



GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE

*LEGISLATIVE DEPARTMENT*

ARTICULATING THE POLICIES AND  
PROGRAMMES OF THE GOVERNMENT

2015

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# CHAPTER I

## BACKGROUND AND FUNCTIONS

### 1. BACKGROUND

1.1 Legislative Department, Ministry of Law and Justice is the oldest limb of the Government of India dating back to 1833 when the Charter Act, 1833 was enacted by the British Parliament. The said Act vested for the first time legislative power in a single authority, namely, the Governor-General in Council. By virtue of this authority and the authority vested upon him under section 22 of the Indian Councils Act 1861, the Governor-General in Council enacted laws for the country from 1834 to 1920. By a Resolution dated the 8<sup>th</sup> February, 1869, the connection between the then existing Home Office and Legislative Department had been severed and the Legislative Department which was a branch of the Home Office had become a distinct Department with effect from the 10<sup>th</sup> February, 1869.

1.2 After the commencement of the Government of India Act 1919, the legislative power was exercised by the Indian Legislature constituted thereunder. The Government of India Act 1919 was followed by the Government of India Act 1935. With the passing of the Indian Independence Act 1947, India became a Dominion and the Dominion Legislature made laws from 1947 to 1949 under the provisions of section 100 of the Government of India Act 1935 as adapted by the India (Provisional Constitution) Order 1947. Under the Constitution of India which came into force on the 26th January 1950, the legislative power is vested in Parliament and the State Legislatures.

### 2. ORGANISATIONAL SET-UP

2.1 The Legislative Department is headed by a Secretary to the Government of India. He functions as a Chief Parliamentary Counsel for all legislative business of the Government of India. He is responsible for finalizing the proposals relating to the principal legislations. He is assisted by different levels of officers which include Additional Secretary, Joint Secretary and Legislative Counsels, Additional Legislative Counsels, Deputy Legislative Counsels and Assistant Legislative Counsels. The recruitment and service conditions of these officers are regulated by the Indian Legal Service Rules, 1957.

2.2 Sanctioned strength of Legislative Counsels, officers and staff in the Legislative Department including Official Languages Wing and Vidhi Sahitya Prakashan is as Annexure-I.

### 3. FUNCTIONS

3.1 Legislative Department acts mainly as a service provider in so far as the legislative business of the Union Government is concerned. It ensures smooth and speedy processing of legislative proposals of various administrative Departments and Ministries.

3.2 The Legislative Department being a service-oriented Department of the Government of India, deals with the following matters, namely:-

- (i) Scrutiny of Notes for the Cabinet in relation to all legislative proposals from drafting angle;
- (ii) Drafting and scrutiny of all Government Bills including Constitution (Amendment) Bills, translation of all the Bills into Hindi and forwarding of both English and Hindi versions of the Bills to the Lok Sabha or Rajya Sabha Secretariat for introduction in Parliament; drafting of official amendments to the Bills; scrutiny of non-official amendments and rendering assistance to administrative Ministries/Departments to decide the acceptability or otherwise of non-official amendments;
- (iii) Rendering assistance to Parliament and its Standing /Joint/ Select Committees at all stages through which a Bill passes before enactment. This includes scrutiny of, and assistance in, preparation of Reports and revised Bills for the Committees;
- (iv) Drafting of Ordinances to be promulgated by the President;
- (v) Drafting of legislation to be enacted as President's Acts in respect of States under President's rule;
- (vi) Drafting of Regulations to be made by the President;
- (vii) Drafting of Constitution Orders, *i.e.* Orders required to be issued under the Constitution;
- (viii) Scrutiny and vetting of all statutory rules, regulations, orders, notifications, resolutions, schemes, etc. and their translation into Hindi;
- (ix) Scrutiny of State legislations in the concurrent field, which require assent of the President under the Constitution;
- (x) Scrutiny of legislation to be enacted by the Union territory Legislatures;
- (xi) Elections to Parliament, the Legislatures of States and Union territories and Offices of the President and the Vice-President;

- (xii) Apportionment of expenditure on elections between the Union and the States/Union territories having Legislatures;
- (xiii) Election Commission and electoral reforms;
- (xiv) Administration of the Representation of the People Act, 1950; the Representation of the People Act, 1951; the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991;
- (xv) Matter relating to Chief Election Commissioner and other Election Commissioners under the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991;
- (xvi) Matters relating to the Delimitation of Parliamentary and Legislative Assembly Constituencies;
- (xvii) Legislation on matters relating to personal laws, transfer of property, contracts, evidence, civil procedure, etc., in the Concurrent List of the Seventh Schedule to the Constitution;
- (xviii) Imparts training in legislative drafting to the officers of the Union/State Governments;
- (xix) Publication of the Constitution, Election Manual, Central Acts, Ordinances and Regulations and their authorised translations in Hindi and other languages specified in the Eighth Schedule to the Constitution and also translation of legal and statutory documents;
- (xx) Publication of Hindi translation of selected judgments of the Supreme Court and High Courts on cases pertaining to constitutional, civil and criminal laws in the form of law Journals (Patrikas).

**3.3** Legislative Department does not have any statutory or autonomous body under its control. It has two wings, namely, the Official Languages Wing and Vidhi Sahitya Prakashan, which are responsible for propagation of Hindi and other Official languages in the field of law.

