



Chapter - 5: Law and Justice

Introduction

The 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 Ministry of Law and Justice comprises the **three Departments** namely the Department of Legal Affairs, the Legislative Department and the Department of Justice.

Departments under the Ministry of Law and Justice

- **The Department of Legal affairs** is assigned **legal functions** including the interpretation of the Constitution and Laws, litigation, legal profession, law reforms, treaties and agreements with foreign countries in the matters of the civil law, legal services including Indian Legal Service, etc.
- **The Legislative Department** is concerned with the drafting of the principal legislation for the central government.
- **The Department of Justice** is concerned with the appointment, resignation and the removal of the Chief Justice of India, the judges of the Supreme Court/High Courts etc.

Indian Legal System

The Indian Legal System comprises **four components** namely: the basic values and principles enshrined in the Constitution; rights and obligations conferred by ordinary statutes; organisational set up to enforce these rights and obligations within the Constitutional norms; legal and the judicial personnel.

Sources of Law

- The main sources of law in India are the **Constitution; Statutes (legislation); Customary law and Case law.**
- Besides, there is a vast body of laws known as **subordinate legislation** in the form of rules, regulations as well as by-laws made by central/state governments and local authorities like municipal corporations, municipalities, gram panchayats and other local bodies.
 - This subordinate legislation is made under the authority conferred or delegated either by Parliament or state or union territory legislatures concerned.
- Judicial decisions of superior courts like the **Supreme Court and High Courts** are important sources of law. Decisions of the Supreme Court are binding on all courts within the territory of India.
- Local customs and conventions which are not against the statute, morality, etc., are also recognised and taken into account by the courts while administering justice in certain spheres.

Enactment of Law

- The Parliament is competent to make laws on matters enumerated in the **Union List**. State legislatures are competent to make laws on matters enumerated in the State List.
 - The Parliament alone has power to make laws on matters not included in the **State List or Concurrent List**.
 - On matters enumerated in the Concurrent List, laws can be made by

both **Parliament and the state legislature.**

- But in the event of repugnancy, law made by Parliament shall prevail over law made by state legislature, to the extent of repugnancy, be void unless the latter law having been reserved for consideration of the **President**, has received his **assent** and in that event shall prevail in that state.

Judiciary

Supreme Court

- After achieving independence in **August, 1947**, there was demand from the Indian polity for enlarging the jurisdiction of the Federal Court and granting more powers to it.
- From **1949**, appeals to the Privy Council were abolished altogether and the entire appellate jurisdiction was vested in the Federal Court. On **January 26, 1950**, Federal Court gave way to the Supreme Court of India under the new Constitution.
- After its inauguration on **January 28, 1950**, the apex court commenced its sittings in a part of the Parliament House.
- The original constitution of 1950 envisaged a Supreme Court with a **Chief Justice and 7 puisne Judges**-leaving it to Parliament to increase the number.
- The Supreme Court of India comprises the **Chief Justice and 33 other Judges** appointed by the President of India. Supreme Court Judges retire upon attaining the age of 65 years.
- In order to be **appointed as a Judge of the Supreme Court**, a person must be a citizen of India and must have been, for at least five years, a Judge of a High Court or of two or more such Courts in succession, or an Advocate of a High Court or of two or more such Courts in succession for at least 10 years or he must be, in the opinion of the President, a distinguished jurist.
- A Judge of the Supreme Court cannot be removed from office except by an order of the President passed after an address in each House of Parliament supported by a **majority of the total membership** of that House and by a **majority of not less than two-thirds of members** present and voting, and presented to the President in the same Session for such removal on the ground of proved misbehaviour or incapacity.
- **Supreme Court Rules, 2013** replacing the **1966 Rules**, have been framed under **Article 145** of the Constitution to regulate the practice and procedure of the Supreme Court.

High Court

- **Article 214** of the Constitution of India mandates the establishment of a High Court for each state, serving as the apex judicial authority within the state.
- India currently has **25 High Courts**, with three having jurisdiction over multiple states.
- In union territories, Delhi has its **own High Court**, while Jammu & Kashmir and Ladakh share a **common High Court** with alternating seats in Jammu and Srinagar.
- Other union territories fall under the jurisdiction of various state High Courts.
- Each High Court consists of a Chief Justice and additional Judges appointed by the **President of India**.
- The Chief Justice of a High Court is appointed by the President in consultation with the Chief Justice of India and the Governor of the respective state.
- The process for appointing High Court judges follows a similar procedure, with recommendations initiated by the **Chief Justice of the concerned High Court**.
- High Court judges serve until the age of 62 and must be Indian citizens with at least 10 years of judicial experience or extensive advocacy practice in High Courts.

