

File No. N-9/21/2018-NM
Government of India
Ministry of Law and Justice
(Department of Justice)

Jaisalmer House,
26-Mansingh Road, New Delhi- 110011
Dated: 03.08.2018

OFFICE MEMORANDUM

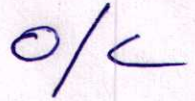
Subject: **Minutes of Ninth Meeting of Project Sanctioning Committee (PSC) to consider Research / Project Proposals received under 'Plan Scheme for Action Research and Studies on Judicial Reforms' - Regarding**

Please find enclosed herewith minutes of ninth meeting of Project Sanctioning Committee (PSC) chaired by Secretary, Department of Justice, on 30th July, 2018 to consider Research / Project Proposals received under 'Plan Scheme for Action research and Studies on Judicial Reforms' for your kind information and record.



(Girdhar G. Pai)

Director to the Government of India
Tel. No. 011-23072145



Encl: As above

Member of the Project Sanctioning Committee:

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 – 110003.
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)



Minutes of the Ninth Meeting of the Project Sanctioning Committee (PSC) of the "Scheme of Action Research and Studies on Judicial Reforms" held on July 30, 2018 in Jaisalmer House, New Delhi

The Ninth 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 July 30, 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 to initiate discussion on the proposals that were short-listed for the consideration of the P.S.C.

List of 20 proposals for consideration of the meeting was shared beforehand. The proposals were gone through by the members and the following decisions were taken:-

Sl. No.	Proposal	Decision Taken
1.	"Legal Response to Domestic Violence: A Study in Assam" Indian Institute of Technology, Guwahati.	The Committee after deliberations approved the proposal subject to condition that the implementing agency will be asked to submit a revised proposal after reducing the tenure of the project to 12 months with commensurate reduction in project cost. 'Reduced Cost' of the proposal will be put up and circulated to all Members for concurrence on Email.
2.	"Cyber Crimes-Issues and Challenges, Remedies under the Present law: A critical study in the State of Jharkhand" Judicial Academy Jharkhand.	The Committee was of the opinion that the project cost is on higher side taking into account the duration of 6 months. The Committee after deliberations approved the proposal subject to condition that the implementing agency will be asked to submit revised project cost. 'Reduced Cost' of the proposal will be put up and circulated to all Members for concurrence on Email.

3.	"Global practices in Continuing Legal Education: Emerging Platforms for Professional Developments of Advocates" Indian Institute of Management, Kashipur.	The Committee after deliberations approved the proposal subject to condition that the implementing agency will be asked to submit a revised proposal after reducing the tenure of the project to 12 months with commensurate reduction in project cost. 'Reduced Cost' of the proposal will be put up and circulated to all Members for concurrence on Email.
4.	"Evaluation of functioning of Fast Track Courts in India-An empirical study" National Law University, Delhi.	The Committee after deliberations approved the proposal subject to condition that the implementing agency will be asked to submit a revised proposal after bringing the total project cost within Rs.25 lakh, the maximum permissible limit under the Scheme. 'Reduced Cost' of the proposal will be put up and circulated to all Members for concurrence on Email.
5.	"Court-referred mediation in the State of West Bengal and Jharkhand" Rajiv Gandhi School of Intellectual Property Law, IIT, Kharagpur.	The Committee approved the proposal. It was suggested that the project may also examine the implications of introduction of pre-institution mediation in the Commercial Courts Act.
6.	"A Judicial Performance Index for District and Subordinate Courts of India" Indian Institute of Technology, Roorkee.	The Committee suggested that the project proponent may be asked to consult the e-Committee of the Supreme Court and seek its guidance. The project may be re-submitted thereafter duly incorporating the suggestions, if any, of the e-Committee of the Supreme Court.
7.	"Effective Implementation of Online Dispute Resolution through Mediation"	The Committee after deliberations approved the proposal subject to condition that the implementing

