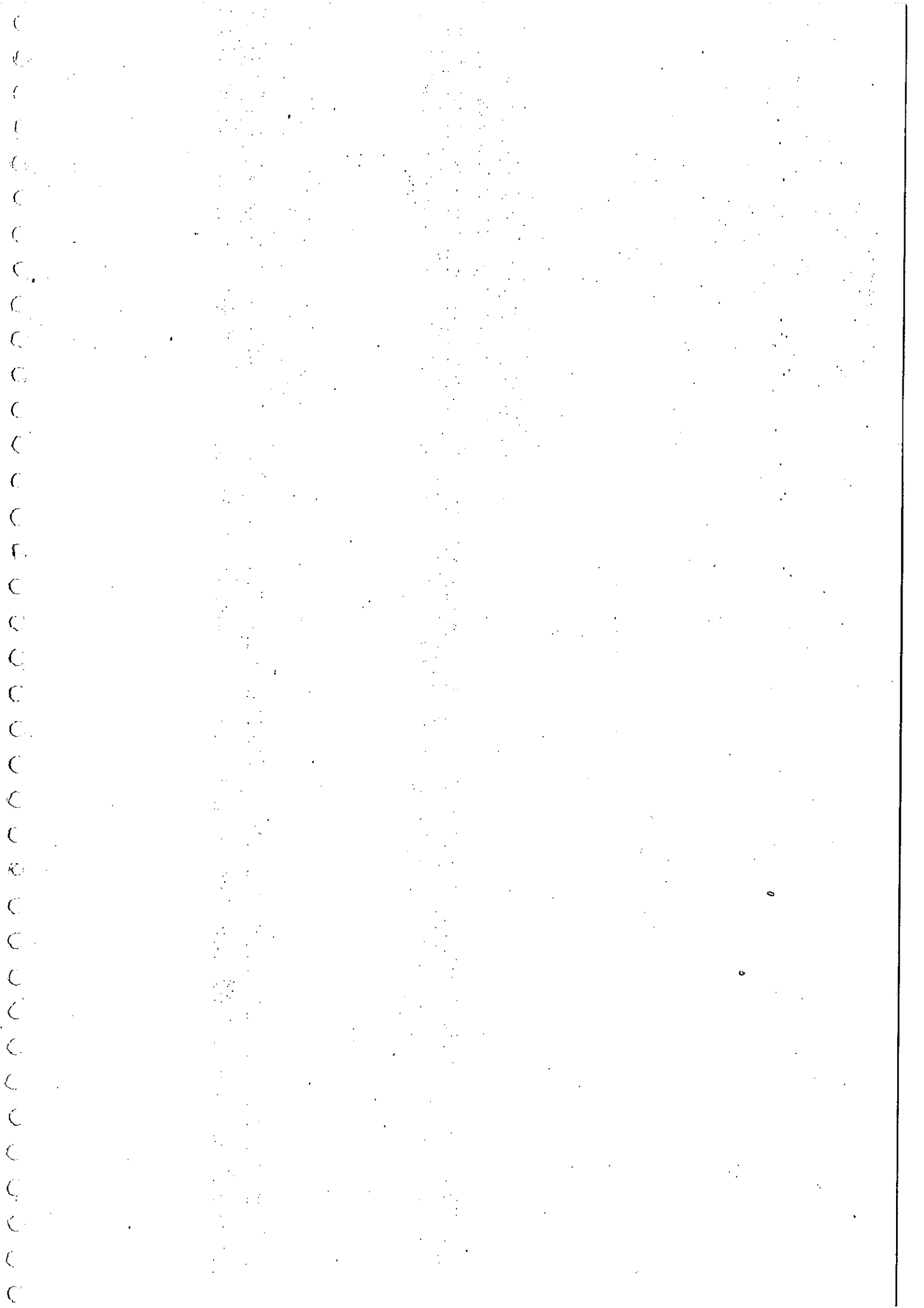


5TH MAY, 2011

GOVERNMENT OF INDIA
AND GUIDELINES ISSUED BY
GRANT, GOVERNMENT ORDERS
THIRTEENTH FINANCE COMMISSION
READY RECKONER ON
"IMPROVING JUSTICE DELIVERY"

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE





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**RECOMMENDATIONS OF THIRTEENTH FINANCE COMMISSION
REGARDING IMPROVING JUSTICE DELIVERY
SYSTEM IN THE COUNTRY**

Improving Justice Delivery

The improvement of justice delivery is a critical component of the initiative to ensure better outputs and outcomes. This can be done by supporting the judiciary, while simultaneously strengthening the capacity of the law enforcement arm. We discuss here the support required to improve judicial outcomes. There are over 3 crore cases pending in various courts in the country today. At the very least, current filings need to be disposed off, to prevent accumulation of arrears. The enormous delay in disposal of cases results not only in immense hardship, including those borne by the large number of under-trials, but also hinders economic development.

The Department of Justice has identified a number of initiatives which are part of this action plan and need support. The first is increasing the number of court working hours using the existing infrastructure by holding morning/evening/shift courts. The second entails enhancing support to Lok Adalats to reduce the pressure on regular courts. The third initiative involves providing additional funding to State Legal Services Authorities to enable them to enhance legal aid to the marginalised and empower them to access justice. The fourth is promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system. The fifth is enhancing capacity of judicial officers and public prosecutors through training programmes. The sixth relates to supporting creation of a judicial academy in every state to facilitate such training.

The department has also proposed creation of the post of Court Managers in every judicial district to assist the judiciary in their administrative functions. A number of courts in each state are housed in heritage buildings, which reflect the cultural heritage of the areas. It is proposed that a grant be provided for maintaining these buildings.

The Commission, after careful consideration has agreed to support the proposals made by the Department of Justice by approving a grant of Rs. 5000 crore to be allocated as describe below. These allocations may be released in two annual instalments subject to accounts being maintained and Utilisation Certificates (UCs)/Statements of Expenditure (SOEs) provided as per General Financial Rules (GFR 2005).

Operation of morning/evening/special judicial-metropolitan magistrate/shift courts: The present 14,000 district and subordinate courts in the country are disposing off both important as well as petty cases. The pressure on judicial time on account of the petty cases can be relieved by allotting them to morning/evening courts/courts of special judicial/metropolitan magistrates. These courts will be staffed either by the regular judiciary on payment of additional compensation, or by retired officers. The morning courts in Andhra Pradesh and the evening courts in Gujarat have demonstrated the feasibility of such models. It is expected that about 14,825 such courts can dispose off 225

lakh pending as well as freshly filed cases of a minor nature within a year. This aggregate to 1125 lakh cases over the period 2010-15. An amount of Rs. 2500 crore is being provided to facilitate setting up of such courts, which has been allocated to each state in accordance with the number of sanctioned courts.

Establishing ADR centres and training of mediators/conciliators: Section 89 of the Civil Procedure Code provides for settlement of disputes outside courts through mediation, conciliation, arbitration or through Lok Adalats. We feel that the scope of this section needs to be tapped fully to reduce the pressure on the courts system. At present, mediation and conciliation centres are being set up at the High Court level, but there are few centres at the district level. Apart from investment in physical infrastructure, judges and advocates need to be trained as mediators/conciliators in each judicial district. The Justice Department has proposed that one ADR Centre be set up in each judicial district of the country at an estimated cost of Rs. 1 crore per district. It has also proposed that 100 judicial officers and advocates be trained in each district over a period of five years to act as mediators/conciliators to provide the necessary services to the litigants at an estimated cost of Rs. 0.25 lakh per person. This scheme would require an estimated amount of Rs. 600 crore for setting up of ADR centres and Rs. 150 crore for providing training over a period of five years. These amounts have been allocated to the states in proportion to the number of judicial districts within their jurisdiction.