National Mission for Justice Delivery and Legal Reforms

- The National Mission for Justice Delivery and Legal Reforms was established in **2011** with **two main objectives**:
 - Increasing access to justice by reducing delays and arrears in the legal system.
 - Enhancing accountability through structural changes, setting performance standards, and building capacities.
- The disposal of cases falls within the judiciary's jurisdiction, but the **Supreme Court** has consistently emphasized the importance of expeditious case resolution.

- The Supreme Court, under the Chief Justice of India (CJI), has directed state governments/Union Territories (UTs) and Registrars General of jurisdictional High Courts to provide updates on filling vacancies in judicial services.
- The government has adopted a coordinated approach to support the judiciary in **clearing backlogs**. This involves:
 - Improving court infrastructure.
 - Increasing the number of judicial officers.
 - Implementing policy and legislative measures to address areas prone to excessive litigation.
- The Department of Justice has launched a **web portal** for reporting and monitoring the sanctioned and working strength, as well as vacancies, of judicial officers in district and subordinate courts on a monthly basis.

Development of Infrastructure of Subordinate Courts

- Infrastructure development for subordinate courts is primarily the responsibility of **state governments**.
- The Department of Justice administers a centrally sponsored scheme (CSS) for judiciary infrastructure development **since 1993-94**.
- The CSS covers construction of court buildings and residential accommodation for judicial officers in district and subordinate courts.
- The fund sharing pattern under the scheme varies: 60:40 (centre: state) for most states, 90:10 for North-East and Himalayan states, and 100% assistance for Union Territories.
- The scheme has been approved for continuation **until 2025-26**, with a budget of Rs. 5,357 crore, including **Rs. 50.00 crore for Gram Nyayalayas**.
- The projects aim to complete 3,800 court halls, 4,000 residential units, lawyers' halls, 1,450 toilets, and 3,800 digital computer rooms for judicial officers.
- **Norms and specifications** for construction of court halls have been developed by the Department of Justice, applicable to all states/UTs since 2018-19.
- These norms are based on recommendations from the National Court Management Systems Committee of the Supreme Court, existing norms/practices of state governments, and CPWD norms.

Gram Nyayalayas

- **Gram Nyayalayas Act, 2008** established Gram Nyayalayas (GN) to provide doorstep justice and were to be set up for every Panchayat at an intermediate level or a group of contiguous Panchayats.
- GNs are considered as Courts of Judicial Magistrate of First Class, having jurisdiction over **both civil and criminal cases** according to specified Schedules.
- The Central and State governments possess the authority to modify the items in the Schedules.
- As of **September 2023**, 479 GNs have been notified across 15 states, with 284 of them operational.
- The Central government encourages states to establish GNs by providing financial assistance, both **recurring and non-recurring**.

Enforcement of Contracts and Commercial Courts

- The **Commercial Courts Act, 2015** was enacted to facilitate the swift resolution of commercial disputes, aiming to improve the business environment.
- The act includes provisions for establishing commercial courts at both **district and high court levels**.
- Dedicated commercial courts with specialized infrastructure and personnel have been established in Delhi, Mumbai, Karnataka, and Kolkata to expedite the resolution of commercial disputes.
- Several reforms and policy decisions have been implemented to enhance the efficiency and effectiveness of commercial dispute resolution:
 - Pecuniary jurisdiction for commercial cases has been reduced to **three lakh** rupees.
 - Cases are allocated automatically and randomly to ensure timely listing without human intervention in dedicated commercial courts.

- Electronic filing of cases, payment of court fees, and service of processes have been introduced.
- Pre-institution mediation and settlement options are available for all commercial cases with an opt-out model.
- Strict adherence to the maximum of **three adjournments rule**, as per the Civil Procedure Code, is ensured through an integrated alert system within the case information system.