**3.4 Official Languages Wing** of the Legislative Department is responsible for preparing and publishing standard legal glossary and also for translating into Hindi, all the Bills to be introduced in Parliament, all Central Acts, Ordinances, subordinate legislations, etc., as required under the Official Languages Act, 1963. This Wing is also responsible for arranging translation of the Constitution, Central Acts, Ordinances, etc., into the Official Languages as specified in the Eighth Schedule to the Constitution as required under the Authoritative Texts (Central Laws) Act, 1973. The Official Languages Wing also releases grants-in-aid to various registered non-governmental organisations engaged in promotion and propagation of Hindi and other regional languages and those organisations, which are directly engaged in the publication of legal literature and propagation of Hindi and other languages in the field of law.

**3.5 Vidhi Sahitya Prakashan** is mainly concerned with bringing out authoritative Hindi version of selective judgements of the Supreme Court and the High Courts with the objective of promoting the progressive use of Hindi in the legal field. Vidhi Sahitya Prakashan brings out various publications of legal literature in Hindi. It also holds exhibitions in various States for giving wide publicity to legal literatures available in Hindi and to promote their sales.

#### 4. LEGISLATION

**4.1** Legislation is one of the major instruments of articulating the policy of the Government. In this context, the Legislative Department plays a vital role to achieve the policy objectives, which the Government may wish to achieve through legislation.

- (i) Legislative Department not only performs functions as a service Department for drafting the legislations initiated by the administrative Ministries and Departments but also initiates legislative proposals in respect of matters with which it is administratively concerned.
- (ii) Legislative Department is responsible for the drafting of the Finance Bill to give effect to the financial proposals of the Central Government every year. For the purpose of convenience, the various subjects on which Bills are drafted in the Legislative Department for and on behalf of administrative Ministries/Departments may be broadly categorised as Constitution (Amendment) Bills, Ordinary Bills including Finance and Appropriation Bills.

**4.2** During the period from 1<sup>st</sup> June, 2014 to 31<sup>st</sup> December, 2014, this Department has examined **125** Notes for the Cabinet involving new legislative proposals in consultation with different Ministries/Departments for drafting the Bills for introduction in Parliament. Out of the Bills, which were pending before Parliament and those introduced during the period from 1<sup>st</sup> June, 2014 to 31<sup>st</sup> December, 2014, **24** Bills have been enacted into Acts. The Constitution (Ninety-ninth Amendment) Act, 2014 along with the National Judicial Appointments Commission Act, 2014 have been recently enacted. The list of the Acts enacted during this period is given in **Chapter II**.

**4.3** The number of subordinate legislative proposals dealt with by the Department during the said period are **1657** which comes to approximately 230 proposals on an average every month.

## 5. TRAINING IN LEGISLATIVE DRAFTING

### INSTITUTE OF LEGISLATIVE DRAFTING AND RESEARCH (ILDR)



5.1 Legislative Drafting is not only an art but a discipline and has its own challenges. It requires expertise for drafting legislations in precise and clear language. With a view to increase the availability of trained Legislative Counsel in the country, the Institute of Legislative Drafting and Research (ILDR) was established as a Wing of the Legislative Department, Ministry of Law and Justice in January, 1989 to impart theoretical as well as practical training in Legislative Drafting. It is the only Institute in the country to provide training in Legislative Drafting.

#### ISO CERIFICATION OF ILDR

5.2 The ILDR has been awarded ISO 9001:2008 certification on 2<sup>nd</sup> December, 2013 for adhering to the Quality Management System, worked out as per the ISO standards, in the Institute. The tasks towards ISO Certification were initiated as per the commitment of the Legislative Department in the Results Framework Document (RFD) of the Department.

#### COURSES CONDUCTED BY ILDR

5.3 The following courses are conducted by the ILDR:

- (i) Basic Course in Legislative Drafting of 3 months' duration for the Law Officers of the State Governments/Union territory Administrations;
- (ii) Appreciation Course of 15 days' duration for the officers of the various Central Government Ministries/Departments/attached offices/subordinate and autonomous bodies who are dealing with, or likely to deal with, legislative proposals;
- (iii) Basic Course in Legislative Drafting in Hindi of one month's duration for the Law officers of the State Governments, where the Bills, Ordinances, Rules, Regulations, etc. are drafted in Hindi;
- (iv) In-house training programme for the benefit of the Legislative Counsels of the Legislative Department.

5.4 During the year 2013-14, the ILDR has conducted five Courses, viz, Three Appreciation Courses (15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> Appreciation Courses) and the Twenty-Fifth and Twenty-Sixth Basic Courses. A total number of **78** officers from the various administrative Ministries/Departments of the Central Government and State Governments have been trained by ILDR during the above period.

5.5 Recently, the ILDR organised a Legislative Drafting Course in Hindi for the benefit of officers dealing in Legislative Drafting from the various State Governments from 10<sup>th</sup> November, 2014 to 10<sup>th</sup> December, 2014. The Legislative Drafting Course in Hindi has been organised at the time when ILDR completes 25 years of its existence and remarkable service rendered to the fraternity of Legislative Counsels in the country.

Two Charts (**Annexure-II&III**) demonstrate the Year-wise and Course-wise participation of officers, from the year 1989 to 2014, showing the number of their participation in each Course.

5.6 ILDR conducts Internship programmes for Law Students who are pursuing their studies in the 4<sup>th</sup> or 5<sup>th</sup> year of the Law Course and have keen interest in Legislative Drafting.