Lok Adalats: We are providing a grant of Rs. 20 crore per year as support to hold about 10 mega Lok Adalats per High Court per year and about five Lok Adalats for each of the 1500 court locations per year. It is expected that this would enable about 15 lakh cases to be disposed off per year - a total of 75 lakh cases for the five-year period 2010-15. The total grant of Rs. 100 crore has been allocated amongst State Governments based upon the number of courts.

Legal aid: Provision of legal aid is an important measure to assist the marginalised sections of the populace in accessing the justice system. The National Legal Services Authority (NALSA) and State Legal Services Authorities (SALSAs) have the responsibility to provide legal services to eligible persons. However, their present resources do not match up to the requirements. To strengthen their efforts, we propose that Rs. 200 crore may be earmarked for providing legal aid over five years. The amount has been allocated to the states in proportion to the number of courts in their jurisdiction. With this, we expect a decline in the number of under-trials in the courts.

Training of judicial officers: Capacity building in the judiciary is a critical need. At present, judicial officers are trained in the State Judicial Academies for one year after their induction and thereafter, in-service training programmes are organised to further build their capacity. Such programmes need to be accelerated through provision of additional support for these initiatives. A provision of Rs. 250 crore for the period 2010-15 has been made and allocated to states in proportion to the number of courts in their jurisdiction.

State Judicial Academies: The main vehicle for training judges is the State Judicial Academy. While some state judicial academies are well equipped, most have little infrastructure and few facilities. It is necessary to support the state judicial academies to enable them to operate programmes throughout the year to promptly complete the training of judges and reduce vacancies. We propose

an amount of Rs. 15 crore per High Court for the 20 High Courts, which works out to Rs. 300 crore. These funds may be utilised for creation of new academies in states where they do not exist, or for providing additional facilities where they do exist. Three High Courts cover more than one state. The release for Guwahati Judicial Academy (which covers the North-East) is proposed to be made through the Government of Assam. The release for Mumbai Judicial Academy (which covers Maharashtra and Goa) is proposed to be made through the Government of Maharashtra. The release for Chandigarh Judicial Academy (which covers Punjab and Haryana) is proposed to be made through the Government of Punjab.

Training of public prosecutors: Given the fact that the government is a major litigant, poor quality of prosecution is often one of the main reasons for delay in disposal of court cases where the Government is a party. Presently there are inadequate facilities for training of Public Prosecutors. A provision for training of 2000 Public Prosecutors in the country at an estimated cost of Rs. 1.5 lakh per Prosecutor has been made. An amount of Rs. 150 crore for the period 2010-15 has been sanctioned for this purpose, which has been allocated to states in proportion to the number of courts in their jurisdiction.

Creation of posts of court managers: Enhancing the efficiency of court management would result in improving case disposal. Providing support to judges for performing their administrative duties would allow them more time for their judicial functions. Adopting an innovative approach, the Department of Justice has proposed that professionally qualified Court Managers, with MBA degrees, be employed to assist judges. These Court Managers will also be useful in feeding the proposed National Arrears Grid that would be set up to monitor disposal of cases in all the courts. We support this innovation, the impact of which may be evaluated after 2015. The post of a Court Manager would be created in each judicial district to assist the Principal, District and Sessions Judges in the administrative functioning of the courts. Similarly, posts of two Court Managers may be created for each High Court and one for each bench of the High Court. This is estimated to require Rs. 60 crore per year and works out to Rs. 300 crore for the period 2010-15. These amounts have been allocated to the states in proportion to the number of judicial districts in their jurisdiction.

Maintenance of heritage court buildings: A number of court buildings in the country have been declared as heritage buildings under the appropriate national, state, or local laws. It is proposed that 150 such buildings may be taken up for restoration and conservation, in collaboration with the Archaeological Survey of India (ASI) / Indian National Trust for Art and Cultural Heritage (INTACH) during the five year period at an estimated cost of Rs. 450 crore. We expect that preference will be accorded to larger and older buildings. Due to lack of data on heritage structures, we have allocated these funds to all states as per the number of courts in their jurisdiction.

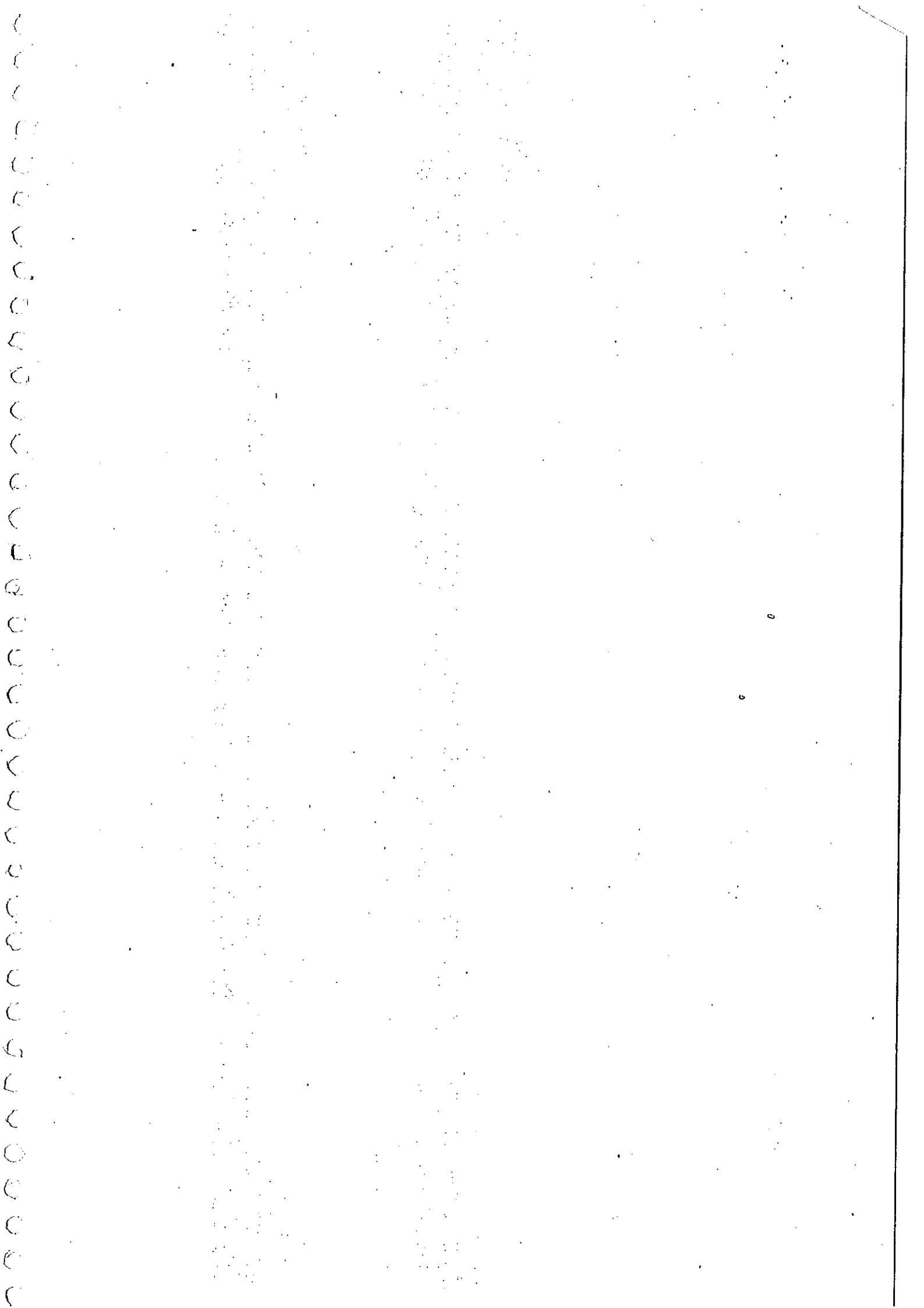
Conditionality: The government is the single largest litigant in the country today. There are a very large number of pending cases where either a State Government or the Central Government is a party, which significantly add to the burden of arrears. It is necessary that all State Governments frame state litigation policies aimed at responsible litigation. The Central Government is planning to put in place a National Litigation Policy shortly. It is proposed that this policy will include steps for: (i) reviewing the existing cases and wherever necessary, withdrawing cases identified as frivolous and vexatious; (ii)

