

DEPARTMENT OF JUSTICE

14TH FINANCE COMMISSION ON THE JUSTICE SECTOR

Memorandum of the Department of Justice

The court system serves a growing population of more than a billion people. Case loads are exploding. There is a shortage of judges and the number of courts, court personnel and infrastructure has not kept pace with the increasing case loads. Further, victims, witnesses, and unrepresented litigants confront bewildering instructions couched in obscure legal language. Court processes must be simplified to make the courts more comprehensible and available to everyone.

The judicial system has come under severe strain on account of the huge backlog and pendency of cases. The total pendency in the district courts at the end of the year 2013 was around 2.68 crore cases of which 22% are over five years old. On an average, nearly 2 crore cases are instituted each year, and approximately the same number (2.04 crore) are disposed off.

The Supreme Court in the All India Judges Association's case [2002 (4) SCC 247], observed that the number of judicial officers in the States need to be doubled and judge-population ratio of 1:50 million needs to be achieved. In Brij Mohan Lal vs. Union of India [2012 (6) SCC 502], The Supreme Court decided that 10 percent additional posts of judicial officers be created in States. Referring to the above two judgments, it was decided In the Joint Conference of Chief Ministers and Chief Justices held on 7th April 2013 that in order to narrow down Judge-population ratio, the State Governments, in consultation with the Chief Justices will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure.

Keeping the above in view, the following proposals were submitted for consideration of the 14th Finance Commission. These proposals are guided by the need to ensure easy access to court services, and enhancing public confidence in the court system. The proposals cover the following interventions with total financial requirement of **Rs.9749 crore**:

I. Pendency Reduction

- i. Establishment of additional courts in districts where pendency is high
 - a) 100% of the districts in 6 States where disposal per judge per year is less than 500 cases
 - b) 75% of the districts in 6 States where disposal per judge per year is more than 500 but less than 1000 cases
 - c) 50% of the districts in 8 States where disposal per judge per year is more than 1000 cases but less than 1500 cases
 - d) 25% of the districts in 8 States where disposal per judge per year is more than 1500.

(Rs 858.82 crore)

- ii. Establishment of Fast Track Courts for:
 - a) All cases of heinous crimes like murder, rape, dacoity, kidnapping, human trafficking, dowry deaths etc.
 - b) All civil cases involving senior citizens, women, children, disabled and litigants afflicted with HIV AIDS and other terminal ailments;
 - c) Civil disputes involving land acquisition and property/rent disputes pending for more than 5 years.

(Rs 4144.11 crore)

- iii. Establishment of Family Courts in districts without such courts
 - a) Against 672 districts in the country, 408 Family Courts have been set up. 235 additional courts proposed to be set up.

(Rs 541.06 crore)

II. Re-designing existing court complexes to become more litigant friendly

- a) Ensuring safety and reducing vulnerability: Designing and Retrofitting Courts to reduce Vulnerability from seismic hazards
- b) Barrier free courts and court rooms for persons with disabilities
- c) Establishing Vulnerable Witness Deposition Centres

(Rs 1400 crore)

III. Augmenting technical support for ICT enabled courts

- a) 1600 professionals required to provide support to ICT enabled courts in the country

(Rs 479.68 crore)

IV. Scanning and Digitalisation of Case Records of High Courts and District Courts

- a) Scanning and digitalisation of the case records of the pending and disposed cases of High Courts and District Courts,
- b) Output file format of the digitised file will be PDF/A or its advanced versions with features like water-marking and digital signatures to ensure authenticity of the digitalised repositories

(Rs 752.50 crore)

V. Enhancing Access to Justice

- i. Support for Law School based Legal Aid Clinics (Rs.50.50 crore)
- ii. Organising Lok Adalats (Rs 93.61 crore)
- iii. Support for Mediation/Conciliation in ADR centres (Rs 300 crore)
- iv. Incentives to Mediators/Conciliators (Rs 503.44 crore)

VI. (a) Training and capacity building of judges, public prosecutors, mediators, lawyers: Refresher, ongoing

(Rs 550 crore)

(b) Establishment of State Judicial Academies in Manipur, Meghalaya and Tripura

(Rs.75 crore)

Total financial requirements of funds for the above initiatives, state wise, were also conveyed to the 14th Finance Commission.

Recommendation of the 14th Finance Commission

The Department of Justice in the Union Government has submitted a comprehensive proposal, which covers areas like reduction in pendency of cases, re-designing existing court complexes to make them more litigant friendly, enhancing access to justice and capacity building of personnel. The Commission noted that the proposal amounting to Rs. 9,749 crore has been arrived at after an extensive consultation process with the States and merits favourable consideration. The state wise details of the proposal are given in Annex 11.2 of the report of the Commission (Enclosed). The Commission in its report has endorsed the proposal of the Department and urged State Governments to use the additional fiscal space provided by the commission in the tax devolution to meet such requirements.