5.7 Legislative Department first prepared and submitted RFD for the year 2011-12. The Department achieved a composite score of **79.16** for the performance under RFD in the year 2011-12. A composite score of **62.10** was achieved during 2013-14. Performance for the year 2014-15 is still under evaluation.

## 6. ELECTIONS

6.1 Legislative Department is administratively concerned with the following Acts in connection with the conduct of elections to Parliament, State Legislatures and to the offices of the President and the Vice-President:

- (i) The Representation of the People Act, 1950
- (ii) The Representation of the People Act, 1951,
- (iii) The Presidential and Vice-Presidential Elections Act, 1952
- (iv) The Delimitation Act, 2002

6.2 Since the time of independence, free and fair elections are being held as per the principles enshrined in the Constitution and the laws governing elections in India. The Constitution has vested in the Election Commission the superintendence, direction and control of the entire process of conducting elections to Parliament, State Legislatures and to the offices of the President and Vice-President of India.



**6.3** Election Commission is a permanent constitutional body. Initially, the Election Commission had only a Chief Election Commissioner. At present, it consists of Chief Election Commissioner and two Election Commissioners. For the first time, two additional Election Commissioners were appointed on 16<sup>th</sup> October 1989 but they had a short tenure till 1<sup>st</sup> January 1990. Later, on 1<sup>st</sup> October 1993, two additional Election Commissioners were appointed. Since then, the multi-member Election Commission has been in operation.

**6.4** The Election Commission has its independent Secretariat for the work relating to the smooth conduct of elections to Parliament and State Legislatures. Legislative Department is entrusted with the functions as the nodal Department for providing Governmental sanctions.

**6.5** Legislative Department is responsible for settlement of expenditure incurred by State/Union Territories with Legislature on account of Lok Sabha General Elections, Preparation and Printing of Electoral Rolls, Charges for conduct of elections to Parliament(Rajya Sabha), Issue of Photo Identity Cards to Voters and Expenditure on Electronic Voting Machines(EVMs) and Expenditure on Presidential and Vice-Presidential Elections. During the financial year 2014-15 an amount of Rs.350 crore has been released provisionally to the States/Union territories to meet the expenses relating to Lok Sabha General Elections, 2014.

**6.6** On the basis of the recommendations of the Election Commission, the Conduct of Election Rules, 1961 was amended vide Notification S.O.603(E) dated 28.02.2014 raising the ceiling limit of the election expenditure which can be incurred by a candidate in an election to Lok Sabha and Vidhan Sabhas.

**6.7** As conveyed by the Election Commission, *vide* its letter No.287/84/2013-Estt.I/216 dated 04.07.2014, the Elector's Photo Identity Card (EPIC) coverage in India has improved considerably in 2014 with 98.03%.

**6.8** 382876 Ballot Units (BU) and 251651 Control Units have been purchased in 2013 on the tentative price of Rs.545.36 crores subject to fixation of the price by the Price Negotiation Committee.

**6.9** The Conduct of Election Rules, 1961 was amended *vide* Notification S.O.2470 (E) dated 14<sup>th</sup> August, 2013 enabling the Election Commission to use a prototype printer namely, Voter Verifiable Paper Audit Trail (VVPAT) to be attached to the EVMs for establishing more transparency in voting.

**6.10** Manual of Election Law (2014), as amended up to 1<sup>st</sup> March, 2014, has been brought up in two volumes in diglot, to facilitate every citizen, contesting candidates, Members of Parliament, State Legislatures and Political Parties to have the entire law relating to elections at one place.

## 7. PROMOTION AND PROPAGATION OF HINDI AND OTHER REGIONAL LANGUAGES

7.1 Hindi translation of authoritative text of Acts, Ordinances, Regulations, Rules, etc. is done by the Official Languages Wing in Legislative Department. Further, Bills are required to be introduced in both the Houses of Parliament in English and Hindi. Hindi translation of all subordinate legislations relating to various Ministries/Departments is undertaken by the Official Languages Wing in Legislative Department.

7.2 Official Languages Wing is responsible for publication of Legal Glossary in Hindi. The Legal Glossary in Hindi was last published in 2001. Legislative Department is in the process of preparing revised Legal Glossary having 65000 words. Further, a number of amendments in the Constitution of India have taken place. Legislative Department is in the process of preparing updated revised pocket size edition of Constitution of India.

7.3 The Official Languages Wing of the Legislative Department has been providing assistance to the States in bringing out translation of Central Acts in 11 regional languages out of 22 languages enshrined in the VIII<sup>th</sup> Schedule to the Constitution including Urdu being the official language of the State of Jammu and Kashmir.

7.4 Financial Assistance in the form of grants-in-aid is provided by the Official Languages Wing of Legislative Department to various registered Voluntary Organisations for promotion of Official Languages mentioned in the VIII<sup>th</sup> Schedule to the Constitution, in the field of law. Details of the Scheme may be seen in **Annexure-IV**.

7.5 Vidhi Sahitya Prakashan of the Legislative Department gives award every year upto Rs.5,00,000/- on best Law books (except Manuals and References) published or written originally in Hindi.