	National Law School of India University, Bengaluru	agency will be asked to submit a revised proposal after reducing the tenure of the project to 9 months with project cost of not more than Rs.10 lakh. 'Reduced Cost' of the proposal will be put up and circulated to all Members for concurrence on Email.
8.	"Access to Justice and Right to Self-Representation: A study of 'Litigant in Persons' in Civil Proceedings" Indian Institute of Management, Ahmedabad	The Committee did not agree to the proposal considering the limited scope of the study.
9.	"Impact Assessment of computerization of subordinate courts in Pune District" Bharati Vidyapeeth, Deemed University, New Law College, Pune	The Committee did not approve the proposal.
10.	"Assessing the potential data analytics to interpret large scale judicial data and assist in judicial reforms" Indian Institute of Management, Tiruchirappalli	The Committee did not approve the proposal.
11.	"An Empirical Research to scrutinize the validity of Central Tribunals Regulatory Authority to govern the Central Government Tribunals in India" National Law University, Delhi.	The Committee did not approve the proposal.
12.	"An Empirical Research to explore the feasibility of integration of Central Administrative Tribunals with the Labour Tribunals" National Law University, Delhi.	The Committee did not approve the proposal.
13.	"Empirical Research to appraise the impact of tribunalisation on the judiciary and preservation of Rule of Law in India" National Law University, Delhi.	The Committee did not approve the proposal.

14.	"Institutionalizing Law School based Legal Aid Clinics: Capacity building for increasing Access to Justice to the Marginalized" V.M. Salgaokar College of Law, Goa.	The Committee did not approve the proposal.
15.	"Role of Clinical Legal Education in improving the quality of legal education and increasing access to justice to the marginalized - An action research for tribal of Jammu and Kashmir" University of Kashmir, Jammu and Kashmir.	The Committee did not approve the proposal.
16.	"Women Prisoners in the jails of Punjab: Access to Justice" Rajiv Gandhi National University of Law, Punjab	The Committee did not approve the proposal.
17.	"Children in conflict with Law" from Rajiv Gandhi National University of Law, Punjab	The Committee did not approve the proposal.
18.	"Judicial Information Research System" Indian Institute of Technology, Kharagpur	The Committee did not approve the proposal.
19.	"Increasing the effectiveness of Para Legal Volunteers" Multiple Action Research Group, New Delhi.	The Committee did not approve the proposal.
20.	"Increasing Access to Justice for all through comprehensive enhancement of functioning of the Legal Service Authorities in Selected States" Multiple Action Research Group, New Delhi.	The Committee did not approve the proposal.
21.	Proposal of NALSAR University of Law, Hyderabad to organize a National Consultation as part of project titled "A Study to create evidence-based proposals for reform of Legal Education in India - suggestions for reforms at	The Committee did not approve the proposal since Final Report has been submitted.

The Committee also considered the recommendations contained in various completed projects under the Scheme and approved the Action proposed by Department of Justice as per (*Annex- II*).

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

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List of Participants of Ninth Meeting of Project Sanctioning Committee held on
30.07.2018

1. Shri (Dr.). Alok Shrivastava, Secretary (Justice), Chairperson.
2. Shri G.R. Raghavender , Joint Secretary and Mission Director, Department of Justice.
3. Shri A.K. Upadhyay, Joint Secretary & Law Officer, Law Commission of India
4. Shri Giridhar G. Pai, Director, Department of Justice.
5. Shri K. Suresh Kumar, Deputy Secretary, Finance, Legislative Department.
6. Shri Shreenibas Chandra Prusty, Registrar, Indian Law Institute.

