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Law & Judicial, Parliamentary Affairs, Transport
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Message

I am happy to learn that the Law & Judicial Department, Government of Mizoram is publishing an electronic book (e-book) of important achievements for the year 2019-20. Since its inception in 1972, Law & Judicial Department has been striving to establish an efficient legal and judicial system to promote basic human rights and enhances accountability and democratic governance.

In the changing scenario of information technology, the website of any Department plays a significant role in providing easy and instant information to the people. This website is a medium to enable the people to know more about the objectives, activities and functioning of the Law & Judicial Department in general and achievements during 2019-20 in particular.

Law & Judicial Department is one of the major Department of the Government which aid and advise the Government and other Departments on all legal matters and publish all Acts, Rules and Ordinances from time to time besides many other activities.

I hope that this e-book will prove a step forward in further disseminating information about the activities and achievements of the Department and will contribute towards the success of the steps being taken by the Government.


(T.J. LALNUNTLUANGA)

SECTORAL OVERVIEW

Law & Judicial Department was established in the year 1972 soon after Mizoram became a Union Territory. Thereafter, Law & Judicial Department has been functioning as a Secretariat and is also akin to a Directorate having separate budget provision. Since its establishment, Parliamentary Affairs and Consumer Affairs were parts of Law and Judicial Department. But on 30.10.1995, Law and Judicial Department was bifurcated giving birth to Parliamentary Affairs Department.

At the time of its establishment, there was no separation of Judiciary from Executive and therefore, Law and Judicial Department directly administered all Courts in the State.

The Govt. of Mizoram, envisaging the need for Separation of Judiciary from the Executive under Art. 50 of the Constitution of India realised separation of judiciary from the Executive by a notification issued by DP&AR on 16.06.2005.

Since Separation of Judiciary, Law and Judicial Department has no direct control over District Courts as they are now under the administrative control of the Gauhati High Court. However, the Department still has a number of important roles to play in the development and functioning of the subordinate Judiciary in close co-ordination with the Gauhati High Court. Law and Judicial Department is also entrusted upon to develop Judicial Infrastructure in the State of Mizoram. The responsibilities of Law and Judicial Department in connection with development of judicial infrastructure include:

- (a) Construction of High Court Building and Residential Buildings for High Court Judges, Officers and Staff of the High Court at Aizawl.
- (b) Construction of Civil & Criminal Court Buildings and Residential Quarters for Judicial Officers at all the District Headquarters i.e. at Aizawl, Kolasib, Champhai, Mamit, Serchhip, Lunglei, Lawngtlai and Siaha, for District Courts and their Sub-ordinate Courts created after the Separation of Judiciary.

- (c) Construction of Administrative Buildings of the State Legal Services Authority at Aizawl and of the District Legal Services Authority Buildings together with provisions for sitting of Pre-litigation Lok Adalats, Post Litigation Lok Adalats, Mediation Centres etc. at Aizawl, Kolasib, Champhai, Mamit, Serchhip , Lunglei, Lawngtlai and Saiha.
- (d) Construction of Mizoram State Law Commission Building.

VISION

Just as the spirit and vision of Our Constitution is “Justice, Social, Economic and Political”, it is the duty of the government to ensure a social, economic and political order in which the legal system of the state promotes justice on a basis of equal opportunity and shall, in particular, ensure that opportunities for securing justice are not denied to any citizen by reason of economic or any other disabilities. The Department thereby envisages to establish an efficient legal and judicial system which delivers quick and quality justice and which reinforces the confidence of the people in the rule of law, enables better distributive justice, promotes basic human rights and enhances accountability and democratic governance. It aims to ensure that justice is not only done but also appears that justice is done to the citizens. It also aims to ensure that the people of Mizoram are law-abiding citizens that have opportunity of access to efficient and fair system of justice.

OBJECTIVES

- (a) aid and advise the Government and other Departments on all legal matters;
- (b) formulate and consider proposals for legislation and for the consideration of the Government;
- (c) draft legislations for giving effect to the decisions of the Government;
- (d) prosecute all litigation for and on behalf of the State Government;
- (e) make proposals for legal reforms to the Government;
- (f) bring out and publish all Acts, rules, notifications and update them from time to time;
- (g) formulate schemes for giving legal aid to weaker sections of the society.