Digitisation Initiatives Through eCourts

- The eCourts Project, part of the National eGovernance Plan since **2007**, aims to enhance the Indian Judiciary's functioning through digital initiatives.
- Aligned with the **National Policy and Action Plan** for ICT, it aims to universalize computerization in district and subordinate courts nationwide, improving services for litigants, lawyers, and the judiciary.
- **Phase-I (2007-2015)** targeted computerising 14,249 district and subordinate courts, followed by **Phase-II in 2015**. **Phase-III**, spanning four years, was approved in **September 2023**.
- Significant achievements include the establishment of a Wide Area Network connecting 2976 court sites and the creation of the National Judicial Data Grid (NJDG), offering access to case orders/judgements.
- Initiatives like Case Information Software (CIS) based on Free and Open-Source Software (FOSS), virtual courts for traffic violation cases, and e-filing systems were introduced.
- Virtual hearings were implemented across different court levels, along with video conferencing facilities between court complexes and jails.
- "**Justice Clocks**" were installed in **25 High Courts** for public access to judicial information.
- Training, awareness programs, and materials in multiple languages were provided to bridge the skill gap.
- **Phase-III** introduces new ICT measures like 1,150 virtual courts, 4,400 eSewa Kendras, online court proceedings, online dispute resolution, automation of court summons, and disabled-friendly ICT facilities.
- It also includes solar power backup, integration with the Criminal Justice System, Secure, Scalable and Sugamya Website as a Service (S3WaaS), and the utilization of emerging technologies like Artificial Intelligence and Optical Character Recognition (OCR) for advanced case management and litigation forecasting.

Access to Justice

- The Department of Justice launched the '**Designing Innovative Solutions on Holistic Access to Justice in India**' (**DISHA**) **scheme for 2021-2026**.
- DISHA aims to offer comprehensive, technology-driven solutions for Access to Justice, consolidating programs like Tele-Law, Nyaya Bandhu, Nyaya Mitra, and legal literacy initiatives.
- Tele-Law operates in **755 districts across 36 states/UTs**, connecting citizens with legal advice via technology available at Common Service Centers (CSCs) and a mobile application.
- Nyaya Bandhu focuses on pro bono legal services, including the Pro Bono Club Scheme involving law students and creating Panels of Pro Bono Advocates in High Courts.
- **Nyaya Mitra** program in district courts aims to reduce longstanding pending cases.
- Specific initiatives in North Eastern States and UTs of J&K and Ladakh are now expanded nationwide under DISHA.
- Lok Adalats, organized by Legal Services Authorities, offer Alternative Dispute Resolution (ADR) without expenses for litigants.
- During the last 7 years, Lok Adalats settled over **1,128.51 lakh cases**, and during the Covid-19 pandemic, e-LokAdalats in 28 states/UTs addressed **432.89 lakh cases**, disposing of **70.85 lakh cases**.

Speedy Justice Delivery for Marginalised

- An efficient justice delivery system is crucial for good governance and rule of law.
- The Department of Justice is working to ensure speedy justice for marginalized individuals by setting up courts, including Fast Track Courts (FTCs).

- The **14th Finance Commission** supported the establishment of **1,800 FTCs** to handle cases of heinous crimes, civil disputes, and sensitive matters.
- Currently, **843 FTCs** are operational in **21 states/UTs**.
- A Centrally Sponsored Scheme is in place for speedy trial and disposal of rape and POCSO Act cases, with **763 Fast Track Special Courts (FTSCs)** functional, including exclusive POCSO Courts.
- This scheme was initially for one year, funded from the Nirbhaya Fund, with 28 states/UTs participating.
- Additionally, 785 Family Courts are operational in 25 states/UTs to resolve disputes related to marriage and family matters.
- **Twelve Special Courts** were established following a Supreme Court directive to expedite criminal cases involving elected MPs/MLAs, with nine such courts currently operational in nine states.

Department of Legal Affairs

- The Department of Legal Affairs operates under the Government of India (Allocation of Business) Rules, **1961**.
- Its responsibilities include offering legal advice to ministries, interpreting the Constitution and laws, and engaging counsel to represent the Union of India in courts.
- The Department handles cases in the **Supreme Court and High Courts** on behalf of the central government and participating state governments under the Central Agency Scheme.
- It authorizes officers to execute contracts and assurances of property on behalf of the President and to represent the central government in legal proceedings.
- The Department manages treaties and agreements related to civil law with foreign countries.
- It administers **several Acts** including The Advocates Act, 1961, The Notaries Act, 1952, The Advocates' Welfare Fund Act, 2001, The Commercial Courts Act, 2015, The India International Arbitration Centre Act, 2019, and the Appellate Tribunal for foreign exchange.