formulating norms for defending cases as well as for filing appeals and (iii) setting up of Empowered Committees to eliminate unnecessary litigation, States could formulate their State Litigation Policy based upon the National Litigation Policy. The grants will be provided in five equal annual instalments. The details of state-wise eligibility for these grants are placed in Annex 12.12. A state will be eligible to draw down instalments only if it puts in place a State Litigation Policy. Such a policy must be put in place by the State Government before the end of a fiscal year to be eligible to draw down the instalment for the succeeding fiscal years. This condition will not apply to the first annual instalment (2010-11) which can be drawn down without the policy in place. A state will thereafter be entitled to the grants only prospectively after framing its policy.

No	State	Number of Sanctioned Courts	Number of Judicial Districts	Allocation of Grants for Improving Delivery of Justice (Rs. crore)									
				Morning/Evening Courts	Legal Aid	LoK Adalat	Training of Judicial Officers	Training of Public Prosecutors	Heritage Buildings	State Judicial Academy	ADR Centers	Court Managers	Total
1	Andhra Pradesh	339	0	53.15	6.38	5.91	3.19	8.57	15.00	31.25	12.50	270.71	
2	Assam Pradesh	289	21	45.31	5.44	4.53	2.72	8.16	15.00	28.53	11.41	121.10	
3	Bihar	1367	30	214.32	25.72	21.43	12.86	38.58	15.00	40.76	16.30	384.97	
4	Chhattisgarh	348	16	84.56	6.55	6.46	3.27	9.82	15.00	21.74	8.70	125.09	
5	Goa	48	2	7.68	0.82	0.77	0.46	1.38	15.00	2.72	1.09	15.02	
6	Gujarat	1028	28	181.17	19.34	16.12	9.67	29.01	15.00	35.33	14.13	289.76	
7	Haryana	393	18	61.51	7.39	6.18	3.70	11.09	15.00	24.46	9.78	124.20	
8	Himachal Pradesh	125	11	19.75	2.37	1.88	1.18	3.56	15.00	14.95	5.98	64.77	
9	Jammu & Kashmir	208	22	32.81	3.91	3.28	1.86	5.67	15.00	29.89	11.96	104.46	
10	Jharkhand	627	22	82.62	9.81	8.26	4.96	14.67	15.00	28.89	11.86	177.48	
11	Karnataka	872	29	139.71	18.41	13.67	8.20	24.81	15.00	38.40	16.76	288.78	
12	Kerala	430	14	67.42	8.08	6.74	4.04	12.13	15.00	18.02	7.81	140.06	
13	Madhya Pradesh	1307	48	204.91	24.58	20.48	12.28	36.88	15.00	66.58	26.63	407.38	
14	Maharashtra	1898	49	287.57	36.71	29.76	17.85	53.56	15.00	68.56	26.63	642.85	
15	Manipur	34	2	6.33	0.64	0.53	0.32	0.86	15.00	2.72	1.09	11.59	
16	Meghalaya	10	1	1.67	0.19	0.16	0.08	0.28	15.00	1.36	0.54	4.18	
17	Mizoram	40	2	6.27	0.76	0.63	0.38	1.13	15.00	2.72	1.09	12.96	
18	Nagaland	27	0	4.23	0.51	0.42	0.25	0.76	15.00	0.00	0.00	6.18	
19	Odisha	631	30	83.25	9.99	8.32	4.98	14.88	15.00	40.76	16.30	183.61	
20	Punjab	346	14	54.25	6.51	5.42	3.25	9.76	15.00	18.02	7.61	120.83	
21	Rajasthan	825	34	128.34	15.52	12.93	7.76	23.28	15.00	46.20	18.48	268.51	
22	Sikkim	13	2	2.04	0.24	0.20	0.12	0.37	15.00	2.72	1.09	21.78	
23	Tamil Nadu	788	30	123.54	14.83	12.35	7.41	22.24	15.00	40.76	16.30	252.44	
24	Tripura	80	3	12.54	1.51	1.25	0.75	2.28	15.00	4.08	1.63	24.02	
25	Uttar Pradesh	2174	70	340.84	40.90	34.08	20.45	61.35	15.00	86.11	38.04	645.78	
26	Uttarakhand	273	13	42.80	6.14	4.28	2.57	7.70	15.00	17.66	7.07	102.22	
27	West Bengal	698	18	108.43	13.13	10.94	6.57	18.70	15.00	25.82	10.33	210.91	
	All States	15946	532	2400.00	300.09	250.09	150.09	450.09	300.00	750.00	300.00	5000.00	

Allocation of Grants for Improving Delivery of Justice

State-wise Allocations



MOST IMMEDIATE
Improvement of justice delivery /TFC Release No.1/2010-11
AMOUNT TO BE CREDITED IN THE ACCOUNTS OF THE STATE GOVERNMENTS
 No. F. 32(1)/FCD/2010
 Government of India
 Ministry of Finance
 Department of Expenditure
 Finance Commission Division

Block No. XI, 5th Floor, CGO Complex,
 New Delhi, the 30th June, 2010

The Chief Controller of Accounts
 Department of Economic Affairs
 Ministry of Finance, North Block
 New Delhi 110001

Subject: 'On Account' payment of first installment of grants-in-aid during 2010-11 to State Governments for Governance and improvement of outcomes - for improvement in delivery of justice.

