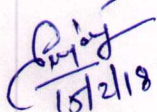
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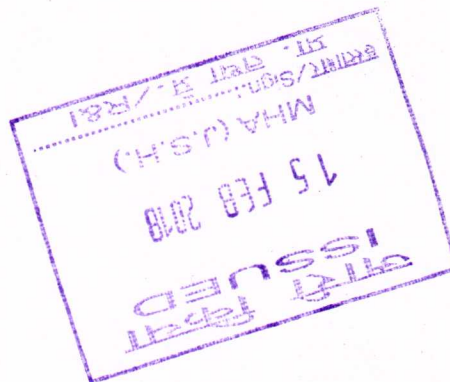
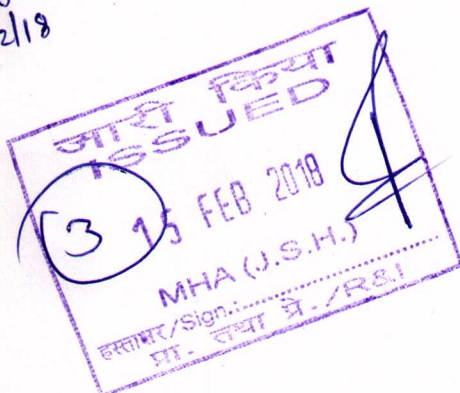
Members of the Project Sanctioning Committee:

- P.R. No. 5/2018
1. Additional Secretary and Financial Advisor (Law and Justice), Ministry of Law and Justice, Shastri Bhawan, New Delhi.
 2. Secretary General, Supreme Court of India, New Delhi.
 3. Joint Secretary and Mission Director, Department of Justice, Jaisalmer House, 26-Mansingh Road, New Delhi.
 4. Joint Secretary, Law Commission of India, 2nd Floor, B-Wing, Lok Nayak Bhawan, Khan Market, New Delhi – 110 003.
 5. Director, Indian Law Institute, Opposite Supreme Court of India, Bhagwan Das Road, New Delhi.
 6. Director, National Judicial Academy, Bhadbhadha Road, Suraj Nagar P.O., Bhopal, Madhya Pradesh.

Copy to:

PSO to Secretary (Justice)


15/2/18



Minutes of the Eighth Meeting of the Project Sanctioning Committee (PSC) of the "Scheme of Action Research and Studies on Judicial Reforms" held on February 05, 2018 in Jaisalmer House, New Delhi

The Eighth meeting of the 'Project Sanctioning Committee (PSC)' to consider research/project proposals received under 'Scheme for Action Research and Studies on Judicial Reforms' was held on February 05, 2018 at Jaisalmer House, New Delhi under the Chairpersonship of Secretary (Justice), Shri (Dr.) Alok Shrivastava. The list of participants is attached (*Annex- I*).

Secretary (Justice) welcomed all the members of the Committee present at the meeting and requested Joint Secretary & Mission Director of National Mission for Justice Delivery and Legal Reforms (Joint Secretary (MD)) to initiate discussion on the proposals that were short-listed for the consideration of the P.S.C.

List of 11 proposals for consideration of the meeting was shared beforehand. The eleven proposals were gone through by the members and the following decisions were taken:-

Proposal I- "Access to Justice to All: A study for improving effectiveness of Gram Nyayalayas and accelerating the implementation of Gram Nyayalayas Act, 2008" from National Law University, Delhi

The research study proposes to investigate the effectiveness of Gram Nyayalayas constituted under the Gram Nyayalayas Act, 2008. The study aims to highlight that the objective of the Act was not to reduce pendency of cases and the efficacy of the legislation can be measured only by understanding the access to justice to rural citizens.

Decision: The Committee after deliberations did not approve the proposal since the Indian Law Institute has already undertaken a study on functioning of Gram Nyayalayas in Madhya Pradesh.

Proposal II- "Globalization of Legal Services: An agenda to empower the Indian Legal Profession" from NALSAR University of Law Hyderabad.

The study proposes to study the implications of the WTO legal regime on the Indian legal profession and assess whether the Indian Legal Professionals are equipped to face global competition. It also proposed to examine whether WTO legal Cells were required to be established in the High Courts.

Decision: 3 projects have already been assigned to NALSAR under the Scheme and there has been considerable delay in submitting the 2 of the projects, so the Committee was not interested in assigning any further projects to NALSAR. Further, the Committee was of the opinion that project proposal does not fall within the domain of the DoJ and therefore, such a proposal should be considered by the Indian Institute of Foreign Trade rather than the DoJ.

Proposal III- “Analysis of case pendency using Big Data” from Administrative Staff college of India (ASCI), Hyderabad.

The research study proposes to identify the causes of pendency of cases in High Courts and Subordinate Courts by analyzing the publicly available data from the Case Information System (CIS) and to undertake consultations with stakeholders to generate ideas and to validate the findings from analysis.

A similar study had already been conducted by the Judicial Academy Jharkhand and DAKSH, Bengaluru under the present Scheme.

Decision: Given the above, the Committee did not approve the project proposal.

Proposal IV: “Status of Undertrial prisoners (with reference to Ernakulam and Kottayam districts of Kerala)” from Jawaharlal Memorial Social Welfare and Public Cooperation Centre, Kerala.

This proposal is aimed at ensuring proper implementation of various provisions of the Cr.P.C to protect the rights of the under-trials in the criminal justice system.

