

REVISED GUIDELINES

Subject: Implementation of Centrally Sponsored Scheme (CSS) for the Development of Infrastructural Facilities for the Judiciary – Revision of Guidelines.

The Department of Justice has been implementing the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary since 1993-94 to augment the resources of the State Governments for construction of court buildings and residential accommodation of judicial officers / judges covering District and Subordinate Courts.

Objectives of the Scheme

2. The scheme aims at improving the physical infrastructure of the Subordinate Courts as also the housing needs for judicial officers of District and Subordinate Courts in the country with a view to facilitate better justice delivery.

Coverage of the Scheme

3. The Scheme covers all States and Union Territories. The Scheme covers construction of court buildings and construction of residential accommodation for Judges and Judicial Officers of District and Subordinate Courts in the States. The Scheme does not cover construction of High Court buildings. The Scheme allows new construction and upgradation or renovation of such existing buildings but does not allow routine maintenance or upkeep. The central assistance to States/UTs is restricted to the budgetary provision available under the scheme during the financial year. However, States/UTs are free to spend additional amount as per their requirement from their own resources. This Centrally Sponsored Scheme is not a reimbursement scheme.

Fund Sharing Pattern under the Scheme

4. In accordance with Department of Expenditure, Ministry of Finance DO letter no. 32/PSO/FS/2015 dated 28.10.2015 the fund sharing pattern under the Scheme was revised from the year 2015-2016 in the ratio of 60:40 between Centre and the State, except 8 North Eastern States, namely, Arunachal Pradesh, Assam, Mizoram, Meghalaya, Tripura, Nagaland, Manipur and Sikkim, and 3 Himalayan States, namely, Jammu and Kashmir, Himachal Pradesh and Uttarakhand, where the ratio of 90:10 applies. For Union Territories the central assistance is without the fund sharing requirement. The revised fund sharing was communicated to all State Governments and High Courts vide Order no. J. 13011/5/2007- JR dated 15th December, 2015.

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Mandatory Conditions for release of grants to the States under the Scheme

5. Funds are released to the State Governments under the Scheme based on the following need based criteria:-
- (a) Requirement of funds by the State Governments as per their Action Plan of construction of court building and residential accommodation of judicial officers of District and Subordinate Courts;
 - (b) Submission of Utilisation Certificate of previous grants released to the States under the Scheme along with State Share;
 - (c) Overall availability of funds under the Scheme as per budgetary allocation.

Desirable conditions for release of grants to the States under the Scheme

6. However, in order to make the implementation more meaningful, useful and result oriented, it is decided that in addition to conditions mentioned in para 5 above, the following would also be taken into account while allocating funds, especially Rs. 25.00 crores and above to the States under the Scheme and preference would be given to those States/High Courts who have made efforts in achieving at least four of the following objectives [preferably item (v) below]:

- (i) Percentage reduction in the gap between availability of court rooms /halls and number of residential units viz-a-viz sanctioned strength of judicial officers / Judges in District and Subordinate Courts in the State;
- (ii) Percentage reduction in the vacant posts of Judges / Judicial Officers of District and Subordinate Courts.
- (iii) Percentage reduction in pendency of more than five-year old cases in District and Subordinate Courts on yearly basis.
- (iv) Percentage of new Court building designs to be made compatible with e-Courts Mission Mode project (new Court building design required is at **Annexure-I**).
- (v) Availability of facilities and services in District Commercial Courts for all stakeholder for Ease of Doing Business in India:
 - (a) Ensure electronic filing of complaints, summons and payments and electronic delivery of summons and notices etc.
 - (b) Ensure to generate at least two out of the four reports about the competent court:
 - (i) time to disposition report; (ii) clearance rate report; (iii) age of pending cases report; and (iv) single case progress report.


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(c) Ensure availability of electronic case management system for fulfilling at least four of the following purposes for Judges:

- To access laws, regulations and case law;
- To automatically generate a hearing schedule for all cases on their docket;
- To send notifications (for example, e-mails, fax, sms) to lawyers;
- To track the status of a case on their docket;
- To view and manage case documents (briefs, motions);
- To assist in writing judgments;
- To semi automatically generate court orders; and
- To view court orders and judgments.

(d) Ensure availability of electronic case management system for fulfilling at least four of the following purposes for Lawyers:

- To access laws, regulations and case law;
- To access forms to be submitted to the court;
- To receive notifications (for example, e-mails) to lawyers;
- To track the status of a case on their cases;
- To view and manage case documents (briefs, motions);
- To file briefs and documents with the courts;
- To view court orders and decisions in a particular case.