I am directed to convey the approval for payment of Rs.49999.90 lakh (Rupees four hundred ninety nine crore ninety-nine lakh and ninety thousand only) to the State Governments during 2010-11 towards improvement in delivery of justice on the recommendations of the Thirteenth Finance Commission (FC-XIII) on "on account" and provisional basis as follows:

(Rs. In lakhs)

S. No.	State	Working Hrs. of Courts	Lok Adalut	Legal Aid	Trg. Judl. Officer	Trg. Public	Heritage Court	State Judl. Academ	ADR centres	Court Manage	TOTAL
1.	Andhra Pradesh	1451.80	58.07	116.13	145.20	87.10	261.30	150.00	312.50	125.00	2707.10
2.	Assam Pradesh	531.50	21.27	42.53	53.10	31.90	95.70	0.00	0.00	0.00	776.00
3.	Bihar	2143.20	85.73	171.47	214.30	128.60	385.80	150.00	407.60	163.00	3849.70
4.	Chhattis Garh	545.60	21.83	43.67	54.60	32.70	98.20	150.00	217.40	87.00	1251.00
5.	Goa	76.80	3.07	6.13	7.70	4.60	13.80	0.00	27.20	10.90	150.20
6.	Gujarat	1611.70	64.47	128.93	161.20	96.70	290.10	150.00	353.30	141.30	2997.70
7.	Haryana	616.10	24.63	49.27	61.60	37.00	110.90	0.00	244.60	97.80	1241.90
8.	Himachal Pradesh	197.50	7.90	15.80	19.80	11.90	35.60	150.00	149.50	59.80	647.80
9.	J&K	326.10	13.03	26.07	32.60	19.60	58.70	150.00	298.90	119.60	1044.60
10.	Jharkhand	826.20	33.03	66.07	82.60	49.60	148.70	150.00	298.90	119.60	1774.70

4. You are requested to advise the Reserve Bank of India, Nagpur to credit the above amounts to the accounts of the respective State Governments.

3. Subsequent instalments will be released only when a State has put in place a State Litigation Policy based upon National Litigation Policy. State must put in place such a State Litigation Policy before end of a fiscal year to be eligible to draw down instalment for the succeeding fiscal year, as provided in para 12.89 of the Report of FC-XIII, Vol.1.

2. Pending issue of guidelines on the above grant, State Governments are advised to utilize the first instalment for 2010-11 in conformity with the recommendations of the FC-XIII contained in para 12.80 to 12.89 of the Report of the FC-XIII, Vol.1. The guidelines when issued by the Government of India, would cover the above releases as well.

12.	Karnataka	1367.10	54.70	109.40	136.70	82.00	246.10	150.00	394.00	157.60	2697.60
13.	Kerala	674.20	26.97	53.93	67.40	40.40	121.30	150.00	190.20	76.10	1400.50
14.	Madhya Pradesh	2049.10	81.97	163.93	204.90	122.90	368.80	150.00	665.80	266.30	4073.70
15.	Maharashtra	2975.70	119.03	238.07	297.60	178.50	535.60	150.00	665.80	266.30	5426.60
16.	Manipur	53.30	2.13	4.27	5.30	3.20	9.60	0.00	27.20	10.90	115.90
17.	Meghalaya	15.70	0.63	1.27	1.60	0.90	2.80	0.00	13.60	5.40	41.90
18.	Mizoram	62.70	2.50	5.00	6.30	3.80	11.30	0.00	27.20	10.90	129.70
19.	Nagaland	42.30	1.70	3.40	4.20	2.50	7.60	0.00	0.00	0.00	61.70
20.	Orissa	832.50	33.30	66.60	83.20	49.90	149.80	150.00	407.60	163.00	1935.90
21.	Punjab	542.50	21.70	43.40	54.20	32.50	97.60	150.00	190.20	76.10	1208.20
22.	Rajasthan	1293.40	51.73	103.47	129.30	77.60	232.80	150.00	462.00	184.80	2685.10
23.	Sikkim	20.40	0.80	1.60	2.00	1.20	3.70	150.00	27.20	10.90	217.80
24.	Tamil Nadu	1235.40	49.43	98.87	123.50	74.10	222.40	150.00	407.60	163.00	2524.30
25.	Tripura	123.40	5.03	10.07	12.50	7.50	22.60	0.00	40.80	16.30	240.20
26.	Uttar Pradesh	3408.40	136.33	272.67	340.80	204.50	612.50	150.00	951.10	380.40	6437.70
27.	Uttaranchal	428.00	17.13	34.27	42.80	25.70	77.00	150.00	176.60	70.70	1022.20
28.	West Bengal	1094.30	43.77	87.53	109.40	65.70	197.00	150.00	258.20	103.30	2109.20
	TOTAL	25000.00	1000.01	2000.09	2499.70	1499.80	4499.90	3000.00	7500.30	3000.10	49999.90

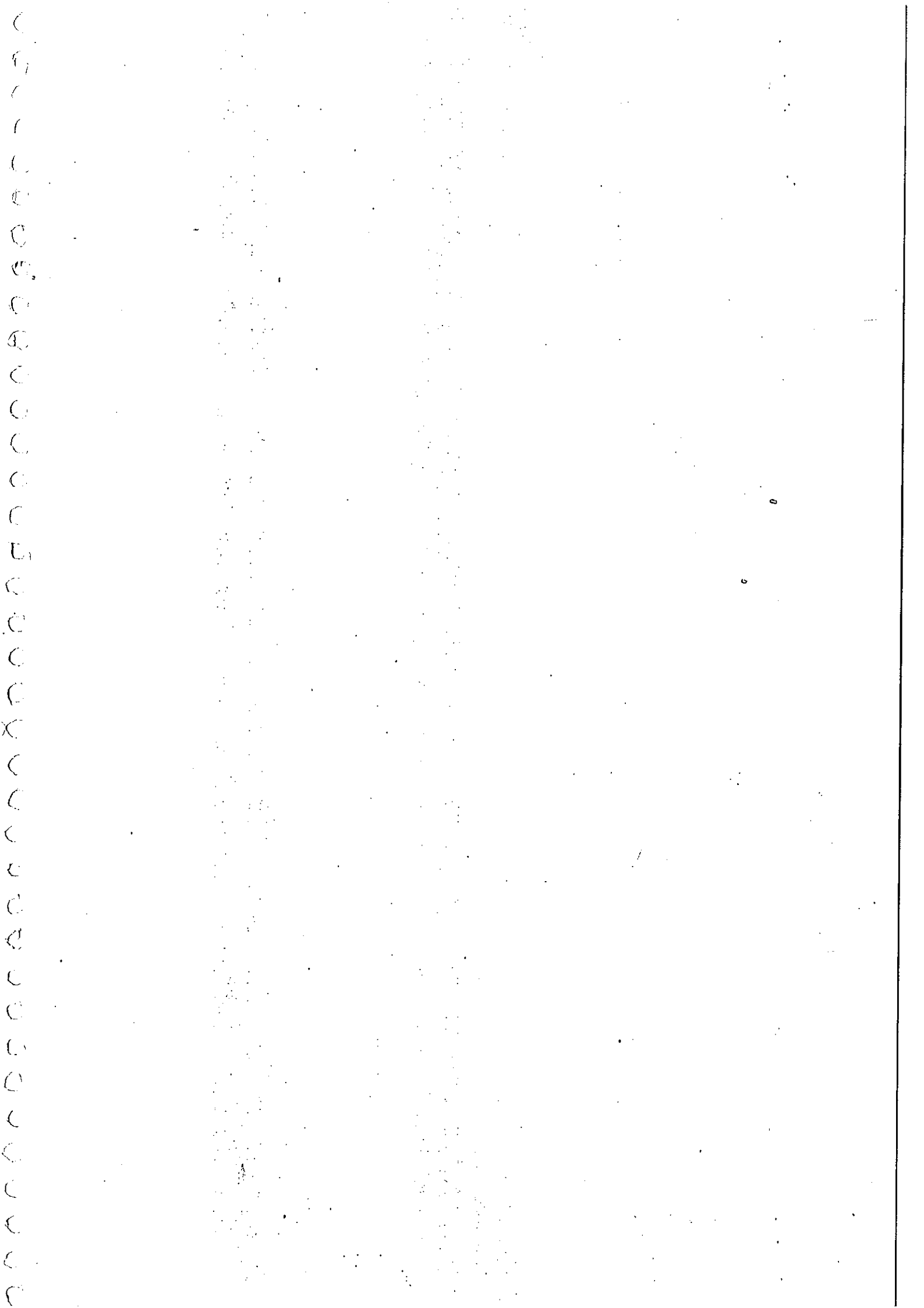
5. The above amount will be subject to adjustment against the amount of grant to be released through the issue of Presidential Order during the course of the year.
6. The payments are adjustable in the accounts of the Ministry of Finance under the Head 3601.01.104.18.00.31 Grants-in-aid to states for Governance in Demand No.35 - Transfers to State and Union Territory Governments for 2010-11.

