



ABSTRACT

Courts - 13th Finance Commission - Constitution of Evening Courts in each districts under the Grants-in-aid recommendation by the 13th Finance Commission towards the Scheme "Improvement in Justice Delivery" - Orders - Issued.

HOME (COURTS II) DEPARTMENT

G.O.Ms.No.27

Dated :10.01.2011

Read :

1. From the Principal Secretary, Finance Department D.O. Letter No.11059/FC1/2010 dated 04.03.2010.
2. From the Registrar General, High Court, Chennai D.O. Letter No.504/2010/ Registrar General/B2 dated:07.10.2010.
3. From the Principal Secretary, Finance Department D.O.Letter No.37479/FC1/2010 dated 01.12.2010.

ORDER :-

The 13th Finance Commission, among other recommendations, has recommended Grants-in-aid for a sum of Rs.252.44 crores (for 5 years i.e 2010-2015) towards 'Improvement in Justice Delivery' (including Rs. 123.54 crores for constitution of the Morning / Evening Court and Special Courts for the period of 5 years i.e. 2010-2015) in the State of Tamil Nadu. Based on the recommendations, the Government of India has released an amount of Rs.1235.40 lakhs for the year 2010-2011 to set up Morning / Evening Court and Special Courts. The Government of India has also issued guide lines for utilizing implementation of the above said Grants.

2. In accordance with the guidelines issued by the Government of India for utilization of the Grants-in-aid, the High Court of Madras has constituted a Monitoring Committee with a view to ensure that the projects are successfully implemented and based on the decision taken by the Monitoring Committee on the above said schemes, the Registrar General, High Court of Madras, Chennai has sent proposals in respect of constitution of 90 Evening Courts in the State. The High Level Monitoring Committee meeting held on 16.11.2010 under the Chairmanship of Chief Secretary has approved the proposal sent by the Registrar General, High Court of Madras.

3. The following decision were taken with regard to Constitution of Morning/ Evening and Special Courts and the same are as follows:-

- i) One Evening Court each in the cadre of District Judge, Subordinate Judge and Judicial Magistrate in each District shall be constituted.
- ii) Labour Court matters preferably old cases and senior citizen matters shall be tried by the District Judge.
- iii) MACTOPS and LAOPs, shall be tried by the Subordinate Judge as per the list approved by the District Judge concerned in which priority should be given to old cases and senior citizen matters.

(PTO)

- iv) Matters under section 138 NI Act and 125 Cr. P.C. and other matters forwarded by the Chief Judicial Magistrate concerned shall be tried by the Judicial Magistrate. Priority should be given to old cases and senior citizen matters.
- v) The working hours shall be 6 p.m. to 8 p.m. on all working days.
- vi) The scheme framed for Evening Courts by the High Court Monitoring Committee is given in Annexure-I.
- vii) The cost to be incurred for one year for conducting Evening courts including the expenditure for administrative staff, as prepared by the Registry is fixed at Rs. 3,92,40,000/- given in Annexure-II
- viii) The High Court constitute Special Courts to bring down the pendency of specified types of cases in specialized areas as per the guidelines framed by the Government of India based on the 13th Finance Commission report. The State to set up Morning/Evening/Special Magistrates Shift Courts to try petty cases so as to clear the backlog of cases and to relieve pressure on judicial time. This is a temporary measure which has to be implemented with a clear target for disposal of cases and the courts may either utilize the services of regular judicial officers on payment of additional compensation or retired officers. Further decision regarding the constitution of special courts by conversion of Evening courts thus constituted will be taken as Special courts depending upon the performance.
- ix) The High Level Committee, has also advised that as per the guidelines, the illustrative list of the cases assigned to Morning/Evening/Special Magistrate Courts by various High Courts to be used for guidance by the High Court. In deciding the categories of cases to be assigned to such courts, priority shall be given to those categories of cases, which contribute significantly to backlog. In addition to the cases mentioned in the guidelines, the High Court may also assign cases, which are not usually contested and are compoundable in nature to those Courts.
- x) After detailed discussion, the High Level Monitoring committee, has approved the proposal towards the scheme viz., Constitution of 90 Evening Courts under "Improvement in Justice Delivery" recommended by the 13th Finance Commission for sum of Rs.392.40 lakhs for the year 2010-2011.

5. Accordingly, the Government after careful examination of the above proposal, have decided to accept it and accordingly sanction a sum of Rs. 3,92,40,000/- (Rupees Three Crores Ninety Two Lakh and Forty Thousand Only) towards the scheme viz., Constitution of 90 Evening Courts (i.e one Evening Court each in the cadre of District Judge, Subordinate Judge, and Judicial Magistrate in each District for 30 Districts) as indicated in Annexure I & II to this Government Order under "Improvement in Justice Delivery" recommended by the 13th Finance

Commission for the year 2010-2011. The Registrar General, High Court of Madras, is requested to take immediate action to implement the above scheme and to adhere to the guidelines of Government of India while implementing the Scheme.

6. The expenditure sanctioned in para 5 above shall be debited to the following Head of Account.

"2014.00 Administration of Justice - 800 Other Expenditure - 1 Non Plan - AM. Operation of various Courts in Shifts by using 13th Finance Commission Grants"- 33. Payments for Professional and Special Services - 02. Remuneration. (DPC 2014-00-800 AM - 3329)

7. Necessary funds will be provided in RE/FMA 2010-2011. Pending provision of such funds in RE/FMA 2010-2011 the Registrar General, High Court of Madras, Chennai/ The Judicial officer concerned is authorized to draw and disburse the amount sanctioned in para 5 above. The Registrar General, High Court of Madras, Chennai is also requested to include the above expenditure while sending the proposal for RE/FMA 2010-2011 to Government at the appropriate time without fail.