Litigation

- Approximately 4.4 crore cases are pending in various courts of India as of **December 15, 2023**, according to the National Judicial Data Grid.
- The Government is identified as the major litigant in India's legal system.
- The Litigation (HC) Section of the Department of Legal Affairs manages litigation at the High Court of Delhi for all Ministries/Departments of the Government of India, excluding the Income Tax Department.
- Litigation work in the District Courts and Consumer Forums/Tribunals in Delhi, on behalf of all Ministries/Departments of the Government of India (excluding the Income Tax Department), is handled by the Litigation (LC) Section.

Legal Information Management

- Legal Information Management and Briefing System (LIMBS) is a web-based application established in **2016** under the Department of Legal Affairs, Ministry of Law and Justice.
- It monitors court cases where the Union of India is a party.
- **LIMBS** is accessible 24x7 to government officers/officials, nodal officers, higher officials of ministries, Department of Legal Affairs, and advocates.
- LIMBS Ver.2, launched in **2020** in collaboration with **NIC**, is an upgraded version with a dashboard-based system allowing user ministries/departments to view their cases at a glance.
- LIMBS Ver.2 employs open-source technologies and PHP coordinator framework to enhance security and improve system efficiency.
- The application has captured **7.87 lakh** court cases (including archive cases) through 15948 registered users, creating a unified database of litigations pertaining to the Union of India.

Alternate Dispute Resolution

- Traditional litigation is time-consuming and burdensome on the judiciary.
- Alternate Dispute Resolution (ADR) methods such as arbitration, conciliation, and mediation offer

less adversarial and more efficient means of resolving disputes.

- ADR mechanisms cover various types of disputes including civil, commercial, and family matters, especially when negotiation fails or privacy is crucial.
- Legislative measures have been implemented to promote ADR, including acts like the Arbitration and **Conciliation Act, 1996, the India International Arbitration Centre Act, 2019, and the Mediation Act, 2023.**
- The Mediation Act, 2023 establishes a standalone law for mediation, facilitating amicable dispute resolution.
- The Act enables institutional mediation and supports online mediation and community mediation.
- The Mediation Council plays a crucial role in enforcing the provisions of the Act.

Income Tax Appellate Tribunal

- The Income Tax Appellate Tribunal (ITAT) is among the oldest tribunals established under **section 252** of the **Income-Tax Act, 1961.**
- It is responsible for hearing second appeals related to Direct Taxes and Appeals against revision orders of Administrative Commissioners.
- Additionally, it deals with orders denying registration under **Section 12A** or under **Section 80G** of the Income-Tax Act, 1961.
- The ITAT serves as the final fact-finding authority in matters concerning income-tax, wealth-tax, and gift-tax.
- Orders issued by the ITAT are final, with an appeal option available to the High Court only if a substantial question of law arises for determination.

Law Commission of India

- The Law Commission of India is formed every **three years** by a notification from the Department of Legal Affairs, Ministry of Law and Justice, Government of India, with specific Terms of Reference for legal research.
- Its main task is to make recommendations to the Government in accordance with its mandate.
- The **22nd Law Commission** was established on **February 21, 2020**, for a **three-year** term.
- Justice Ritu Raj Awasthi, Retired Chief Justice of the Karnataka High Court, was appointed as the Chairperson of the 22nd Law Commission.
- Additionally, the Commission comprises **three Full-time** Members and **two Part-Time** Members.

Bar Council of India

- The Bar Council of India (BCI) is the statutory regulator of legal education and the legal profession.
- Its main responsibility is to maintain and enhance the standards of legal education and profession.
- BCI ensures the adherence to professional standards of conduct and etiquette by advocates.
- It serves as the Appellate Authority in disciplinary matters related to the conduct of advocates, with the first authority being the concerned State Bar Council.
- Under **Section 48B of the Advocates Act, 1961**, BCI has the authority of general supervision and control over State Bar Councils and can issue directions for their proper functioning.
- BCI conducts the All India Bar Examination for advocates who **graduated from 2010** onwards and are provisionally enrolled with their respective State Bar Councils.

Indian Law Institute (ILI)

- **Establishment:** Indian Law Institute (ILI) founded in 1956.
- **Objective:** Promote legal research.
- **Status:** Granted 'Deemed University' status in 2004 by the Ministry of Human Resource Development, Government of India.
- **Accreditation:** Received 'A' Grade (CGPA 3.35 out of 4.00) by NAAC in 2017 after completing its first cycle of accreditation.
- **Legal Structure:** Registered as an autonomous body under the Societies Registration Act, 1860.
- **Autonomy:** Possesses academic freedom to pursue its objectives and conduct meaningful research.