Summary of Actionable Recommendations

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
1	A Study on Court Management Techniques for improving the efficiency of Subordinate Courts by NALSAR University of Law	• A normal MBA is not sufficient. The court managers should have a MBA in Court Management. • Working knowledge of Information Technology should be made mandatory. • Comprehensive and structured induction and training process should be made mandatory. • A standardized appraisal form be developed for the court managers to be able to identify their strengths and weaknesses. • Creation of permanent cadre of court managers. • Collaboration between the court registry and the court managers.	• Creation of permanent cadre of court managers. • Collaboration between the court registry and the court managers.	• Department of Justice • High Courts
2	Strengthening Mediation in India- A report on court connected mediations by Vidhi Centre for Legal Policy-	Quality Control and popularizing mediation • Need to improve the quality of mediators and the infrastructure • Judiciary to actively engage with bar associations to sensitize them about the mediation	• All recommendations could be examined by the Departments concerned.	• Mediation and Conciliation Committee of the Supreme Court • High Courts and High

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
	December 2016	process - Increased user awareness through data dissemination - Inclusion of ADR in law school curricula Mediation as a profession and institutional mediation - Greater remuneration to be given to court annexed mediators - Functioning of mediation centers may be under the control of the High Courts, however, all subject decisions except policy matters should be left to mediation centres - Mediation centres should be given greater autonomy Legislative Reforms - Separate codified law for mediation - It should specify how referrals should be made by judges, immunity of mediators and confidentiality of the mediation process - Specify the grounds on which the mediation settlement could be challenged		Court annexed court mediation centres - Bar Council of India - Department of Legal Affairs

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
		Training and accreditation of mediators • Draft training manual prepared by the Supreme Court Mediation and Conciliation Project Committee could be utilized to design a comprehensive training framework for mediators • Accreditation of mediators should be made common practice, but accreditation should not necessarily be made mandatory for all types of mediation • The training standards and governing framework should be revised every two years to ensure updated training standards and international best practices.		
3	A study on the major bottlenecks in procedural laws affecting expeditious conclusion of criminal trials and measures needed to remove such bottlenecks- Jharkhand Judicial	Amendments to the Code of Criminal Procedure, 1973 • Non-appearance of the accused at the different stages of the trial • Amendment to Section 299 (1)- amend the section to continue the trial in absentia, when the accused has absconded and there is no immediate prospect of arresting him • Insertion of new Section 299 (1) (A)- If the accused	• All the recommendations may be examined by the Departments concerned.	• Ministry of Home Affairs • Department of Legal Affairs

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
	Academy	who is on bail fails to appear in court, the court may after service of summons to the accused, proceed with the trial in his absence- not bound to rehear the evidence • Amendment to Section 209- magistrate after taking cognizance in a sessions case instituted on a police report should commit the case to a sessions court enclosing the police papers under Section 207 Timeframe for completing the investigation • Amendment to Section 173- investigation of offences punishable upto maximum of 7 years should be completed within 6 months. When punishment greater than 7 years, investigation should be completed within 12 months Synergy between police and prosecution • Insertion of new Section 25 A- director of prosecution or deputy director should either be from the Indian Police Service or from the prosecution cadre of the		

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
		State. Amendments to Code of Civil Procedure • Amendment to Order VI- specify a time limit within which the pleadings should be completed • Amendments in Code of Civil Procedure made by virtue of the Commercial Courts Act should be made applicable to all civil proceedings. • Specify the time limit within which the oral arguments should be completed- should not exceed 1.30 hrs Weeding out obsolete laws and simplification of laws.		
4	A comparative analysis of causes for delay in Six High Courts and Six Subordinate Courts in India- A report by Daksh	• Listing of fewer cases- Listing of fewer cases would give judges more time to record daily orders and allow them to structure their day in a more organized manner and ensure that they grant fewer adjournments • Standardization of daily order sheets- maintaining a standard format for daily orders will ensure that all the relevant details, such as the proceedings of the hearing, the name of the	• All the recommendations may be examined by the Departments concerned.	• All High Courts and District Courts. • Report should also be sent to the 6 High Courts and Subordinate Courts analysed by Daksh