(vi) Availability of citizen centric facilities as prescribed for Model Courts (a note on Model Court concept is enclosed at **Annexure-II**) in district and subordinate courts:

- Ensuring safety and reducing vulnerability: Designing and Retrofitting Courts to reduce Vulnerability from Hazards.
- Barrier free courts and court rooms for persons with disabilities.
- Establishing Vulnerable Witness Deposition Centres.
- Establishing Facilitation Centres, Electronic display boards, Kiosks for public;

Procedure for submitting proposals to the Department of Justice

7. Concerned Department in the State Government dealing with judicial infrastructure in the State shall submit proposals in prescribed format each year to the Department of Justice for seeking financial assistance under the Scheme for new and on-going projects. The proforma for submitting proposals is enclosed at **Annexure-III**.

Monitoring and Evaluation

8. As per the Supreme Court directions in the matter of O.A.No.279/2010 in All India Judges Association case the monitoring of the Scheme is being done by the State Level Monitoring Committees set up by the respective High Courts headed by portfolio Judge. The Monitoring Committee may also include representative of Department of Justice. The State Governments shall submit quarterly progress report of the projects sanctioned under the Scheme to the Department of Justice.

9. These revised guidelines are applicable from **1st April, 2017**.


(C. K. Reejonia)

Deputy Secretary to the Government of India

eCourts Friendly Court Infrastructure (Building Designs)

For implementation of eCourts Project, the following requirements have to be incorporated to make the court infrastructure ready for ICT enabled eCourts

- **Computer Room:** Each court complex should have a dedicated area/room for housing the services and related ICT equipments. This would be the computer room of the court complex. For the creation of the Computer Room in the court complex, site preparation in terms of minimal civil works and electrical works would need to be carried out. The interiors, civil works, computer furniture, etc. would need to be done.
- **Computer Server Room (CSR):** The eCourts Project envisages the Cloud Computing Architecture for all application and database requirements for the Courts. Under the Cloud Computing Environment, applications and databases used by the Courts will be hosted in Cloud Environment facilitated at State Data Centres (SDCs) or National Data Centres. Hence there is a need of a Network Room. The technical specifications of the Network Room to be set-up will be finalized as per the requirements of the Court Complexes of varying number of Courts.
- **Judicial Service Centre (JSC):** The JSC will be utilized along with other services for the litigants like case status information, certified copies, inquiries etc. only except where it is not feasible to for space constraints to have a Central Filing Centre. In new Court Complexes, the provision of JSC with sufficient space and civil/electrical infrastructure will have to be ensured as primary requirement.
- **Power:** They would involve electrical cabling, earthing, wiring, etc. Electrical equipments such as DG set, UPS or solar system, electrical sockets, etc. would also need to be in place for the equipments installed in court complex. Reliable and uninterrupted electricity and power back-up is a critical requirement of ICT infrastructure.
- **Connectivity:** For establishing the internal LAN connectivity between various computers/servers of the computer room, data cabling has to be done. The LAN points will also have to cater to the requirement of using the laptop of the Judicial Officer in chamber as well as on dais.
- **Installation of multiple appliances:** The ICT hardware such as computers, server, scanners, printers, etc. needs to be installed at the computer rooms of each of the court complexes. Accordingly the space as well as power supply points need to be designed.

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CONCEPT AND ELEMENTS OF MODEL COURTS***1. Concept of model courts***

The concept for model courts emerges from a variety of factors including meeting the needs of the stakeholders – judges, lawyers, litigants, witnesses, prosecution agencies, police *etc.* What would constitute a model court would depend largely upon the perspective of the people interacting with the court system, and where they find themselves placed in the context of a court. A model court for a litigant may be different from a model court for the court staff or a lawyer. While the core requirements of a model court would be the same – in terms of courts being efficient and just – each stakeholder may have different expectations from the courts. Adopting a systems approach to court development is required to address the needs of the various stakeholders.

Model courts are meant to set examples for States by demonstrating benefits of courts functioning under all conditions. Therefore, notwithstanding the differences in perspective, the concept of Model Court is governed by the following five generic principles:

1. It should be citizen-friendly in its access to information, delivery of services, and physical and technical lay-out.
2. It must be efficient in terms of time and cost to litigants as well as judicial establishment.
3. It must be fair and just in its dealings with litigants, victims, witnesses *etc.* and must deliver judgments of high quality promptly according to the laws of the land.
4. The litigants should be reasonably certain as to when the case would come up for trial and when it would conclude.
5. There must be an efficient mechanism for prompt and responsive redressal of citizens' grievances in the functioning of the system and its sub-systems in the court complex itself.