7. The action taken on this letter may kindly be intimated to this Division.

Yours faithfully
 (Pramila Raghavendran)
 Joint Director
 Tel No. 24362405

- Copy to:
1. The Secretary, RBI, Central Office, Mumbai.
 2. The Manager, RBI, Central Accounts Section, Nagpur.
 3. The Budget Division (States Section), DEA, North Block, New Delhi.
 4. Shri N.K. Bajaj, PAO, Ministry of Finance (5 copies).
 5. The Secretary (Finance), State Government concerned
 6. The Secretary, Department of Justice, Government of India
 7. The Accountant General (A&E), State concerned.
 8. The Accountant General (Audit), State concerned.

(Pramila Raghavendran)
 Joint Director
 Tel No. 24362405



MOST IMMEDIATE
Improvement of justice delivery /TFC Release No.2/2010-11
AMOUNT TO BE CREDITED IN THE ACCOUNTS OF THE STATE GOVERNMENTS

No. F. 32(1)/FCD/2010

Government of India
 Ministry of Finance
 Department of Expenditure
 Finance Commission Division

Block No. XI, 5th Floor, CGO Complex,
 New Delhi, the 12th January 2011

To

The Chief Controller of Accounts
 Department of Economic Affairs
 Ministry of Finance, North Block
 New Delhi 110001

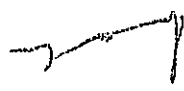
Subject: 'On Account' payment of second installment of grants-in-aid during 2010-11 to State Governments for Governance and improvement of outcomes - for improvement in delivery of justice.

Sir,

I am directed to convey the approval for payment of Rs.49999.90 lakh (Rupees four hundred ninety nine crore ninety-nine lakh and ninety thousand only) to the State Governments during 2010-11 towards improvement in delivery of justice on the recommendations of the Thirteenth Finance Commission (FC-XIII) on "on account" and provisional basis as follows:

(Rs. In lakhs)

S. No.	State	Working Adalat	Legal Aid	Trg. Judl. Office	Trg. Public Prosecutors	Herita Court Building	State Judl. Academy	ADR centres	Court Managers	TOTAL
1.	Andhra Pradesh	1451.80	58.07	116.13	145.20	87.10	261.30	150.00	125.00	2707.10
2.	Arunachal Pradesh	531.50	21.27	42.53	53.10	31.90	95.70	0.00	0.00	776.00
3.	Assam	453.10	18.13	36.27	45.30	27.20	81.60	150.00	285.30	1211.00
4.	Bihar	2143.20	85.73	171.47	214.30	128.60	385.80	150.00	407.60	3849.70
5.	Chhattisgarh	545.60	21.83	43.67	54.60	32.70	98.20	150.00	217.40	1251.00
6.	Goa	76.80	3.07	6.13	7.70	4.60	13.80	0.00	27.20	150.20
7.	Gujarat	1611.70	64.47	128.93	161.20	96.70	290.10	150.00	353.30	2997.70
8.	Haryana	616.10	24.63	49.27	61.60	37.00	110.90	0.00	244.60	1241.90



9.	Hima	197.50	7.90	15.80	19.80	11.90	35.60	150.00	149.50	59.80	647.80
10.	J&K	326.10	13.03	26.07	32.60	19.60	58.70	150.00	298.90	119.60	1044.60
11.	Jharkha	826.20	33.03	66.07	82.60	49.60	148.70	150.00	298.90	119.60	1774.70
12.	Karnata	1367.10	54.70	109.40	136.70	82.00	246.10	150.00	394.00	157.60	2697.60
13.	Kerala	674.20	26.97	53.93	67.40	40.40	121.30	150.00	190.20	76.10	1400.50
14.	Madhya Pradesh	2049.10	81.97	163.93	204.90	122.90	368.80	150.00	665.80	266.30	4073.70
15.	Maharas	2975.70	119.03	238.07	297.60	178.50	535.60	150.00	665.80	266.30	5426.60
16.	Manipur	53.30	2.13	4.27	5.30	3.20	9.60	0.00	27.20	10.90	115.90
17.	Meghal	15.70	0.63	1.27	1.60	0.90	2.80	0.00	13.60	5.40	41.90
18.	Mizora	62.70	2.50	5.00	6.30	3.80	11.30	0.00	27.20	10.90	129.70
19.	Nagalan	42.30	1.70	3.40	4.20	2.50	7.60	0.00	0.00	0.00	61.70
20.	Orissa	832.50	33.30	66.60	83.20	49.90	149.80	150.00	407.60	163.00	1935.90
21.	Punjab	542.50	21.70	43.40	54.20	32.50	97.60	150.00	190.20	76.10	1208.20
22.	Rajastha	1293.40	51.73	103.47	129.30	77.60	232.80	150.00	462.00	184.80	2685.10
23.	Sikkim	20.40	0.80	1.60	2.00	1.20	3.70	150.00	27.20	10.90	217.80
24.	Tamil Nadu	1235.40	49.43	98.87	123.50	74.10	222.40	150.00	407.60	163.00	2524.30
25.	Tripura	125.40	5.03	10.07	12.50	7.50	22.60	0.00	40.80	16.30	240.20
26.	Utta Pradesh	3408.40	136.33	272.67	340.80	204.50	613.50	150.00	951.10	380.40	6457.70
27.	Utta-Khand	428.00	17.13	34.27	42.80	25.70	77.00	150.00	176.60	70.70	1022.20
28.	West Bengal	1094.30	43.77	87.53	109.40	65.70	197.00	150.00	258.20	103.30	2109.20
	TOTAL	25000.00	1000.01	2000.09	2499.70	1499.80	4499.90	3000.00	7500.30	3000.10	49999.90