ACTIVITIES

- 1) Law and Judicial Department is the Nodal Department for handling Court cases in which the State Government is a party, and its duty is to safeguard the interest of State Government in the Courts of Law on matters which have been brought to the notice of the Department.
- 2) Vetting of Acts, rules, MOU, contract agreement of all Departments of the State of Mizoram.
- 3) To aid and advise the Government and other Department on all legal matters.
- 4) To consider the proposals for legislation and for the consideration of the Government.
- 5) To draft legislations for giving effect to the decisions of the Government.
- 6) To prosecute all litigation for and on behalf of the State Government.
- 7) To make proposals for legal reforms to the Government.
- 8) To bring out and publish all Acts, rules, notifications and update them from time to time.
- 9) To formulate scheme for giving legal aid to weaker sections of the society.
- 10) Law and Judicial Department advises Government on proposals to initiate Legislations with regard to:
 - (a) The feasibility on the proposed Legislation from a legal point of view.
 - (b) Competence of the State Legislature to enact the measure proposed.
 - (c) The requirement of the Constitution as to obtaining the previous sanction of the President thereto.
 - (d) The consistency of the proposed measures with the provisions of the Constitution and in particular those relating to the Fundamental Right.
- (11) Law & Judicial Department is to be consulted by all Administrative Departments on:-
 - (a) making of statutes, acts, regulations and statutory rules and orders.
 - (b) any general legal principles arising out of any case.
 - (c) the institution or withdrawal of any suit, prosecution or legal proceeding.
 - (d) all correspondences to High Court or Supreme Court in any matter.
 - (e) matters relating to State Judicial Service.

Other Activities

Law and Judicial Department is responsible for the following :

1. Development of infrastructural facilities for the Judiciary.
2. Compulsory Registration of Marriages in the State under the Compulsory Registration of Marriages Act, 2007 & Rules, 2007.
3. Compilation, maintenance and interpretation of all Acts/Rules.
4. Appointment of Advocate General/ Standing Counsels/Public Prosecutors and Government Advocates.
5. Matter relating to High Court.
7. Matter relating to the Mizoram Judicial Services.
8. Legal Awareness campaign through Mizoram State Legal Services Authority.
9. Training of Public Prosecutors/Government Advocates & Judicial Officers

CENTRALLY SPONSORED SCHEME (CSS)

The primary responsibility for development of infrastructure facilities for subordinate judiciary rests with the State Government. To augment the resources of the State Government, a Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Subordinate Judiciary has been in operation since 1993-94.

Infrastructure development for the subordinate judiciary has been a thrust area of the National Mission for Justice Delivery and Legal Reforms. With a view to enhance support to State Governments, Central Government has increased its share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern States) under the modified CSS for development of infrastructure facilities for judiciary. This has been made effective from 2011-12 onwards. The funding pattern for North Eastern States has been kept at 90:10 w.e.f. 2010-11. Central assistance is restricted to the budgetary allocation made for the scheme. States are, however, free to spend additional amount. The modified scheme covers construction of court buildings and residential accommodation of Judicial Officers / Judges in respect of District and Subordinate Courts. Construction projects relating to the High Courts are not covered under the scheme.

Under the scheme funds are released to the State Governments based on the following criteria:

- (a) Utilization of previous grants released to the States.
- (b) Requirement of funds by State Government in the year as reflected in the Action Plan for the year.

PROJECTS TAKEN UP DURING 2019-2020 UNDER CENTRALLY SPONSORED SCHEME (CSS)

CSS fund amounting to ` **500.00 lakh** & ` **24.00 lakh** were received during 2019 – 20 from the Govt. of India. These funds along with State Matching Share amounting to ` **55.55 lakh** (*not yet received*) & ` **2.67 lakh** (*received*) respectively against these CSS fund are proposed to utilized for the following projects :

