

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

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5<sup>th</sup> Floor, Block No. 11  
CGO Complex, Lodhi Road  
New Delhi – 110003.

Dated: the 18<sup>th</sup> April, 2013

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

**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 20<sup>th</sup> 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.

Encl.: Annexure

Yours faithfully

*Alok Chandra*  
(Alok Chandra)

Director (FCD)

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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.

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)
1	2	3	4	5	6	7	8
				100%		31.3.2013 100%	
				50%		31.3.2014 50%	
						31.3.2015 100%	

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