

BRIEF WRITEUP ON CENTRALLY SPONSORED SCHEME FOR DEVELOPMENT OF INFRASTRUCTURE FACILITIES FOR THE JUDICIARY

The Scheme is being implemented by this Department since 1993-94 to augment the resources of the State Governments / UTs for development of infrastructure facilities for the judiciary. The scheme covers construction of court buildings and residential accommodation of judicial officers/judges covering High Courts and Subordinate Courts.

The scheme aims at improving the physical infrastructure requirements of the courts as also the housing needs of judicial officers in the country with a view to facilitate better justice delivery. The scheme is expected to reduce the inconveniences faced at present by the judiciary and the litigants / lawyers attending the courts on account of insufficient/poor court rooms etc.

The expenditure on the scheme is shared by the Centre and the State Governments on 50:50 basis, except in special States in North East Region, which is on 90:10 basis. The Central share is however restricted to the allocations made by the Planning Commission / Ministry of Finance. The releases to States/UTs are made based on their requirement of funds viz-a-viz resources available with the Centre under the scheme. In other words, under this Scheme the Central share is determined by the Planning Commission/Ministry of Finance and the concerned State Government is under an obligation to put in, from their own resources, at least an equal amount as their share. However, the States are free to spend more amounts as per their needs. Expenditure in respect of the Union Territories is fully met by the Central Government subject to budgetary provisions. The States and UTs have to furnish Utilization Certificate within 12 months from the date of closure of the financial year during which the funds are released.

Since the inception of the scheme and upto 2010-11, an amount of ₹ 1247.36 crore has been released by the Department of Justice to States / UTs. The outlay for this Scheme for the Eleventh Plan Period (2007-12) is ₹ 701.08 crore against which an amount of ₹ 556.71 crore has been released to the State Governments during first four years of the Eleventh Five Year Plan. The outlay for the scheme for 2011-12 is ₹ 542.90 crore.

BRIEF WRITEUP ON ASSISTANCE TO STATE GOVERNMENTS FOR ESTABLISHING AND OPERATING GRAM NYAYALAYAS IN THE COUNTRY

A new tier of courts is provided under the Gram Nyayalayas Act, 2008 at the grass roots level for the purpose of providing speedy and inexpensive access to justice to the citizens at their door steps. The Gram Nyayalayas Act has been brought into force w.e.f. October 2, 2009. Salient features of the Act are as under:-

- Gram Nyayalayas are aimed at providing inexpensive justice to people in rural areas at their doorsteps;
- To be established for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous Panchayats;
- Shall be a mobile court and shall exercise the powers of both Criminal and Civil Courts;
- The seat of the Gram Nyayalaya will be located at the headquarters of the intermediate Panchayat, they will go to villages, hear the parties and dispose of the cases;
- It shall try criminal cases, civil suits, claims or disputes which are specified in the First Schedule and the Second Schedule to the Act;
- It shall follow summary procedure in criminal trial;
- It shall try to settle the disputes as far as possible by bringing about conciliation between the parties and for this purpose, it shall make use of the conciliators to be appointed for this purpose;
- It shall not be bound by the rules of evidence provided in the Indian Evidence Act, 1872 but shall be guided by the principles of natural justice and subject to any rule made by the High Court.

The Government provides assistance to State Governments for establishment of Gram Nyayalayas (₹ 18 lakhs / court) and ₹ 3.20 lakhs per court per annum for the first 3 years towards recurring expenses.

So far, 144 Gram Nyayalayas have been set up out of which 47 are functional. ₹ 20.92 crores have been disbursed to the State of Rajasthan, Maharashtra, Madhya Pradesh and Orissa under the scheme so far. In the Budget Estimates for 2011-12, an amount of ₹ 150 crores has been provided for establishment of Gram Nyayalayas.

The setting up of Gram Nyayalayas is an important measure to reduce arrears. The Gram Nyayalayas are likely to reduce pendency of cases in subordinate courts to a great extent and also to take care of the new litigations in specified areas.