1. Completion of ongoing construction of District Court Building at Siaha amounting to ` **3,87,28,278**
2. Construction of additional Court Room with Chamber at District Court, Kolasib at an estimated amount of ` **62,92,000/-**
3. Construction of Retaining Wall at approach road on ongoing construction of Judicial Quarters for Grade I, II & III at Serchhip at an estimated amount of ` **8,69,000/-**
4. Repainting of District Court Building at Mamit at an estimated amount of ` **14,01,000/-**
5. Repair and renovation of Judicial Quarters at Lunglei amounting to ` **25,75,200/-**
6. Construction of Retaining Wall for Grade – III quarters at Serchhip amounting to ` **9,58,000/-**
7. Fencing of proposed plot of land for construction of District Court Building at Lawngtlai amounting to ` **7,50,800/-**
8. Construction of Type-II Judicial Staff Quarters (2 units) at Lunglei amounting to ` **10,92,722/-**

Due to active steps taken by the Department, Administrative Approval and Expenditure Sanction were accorded for all these projects during 2019-20. However, actual commencement of the project will take place during 2020-21.

PROJECTS COMPLETED DURING 2019-2020

During 2019-20, 2(two) ongoing projects under the CSS for Development of Infrastructure Facilities for Judiciary were completed and are now occupied. These projects are :

1. Construction of Judicial Quarters for Grade-II (1 unit) at Lawngtlai
2. Construction of Judicial Quarters for Grade-III (2 units) at Lawngtlai

ONGOING PROJECTS DURING 2019-20

The following are lists of projects under the CSS for Development of Infrastructure facilities for Judiciary which started during the previous years but are still ongoing during 2019-20 :

1. Construction of District Court Building at Aizawl (*physically completed*)
2. Construction of District Court Building at Siaha
3. Construction of Judicial Quarters for Grade-I, II & III at Serchhip (*physically completed*)
4. Construction of Judicial Quarters for Grade-I, II & III at Mamit (*physically completed*)
5. Construction of Judicial quarters for Grade-I at Siaha (*physically completed*)

PROJECT TAKEN UNDER SEDP DURING 2019-2020

During the year 2019-20, the Government of Mizoram allocated fund amounting to ` **3074.80 lakh** under SEDP for development of Judiciary in the State as below :

1. Site Development of ongoing construction of High Court Building at MINECO amounting to ` **2,94,80,000/-**
2. High Court Parking Building at MINECO amounting to ` **19,60,00,000/-**
3. District Court Parking Building at MINECO amounting to ` **8,20,00,000/-**

PROJECT BEING TAKEN UP UNDER NON-LAPSABLE CENTRAL POOL OF RESOURCE (NLCPR)

Establishment of a separate High Court in the State of Mizoram is always the interest of the Government of Mizoram. The Council of Ministers in its meeting held on 31.3.2009 approved the establishment of separate High Court for the State of Mizoram and for construction of a separate High Court Building, the Government of Mizoram allotted building of Raj Bhawan Secretariat, Durbar Hall and Governor's Residence at Mizoram New Capital Complex (MINECO), Khatla.

Thereafter, a project for construction of New High Court Building was proposed to be taken up with funds provided through Non-Lapsable Central Pool of Resource (NLCPR). Detailed Project Report (DPR) was submitted to Ministry of DoNER, Govt. of India.

Ministry of DoNER approved ` **4624.12 lakh** for construction of a separate High Court Building and out of this project cost an amount of ` **4161.69 lakh** is admissible as Grant to the State Government. Ministry of DoNER, Govt of India released ` **1471.90 lakh** as 1st installment on 15.03.2016. The Government of Mizoram in the Planning Department allocated ` **163.54 lakh** as part of State Matching Share (SMS) against this 1st installment on 01.07.2016. 2nd installment of fund amounting to ` **1857.37 lakh** was received from the Ministry of DoNER on 07.06.2019. The Govt. of Mizoram in the Finance Department allocated SMS amounting to ` **298.86 lakh** on 27.01.2020 (*` 206.37 lakh as 2nd installment and ` 92.49 lakh as 3rd and final installment*)