Enforcement Agencies

▪ Police

- The police force in the country is entrusted with the responsibility of maintenance of public order and prevention and detection of crimes. Public order and police being state subjects under the Constitution, police are maintained and controlled by the **states**.
- The police force in a state is headed by the **Director General of Police/Inspector General of Police**. Besides the civil police, states also maintain their own armed police and have separate intelligence branches, crime branches, etc.
- The central government maintains Central Police forces, Intelligence Bureau (IB) and the Central Bureau of Investigation (CBI).

▪ Indo-Tibetan Border Police (ITBP):

- The ITBP was raised in the wake of Chinese aggression in **1962** under an integrated '**guerilla-cum-intelligence-cum-fighting Force**' self-contained in supplies, communication and intelligence collection. It has evolved with the passage of time into a conventional border guarding Force.
- ITBP guards **3,488 kms** of Indo-China Border.

▪ Border Security Force (BSF)

- Raised in **1965**, BSF's role during peace time is to promote a sense of security among the people living in the border areas; to prevent trans-border crimes, unauthorized entry into or exit from the territory of India; to prevent smuggling and any other illegal activities on the border; anti-infiltration duties; and to collect trans-border intelligence.
- Its role during war time is **holding ground in assigned sectors**; limited aggressive action against central armed police or irregular forces of the enemy; maintenance of law and order in enemy territory administered under the army's control; guarding of prisoners of war camps; acting as guides to the army in border areas; assistance in control of refugees; provision of sectors; and performing special tasks connected with intelligence including raids.

▪ Assam Rifles

- The Assam Rifles raised as **Cachar Levy in 1835** is the **oldest** Central ParaMilitary Force in India.
- The Force was raised primarily to guard the **alluvial plains** of Assam from the wild and unruly tribes inhabiting the surrounding hill tracts. This was the earliest embodied unit of what eventually developed into the Assam Rifles.
- The Assam Rifles' contribution towards assimilation of the people of the north-east into the national mainstream is truly monumental. Their long association with the region reflects in the force being fondly called "**The Sentinel of the North-East**" and "**Friends of the Hill People**" security in the north-eastern region and guarding the Indo-Myanmar border.
- It has its **headquarters in Shillong** and the Force is completely deployed in the North East for guarding the **Indo-Myanmar Border**, spread **over 1,631 kilometres**. It functions under the control of the Ministry of Home Affairs (MHA).

▪ National Security Guard (NSG)

- NSG was conceptualised and created after studying and analysing **Special Forces** like SAS in the United Kingdom, GIGN in France, GSG-9 in Germany, Shar-et-matkal in Israel and Delta Force in the USA.
- NSG was raised in **October, 1985** as a Federal Contingency Force under the MHA. It consists of selected and highly motivated personnel from the army as well as the central armed police.

▪ Central Reserve Police Force (CRPF)

- CRPF was formed in **July 1939** at **Neemuch** as the **Crown Representative's Police**. After independence, it was renamed as the **Central Reserve Police Force**.
- The CRPF has also been deployed internationally in **Kosovo, Haiti and Sri Lanka**. In Sri Lanka, **two CRPF Battalions** and one company of **Mahila Battalion** were a part of the Indian Peace Keeping Force. Now, for the first time in the history of the UN, a fully formed women's unit is posted in Liberia as a part of the United Nations Peacekeeping Mission.
- The **9th April** is celebrated as "**Valour Day**" in the Force.

▪ Rapid Action Force (RAF)

- In **1992**, 10 Battalions of CRPF were reorganized and converted into 10 battalions of **4 Coys** each of Rapid Action Force (RAF).