## CHAPTER II ACHIEVEMENTS

### 8. IMPORTANT ACHIEVEMENTS OF THE LEGISLATIVE DEPARTMENT

8.1 During the period, from 1<sup>st</sup> June to 31<sup>st</sup> December, 2014, the Legislative Department drafted the following 24 important Bills which have been enacted by Parliament.

S.No.	Title and Act number
1.	The National Institute of Design Act, 2014 <b>(Act No.18 of 2014)</b>
2.	The Andhra Pradesh Reorganisation (Amendment) Act, 2014 <b>(Act No.19 of 2014)</b>
3.	The Telecom Regulatory Authority of India (Amendment) Act, 2014 <b>(Act No.20 of 2014)</b>
4.	The Appropriation (Railways) No.2 Act, 2014 <b>(Act No.21 of 2014)</b>
5.	The Appropriation (Railways) No.3 Act, 2014 <b>(Act No.22 of 2014)</b>
6.	The Appropriation (No.2) Act, 2014 <b>(Act No.23 of 2014)</b>
7.	The Appropriation (No.3) Act, 2014 <b>(Act No.24 of 2014)</b>
8.	The Finance (No.2) Act, 2014 <b>(Act No.25 of 2014)</b>
9.	The Delhi Appropriation (No.2) Act, 2014 <b>(Act No.26 of 2014)</b>
10.	The Securities Laws (Amendment) Act, 2014 <b>(Act No.27 of 2014)</b>
11.	The Delhi Special Police Establishment (Amendment) Act, 2014 <b>(Act No.28 of 2014)</b>
12.	The Apprentices (Amendment) Act, 2014 <b>(Act No.29 of 2014)</b>
13.	The Indian Institutes of Information Technology Act, 2014 <b>(Act No.30 of 2014)</b>
14.	The Merchant Shipping (Amendment) Act, 2014 <b>(Act No.31 of 2014)</b>
15.	The Merchant Shipping (Second Amendment) Act, 2014 <b>(Act No.32 of 2014)</b>
16.	The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Act, 2014 <b>(Act No.33 of 2014)</b>
17.	The Constitution (Scheduled Castes) Order (Amendment) Act, 2014 <b>(Act No. 34 of 2014)</b>
18.	The Central Universities (Amendment) Act, 2014 <b>(Act No. 35 of 2014)</b>
19.	The Textile Undertakings (Nationalisation) Laws (Amendment) and Validation) Act, 2014 <b>(Act No. 36 of 2014)</b>
20.	The School of Planning and Architecture Act, 2014 <b>(Act No. 37 of 2014)</b>
21.	The Appropriation (No.4) Act, 2014 <b>(Act No. 38 of 2014)</b>
22.	The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014 <b>(Act No. 39 of 2014)</b>
23.	The Constitution (Ninety-ninth Amendment) Act, 2014
24.	The National Judicial Appointments Commission Act, 2014 <b>(Act No.40 of 2014)</b>

8.2 The following Ordinances were promulgated under article 123 of the Constitution:

S.No.	Title and Ordinance number
1.	The Telecom Regulatory Authority of India (Amendment) Ordinance, 2014 <b>(3 of 2014)</b>
2.	The Andhra Pradesh Reorganisation (Amendment) Ordinance, 2014 <b>(4 of 2014)</b>
3.	The Coal Mines (Special Provisions) Ordinance, 2014 <b>(5 of 2014)</b>
4.	The Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014 <b>(6 of 2014)</b>
5.	The Coal Mines (Special Provisions) Second Ordinance, 2014 <b>(7 of 2014)</b>
6.	The Insurance Laws (Amendment) Ordinance, 2014 <b>(8 of 2014)</b>
7.	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 <b>(9 of 2014)</b>

**8.3** The following Ordinances have been given to the Departments/Ministries concerned for seeking President's assent.

1.	The Arbitration and Conciliation (Amendment) Ordinance, 2014
2.	The Citizenship (Amendment) Ordinance, 2014
3.	The Motor Vehicles (Amendment) Ordinance, 2014
4.	The Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 2014.

**8.4** The following important Bills have been drafted by the Department and pending in Parliament.

S.No.	Title
1.	The Repealing and Amending Bill, 2014 (To repeal 36 Acts)
2.	The Repealing and Amending (Second) Bill, 2014 (To repeal 90Acts)
3.	The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2014
4.	The Railways (Amendment) Bill, 2014
5.	The Factories (Amendment) Bill, 2014
6.	The Juvenile Justice (Care and Protection of Children) Bill, 2014
7.	The Payment and Settlement Systems (Amendment) Bill, 2014
8.	The Anti-Hijacking Bill, 2014
9.	The Regional Rural Banks (Amendment) Bill, 2014
10.	The Lokpal and Lokayuktas and Other related Laws (Amendment) Bill, 2014
11.	The Companies (Amendment) Bill, 2014
12.	The Electricity (Amendment) Bill, 2014
13.	The Constitution (One Hundred and Twenty-second Amendment) Bill, 2014

**8.5** Department scrutinized 23 State Bills/Ordinances on the Concurrent subjects reserved by the Governor of the States for the assent of the President.

## **9. REPEAL OF OBSOLETE LAWS**

**9.1** As part of the Government's resolve, the Legislative Department has taken initiative to identify the obsolete and redundant laws for repeal and introduced two Bills in Parliament for repeal of **36** and **90** Acts respectively. The objective behind this resolve is that the citizens of the country are expected to be familiar with their statutes which are relevant to their life and affairs as also to bring the laws in harmony with the current economic and social situation in the country.