No study on the Undertrials has been granted so far under the scheme.

Decision: The Committee after deliberations did not approve the project proposal. It was suggested that the research organization could be asked to consult the Under-Trial Review Committee and the District Judges of Ernakulam and Kottayam Districts, Kerala and thereafter submit a revised proposal.

Proposal V: “Exploring reasons and remedies for delays in Criminal Justice System in India” from National Law University Odisha, Cuttack.

This proposal intends to study the patterns of pendency of criminal cases, its reasons and effects in six States and to come up with a litigation management policy and suggest innovations to remove procedural hurdles.

A similar study has been conducted by the Judicial Academy Jharkhand and DAKSH, Bengaluru under the present Scheme.

Decision: Given the above, the Committee did not approve the project proposal.

Proposal VI: “Resolving pending cases through Alternative Dispute Resolution under Section 89 of Civil Procedure Code: A Case Study” from Gujarat National Law University, Gandhinagar.

The proposal intends to analyse how courts are implementing Section 89 of Civil Procedure Code and how advocates and parties of the Civil disputes are utilizing this provision. The researchers also proposed to analyse which disputes are mostly referred under Section 89 and which type of ADR mechanism are preferred by the parties and courts under Section 89 referral.

Decision: The Committee approved the project proposal, in principle, but decided that the applicant may be asked to submit a revised proposal after reducing the tenure to 12 months and increasing the researchers if needed and to explain as to how the researchers propose to examine the mindset of litigants, advocates and judges as mentioned in objective 2.

Proposal VII: “Scientific framework for measuring performance parameters of Subordinate courts” from Vision India Foundation, New Delhi.

The proposal intends to procure data from eCourts portal, classify them into various stages of pendency, identify bottlenecks and recommend measures to expedite the case flow and reduce pendency.

Decision: Considering that the applicant has not shown any background in conducting legal research and studies, the Committee did not approve the project.

Proposal VIII- "Documentation of Customary Laws of the North Eastern Region, India" from Law Research Institute, Eastern Region, Gauhati High Court, Guwahati, Assam.

The proposal intends to identify and compile the existing customary law practices of 6 tribes in the North- Eastern States of Assam, Tripura and Arunachal Pradesh. The proposal suggests that the study aims to document unique features of customary laws as practiced, role of women and gender equality in local administration and examine synergy between regular justice system and modern justice system

Decision: The Committee did not approve the proposal for the present, but wanted to know from the High Court of Gauhati as to what previous work on documentation of Customary Laws has been done.

Proposal IX- "Effective Access to Justice and Community dispute resolution in the State of Odisha" from National Law University, Odisha.

The project intends to introduce legal assistance clinics in districts with high pendency and introduce a mandatory course on alternative dispute resolution for third year law students. Create a legal helpline service to provide legal aid.

Decision: Considering that some of the activities overlap with existing schemes and programs of the Department of Justice, the Committee did not approve the proposal.

Proposal X- "Increasing the effectiveness of Para Legal Volunteers in Selected State Legal Service Authorities" from Multiple Action Research Group, New Delhi.

The study proposes to assess the effectiveness of the role of Legal Services Authorities in enhancing Access to Justice and finding ways to strengthening the legal awareness and capacity building.

Decision: The Committee decided to defer the project proposal at present since Multiple Action Research Group has already been told to resubmit the revised proposal.

Proposal XI-“ Increasing Access to Justice for all through comprehensive enhancement of functioning of the Legal Service Authorities in Selected States” from Multiple Action Research Group, New Delhi.

The study proposes to assess the effectiveness of para legal volunteers by studying the role of State Legal Services Authorities in this regard in the States of Assam and Arunachal Pradesh.

Decision: The Committee decided to defer the project proposal at present since Multiple Action Research Group has already been told to resubmit the revised proposal.

The Committee also considered various aspects of the implementation of the Scheme and decided the following:

- The proposal for expansion of the list of topics for inviting proposals under the Scheme was considered by the Committee and broadly agreed.
- It was decided that Department of Justice will compile the action take on the recommendations given in various reports during the last five years and review what further action need to be taken.
- Indian Law Institute shall make a presentation on the Report submitted by them on Gram Nyayalayas Act.
- It was decided that Law Commission of India and Indian Law Institute, shall be approached to get suggestions regarding good research agencies for awarding projects under the scheme.
- Description regarding Desk Research shall be included in the prescribed Format for submitting proposals under the scheme.

The Meeting ended with a vote of thanks to the Chair.

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Annexure-I

List of Participants of Fifth Meeting of Project Sanctioning Committee held on
05.02.2018

1. Shri (Dr.). Alok Shrivastav, Secretary (Justice), Chairperson.
2. Shri Ravinder Maithani, Secretary General, Supreme Court of India
3. Shri G.R. Raghavendra , Joint Secretary and Mission Director, Department of
Justice
4. Shri S.C.Barmma, Joint Secretary, Department of Justice.
5. Shri A.K.Upadhyay, Joint Secretary & Law Officer, Law Commission of India
6. Shri (Prof.) Manoj Kumar Sinha, Director, Indian Law Institute
7. Shri K. Suresh Kumar, Deputy Secretary, Finance, Legislative Department.
8. Shri C.K. Reejonja, Deputy Secretary, Department of Justice.