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		party that sought the adjournment (if any), and the reason for adjournment would be recorded. This will allow judges to maintain a record of the party seeking the maximum number of adjournments and enable them to avoid granting further adjournments to such parties. • Implementation of Case Flow Management Rules- Case Flow Management Rules contain guidelines on the service of summons, grant of interim orders and interlocutory applications as well as granting of adjournments. Adherence to these guidelines will improve efficiency at each stage, resulting in faster disposal overall. • E-mail or SMS details of hearings to parties in advance: E-mailing or messaging the parties in advance will serve as a reminder and help in ensuring their attendance at the hearing. In case the hearing is missed, an e-mail or SMS can also be sent to litigants and lawyers about a potential		

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
		next date.		
5	Development and Enforcement of Performance Standards to Enhance Accountability of the Higher Judiciary in India- Vidhi Centre for Legal Policy	- The report has proposed a JPE model for India, based on the objectives of (i) transparency and accountability; (ii) self-assessment and specialization; and (iii) court performance and access to justice. - A JPE must ideally evaluate a mix of objective as well as subjective metrics related to the performance of judges and court systems. It provides a table summarizing a list of objectives and subjective metrics for evaluating the performance of judges as well as courts.	May be forwarded to High Courts for consideration.	High Courts
6	Analysis of Causes for Pendency in High Courts and Subordinate Courts in Maharashtra- Administrative	- Nimble system for data analysis: to improve and expand the use of NJDG for data analysis which can be used for better court and case management - Deploy taskforce committees aided by data	May be forwarded to eCommittee for consideration.	The study can be shared with the eCommittee of the Supreme Court

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
	Staff College of India	analysts to look into the pattern of delays in similar cases, and suggest strategies to circumvent the delays in their respective jurisdictions. • A Court Manager could assist the Managing Judge by providing reports and recommendations. In absence of Managing Judges, a closer collaboration between Court Manager and Principal District Judge could go a long way in ensuring timely disposal of cases. • Creation of temporary capacity of judges to deal with pendency • Process reengineering to ensure faster processes and use of technology to improve efficiency of court and court processes.		
7	Performance Indicators for Subordinate Courts and Suggestive Policy and Procedural Changes for Reducing Civil Case Pendency- IIM Kashipur	• Suggestions for Procedural changes – suggests amendments to specific provisions of the CPC • Section 10 – suggests deletion of Section 10 and introduction of a provision for joint trials with similar subject matters. • Section 15 regarding place	• Amendments proposed to CPC may be forwarded to department concerned for examination.	• May be forwarded to Legislative Department. • Can also be shared with Law Commission of India.

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
		of suing civil suits-jurisdictions described in other laws should be done away with and only CPC • Order IV-delete provisions about affidavit with pleadings and filing plaint in duplicate • Section 34-regarding rate of interest by removing the rider which fixes the interest presently at 6% • Section 35 A-to increase cost for false and vexatious claims or defences to Rs. 50,000 and bring it at par with Section 95 • Section 35 B-introduce minimum cost of Rs. 500 per adjournment • Section 114 Order XLVII-scope of review limited to interlocutory orders • Rule 17 Order VI of CPC—change to introduce costs to make amendments to pleadings • Rule 11, Order VII of CPC-provides for rejection of plaint on certain grounds-suggest removal of Rule 13 of CPC which allows for fresh filing of suits post rejection under Rule 11 • Section 39 and 40 of Order XX1 to ensure		

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
		execution of decrees on time.		
8.	Alternative Dispute Resolution (ADR) Mechanism and Legal Aid in the Settlement of Disputes. A Case Study of State of West Bengal- West Bengal National University of Juridical Sciences.	• Capacity Building of ADR Administrators. • Creating awareness among Lawyers Community. • Creating a separate set of Non-litigating Lawyers for ADR • Government support and Incentives • Establishing multi-door Court House System. • Having a legislative backup to Mediation and negotiation. • Creating a Mediation friendly atmosphere. • Promoting online Dispute Resolution. • Adopting the system of Mobile Lok Adalat. • Developing Legal Aid as a tool to promote ADR • Creating awareness among people.	• Capacity Building of ADR Administrators. • Creating awareness among Lawyers Community. • Government support and Incentives • Having a legislative backup to Mediation and negotiation. • Creating a Mediation friendly atmosphere. • Promoting online Dispute Resolution. • Developing Legal Aid as a tool to promote ADR • Creating awareness among people.	• May be forwarded to Department of Legal Affairs. • Can also be shared with Law Commission of India and National Legal Services Authority.
9.	Designing the Continuing Legal Education System in India	• Continuing Legal Education requirement and Format. • Watching /listening to DVDs, Webcast etc.	• Continuing Legal Education requirement and Format. • Teaching.	• May be forwarded to Department of Legal Affairs.