18-1-2011

(PrAMILA Raghavendran)
Joint Director
Tel No. 24362405

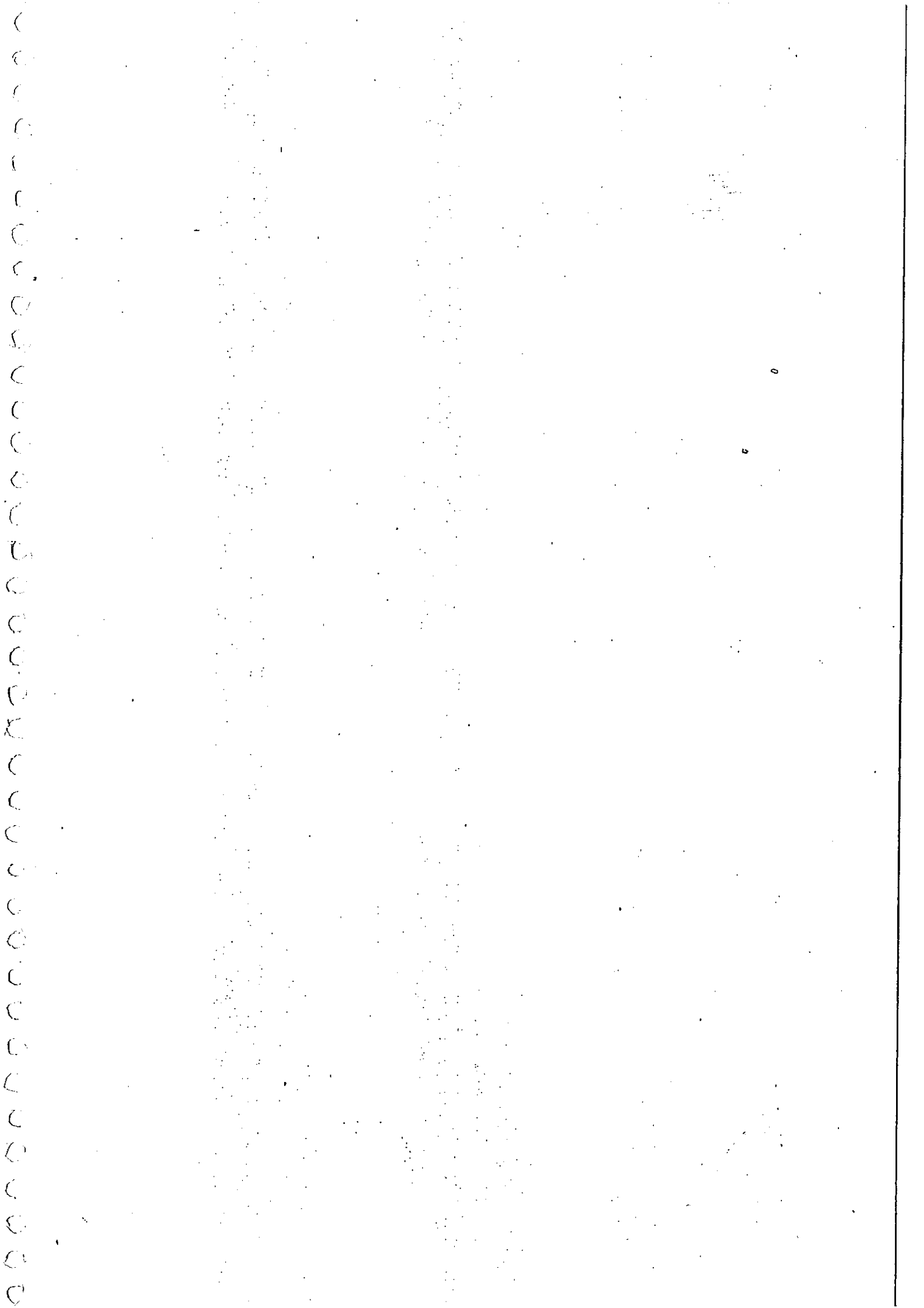
- 1. The Secretary, RBI, Central Office, Mumbai.
- 2. The Manager, RBI, Central Accounts Section, Nagpur.
- 3. The Budget Division (States Section), DEA, North Block, New Delhi.
- 4. Shri N.K. Bajaj, PAO, Ministry of Finance (5 copies).
- 5. The Secretary (Finance), State Government concerned.
- 6. The Secretary, Department of Justice, Government of India.
- 7. The Accountant General (A&B), State concerned.
- 8. The Accountant General (Audit), State concerned.

Copy to:

(PrAMILA Raghavendran)
Joint Director
Tel No. 24362405

Yours faithfully

- 7. The action taken on this letter may kindly be intimated to this Division.
- 6. The payments are adjustable in the accounts of the Ministry of Finance in Demand No.35- Transfers to State and Union Territory Governments for 2010-11 under the Head :
3601-Grant-in-aid to State Governments,
01-Non-Plan
01-104-Grants under the Proviso to Article 275 (1) of the Constitution,
104-18-Grants-in-aid for Governance,
18.00.31 Grants-in-aid to states for Governance.
- 5. The above amount will be subject to adjustment against the amount of grant to be released through the issue of Presidential Order during the course of the year.
- 4. You are requested to advise the Reserve Bank of India, Nagpur to credit the above amounts to the accounts of the respective State Governments.
- 3. Subsequent installments for 2011-12 onwards will be released only when a State has put in place a State Litigation Policy based upon National Litigation Policy. State must put in place such a State Litigation Policy before end of a fiscal year to be eligible to draw down installment for the succeeding fiscal year, as provided in para 12.89 of the Report of FC-XIII, Vol. I.
- 2. State Governments are advised to utilize the funds released for 2010-11 in conformity with the recommendations of the FC-XIII contained in para 12.80 to 12.89 of the Report of the FC-XIII, Vol. I and guidelines on the above grant issued on 20-9-2010 by Ministry of Finance.



3. Country-wide consultations have been organized by the Department of Justice with State Governments and High Courts, to focus the utilization of this grant to better achieve the objective of improving judicial outcomes.

2. The component wise and State-wise allocations recommended by FC-XIII (Annex 12.12, page 468 of the report of FC-XIII, Vol. II) are attached as Annex - I. The FC-XIII grant for improving justice delivery is in addition to the present allocations being made by the State Governments towards the respective components.

- i) Increasing the number of court working hours using the existing infrastructure by holding morning/evening/shift courts.
- ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts.
- iii) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalised and empower them to access justice.
- iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.
- v) Enhancing capacity of judicial officers and public prosecutors through training programmes.
- vi) Supporting creation or strengthening of a judicial academy in each state to facilitate such training and
- vii) Creation of the post of Court Managers in every judicial district to assist the judiciary in their administrative functions.
- viii) Maintenance of heritage court buildings

With the objective of improving justice delivery, FC-XIII has recommended a grant of Rs.500 crore over its award period 2010-15. This grant is aimed at providing support to improve judicial outcomes, and is allocated through the following initiatives:

Guidelines for release and utilisation of Grant-in-aid for Improvement in Justice Delivery as recommended by the Thirteenth Finance Commission (FC-XIII)

Ministry of Finance
Department of Expenditure
Finance Commission Division

A component of the justice delivery grant is to be used to enable States to hold about ten mega Lok Adalats per High Court per year and about five Lok Adalats for

7. Lok Adalats

6.2 States may use this component of the grant for the purpose of training of Mediators/Conciliators, to train 100 judicial officers and advocates in each district over 2010-15 at an estimated cost of Rs.0.25 lakh per person. This should facilitate provision of necessary services, including generation of awareness, to litigants.

6.1 States may set up an ADR center, in terms of section 89 of the Civil Procedure Code, in each judicial district which is without an ADR center. FC-XIII has allocated Rs.600 crore for ADR centers. States may use this amount to create or upgrade physical infrastructure of ADR centers.

6. Establishment of District Alternative Dispute Resolution (ADR) Centers and Training of Mediators

6.1 States may set up an ADR center, in terms of section 89 of the Civil Procedure Code, in each judicial district which is without an ADR center. FC-XIII has allocated Rs.600 crore for ADR centers. States may use this amount to create or upgrade physical infrastructure of ADR centers.

seen at Annex-II.