**9.2** Department is examining **197** amending Acts in consultation with the concerned Ministries/Departments for their repeal.

**9.3** Department is processing Law Commission's 4 interim Reports (248<sup>th</sup> to 251<sup>st</sup>) on the "Obsolete Laws: Warranting Immediate Repeal", in which it recommended for repeal of **72**, **113**, **74** and **30** obsolete Acts respectively.

9.4 Department has prepared a list of **902** Appropriation Acts including Railway Appropriation Acts and State Appropriation Acts and is seeking the opinion of Ld.AG on the repeal of State Appropriation Acts.

9.5 Department is examining the Report submitted by the Ramanujam Committee. The Department has constituted a dedicated group of officers to identify enactments and they have broadly categorized the enactments in to :

- (i) **637** Acts to be repealed by Parliament;
- (ii) **84** Acts to be repealed by the State Legislatures;
- (iii) **58** Acts to be repealed by Parliament in consultation with the State Governments; and
- (iv) **28** Acts relating to the State Reorganizations in consultation with the Ministry of Home Affairs.

## 10. PRE – LEGISLATIVE CONSULTATION POLICY

10.1 To ensure accountability towards the people in the formulation of policy and legislation, Legislative Department formulated a policy on Pre–Legislative Consultation. This policy requires to place the proposed legislations in public domain for comments/suggestions which shall contain:

- (i) Justification for legislation;
- (ii) Broad financial implication of such legislation;
- (iii) Estimated assessment of the impact of such legislation on environment, fundamental rights, etc.

10.2 This process involves study of social and financial costs, benefits and key challenges before undertaking any legislation. Details of this policy are available on the website of the Legislative Department.

## 11. TIME FRAME FOR DISPOSAL OF LEGISLATIVE PROPOSALS

The following time frame has been laid down for disposal of legislative proposals:

### **Principal Legislation:**

Category of Bills	Number of Clauses	Time frame fixed(from the date of receipt)
Small Bills	Less than 25 clauses	Within 30 days
Medium Bills	More than 25 clauses and less than 50 clauses	Within 45 days
Comprehensive Bills	More than 50 clauses	Within 60 days

### Subordinate Legislation:

Category of Proposal	Time frame fixed (from the date of receipt)
Incomplete files sent without approval of competent authority; non-enclosure of up-to-date copies of Gazette Notifications and papers; or further information/discussion is required to settle the drafting issues.	To be returned within 3 working days recording a note pointing out the deficiencies therein or information required.
Where no further information/document is required.	Depending on quantum of work involved be scrutinized and vetted within a period of two weeks.
Proposals containing Rules/regulations/bye-laws, etc.	To be cleared within a period of three weeks *{Any proposal requiring time beyond three weeks will invariably be shown to Additional Secretary for approval}

### 12. CLEANLINESS DRIVE

- (i) As part of Clean India Mission, a special drive for cleanliness in the premises of the Legislative Department has been undertaken. Hon`ble Minister for Law & Justice inaugurated the drive by planting four plants in the premises of Shastri Bhawan and cleaning the area.
- (ii) A special drive for weeding out of old records was undertaken and 4670 files/records were weeded out on expiry of retention period of these records. Further, 1095 files were recorded for retention.
- (iii) Continuous monitoring is being done to keep the work place neat and tidy in the Legislative Department.

### 13. SIMPLIFICATION OF FORMS

- (i) Forms in vogue in the Legislative Department have been simplified and most of these forms have been reduced to one page only requiring essential details, such as, Internship Form, Forms relating to courses conducted by the ILDR, forms for grant of financial assistance by the Official Languages Wing.

CHAPTER III  
ROAD MAP AHEAD

14. LEGISLATIVE DEPARTMENT'S FUTURE ACTION PLAN

**14.1** The Bills relating to the following Legislative proposals from various Ministries/Departments have been prepared and will be processed for their introduction in Parliament.

1. The National Institutes of Film, Television and Allied Studies Bill, 2014
2. Amendments to the Whistle Blowers Protection Act, 2011
3. The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2014
4. The Right to Services and Grievances Redress Bill, 2014
5. Amendments to the Inter-State River Water Dispute Act, 1956
6. The Railways (Amendment) Bill, 2014
7. The Carriage by Air (Amendment) Bill, 2014
8. The Recognition of New Systems of Medicines Bill, 2014
9. The Warehousing Corporation (Amendment) Bill, 2014
10. Amendments to the Salary, Allowances and Pension of Members of Parliament Act, 1954
11. Amendments to the National Commission for Women Act, 1990
12. The Andhra Pradesh Reorganisation (Second Amendment) Bill, 2014
13. The National Co-operative Development Corporation(Amendment) Bill, 2014

**14.2** Department has processed the proposal to pursue the Assam Legislative Council Bill, 2013 and the Tamil Nadu Legislative Council (Repeal) Bill, 2012 pending in the Council of States.

**14.3** On an average, Legislative Department is receiving approximately **230** subordinate legislation proposals every month which are scrutinized and vetted in a time bound manner and at times on the same day.

**14.4** Presently, 36 Reports of the Law Commission on various subject matters falling under Concurrent List of the 7<sup>th</sup> Schedule to the Constitution are under examination in the Department in consultation with the State Governments/Union territories.

