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HARYANA GOVERNMENT

ADMINISTRATIVE REFORMS DEPARTMENT

Notification

The 26th May, 2021

No. 3/1/2021- 4AR.— Whereas it is necessary and expedient to set up machinery for review, revision, amendment and modification of existing laws and enactment of fresh legislation to have and achieve its true objects and make justice simple, speedy, effective and substantive;

Now, therefore, the Governor of Haryana is pleased to constitute the Second Haryana State Law Commission from the date of publication of this Order in the Official Gazette.

CONSTITUTION

2. The Commission shall consist of:

- (i) The Chairperson
- (ii) Two Full-time Members
- (iii) Two Part-time Members
- (iv) Member Secretary

HEAD QUARTER

3. The Head Quarter of the Commission shall be at Chandigarh/Panchkula.

TENURE

4. The Tenure of Commission shall be three years and the State Government may extend the tenure of the Commission from time to time.

CHAIRPERSON AND MEMBERS

5. The State Government shall appoint Chairperson and Members as follows:-

- (a) The Chairperson shall be a person who has been a Chief Justice or a Judge of a High Court;
- (b) First full-time Member shall be a person who is or has been District Judge/Additional District Judge;
- (c) Second full-time Member shall be an Advocate having atleast 15 years of experience as an Advocate;

- (d) Two part-time Members shall be persons with distinguished experience of working in the field of Social Work, Health, Psychology, Child and Women Welfare, Education, Sociology, Law, Criminology or any other social science discipline of atleast ten years.
- (e) There shall be a Member Secretary of the Commission who shall be serving HCS (Judicial or Executive Branch) having atleast 10 years of Government service;
- (f) The Commission may from time to time, co-opt such member as it deems necessary but not such co-option shall be made without approval of the State Government;
- (g) The Member Secretary shall be the drawing and Disbursing Officer with respect to the establishment of the Commission. He shall exercise such administrative powers, and perform such functions as may be specified with the prior approval of the Chairperson and shall also assist the Chairperson and Members in performance of the functions of the Commission.

Paid Salary and Allowances

- 6. (a) The salary and allowances of the Chairperson shall be equal to the salary and allowances of the Chief Justice of High Court of Punjab and Haryana reduced by the amount of pension being drawn by him, if any;
- (b) First Full-time member, in case of serving judicial officer shall be entitled to such pay and allowances, as he is already drawing, and in case of retired judicial officer, shall be entitled to his last drawn salary. Second Full-time Member shall be entitled to pay and allowances as admissible to First Full-time Member;

Provided that if a full-time Member at the time of his appointment is eligible to draw a pension (other than disability or wound pension) in respect of any previous service under the Government of the Union or Government of a State, his salary in respect of Service as a Member, shall be reduced by the amount of that pension.
- (c) Part-time Member shall be paid an honorarium of Rs. 50,000/- p.m. (Rupees Fifty Thousand only) and shall avail TA/DA as admissible to an Officer of the rank of Joint Secretary in Haryana State.

FUNCTION OF THE COMMISSION

- 7. The Commission shall perform the following functions, namely:-

- (a) examine all the important State Laws in detail with a view to recommend as a result of such examination, lines on which the same should be simplified, consolidated, amended, revised or otherwise brought upto date, keeping in view the changed socio-economic conditions of the society and the directive principles of the Constitution of India and to identify laws which are no longer needed or relevant and can be immediately repealed;
- (b) examine the existing statutory and non-statutory rules, especially service rules framed under article 309 of the Constitution of India or under any other enactment, regulations and executive instructions and recommend their revision in order to bring them in conformity with the changed socio economic conditions of the Society and the various decisions of the Supreme Court and the High Courts;
- (c) examine service legislations of the Government Departments, Boards, Corporations, other bodies and instrumentalities of State and suggest amendments to enhance the standards and efficiency of Government by proposing changes in recruitment system, promotional avenues, departmental examination, training and programme etc.
- (d) examine the laws which affect the poor and carry out post-audit for socio-economic legislations and take all such measures as may be necessary to harness law and the legal process in the service of the poor.
- (e) examine the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and to suggest the ways for revision of procedural law with a view to eliminate delays, speedy clearance of arrears and for simplification of procedure to reduce and eliminate technicalities and devices of delay;
- (f) ascertain if any provision of the existing laws is inconsistent with the Constitution of India and to suggest the necessary alterations and modifications and also to examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislations as might be necessary to implement the Directive Principles and to attain the objectives set out in the Preamble of the Constitution;

- (g) remove anomalies and ambiguities in the existing laws brought to light by conflicting decisions of the Supreme Court and the High Courts or otherwise also to suggest the omission of unnecessary and obsolete laws;
- (h) suggest ways and means for improving of administration of Justice in the State and to consider and to propose to the Government on any other subject particularly relating to laws and judicial administration;
- (i) obtain such information as to the legal systems of other States, Central Government or other countries as appears to the Commission likely to facilitate the performance of any of the its functions;
- (j) suggest new legislations keeping in view social, economic and financial changes;
- (k) any other matter of importance for the State Government.

RECOMMENDATIONS AND REPORTS OF THE COMMISSION

8. The Commission shall concretize its recommendations after consultation with the Department(s) and such other stakeholders as the Commission may deem necessary for the purpose.

9. The Commission shall submit its reports in Hindi and English with sufficient number of copies for being placed on Tables of Legislative Assembly of the State of Haryana and shall also make its reports available through Government portal.

PUBLIC SERVANTS

10. The Chairperson, the Member, the Secretary, other officers and employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.

STAFF OF THE COMMISSION

11. The staff of the Commission shall be as provided/sanctioned by the State Government from time to time.

REMOVAL/RESIGNATION

12. The Chairperson or any Member may, by notice in writing under his hand addressed to the Government, resign his office.

- (1) The Chairperson or any member may be removed from his office by order of the Government if he:-
 - (a) becomes an undischarged insolvent;
 - (b) is convicted and sentenced to imprisonment for an offence, which in the opinion of the State Government, involves moral turpitude;
 - (c) becomes of unsound mind and stands so declared by a competent court;
 - (d) refuses to act or becomes incapable of acting;
- (2) On a controversy regarding the disqualification of a Member, the decision of the Chief Minister shall be final.

VIJAI VARDHAN,
Chief Secretary to Government of Haryana.