Proposal of Department of Justice (Govt. of India) for Grants-in-Aid

(Rs. crore)

S.No.	High Court	Name of the State	Additional Courts	Fast Track Courts	Family Courts	Re-designing Existing Courts	Technical Manpower Support	Scanning & Digitization	Law Schools	Lok Adalats	ADR Centres	Mediators	Capacity Building	Total State-wise Fund Required
														261.35
1	Andhra Pradesh	Andhra Pradesh	23.03	108.21	0.00	71.5	14.40	15	0.86	3.19	0	9.75	15.39	261.35
2		Telangana	18.42	85.18	0.00	55	14.17	12	0.66	2.31	0	7.50	11.84	206.64
3	Gauhati	Arunachal Pradesh	11.51	0.00	0.00	0.5		20	0.00	0.06	12	13.16	0.42	69.54
4		Assam	48.35	82.88	55.26	30	12.086	31	1.01	0.80	19	20.90	11.07	300.76
5		Mizoram	18.42	16.12	9.21	4		9	0.00	0.09	5	6.19	1.84	70.12
6		Nagaland	25.33	6.91	20.72	1		13	0.00	0.09	4	8.52	0.76	79.62
7	Patna	Bihar	87.49	338.43	11.51	25	45.93	44	5.05	5.88	27	29.42	42.29	662.06
8	Chhattisgarh	Chhattisgarh	48.35	64.46	18.42	30.5	9.37	31	2.02	1.94	19	20.90	9.28	255.74
9	Bombay	Goa	4.61	11.51	0.00	7.5		2	0.00	0.75	0	1.55	1.47	29.70
10	Gujarat	Gujarat	39.14	400.59	36.84	116	28.10	38	1.52	6.56	18	25.55	55.42	765.72
11	P&H HC	Punjab	13.82	115.11	50.65	30	10.12	25	3.03	1.34	16	17.03	22.25	304.50
12		Chandigarh	0.00	4.61	0.00	0.5				0.13				5.23
13		Haryana	13.82	110.51	34.53	21.5	10.12	24	2.02	1.41	6	16.26	15.26	255.42
14	Shimla	Himachal Pradesh	6.91	29.93	0.00	19.5	4.83	14	0.00	1.25	9	9.29	3.88	98.04
15	Jammu & Kashmir	Jammu & Kashmir	25.33	48.35	0.00	38.5	9.37	25	0.51	0.63	0	17.03	6.91	172.04
16	Jharkhand	Jharkhand	55.26	115.11	6.91	36.5	16.32	28	2.53	2.94	12	18.58	16.19	310.21
17	Karnataka	Karnataka	34.54	218.72	29.93	91.5	25.38	35	2.02	5.88	1	23.23	30.40	497.69
18	Kerala	Kerala, Lakshadweep	9.21	94.39	0.00	64	12.99	16	1.01	3.31	10	10.84	12.08	234.02
19	Madhya Pradesh	Madhya Pradesh	59.86	306.20	46.05	88	39.88	59	3.54	8.56	27	39.48	40.22	717.89
20	Bombay	Maharashtra, D & N, Daman & Diu	41.44	469.67	50.65	228	60.13	40	3.03	12.00	25	27.10	56.52	1014.00
21	Manipur	Manipur	16.12	6.91	11.51	7	1.21	10	0.00	0.25	6	6.97	26.05	92.84
22	Meghalaya	Meghalaya	25.33	9.21	0.00	0.5	0.30	13	0.00	0.13	8	8.52	26.10	90.66
23	Orissa	Odisha	52.95	145.04	32.23	57	14.81	35	2.02	3.69	21	23.23	18.60	405.67

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24	Rajasthan	Rajasthan	20.72	214.11	11.51	121	26.89	38	2.53	5.13	0	25.55	32.41	497.99
25	Sikkim	Sikkim	9.21	2.3	4.61	2	1.21	5	0.00	0.13	0	3.10	0.51	27.68
26	Madras	Tamil Nadu, Pudicherry	18.42	204.91	41.44	130	27.50	37	1.52	5.63	23	24.77	28.1	542.13
27	Tripura	Tripura	4.61	20.72	11.51	6.5	2.12	9	0.00	0.50	6	6.19	27.89	95.00
28	Allahabad	Uttar Pradesh	87.49	488.08	0.00	56	61.94	87	10.61	9.06	3	58.06	54.40	915.20
29	Uttarakhand	Uttarakhand	16.12	64.46	18.42	15.5	6.95	15	0.51	1.94	9	10.06	7.27	165.55
30	Calcutta	West Bengal, A & N Islands	23.03	216.42	39.14	45.5	23.57	22	3.03	7.06	14	14.71	28.13	436.11
31	Delhi	Delhi		145.05	0.00			0.00	1.52	1.00	0	0.00	22.02	169.58
Grand Total			858.83	4144.11	541.06	1400	479.68	752.50	50.50	93.61	300	503.44	624.98	9748.71

Note 1 : The grand total includes allocations to Union Territories