

F.No.11(2)FCD/2010
Government of India
Ministry of Finance
Deptt. of Expenditure
Finance Commission Division

5th Floor, Block No. 11
CGO Complex, Lodhi Road
New Delhi - 110003.

Dated: the 18th April, 2013

To
The Chief Secretary,
Government of
(All State Governments)

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Cons (Patnaik)

Subject: Utilisation of grant-in-aid for Improvement in Justice Delivery recommended by the Thirteenth Finance Commission (FC-XIII) by the States for meeting expenditure on salaries of 10% additional positions of judges in State Judicial Services - Guidelines regarding.

Ref: This Department's letter No. F 32(30)/FCD/2010 dated 20th Sept, 2010

Dear Sir/ Madam,

In pursuance of the judgement of the Supreme Court in the case of Brij Mohan Lal and others v/s Union of India on 19.04.2014, the Government of India has decided to provide upto a maximum of Rs.80 crore per annum out of Rs.500 cr per annum under the FC-XIII award for morning/ evening/ shift courts to States as 50% central share for meeting expenditure on salaries of 10% additional judges in State Judicial Services. The utilisation of FC-XIII grant for meeting expenditure on salaries of 10% additional positions to be created in pursuance of the judgement of the Supreme Court in the Brij Mohan Lal case will be regulated as per following guidelines:

- i. Funds have been released to States under FC-XIII award for utilisation on the morning/evening/shift courts as per the existing guidelines. The States are now permitted to utilise these funds for meeting 50% expenditure on salaries of 10% additional positions of judges to be created in State Judicial Services in relaxation of the existing guidelines for utilisation of funds.
- ii. The 10% additional positions of judges to be created will be calculated with reference to the sanctioned strength in State Judicial Services as on 19/04/2012, the date of delivery of the Supreme Court's judgement in Brij Mohan Lal case.
- iii. FC-XIII grant will be utilised for meeting 50% of the expenditure on salaries of 10% additional position of judges. The balance expenditure will be borne by the concerned State Government.

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- iv. In case the States create more than 10% additional positions of judges, the expenditure on salaries of the positions of judges exceeding 10% of the sanctioned strength will have to be borne by the State Governments.
 - v. FC-XIII funds will not be utilised for meeting any expenditure on the staff of the additional courts to be created.
 - vi. FC-XIII funds will not be utilised for meeting any other type of expenditure on these additional courts like building, equipments, vehicles, contingencies, etc.
 - vii. The utilisation of funds for salaries of 10% additional positions of judges is subject to the approval of the High Level Monitoring Committee (HLMC) of the State.
 - viii. The States will send quarterly Progress Reports to the Ministry of Finance (FCD Division) and the Department of Justice in the proforma enclosed (Annexure)
 - ix. In case of funds already released to the States under the component morning/evening/shift courts are exhausted, the States will send proposals to the Department of Justice for further release of FC-XIII funds for meeting the expenditure on salaries of 10% additional positions of judges.
 - x. FC-XIII funds for the above mentioned purpose cannot be utilised beyond the end date of the FC-XIII award i.e. 31.03.2015.
2. 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.

Yours faithfully

Alok Chandra
(Alok Chandra)

Director (FCD)

Tel: 24360647

Fax: 24360174

Email: alok.chandra@nic.in

Encl.: Annexure

Copy to:-

1. Principal Secretary (Finance), Government of.....
(All State Governments)
2. Shri Y.M.Pande, Deputy Secretary, Department of Justice, Ministry of Law & Justice,
Jaisalmer House, Mansingh Road, New Delhi.

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ANNEXURE

PROFORMA

Sl.No.	Sanctioned strength in State Judicial Services (post-wise)	No. of additional posts created (post-wise)*	Pay Scale	Annual Financial implication of the Salary (post-wise)		No. of positions filled with the date of order	Financial implication of Salary (of the positions in Column No 6) upto (Rs. in crore)				TFC funds utilised during the quarter ending..... (Rs.in crore)		
				5	6		7	8	9	10		11	12
1	2	3	4	100%	50%	6	31.3.2013	50%	100%	50%	100%	50%	8

* (Please enclose copies of Orders for creation of the posts with the proforma)