**14.5** The process of uploading of Central Acts on the website of the Legislative Department started in 1996 when all Acts of post independence era i.e. from 1950 onwards were put up on website. Thereafter, in 2012 all 350 Acts of pre-independence era i.e. from 1836 to 1950 were put on website. The Department has taken the initiative to update the Laws made available on its website.

**14.6** Department is administratively responsible for the Election Laws and the Election Commission. On receipt of the Report of the Law Commission on Electoral Reforms, the proposal will be examined in consultation with the all stakeholders and political parties on priority basis.

**14.7** Department is effectively monitoring **218** cases pending in Supreme Court and various High Courts as on 1<sup>st</sup> October, 2014 relating to Election Laws. Out of these **218** cases, Department is respondent in **137** cases and proforma party in the remaining **81** cases.

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**ANNEXURE-I**

**LEGISLATIVE COUNSELS IN THE LEGISLATIVE DEPARTMENT**

Name of post	Sanctioned Strength	In Position	Vacant
Secretary	1	1	-
Additional Secretary	2	1	1
Joint Secy.& Legislative Counsel	5	4	1
Addl. Legislative Counsel	4	4	-
Deputy Legislative Counsel	9	6	3
Assistant Legislative Counsel	13	8	5
<b>Total</b>	<b>34</b>	<b>24</b>	<b>10</b>

**GROUP-WISE STAFF POSITION OF LEGISLATIVE DEPARTMENT INCLUDING  
O.L.Wing & V.S.P.**

Group	Sanction Strength	Man in position	Vacancy
Group 'A'	89	62	27
Group 'B'	158	98	60
Group 'C'	189	135	54
<b>Total:-</b>	<b>436</b>	<b>295</b>	<b>141</b>

**GROUP-WISE STAFF POSITION OF LEGISLATIVE DEPARTMENT – WING WISE.**

Group	Sanction Strength	Man in position	Vacancy
Group 'A' LD (Main)	47	32	15
Group 'A' O.L.Wing	29	22	7
Group 'A' V.S.P.	13	8	5
<b>Total : Group 'A)</b>	<b>89</b>	<b>62</b>	<b>27</b>
Group 'B' LD (Main)	89	52	37
Group 'B' O.L.Wing	38	26	12
Group 'B' V.S.P.	31	20	11
<b>Total : Group 'B'</b>	<b>158</b>	<b>98</b>	<b>60</b>
Group 'C' LD(Main)	97	65	32
Group 'C' O.L.Wing	56	40	16
Group 'C' V.S.P.	36	30	6
<b>Total:- Group 'C'</b>	<b>189</b>	<b>135</b>	<b>54</b>