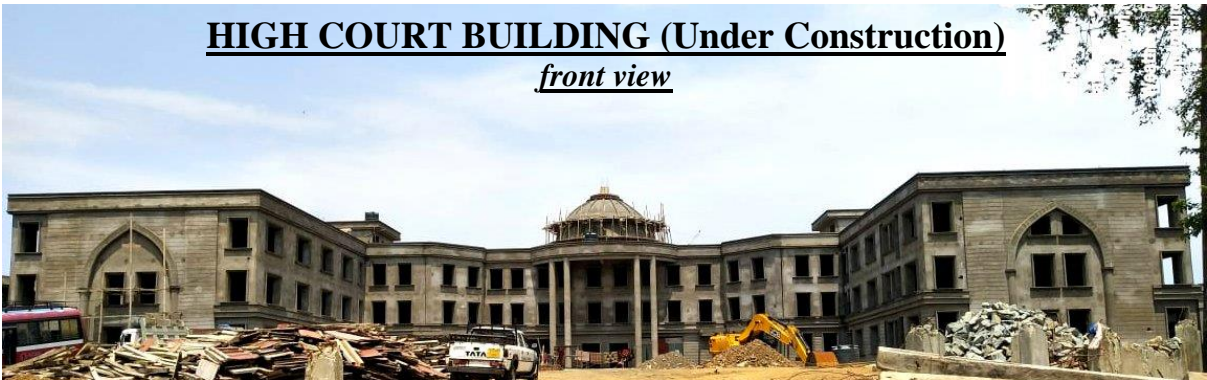
Overall physical progress for the quarter ending December, 2019 stands at 82% and expected date of completion is 04.06.2020.

DISTRICT COURT BUILDING, AIZAWL (Under Construction)

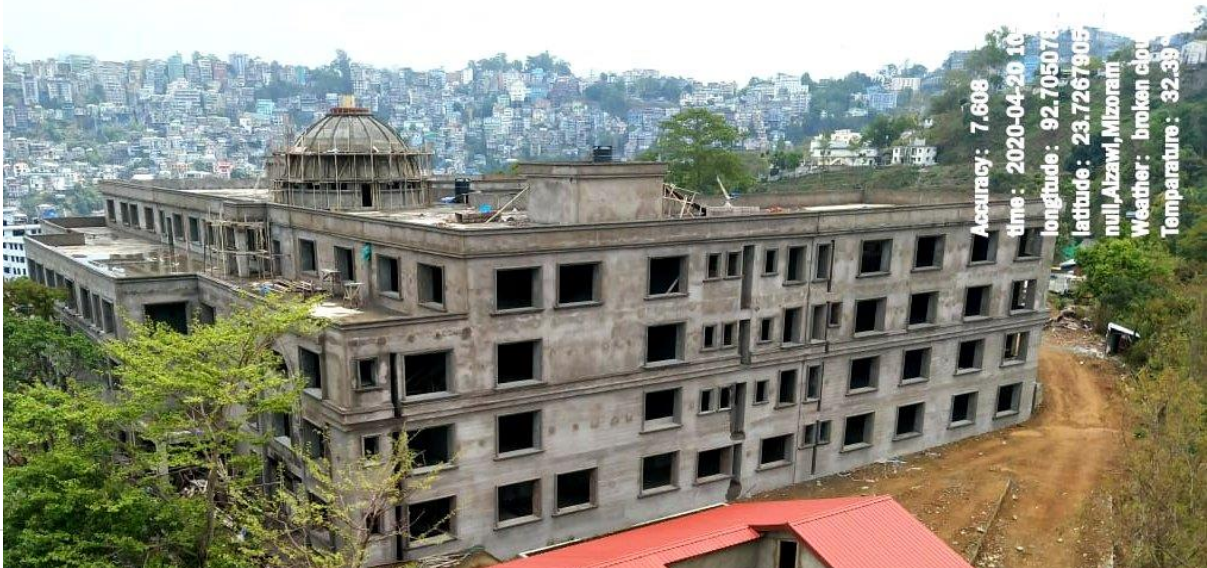


HIGH COURT BUILDING (Under Construction)

front view



rear view



Accuracy: 7.608
time: 2020-04-20 10
longitude: 92.705076
latitude: 23.7267905
null,Aizawl,Mizoram
Weather: broken clo
Temperature: 32.39

JUDICIAL QUARTERS GRADE-II, LAWNGTLAI (Completed)



JUDICIAL QUARTERS GRADE-III, LAWNGTLAI (Completed)



REFRESHER COURSE TRAINING OF ALL GOVERNMENT ADVOCATES/PUBLIC PROSECUTORS UNDER GOVERNMENT OF MIZORAM HELD DURING 26th & 27th NOVEMBER, 2019