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
	for Advocates - Indian Institute of Technology, Kharagpur.	• Seminar /Conference/Workshop • Teaching. • Pro bono Legal Services • Distance Learning. • Mentoring. • Continuing Legal Education Providers • Content Development and Instructional Methods. • Monitoring CLE Committee to review and validate CLE requirements. • Financial arrangements for CLE • CLE Incentives.	• Pro bono Legal Services • Continuing Legal Education Providers • Content Development and Instructional Methods • Financial arrangements for CLE	• Can also be shared with National Legal Services Authority
10.	Shifting Paradigms: Making Clinical Legal Education Relevant- National Law School of India University, Bengaluru.	• We need a working definition for Clinical Legal Education in India. • Strengthen interlinks between clinical faculty, NGOs involved, Legal Services Authorities and students involved in legal clinics. • Create an (online) network or portal for information and resource sharing. • Have regular meetings of clinical faculty members to discuss clinical curriculum, teaching method and specialized clinics. • Build an ethic of social work and inspire students to undertake clinical work.	• Strengthen interlinks between clinical faculty, NGOs involved, Legal Services Authorities and students involved in legal clinics. • Create an (online) network or portal for information and resource sharing • Offer incentives and motivation to faculty members to become	• May be forwarded to Department of Legal Affairs.

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
		• Offer incentives and motivation to faculty members to become involved in clinical activities • Need to modernize existing framework of CLE • Link academic credits to clinical work. • Create an evaluation/supervision manual. • Institutionalize clinical work already happening and ensure continuity across batches over time. • Document and detail the processes and practices of running a legal clinic. • Do not rely on external funding for undertaking Clinical Legal Education. • Faculty to facilitate collaborations for the clinics. • Create an independent organization to oversee the standards and implementation of Clinical Legal Education • Make mandatory the recruitment of full time clinical faculty and make appropriate provisions for capacity building and have consistent and compulsory training programmes for	- involved in clinical activities • Need to modernize existing framework of CLE • Institutionalize clinical work already happening and ensure continuity across batches over time. • Document and detail the processes and practices of running a legal clinic.	

S. No.	Name of Project	Recommendations	Actionable Recommendations	Relevant concerned authority /
		faculty members. • Minimising expenditure. • Adopting best practices.		
11.	A Study of Courts in the State of Sikkim on major bottlenecks in Service of Summons under Order V of The Code of Civil Procedure 1908, through a process server and measures needed to remove such bottlenecks vis-a vis liberal use of alternative modes of service- Sikkim Judicial Academy.	• Amendments to the existing State rules to allow service of process through electronic mode. • Panel authorized agents empowered to accept service of summons/notice at village/municipal levels. • Regular Training for process servers, empanelled agents and lawyers on CPC provisions • Additional manpower for service of summons in the State with minimum standard and qualification • Providing sufficient time to process servers and empanelled agents for serving summons in remote locations.	• Amendments to the existing State rules to allow service of process through electronic mode. • Regular Training for process servers, empanelled agents and lawyers on CPC provisions • Additional manpower for service of summons in the State with minimum standard and qualification Providing sufficient time to process servers and empanelled agents for serving summons in remote locations.	• Process related and legislative/policy changes suggested are Sikkim centric only. • We may forward copy of Report to Sikkim High court and Law/Home Secretary, Sikkim Government.