Chart 1

Participation of Officers in the Basic Courses from 1989 to 2014

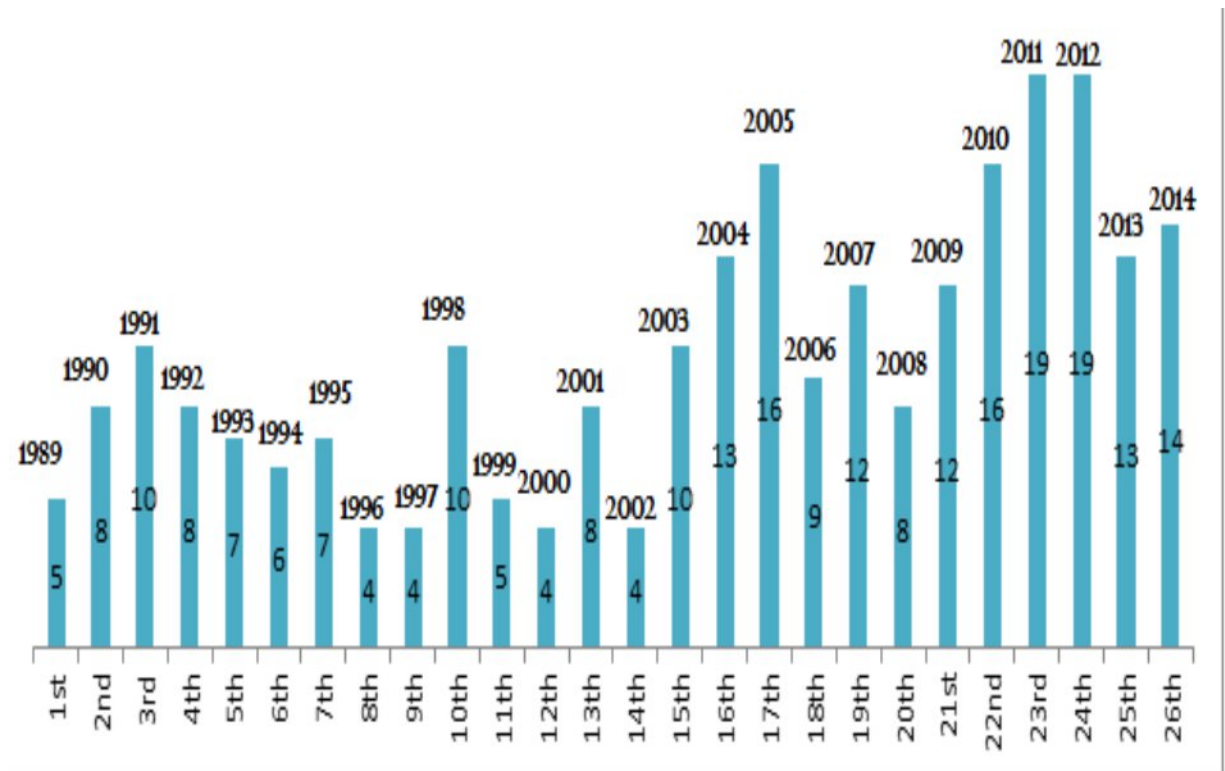
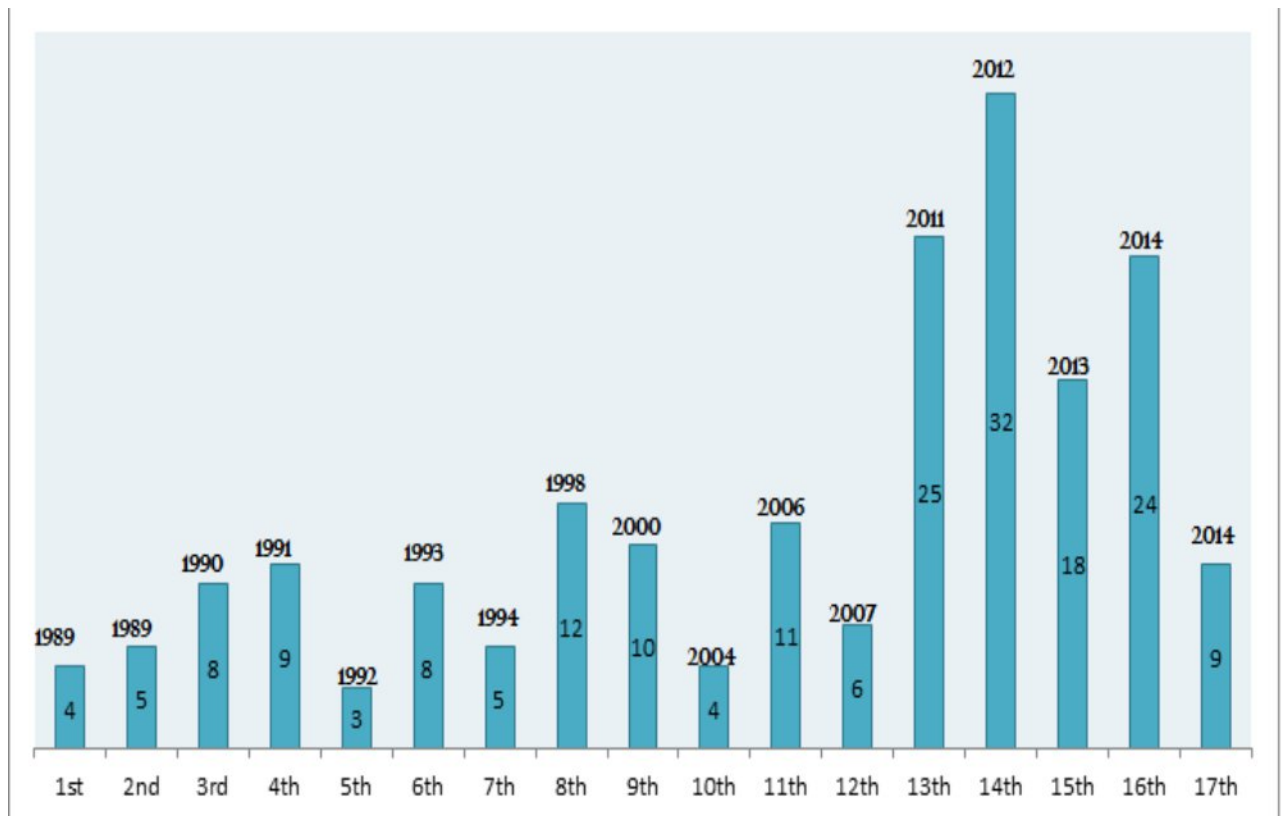


Chart 2

Participation of Officers in the Appreciation Courses from 1989 to 2014



## ANNEXURE-IV

### ASSISTANCE TO VOLUNTARY ORGANISATIONS FOR PROMOTION OF THE OFFICIAL LANGUAGES IN THE FIELD OF LAW.

**Introduction** 1. The Government of India, Legislative Department has a scheme for giving financial assistance to 'Voluntary Organisations for propagation and development of the Official Languages of the Union and the States in the field of law' .

**Title** 2. This scheme will be called "Scheme for promotion of the Official Languages of the Union and the States in the field of law".

**Scope** 3. Grants will be admissible for projects or activities for development and propagation of literature in the field of law in Hindi and other regional languages. These could be in the form of proposed commentaries, treatises, books on legal subjects, law journals, law compendiums and other publications which would be conducive to the enrichment, propagation, development and use of Hindi and Official Languages of States in the field of law.

A High powered Committee would be constituted to consider the application for assistance. The Committee would consist of the following categories of persons:-

1. Retired or sitting judge of a High Court,
2. Advocate having a standing in the Bar,
3. Professor of Law in the Faculty of Law of a University,
4. Joint Secretary, Official Languages Wing.

Joint Secretary would also be Secretary of the Committee. The persons appointed would only be such persons who have apart from knowledge of law, good background of the concerned language.

The Committee may also advise the concerned organisations to suitably alter or modify the scheme.

