

Development of Infrastructure Facilities for Judiciary including Gram Nyayalayas

For a long time, the judiciary was outside the purview of the Planning Commission which distributed development grants. And when the Commission started providing funds, it turned out to be too meagre to make any capacity improvement. The State governments did not increase the number of courts required to handle the mounting number of cases, and the existing ones did not get the needed infrastructure.

To address the continued concern of pending court cases, the National Mission for Justice Delivery and Legal Reforms was set up in 2011. The twin objectives of the Mission are (1) increasing access by reducing delays and arrears in the system and (2) enhancing accountability through structural changes and by setting performance standards and capacities. Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission – including development of infrastructure in district and subordinate courts.

Extent of the Problem

- Shortage of courtrooms and lack of infrastructure in district courts is leading to many positions of judicial officers lying vacant.
- A staggering 30 million cases are said to be pending in the country's courts in 2012
- Till June 30, 2012, nearly 14,924 subordinate courts were burdened with nearly 30 million cases, 74 percent of which were pending for at least five years. Apart from these, fresh cases continue to be filed every day.

Objective

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.

Funding Mechanism

The expenditure on the scheme is shared by the Centre and the State Governments in a 75:25 ratio as per Twelfth Five Year Plan provisions, except for North East states where the ratio is 90:10. The Central share is however restricted to the allocations made by the Planning Commission/Ministry of Finance. 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 up to 2010-11, an amount of Rs. 1247.36 crore has been released by the Department of Justice to States / UTs. Based on tentatively estimated requirements and funding pattern of 75:25 (90:10 for NE States), Central grant of the order of Rs. 5510 crore would be required. However, an amount of Rs. 542.90 crore

has been provided during 2011-12. Therefore, around Rs. 5000 crore would need to be released during Twelfth Five Year Plan period to the States to support improvement in infrastructure for subordinate judiciary.

Establishment of Gram Nyayalayas

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. Some of the key features of the Gram Nyayalayas are:

- 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

The Government provides assistance to State Governments for establishment of Gram Nyayalayas (Rs.18 lakhs / court) and Rs. 3.20 lakhs per court per annum for the first 3 years towards recurring expenses. As per 2011-12 data, 144 Gram Nyayalayas have been set up out of which 47 are functional. Rs. 20.92 crores has been disbursed to the State of Rajasthan, Maharashtra, Madhya Pradesh and Orissa under the scheme so far.

As per the proposal, the Central assistance to States would be provided to the tune of Rs. 30.30 lakhs for non-recurring expenditure along with Rs. 9.35 lakhs per annum for the first 5 years of its operation towards recurring expenditure. Presuming that 2500 Gram Nyayalayas would be set up by the States during the 12th Five Year Plan period, a provision of Rs. 1356 Crore may be made for this purpose. The year-wise number of Gram Nyayalayas likely to be set up along with the requirement of funds would be:

Year	No. of Gram Nyayalayas to be set up	Requirement of funds (Rs. In crores)
2012-13	300	119.00
2013-14	300	147.00
2014-15	600	294.00
2015-16	600	350.00
2016-17	700	446.00
Total	2500	1356.00

Framework for Implementation

In order to make the mission a success, the States are required to adopt a project-based approach for execution and monitoring of the construction works and send their information on the ongoing projects and the new projects to be taken up along with the year-wise financial estimates. A set of guidelines on eco-friendly and people friendly designs and retrofit options will be prepared by the National Mission.

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