8. The item of expenditures sanctioned in para 5 above shall be brought to the notice of the Legislature by a specific inclusion in Supplementary Estimate for the year 2010-11. The Registrar General, High Court of Madras is also requested to send necessary draft Explanatory notes to Government in Finance (Home-II) Department, in this regard at the appropriate time.

9. This order issues with the concurrence of Finance Department vide its U.O. No. 126/DS(RR) date:10.01.2011 and with ASL No.1749 (One thousand seven hundred and forty nine)

(BY ORDER OF THE GOVERNOR)

S. KARUTHIA PANDIAN
PRINCIPAL SECRETARY TO GOVERNMENT(I/C)

To
The Registrar General, High Court, Chennai-104
The Accountant General, Chennai 18
The Accountant General (CAG) Chennai - 9
The Pay and Accounts Officer, Chennai
The Finance (Finance Commission/Home-II/BG-I/BG-II) Department, Chennai - 9
All Sections in Court Wing.

//FORWARDED BY ORDER//

M. G. S.
20/1/11
SECTION OFFICER

Annexure-I
SCHEME FOR EVENING COURTS

Part-I

1. SELECTION:

(A) District Judges, Sub Judges and magistrates.

- (a) From among the retired persons up to the age of 65; who are otherwise not employed,
- (b) Selection by the Committee of Judges to be nominated by Hon'ble the Chief Justice.

(B) It shall be discretion of the District Judges concerned to allot cases to the Evening Courts following the guidelines as under as far as possible:

- (a) District Judges : Labour matters, Family Court matters, etc.,
- (b) Sub Judges : MACTOP cases and LAOP cases;
- (c) Judicial Magistrates: S.138 N.I. Act cases, cases under Section 125 Cr.P.C., etc., Priority should be given to old cases and senior citizen matters.

2. Tenure: Twelve months only.

3. CONDITION OF SERVICE:

- a) Five working days every week in the evening from 6.00 p.m. To 8.00 p.m.
- b) Appointment is purely contractual.
- c) Consolidated pay only and no other benefits;
- d) No lien for any extension;
- e) Liable for termination without notice on proven incapacity or misconduct or for any other valid reason by the appointing authority;
- f) Non-transferable;
- g) No extension on the expiry of 12 months;
- h) Other than the declared holidays, no leave except on certified sickness;
- i) The candidates shall be directly answerable to the High Court through Registrar General;
- j) Monthly report on the disposal shall be forwarded to the Registrar General, High Court.

A. G. J. S.
/11/11
SECTION OFFICER

For the post of Head Clerk, Steno Typist, Assistant, Typists and Two posts of Office Assistants:-

PART - II

- a) Preference to the existing staff to be ascertained;
- b) If required hands are not available, preference from among the retired staff be given;
- c) Past service will be considered only for selection and
- d) If more number of persons are available than the required persons, appointment will be given based on seniority;
- e) Except Condition No.3(j) of Part I, all other conditions shall apply here too.
- f) In the absence of availability of hands as per Clause (a) and (b), appointment will be made on contractual basis through Employment Exchange initially for a period of one year, renewable after ascertaining their performance.

M. G. S.
11/11
SECTION OFFICER

Annexure II
Evening Courts
Honorarium

1. Evening Courts in each Judicial District in the cadre of District Judge.

Judicial Officer	-	Rs. 20,000
Head Clerk	-	Rs. 5,000
Steno-Typist	-	Rs. 3,500
Assistant	-	Rs. 3,500
Typist	-	Rs. 3,000
2 Posts of Office Assistant	2000x2	Rs. 4,000

Rs. 39,000/- p.m. (30 days)
For one Court Rs. 4,68,000/- p.a.
For 30 Courts = Rs. 1,40,40,000/-

II. Evening Courts in each Judicial District in the cadre of Sub Judge.

Judicial Officer	-	Rs. 18,000
Head Clerk	-	Rs. 5,000
Steno-Typist	-	Rs. 3,500
Assistant	-	Rs. 3,500
Typist	-	Rs. 3,000
2 Posts of Office Assistant	2000x2	Rs. 4,000

Rs. 37,000/- p.m. (30 days)
For one Court Rs. 4,44,000/- p.a.
For 30 Courts = Rs. 1,33,20,000/- p.a.

III. Evening Court in each Judicial District in the cadre of District Munsif/Judicial Magistrate.

Judicial Officer	-	Rs. 14,000
Head Clerk	-	Rs. 5,000
Steno-Typist	-	Rs. 3,500
Assistant	-	Rs. 3,500
Typist	-	Rs. 3,000
2 Posts of Office Assistant	2000x2	Rs. 4,000

Rs. 33,000/- p.m. (30 days)
For one Court Rs. 3,96,000/- p.a.
For 30 Courts = Rs. 1,18,80,000/- p.a.

GRAND TOTAL

1. Evening Courts in the cadre of District Judge	-	Rs. 1,40,40,000/-
2. 30 Evening courts in the cadre of Sub Judge	-	Rs. 1,33,20,000/-
3. 30 Evening Court in the cadre of District Munsif/Judicial Magistrate		Rs. 1,18,80,000/-

		Rs. 3,92,40,000/- p.a.