2. Elements to be addressed

To convert courts into model courts, the following four elements need to be addressed in their design and implementation, in convergence with existing schemes of the Government:

1. Process related reforms for optimum court and case management: The underlying idea behind the Model Court is to put in place *inter alia* Court processes that reduce the average time taken for a court to adjudicate. More than a quarter of the cases in Indian courts are over five years old. Many attempts have been made in the past to speed up the justice delivery system. These include, *inter alia*, overhauling of the criminal justice system, setting up of tribunals to provide quick, informal and inexpensive remedies to litigants, instituting alternate dispute resolution systems through Lok Adalats. These interventions have yielded significant results; however, the problem of arrears and delays in disposal remains unabated.
2. Physical Infrastructure: Model court complex should adhere to minimum standards in terms of building design. In order to instil and enhance public trust in the judicial process the fundamental guiding principles for physical infrastructure should be to:

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- Provide optimum working conditions leading to increased efficiency of Judicial Officers and administrative staff.
 - Provide easy access to justice to all – and particularly to the underprivileged and women, and provision of hassle-free atmosphere to various court-users.
 - Provide barrier free access for senior citizens and persons with disability.
 - Provide for safety of records and of judges, administrative staff, litigants, witnesses and undertrial prisoners.
3. Technical Infrastructure : Case Information System software developed under the e-Courts project must be implemented in full and data updated on a daily basis in Model Courts. This would include focus on citizen centric services as well as services relevant for court administration.
4. Manpower planning, role definition, evaluation and accountability of the human resources who manage the court and its sub-systems : Arguably the most important dimension of Model Courts would be to plan its manpower requirement as well as revisit roles to be able to meet current challenges and build a capable body of professionals who manage the court and its sub-systems to achieve optimum results. This will require strengthening the capacity of Judges, court and registry staff, court managers, prosecutors, ICT staff and functionaries from related services such as prisons and police in so far as their interaction with model courts is concerned. Lawyers will also need to be appropriately sensitised. It is important to decide the judge-staff ratio in model courts taking into account the ICT infrastructure being put in place in such courts and the operations management required to streamline the integration of technology within the court procedures.

Given the integrated judicial system in the country and common civil and criminal codes and Evidence Act and the fact that the differences in procedure between courts is minimal, the outcomes and demonstration effect of the model courts will be similar if not the same, irrespective of the type of courts. Nevertheless, there are some elements that are specific to special courts viz. family courts and criminal courts dealing with special crimes.

(FOR MORE DETAILS PLEASE REFER TO THE REPORT OF THE SUB-GROUP ON MODEL COURTS AVAILABLE ON THE WEB-SITE ON THE DEPARTMENT OF JUSTICE AT www.doj.gov.in)

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PROFORMA FOR STATE GOVERNMENTS/UT ADMINISTRATIONS FOR SUBMITTING PROPOSALS TO THE DEPARTMENT OF JUSTICE FOR SEEKING FINANCIAL ASSISTANCE UNDER THE CENTRALLY SPONSORED SCHEME FOR DEVELOPMENT OF INFRASTRUCTURE FACILITIES FOR JUDICIARY

1. Name of the State / UT _____

2. Details of on-going and new projects, separately (Project-wise) with summary:

(a) Construction of court buildings:

- Indicate name of place _____
- Whether project is approved by the High Court _____
- no of court halls/rooms to be constructed _____
- date of start of construction _____
- tentative date of completion of construction _____
- estimated cost (Rs. in crore) _____
- allocation of funds by State Government for the project (Rs. in crore) _____
- expenditure incurred so far (Rs. in crore) _____
- requirement of funds under the scheme, with state share (Rs. in crore) _____
- point-wise details of each items mentioned in para 6 of revised guidelines alongwith reasons and justifications for not meeting such requirements, if so and steps being taken by the High Court / State Government to meet such requirements _____

(b) Construction of residential accommodation:

- Indicate name of place _____
- Whether project is approved by the High Court _____
- no of residential units to be constructed _____
- date of start of construction _____
- tentative date of completion of construction _____
- estimated cost (Rs. in crore) _____
- allocation of funds by State Government for the project (Rs. in crore) _____
- expenditure incurred so far (Rs. in crore) _____
- requirement of funds under the scheme, with state share (Rs. in crore) _____
- point-wise details of each items mentioned in para 5 of revised guidelines alongwith reasons and justifications for not meeting such requirements, if so and steps being taken by the High Court / State Government to meet such requirements _____

