

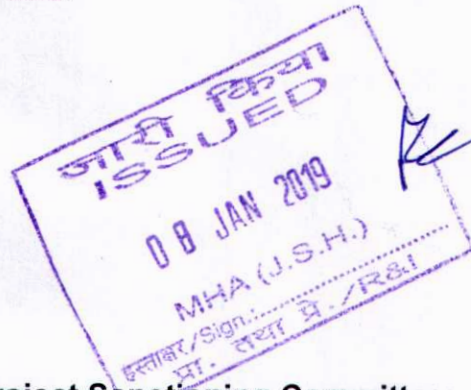
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Government of India
Ministry of Law and Justice
(Department of Justice)

Jaisalmer House,
26-Mansingh Road, New Delhi- 110011
Dated: 07.01.2019

OFFICE MEMORANDUM

Subject: **Minutes of Eleventh 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 eleventh meeting of Project Sanctioning Committee (PSC) chaired by Secretary, Department of Justice, on 27th December, 2018 (Thursday) to consider Research / Project Proposals received under 'Plan Scheme for Action research and Studies on Judicial Reforms' for your kind information and record.



(Handwritten signature)

(C. K. Reejonia)
Director

Tel./Fax BNo. 011-23072146
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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(Kind Atten: Shri Rajiv Mani, JS, Department of Legal Affairs, Shastri Bhawan, New Delhi.)
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.
7. Prof. Rajesh Babu, Indian Institute Of Management Calcutta, Diamond Harbour Road, Joka, Kolkata (Calcutta) - 700104 West Bengal
8. Dr. Yashomati Ghosh, Associate Professor, National Law School of India University, P.O. Bag 7201, Nagarbhavi, Bangalore - 560 072, Karnnataka

Copy to:-

PSO to Secretary (Justice)

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8/1/19

Minutes of the Eleventh Meeting of the Project Sanctioning Committee (PSC) of the Scheme of the Action Research and Studies on Judicial Reforms held on December 27, 2018

The Eleventh meeting of the Project Sanctioning Committee (PSC) to review final reports of projects approved under 'Scheme for Action Research and Studies on Judicial Reforms' was held on December, 27, 2018 at New Delhi under the Chairpersonship of Secretary (Justice), Dr. Alok Srivastava. Four agencies who had submitted their final reports namely, IIM Kolkata, NLSIU Bengaluru, NALSAR Hyderabad and Odisha Judicial Academy were invited to present their final reports. However, only IIM Kolkata and NLSIU Bengaluru came for the meeting. The meeting was attended by:

1. Dr. Alok Srivastava, Secretary, Department of Justice
2. Shri G.R. Raghavender, Joint Secretary & Mission Director, Department of Justice,
3. Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs (on behalf of Law Commission)
4. Shri Manoj Sinha, Director, Indian Law Institute
5. Shri. C.K. Reejonia, Director (JR)
6. Shri. Suresh Kumar, Deputy Secretary, Finance
7. Prof. Rajesh Babu, IIM Kolkata
8. Dr. Yashomati Ghosh, NLSIU Bengaluru

Secretary (Justice) welcomed all the members and requested the agencies presenting their final reports to explain their findings and recommendations for the consideration of the PSC.

1. IIM Kolkata- Final Report on Study of Court processes and Reengineering Opportunities for Improving Court efficiencies for Justice Delivery in India

Prof. R. Rajesh Babu made a short presentation on the methodology, findings and recommendations made in the project report. He stated that the study classified 10 categories where delays occur including court functioning, awaiting orders/instructions from High Court, request from defendant, request from plaintiff etc. He also explained that the survey was limited to Alipore courts and that they conducted in depth analysis of about 40 cases.

Secretary (Justice) underlined that it is important to understand that there is a difference between time taken and actual delay. Actual delay can only be calculated when one understands what is the actual time required for the procedure and therefore one should not misunderstand that total time taken is the total delay in the court procedure. He suggested using a weighted average approach to assess the required time for a case of a particular nature and then assessing the delay. He further suggested that the recommendations have to be implementable. Joint Secretary (DoJ) noted that the report explained the steps of court functioning and process in detail. Adding further, Joint Secretary (DoLA) also highlighted that it may be advantageous to

study Commercial Cases in the selected courts as the Commercial Courts Act prescribes time frames for court processes and therefore it would be easier to analyze the delay in the context of timelines prescribed in the law. Director, ILI suggested for classification of cases and to also study the infrastructure issues.

Decision: The final project report submitted by IIM Kolkata was approved by the PSC.

2. NLSIU, Bengaluru: Final Report on Impact Assessment of the Working of Karnataka State Litigation Policy and Karnataka Sakala Services Act, 2011 in reducing Government Litigation in the State of Karnataka

Dr. Yashomati Ghosh, Associate Professor, NLSIU, Bengaluru made a presentation highlighting the findings and recommendations of the project report. She stated one of the main challenges was that it was difficult to find data relating to Government litigation with State departments. She also stated that the report provides details of number of stakeholders interviewed and their responses which reflect the main findings of the study. Regarding the Karnataka State Litigation Policy, while the policy is officially in place it is not being implemented and no nodal officer or empowered committee have been appointed. Among other findings she highlighted the lack of accountability and ownership in Government litigation and implementation of the Sakala Act as well. The Sakala Act is more for timely delivery of service but no guarantee.

Secretary (Justice) wanted that the reasons for non-implementation of State Litigation Policy to be included in the findings after analyzing the facts and to make recommendations. Secretary (Justice) highlighted that since the number of Government litigation is so high it may be interesting to study the cost of Government litigation in terms of cases where infrastructural projects get delayed due to court cases and the eventual impact that litigation has on the cost of that infrastructural project. Joint Secretary (DoLA) stated that Daksh a research organization based out of Bengaluru had conducted a study on similar lines and that NLSIU could use that as a base for their study. Secretary (Justice) also suggested preparing a separate note on Karnataka State Litigation policy and whether a similar policy would work on a national level.

Decision: The final project report submitted by NLSIU, Bengaluru was approved by the PSC.

The meeting ended with a vote of thanks.