5.4 An illustrative list of cases that could be handled by these courts has been prepared by Department of Justice on the basis of its consultations, and may be

payment of additional compensation or retired officers.

5.3 These Courts may either utilize the services of regular judicial officers on the award period of FC-XIII, 2010-15.

5.2 States are expected to dispose 1125 lakh cases of petty offences in five years through such courts. This is a temporary measure to be implemented with a clear target for disposal of cases. Funding for such courts from FC-XIII grants is during

5.1 States may set up morning/evening/shift/weekend/mobile/special magistrate courts to try petty cases so as to clear the backlog of cases and to relieve pressure on judicial time.

5. Morning/Evening/Special Magistrates Shift Courts

14 of these guidelines.

4. Based on the aforementioned consultations, read with FC-XIII's recommendations, each State may focus the grant amount on its identified needs through a perspective plan for the 2010-15 five year period and an action plan for each financial year. Under these plans, funds allocated for a particular component may be applied, partially or fully, to other components. However, funds may not be diverted from other components to infrastructure components such as setting up of ADR centres, maintenance of heritage court buildings and infrastructure of judicial Academies. All such focussing of expenditure would be undertaken with the approval of the High Level Monitoring Committee (HLMC), described in paragraph

each of the 1500 court locations per year, during 2010-15. The Lok Adalats are expected to reduce pendency of cases in courts so as to dispose 15 lakh cases each year, and 75 lakh cases during 2010-15.

8. Legal Aid

8.1 The grant component of Rs.200 crore is meant to support and strengthen the efforts of the National Legal Services Authority (NALSA) and State Legal Service Authorities (SALSAs) to provide legal services to marginalized persons during 2010-15.

8.2 States, through HLMCs, may set targets of decline in numbers of under-trials in the courts for monitoring of progress.

9. Training of Judicial Officers

9.1 A grant component of Rs.250 crore has been provided for training of judicial officers in the country to support and strengthen the induction and in-service training of judicial officers. The funds may be used to accelerate these capacity building efforts, under the overall supervision of the HLMC.

10. State Judicial Academies

10.1 Recognizing that the main vehicle for training judges is the State Judicial Academy, FC-XIII has noted that some state academies are well equipped but others have little infrastructure and few facilities. To enable these academies to complete the training of judges promptly through the year, Rs.15 crore has been allocated per High Court (Rs.300 crore for twenty High Courts). These funds may be used to create the physical infrastructure of the judicial academies in states where they do not exist, or for providing additional facilities in the existing academies.

10.2 The grant for the Guwahati Judicial Academy, which covers all north-eastern States will be released through the Government of Assam, for the Mumbai Judicial Academy, which covers Maharashtra and Goa, through the Government of Maharashtra, and for the Chandigarh Judicial Academy, which covers Punjab and Haryana, through the Government of Punjab.

11. Training of Public Prosecutors

FC-XIII has noted that poor quality of prosecution is often a reason for delay in disposal of court cases where the Government is a party. The grant component of

14.1 Every State shall set up a High Level Monitoring Committee (HLMC), presided over by the state's Chief Secretary, to approve the perspective and action plans for utilization of the grants recommended by the FC-XIII and for regular monitoring of the progress made in implementation of these plans. HLMC will have, among its members, Finance Secretary, Law Secretary, Home Secretary, Secretary (PWD), DG (Prosecution), Registrar General of the concerned High Court, Member-Secretary of the State Legal Service Authority and Director of the State Judicial Academy. The HLMC shall be responsible for monitoring both the physical and financial targets, ensuring adherence to specific conditions in respect of the grant.

14. Monitoring agency at State levels

Acknowledging that a number of court buildings have been declared as heritage buildings under national, state or local laws, Rs.450 crore has been allocated for restoration and conservation of 150 such buildings, in collaboration with the Archeological Survey of India (ASI)/Indian National Trust for Art and Cultural Heritage (INTACH). In doing this, preference may be accorded to larger and older buildings. The HLMC in each state would decide the order of preference for such restoration and conservation.

13. Maintenance of Heritage Court Buildings

12.2 Suggested functions, responsibilities and qualifications of court managers, as suggested by Department of Justice in consultation with the National Judicial Academy may be seen in Annex-III.

12.1 With a view to enhancing the efficiency of court management, and resultant improvement in case disposal, Rs.300 crore have been allocated for employment of professionally qualified Court Managers to assist judges. The Court Managers, with MBA degrees, will support the judges to perform their administrative duties, thereby enabling the judges to devote more time to their judicial functions. The post of a Court Manager would be created in each judicial district to assist the Principal District and Session judges. Two posts of Court Manager may be created for each High Court, and one for each Bench of the High Court. In case the High Court is of the opinion that one Court Manager would be sufficient for more than one district, then HLMC can also take such a decision.

12. Creation of posts of Court Managers

Rs.150 crore is to be used for training of 2000 Public Prosecutors during 2010-15. This grant component may be used to impart training at Judicial Academies, State Administrative Institutes or other institutions such as law universities.

14.2 The HLMC shall meet on a quarterly basis during the award period of FC-XIII. Minutes of HLMC meetings shall be provided to the Department of Expenditure (Finance Commission Division) in the Ministry of Finance, and to the Department of Justice.

15. Monitoring agency at the Union Government level

A Review Committee will be constituted in the Government of India, headed by Secretary, Department of Justice, to review utilisation of grants. The Committee will include a representative from the Ministry of Finance (Department of Expenditure). The Committee shall meet at least twice in a year.

16. Conditions for release of grants

In line with the recommendations of FC-XIII, the following conditions will be applicable to release of this grant:

i) The grant will be released in five equal annual instalments, with two tranches every year on 1 July and 1 January.

ii) The annual instalment for the first year (2010-11) will be released without any insistence on a State Litigation Policy (SLP), aimed at responsible litigation, being in place.

iii) All subsequent instalments will be released to a State after it puts in place a State Litigation Policy. The SLP must be put in place by a State Government before the end of a fiscal year to be eligible to draw down the instalment for the succeeding fiscal years.

iv) FC-XIII has recommended that SLPs, which could be based on the NLP, include steps for :

a) reviewing the existing cases and wherever necessary, withdrawing cases identified as frivolous and vexatious;

b) formulating norms for defending cases as well as for filing appeals and

c) setting up of Empowered Committees to eliminate unnecessary litigation.

v) States are required to prepare a perspective plan for 2010-15 and an action plan for each financial year for all the components with the approval of HLMC. Copies of these plans will be made available to the Review Committee constituted as in paragraph 15 above.

vi) In the States' plans, no expenditure may be proposed or incurred on the items listed in Annex-IV.

vii) Accounts will be maintained and Utilisation Certificates (UCs)/Statement of Expenditure (SOEs) will be provided in accordance with General Financial

(Alok Chandra)
Director
Tel.: 011-2436 0647
Fax : 011-2436 0174
Email: alok.chandra@nic.in
Dated 20-09-2010

Alok Chandra

18. Audit by the Controller and Auditor General
Comptroller and Auditor General of India would undertake audit of expenditure of this grant every year. The State Government shall send a copy of the audit report of the Comptroller and Auditor General of India to the Ministry of Finance and to the Department of Justice.

17. The grant will be released by Ministry of Finance (Department of Expenditure) on the recommendation of the Department of Justice. A budget provision will be made in the Demand for Grants number 35 of the Ministry of Finance. State Governments may make budget provisions and incur expenditure in respect of this grant under the Major Head: 2014 - Administration of Justice, on the non-plan side.