- The personnel in RAF are trained and equipped to be an effective strike force in communal riots and similar situations.
- These Battalions are located at **10 communally** sensitive locations across the country to facilitate quick response in case of any such incident.
- All these Battalions are organised on an **unattached pattern** and are working under the supervision of an Inspector General.
- **Central Industrial Security Force (CISF)**
 - Raised in **1969**, CISF provides security cover to domestic and international airports and fire protection cover to industrial undertakings.
 - With globalization and liberalization of the economy, CISF is no longer a **PSU-centric** organization.
 - Instead, it has become a premier multi-skilled security agency of the country, mandated to provide security to major critical infrastructure installations of the country in diverse regions including terrorist and naxal affected areas.
- **Sashastra Seema Bal**
 - The force came into existence under the name **Special Service Bureau** in early **1963** in the wake of **Indo-China conflict**.
 - Its aim was to build people's morale and inculcate a spirit of resistance in border populations of the northern and northeastern borders.
 - At present, the '**Sashastra Seema Bal**' (SSB) is entrusted with the guarding of **IndoNepal since 2001** and **Indo-Bhutan borders since 2004**. Apart from the Indo-Nepal border and Indo-Bhutan border, it also also deployed in Naxal affected areas as well as terrorism infested areas.

Civil Defence

- Civil Defence includes any measures not amounting to actual combat, for affording **protection to any person, property, place or thing in India** or any part of the territory thereof against any hostile attack, whether from air, land, sea or other places or for depriving any such attack of the whole or part of its effect, whether such measures are **taken before**, during or after the time of such attack, or any measures taken for the purpose of disaster management, before, during, or after any disaster.
- The **Amendment to the Civil Defence Act, 1968** accorded legal sanction to the additional role of the Civil Defence constituents in the field of disaster management.
- Civil Defence is primarily organized on a voluntary basis, except for a small nucleus of the paid staff and establishment which is augmented during emergencies.

Home Guards

- Home Guards is a voluntary force, first raised in **India** in **December, 1946**, to assist the police in controlling civil disturbances and communal riots.
- In the wake of **Chinese aggression in 1962**, the centre advised the states and union territories to merge their existing voluntary organisations into one uniform voluntary force known as **Home Guards**.
- The role of Home Guards is to serve as an auxiliary to the police in the maintenance of internal security, help the community in any kind of emergency, etc.
- Home Guards are of **two types**, rural and urban. In Border States, **Border Wing Home Guard** Battalions have also been raised, which serve as an auxiliary to the Border Security Force. The organisation is spread over in all the states and union territories **except in Kerala**.
- Home Guards are raised under the **Home Guards Act** and rules of the states/union territories. The Ministry of Home Affairs formulates the policy in respect of the role, target, raising, training, equipping, establishment and other important matters of the Home Guards Organisation.
- Expenditure on Home Guards is generally shared between the centre and state governments as per existing financial policy.

Fire Service

- Fire Service is a crucial aspect of Civil Defence, organized by **States and Union Territories**.

- Ministry of Home Affairs provides technical advice and facilitates soft GIC loans for equipment purchase and building construction.
- The **11th Finance Commission** allocated over 200 crore rupees for Fire Service development.
- Training for junior level professionals occurs in State Fire Training Schools, while officers are trained at the National Fire Service College in **Nagpur**.
- As of January 2023, approximately **12,500 fire officers** have been trained at the National Fire Service College, including trainees from **12 foreign countries**.

Personal Law

- The people of India are of different religions and faiths. They are governed by different sets of personal laws in **respect of matters relating to family** affairs, i.e., marriage, divorce, succession, adoption, wills, etc.
- The subject matter of personal laws is relatable to **entry 5 of List III-Concurrent list in the Seventh Schedule** to the Constitution of India and hence the Union Legislature, namely Parliament and subject to the provisions of **Article 254** of the Constitution.
- Moreover, the state legislatures are also competent to make laws in the field.

Election Laws and Electoral Reforms

- Several Acts govern the conduct of elections in India, including the Representation of the People Act, 1950 and 1951, the Presidential and Vice-Presidential Elections Act, 1952, the Delimitation Act, 2002, the Andhra Pradesh Legislative Council Act, 2005, and the Tamil Nadu Legislative Council Act, 2010.
- India's electoral system, known as the **first-past-the-post system**, has been in place for over seventy years, with evolving electoral scenarios prompting reforms in electoral laws.
 - Recent amendments to the Conduct of **Elections Rules, 1961**, through the Conduct of Elections (Amendment) Rules, 2022, have increased the maximum expenditure limits for candidates in parliamentary and assembly constituencies.
- The **Election Laws (Amendment) Act, 2021** introduced rules such as linking the electoral roll with the **Aadhaar system** to prevent multiple enrollments, introducing multiple qualifying dates for enrollment, making statutes gender-neutral, and streamlining the election process.
- Further **amendments** to the Conduct of Elections Rules, 1961, were made through the Conduct of Elections (Amendment) Rules, 2023, including provisions for voters on election duty to cast their votes at facilitation centers and changes in the attestation process for voter declarations.
- Amendments to the Registration of **Electors Rules, 2022**, introduced four qualifying dates for inclusion in the voter list for individuals turning **18 years old**.