3. Whether State Government has made budget allocation in its State Plan for the projects to meet the funds sharing pattern under the Scheme (i.e. 60:40 (Centre:State) in respect of States other than North East and Himayalayan States, and 90:10 (Centre:State) in respect of 8 North East and 3 Himalayan States), if so, give details _____

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4. Whether Utilisation Certificate for the assistance received under the Scheme in previous years submitted, if yes enclosed copy (Note: State Government is not eligible for assistance under the Scheme if UC for previous years not submitted, except last financial year) _____

5 (a). Number of sanctioned strength, working strength and vacancy of Judges and Judicial Officers of district and subordinate courts in the State as on 31st December of previous year (e.g. as on 31.12.2016 for seeking assistance for the year 2017-18) _____

(b). Number of court halls / rooms available in the State for district and subordinate courts as on 31st December of previous year (e.g. as on 31.12.2016 for seeking assistance for the year 2017-18) _____

(c). Number of Residential Units for Judges and Judicial Officers of district and subordinate courts available in the State as on 31st December of previous year (e.g. as on 31.12.2016 for seeking assistance for the year 2017-18) _____

6 (a) Percentage reduction in the gap between availability of court rooms /halls and number of residential units viz-a-viz sanctioned strength of judicial officers / Judges in District and Subordinate Courts in the State _____

(b) Percentage reduction in the vacant posts of Judges / Judicial Officers of District and Subordinate Courts _____

7. Percentage reduction in pendency of more than five-year old cases in District and Subordinate Courts on yearly basis _____

8. (a) What percentage of new Court building designs is compatible with e-Courts Mission Mode project (as per eCourts design enclosed at Annexure-I), give details; if not give reasons / justifications _____

(b) Indicate availability of at least two out of the four reports about the competent court:

- (i) time to disposition report(Y/N);
- (ii) clearance rate report(Y/N);
- (iii) age of pending cases report(Y/N);
- (iv) single case progress report(Y/N).

(b). Indicate availability of electronic case management system for fulfilling at least four of the following purposes for Judges:

- To access laws, regulations and case law (Y/N);
- To automatically generate a hearing schedule for all cases on their docket (Y/N);
- To send notifications (for example, e-mails, fax, sms) to lawyers (Y/N);
- To track the status of a case on their docket (Y/N);
- To view and manage case documents (briefs, motions) (Y/N);
- To assist in writing judgments (Y/N);
- To semi automatically generate court orders (Y/N);
- To view court orders and judgments (Y/N);

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(c) Indicate availability of the electronic case management system for fulfilling at least four of the following purposes for Lawyers:

- To access laws, regulations and case law(Y/N);
- To access forms to be submitted to the court(Y/N);
- To receive notifications (for example, e-mails) to lawyers(Y/N);
- To track the status of a case on their cases (Y/N);
- To view and manage case documents (briefs, motions) (Y/N);
- To file briefs and documents with the courts (Y/N);
- To view court orders and decisions in a particular case (Y/N);

(d) Indicate availability of facilities for electronic filing of complaints, summons and payments and electronic delivery of summons and notices etc; if not give reasons _____

9. Whether provisions for setting up District Commercial Courts, Commercial Divisions and Commercial Appellate Divisions in High Courts under the Commercial Courts, Commercial Division and Commercial Appellate Division in High Courts Act, 2015 are being implemented, if so, give details of facilities and services available, if not give reasons _____

10. How many Model courts have been set up out of total new courts set up in the State? How many of them are following the parameters suggested in the Model Court concept given at Annexure-II? _____


11. Indicate availability of citizen centric facilities as prescribed for Model Courts (*concept at Annexure-II*) in district and subordinate courts:

- Ensuring safety and reducing vulnerability: Designing and Retrofitting Courts to reduce Vulnerability from Hazards: (Y/N)
- Barrier free courts and court rooms for persons with disabilities. (Y/N)
- Establishing Vulnerable Witness Deposition Centres. (Y/N)
- Establishing Facilitation Centres, Electronic display boards, Kiosks for public; (Y/N)

If not, give reasons _____

12. Expenditure incurred by State Government in previous financial year (capital and revenue separately) on administration of justice, including details of own resources utilized for setting up of infrastructure of Courts in the State? _____

13. Signature, name, designation with Department of the officer of State Government who is submitting the proposal: _____


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