(* Annex-V is available on our website <http://finmin.nic.in>)

Rules (GFR 2005) in the format in Annex-V* on half-yearly basis to the Department of Justice, Utilisation Certificates will be countersigned by the State Finance Secretary.

No	State	Number of Sanctioned Courts	Number of Judicial Districts	Allocation of Grants for Improving Delivery of Justice (Rs. crore)									
				Morning/evening Courts	LoK Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecutors	Heritage Court Buildings	State Judicial Academy	ADR Centres	Court Managers	Total	
1	Andhra Pradesh	926	23	145.18	17.42	14.52	8.71	26.13	15.00	31.25	12.50	270.71	
2	Assam Pradesh	339	0	53.15	6.38	5.31	3.19	9.57	0.00	0.00	0.00	77.60	
3	Assam	289	21	45.31	5.44	4.53	2.72	8.16	15.00	28.53	11.41	121.10	
4	Bihar	1367	30	214.32	26.72	21.43	12.86	38.68	15.00	40.76	16.30	384.97	
5	Chhattisgarh	348	16	54.56	6.55	5.46	3.27	9.82	15.00	21.74	8.70	125.09	
6	Goa	49	2	7.68	0.92	0.77	0.46	1.38	2.72	1.09	15.02		
7	Gujarat	1028	26	161.17	19.34	16.12	9.67	29.01	15.00	35.33	14.13	269.76	
8	Haryana	393	18	61.61	7.39	6.16	3.70	11.09	24.46	9.78	124.20		
9	Himachal Pradesh	126	11	19.75	2.37	1.98	1.19	3.56	15.00	14.95	5.98	64.77	
10	Jammu & Kashmir	208	22	32.61	3.91	3.26	1.99	6.87	15.00	29.89	11.96	104.46	
11	Jharkhand	627	22	82.62	9.91	8.26	4.96	14.87	15.00	29.89	11.96	177.48	
12	Karnataka	872	29	138.71	15.41	13.87	8.20	24.61	15.00	39.40	15.76	269.76	
13	Kerala	430	14	67.42	8.09	6.74	4.04	12.13	15.00	19.02	7.61	140.06	
14	Madhya Pradesh	1307	49	204.91	24.59	20.49	12.29	36.88	15.00	66.58	28.63	407.38	
15	Maharashtra	1698	49	297.57	35.71	29.76	17.86	53.56	15.00	66.58	26.63	542.65	
16	Manipur	34	2	5.33	0.64	0.53	0.32	0.96	2.72	1.09	11.59		
17	Meghalaya	10	1	1.57	0.19	0.16	0.09	0.28	1.38	0.54	4.19		
18	Mizoram	40	2	6.27	0.76	0.63	0.39	1.13	2.72	1.09	12.96		
19	Nagaland	27	0	4.23	0.61	0.42	0.26	0.76	0.00	0.00	6.18		
20	Odisha	531	30	83.25	9.99	8.32	4.99	14.98	15.00	40.76	16.30	193.61	
21	Punjab	348	14	54.25	6.51	5.42	3.25	9.76	15.00	18.02	7.61	120.83	
22	Rajasthan	625	34	129.34	15.52	12.83	7.78	23.28	15.00	46.20	18.48	268.51	
23	Sikkim	13	2	2.04	0.24	0.20	0.12	0.37	15.00	2.72	1.09	21.76	
24	Tamil Nadu	788	30	123.54	14.83	12.35	7.41	22.24	15.00	40.76	16.30	252.44	
25	Tripura	80	3	12.54	1.51	1.25	0.75	2.28	4.08	1.63	24.02		
26	Uttar Pradesh	2174	70	340.84	40.90	34.08	20.45	61.95	15.00	95.11	38.04	645.78	
27	Uttarakhand	273	13	42.80	5.14	4.28	2.57	7.70	15.00	17.66	7.07	102.22	
28	West Bengal	698	19	109.43	13.13	10.84	6.57	19.70	15.00	26.82	10.33	210.91	
	All States	15946	552	2600.00	300.00	250.00	150.00	450.00	300.00	750.00	300.00	5000.00	

State-wise Allocations

Illustrative list of cases assigned to morning/evening/shifts/special magistrates' courts

The following is illustrative list of the cases, which have been assigned to morning/evening/special magistrate courts by various High Courts. While this list may be used for guidance by the High Courts, the High Courts and the State Governments may customize the same to suit the peculiar problems faced by the district and subordinate courts in those States. In deciding the categories of cases to be assigned to such Courts, priority should be given to those categories of cases, which contribute significantly to backlog. For example, in addition to the cases mentioned below, the States may also assign cases, which are not usually contested and are compoundable in nature to these Courts.

1. Cases pertaining to Motor Vehicles Act and ancillary regulations;
2. Cases pertaining to respective Shops and Establishments Act;
3. Cases pertaining to offences under Indian Penal Code and any other Act or rules where the punishment prescribed is non-custodial;
4. Cheque bouncing cases under Section 138 of the Negotiable Instruments Act, 1881;
5. Petitions for maintenance under Section 125 of the Code of Criminal Procedure, 1973;
6. Criminal revision against granting or refusing to grant interim maintenance under sub-section (3) of section 125 of the Code of Criminal Procedure, 1973 or maintenance under Section 125 of the Code of Criminal Procedure, 1973 or recovery of money under Order XXXVII of the Code of Civil Procedure, 1908, where the claim is not more than Rs. 50,000/- (Rupees Fifty thousand);
8. Any other cases which may be transferred to the Morning/Evening Courts with the consent of the parties;
9. Petty offences such as:
 (a) Section 320 of Code of Criminal Procedure, 1973 Table I and II excluding offence under Section 324, 325, 335, 344, 357, 379, 381, 406, 407, 408, 411, 414, 418, 419, 420, 429, 430, 451 and 494 of the Indian Penal Code
 (b) Section 160, 279, 294 and 336 of the Indian Penal Code; and
 (c) all offences under any Act which are punishable with upto 2 (two) years of imprisonment.

ANNEX-III
Suggested Functions, Responsibilities and Qualifications of Court
Managers

Policies and Standards

- (1) Based on applicable directives of superior courts, establish the performance standards applicable to the court (including on timeliness, efficiency, quality of court performance, infrastructure, and human resources; access to justice; as well as for systems for court management and case management).
- (2) Carry out an evaluation of the compliance of the court with such standards; identify deficiencies and deviations; identify steps required to achieve compliance; maintain such an evaluation on a current basis through annual updates.

Planning

- (3) In consultation with the stakeholders of a court (including the Bar, ministerial staff, Executive Agencies supporting judicial functions such as prosecutors/police/process serving agencies and court users), prepare and update annually a 5-year court-wise Court Development Plan (CDP).
- (4) Monitor the implementation of the CDP and report to superior authorities on progress

Information and Statistics

- (5) Ensure that statistics on all aspects of the functioning of the Court are compiled and reported accurately and promptly in accordance with systems established by the High Court;
- (6) Ensure that reports on statistics are duly completed and provided as required;

Court Management

- (7) Ensure that the processes and procedures of the court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully compliant with the policies and standards established by the High Court for court management and that they safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State; and enhance access to justice. (Note: standard systems for court management should be developed at the High Court level).

Case Management

- (8) Ensure that case management systems are fully compliant with the policies and standards established by the High Court for case management and