BRIEF WRITEUP ON THIRTEENTH FINANCE COMMISSION RECOMMENDATIONS

The Government has accepted the recommendations of Thirteenth Finance Commission to provide an amount of ₹ 5000 crore to the States for the following initiatives:-

| Sr. No. | Schemes | Amount (₹ in crores) |
|---------|---|----------------------|
| 1 | Operation of morning/evening courts/ shift courts | 2500 |
| 2 | ADR Centres | 600 |
| 3 | Training of mediators / conciliators | 150 |
| 4 | Lok Adalats | 100 |
| 5 | Legal Aid | 200 |
| 6 | Training of Judicial Officers | 250 |
| 7 | State Judicial Academies | 300 |
| 8 | Public Prosecutors Training | 150 |
| 9 | Court Managers | 300 |
| 10 | Maintenance of heritage Court Buildings | 450 |
| | Total | 5000 |

In the regional conferences held at different locations during June-August, 2010, various States / UTs requested for inter-component flexibility in the utilisation of funds. The guidelines issued by Ministry of Finance for disbursement and utilisation of funds, inter alia, provides for inter-component flexibility in utilisation of funds. The guidelines stipulate that 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.

Ministry of Finance had disbursed an amount of ₹ 500 crores to States / UTs in June 2010 towards first tranche of first instalment. The second tranche of first instalment for ₹ 500 crores has also been released by the Ministry of Finance in January, 2011.

For release of second instalments to the State Governments, the following information is essentially required from States before Department of Justice could make recommendations to MoF for its release:-

- State Litigation Policy (SLP) should be put in place by State Government before the end of a fiscal year to be eligible for subsequent instalments for the succeeding fiscal year.
- 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 High Level Monitoring Committee (HLMC), a copy of which would be made available to the Review Committee.

The States have been requested to provide the above information for release of subsequent instalments.

The operative guidelines regarding Legal Aid, drawn in consultation with the NALSA have been issued. Similar guidelines for utilisation of Finance Commission grants for "Training of Judicial Officers" and "Strengthening of State Judicial Academies" drawn in consultation with the National Judicial Academy (NJA) have also been issued.

BRIEF WRITEUP ON E-COURTS MISSION MODE PROJECT

The Government is implementing a project for computerization of District & Subordinate Courts in the country and for upgradation of ICT infrastructure of the Supreme Court and the High Courts.

Under the project, 12000 courts in 2100 court complexes are expected to be computerised by 31.3.2012 and 2249 courts in 969 court complexes are expected to be computerized by 31.3.2014. The total estimated cost of phase I of the project is ₹ 935.00 crore. The National Informatics Centre (NIC) is the implementing agency of the project.

An E-Committee of the Supreme Court was constituted which is chaired by the Chief Justice of India to give overall policy directions to fulfilment of e-court programme. An Empowered Committee has been constituted in the Department of Justice to provide strategic direction and guidance to the e-courts Mission Mode Project. This Committee also has representative from the E-Committee of the Supreme Court.

Implementation of the project would result into online access to legal and judicial resources and trends, access to cause lists to litigants, advocates, prosecution and law enforcement agencies, availability of digitally signed court orders, issue of certified copies of orders & judgements within 24 hours, status of pending as well as disposed of cases, services through Information kiosks at court complexes, e-filing of cases, Video Conferencing facilities at Courts.

Till March 2011, an amount of ₹ 397.85 crore has been given to NIC for implementation of the project. The Budget provisions for the current year is ₹ 297 crore.

BRIEF WRITEUP ON FAMILY COURTS

The Family Courts Act, 1984 provides for establishment of Family Courts by the State Governments in consultation with the High Courts with a view to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith. Under Section 3(1)(a) of the Family Courts Act, it is mandatory for the State Governments to set up a Family Court for every area in the State comprising a city or a town whose population exceeds one million. In other areas of the States, the Family Courts may be set up if the State Governments deems it necessary. Following are the matters which can be filed in the Family Courts-

- (i) Decree for nullity of marriage
- (ii) Restitution of Conjugal rights
- (iii) Judicial Separation
- (iv) Divorce
- (v) Declaration of marital status of any person
- (vi) Matrimonial property matters
- (vii) Claim of maintenance
- (viii) Guardianship
- (ix) Custody of children
- (x) Access of children
- (xi) Application for injunction in matrimonial matters.

2. A scheme of Central financial assistance was started in 2002-03 for setting of Family Courts. As per the scheme a Non-recurring grant @ Rs. 10 lakh per court is provided by the Department of Justice for setting up of Family Courts. States have to provide matching share. Under Non-Plan, grant @ Rs. 5 lakh per court per annum is provided for meeting running expenditure on Family Courts and States have to provide matching share.

3. The Parliamentary Committee on Empowerment of Women has recommended that Family Courts may be set up in each district. All the State Governments/UT Administrations have been requested to set up Family Courts in each district.