Delimitation of Constituencies

- Delimitation of constituencies is mandatory in representative systems with **single-member constituencies**, governed by **Articles 82 and 170** of the Constitution.
 - Five Delimitation Commissions have been constituted **since 1952**, with the latest in 2020.
 - Due to population policy strategy, delimitation is frozen until 2026.
- The 2002 Delimitation Commission, chaired by **Justice Kuldeep Singh**, delimited constituencies in most states except Jammu and Kashmir and some northeastern states.
- Delimitation orders took effect from **February 2008** for most states, and **March 2008** for **Tripura and Meghalaya**, through a Presidential Order.
- Delimitation in **Jharkhand** was nullified until 2026 by inserting Section 10B into the **Delimitation Act, 2002**.
- Due to security concerns, delimitation was deferred in Assam, Arunachal Pradesh, Manipur, and Nagaland by Presidential Orders.
- Delimitation exercises in Assam, Arunachal Pradesh, Manipur, and Nagaland were **rescinded in 2020**.
- Delimitation in Jammu & Kashmir was carried out by the Delimitation Commission chaired by Justice **Ranjana Desai**, implemented in **March and May 2022**.
- Delimitation in Assam was carried out by the Election Commission of India and took effect in **August 2023**.

Electronic Voting Machine

- The use of the Electronic Voting Machine was started in the country on experimental basis in **1982**. During the General Elections to the Lok Sabha in **2004**, EVMs were used in all polling stations across the country.
 - Thereafter, EVMs are being used in all the elections of the House of the People and state assemblies.
- The EVMs were **commissioned in 1989** by the Election Commission of India in collaboration with Bharat Electronics Limited, Bengaluru and Electronics Corporation of India Limited, Hyderabad.

Voting Rights to the Citizens of India Living Abroad

- **Section 19 of the Representation of the People Act, 1950** provides that every person who is not less than eighteen years of age on the qualifying date and is ordinarily resident in constituency shall be entitled to be registered in the electoral rolls for that constituency.
- As per the **Representation of the People (Amendment) Act, 2010** and in pursuance of the provisions of the said Act, the central government, in consultation with the Election Commission prepared and published the Registration of Electors (Amendment) Rules, 2011 and Registration of Electors (Second Amendment) Rules 2011.
 - Under the amended rules, the overseas Indians can now furnish the documents **self attested** by them and get their name enrolled in the electoral roll of their respective constituency.

Women Reservation

- Women Reservation Bill enacted as the **106th Constitutional Amendment Act**.
 - Provides for reservation of **1/3rd of seats** in Parliament, state legislatures, and Delhi's legislative assembly.
 - Within the **33% quota**, sub-reservations for SC, ST, and Anglo-Indian communities.
- Actual implementation could be delayed due to **contingent upon delimitation exercise**.
- Innovative feature: Rotation of reserved seats after each delimitation, ensuring representation from diverse backgrounds/regions.
- Previous amendments (**73rd and 74th**) reserved one-third of seats for women in **Panchayats and Municipalities**.

Reservation of Seats for Scheduled Castes and Scheduled Tribes

- The Constitution makers recognized the **historical oppression and underprivileged status** of Scheduled Castes and Scheduled Tribes (SC/ST) in Indian society.
- Special provisions were included in the Constitution to improve their conditions, such as **reservation of seats** in Lok Sabha and **state legislative assemblies (Articles 330 and 332)**.
- The Anglo Indian community, facing difficulties, was also addressed with representation in the Constitution under **Article 331**, allowing the President to nominate **two members** to the House of the People.
 - Governors were empowered to **nominate one member** from the Anglo Indian community to state legislative assemblies when necessary.
 - Initially, these provisions were set for a **ten-year period** from the Constitution's commencement but have been extended **multiple times**.
- The Constitution (One Hundred and Twenty-Sixth Amendment) Bill, 2019, further extended the reservation period for SC/ST members by ten years.
 - This bill, enacted as the **Constitution (One Hundred and Fourth Amendment) Act, 2019**, received assent from both Houses of Parliament and the President.