**Extent of Help.** All requests for financial assistance will be sent in the prescribed form to the Joint Secretary & Legislative Counsel, Official Languages Wing, Legislative Department, Ministry of Law & Justice, Room No. 742, 7th Floor 'A' Wing, Shastri Bhawan, New Delhi-11 0001. All requests for financial assistance will be considered on merits and grants will be sanctioned for approved items of work only. The grants sanctioned will not exceed 85% of the anticipated net expenditure involved in the implementation of the various projects/activities/purposes etc.

Note: "Anticipated Net Expenditure" means the total anticipated expenditure after deducting the anticipated receipts from sale of the literature produced.

Grants will be paid in installments depending on the nature of activities to be undertaken and the progress of work.

Procedure for submission of applications.

5. Applications shall be submitted in the prescribed form addressed to the Joint Secretary & Legislative Counsel, Official Languages Wing, Legislative Department, Ministry of Law & Justice, Room No. 742, 7<sup>th</sup> Floor 'A' Wing, Shastri Bhawan, New Delhi. Each application shall be accompanied by the following information and documents:-

- (i) A brief description of the objects and activities of the organisation ;
- (ii) Whether the organisation is a registered organisation;
- (iii) The latest available annual report ;
- (iv) A copy of the audited accounts of the organisation for the last one financial year and a copy of the last balance sheet ;
- (v) The Constitution of the Governing body of the Management;
- (vi) The estimate of income and expenditure in respect of the year for which the application has been made;
- (vii) A statement of grants received so far from the State Government or other bodies , indicating in each case (a) the purpose for which the grant was obtained, (b) how and when utilized, (c) progress made in the direction for which assistance was given, and (d) whether all conditions attached to previous assistance were duly observed;
- (viii) Information relating to the request made, if any, to other State Governments or bodies for grants for the scheme under consideration, the decisions of those governments and bodies on such requests should be communicated ;
- (ix) An undertaking that once the estimates etc. of a project /scheme etc. have been approved as reasonable and the grant assessed on the basis of these estimates, they shall not be modified by the organisation without the prior approval of the Legislative Department.
- (x) Full justification of the estimated expenditure.
- (xi) In case of a request for new publication work, copy of the manuscript should be supplied for examination along with a certificate from the author authorizing the Institution to undertake the publication;

(xii) Previous publications of the institution should be sent with the first application and in the case of subsequent requests, publications brought out in interim period should be sent ;

(xiii) Statement of qualifications, experience of staff employed on project/schemes etc. to be undertaken with the grants.

6. The grants sanctioned to organisations will be subject to the following conditions:-

- (1) An Organisation in receipt of financial assistance shall be open to inspection by an officer of the Legislative Department of the Ministry of Law and Justice or an officer of the Indian Audit and Accounts Department.
- (2) The Organisation shall give an undertaking before the drawal of the grant that the project or scheme to be undertaken with the assistance will be completed within a reasonable time to be fixed by the Government and that the grant shall only be utilized for the purpose for which it has been sanctioned. Failure to do so will render the organisation liable to return to the Government the whole of the amount of the grant along with such interest thereon as the Central Government may decide.
- (3) No subsequent instalment of the grant payable in instalments, will be paid, unless at least a major portion of the previous instalment has been utilized and an audited statement of accounts together with a report on the work done with the help of the previous instalment, is furnished along with the request for the release only after the Legislative Department have satisfied themselves about the satisfactory progress of the work.
- (4) Such number of copies not exceeding five, as the Legislative Department may decide, of all the publications brought out with Central assistance shall have to be supplied to the Legislative Department free of cost.
- (5) The Organisation will maintain in the prescribed proforma an audited record of the assets acquired or created wholly or substantially with the help of grant from the Central Government and furnish a copy thereof to the Legislative Department for record by a specified date or within a reasonable time. Assets so created, should not without the prior approval of the Legislative Department be disposed of, encumbered or utilized for purposes other than those for which the grant is given.

- (6) The accounts of the organisation would be maintained properly and submitted as and when required those shall always be open to a check by the Legislative Department.
- (7) The Organisation shall submit a Utilisation Certificate in respect of the grant received by the organisation under this scheme during the preceding year.
- (8) When the Legislative Department have reason to believe that the affairs of the Organisation are not being properly managed or that the sanctioned money is not being utilised for approved purposes, the payment of the grant may be stopped.
- (9) The author of a book shall generally use the Hindi legal terms occurring in the authoritative Hindi text of the Central Acts or State Acts, as the case may be. The Hindi legal terms contained in the Legal Glossary published by the Official Languages Wing, Legislative Department, Ministry of Law and Justice, are to be used for identical or similar expressions occurring in the book. Where texts of enactments are to be quoted, the exact words occurring in the authoritative Hindi texts of the Central Acts or the State Acts, as the case may be, should only be used. Reference to and quotations from judgments shall, as far as possible, be from the two Hindi Law Reports namely "Uchchatama Nyayalaya Nirnaya Patrika" and "Uchcha Nyayalaya Nirnaya Patrika" published by the Vidhi Sahitya Prakashan. These instructions would mutatis mutandis apply to Official Languages other than Hindi.
- (10) It will binding on the organisation to carry out the directions and suggestions given by the Legislative Department with regard to the work for which the grants has been sanctioned. The organisation shall supply the Legislative Department with any information or clarification on any point which the Legislative Department may require, within a time specified by the Department.

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