

REPORT NO.

141



PARLIAMENT OF INDIA

RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

ONE HUNDRED FORTY FIRST REPORT

ON THE SUBJECT

"JUDICIAL INFRASTRUCTURE IN THE NORTH-EASTERN
STATES OF INDIA"

(Presented to the Rajya Sabha on 7th February, 2024)

(Laid on the Table of Lok Sabha on 7th February, 2024)



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COMPOSITION OF THE COMMITTEE
(Re-constituted w.e.f. 13th September, 2023)

1. Shri Sushil Kumar Modi — *Chairman*

RAJYA SABHA

2. Shrimati Vandana Chavan
3. Shri Mahesh Jethmalani
4. Shri Kanakamedala Ravindra Kumar
5. Shri Sanjay Raut
6. Shri Sukhendu Sekhar Ray
7. Shri K. R. Suresh Reddy
8. Shrimati Darshana Singh
9. Shri Vivek K. Tankha
10. Shri P. Wilson

LOK SABHA

11. Shri Manickam Tagore B.
12. Shri Kalyan Banerjee
13. Shri Pradan Baruah
14. Shri Venkatesh Netha Borlakunta
15. Shri Vinod Chavda
16. Shrimati Veena Devi
17. Shri Jasbir Singh Gill
18. Shri Choudhury Mohan Jatua
19. Shri Raghu Rama Krishna Raju Kanumuru
20. Shri Jyotirmay Singh Mahato
21. Shri Malook Nagar
22. Dr. Ramesh Pokhriyal "Nishank"
23. Shri Suresh Kumar Pujari
24. Shri A. Raja
25. Shri Omprakash Bhupalsingh *alias* Pavan Rajenimbalkar
26. Shri Upendra Singh Rawat
27. Shrimati Sandhya Ray
28. Shri Kuldeep Rai Sharma
29. Shri Mahendra Singh Solanky
30. Shri Rajan Baburao Vichare
31. *Vacant*

SECRETARIAT

Shri P. Narayanan, Director
Smt. Indira Chaturvedi Vaidya, Additional Director
Shri Sunil Tripathi, Under Secretary
Shri Prabhakar Singh, Under Secretary

INTRODUCTION

I, Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorized by the Committee on its behalf, do hereby present the One Hundred Forty First Report on the Subject '**Judicial Infrastructure in the North-Eastern States of India**'.

2. While examining the Subject, the Committee heard the Department of Justice (Ministry of Law & Justice), which is the nodal Department on the Subject. Further the Committee also undertook study visit to Imphal, Guwahati & Agartala from 19th to 23rd January, 2023; and Kohima, Shillong and Itanagar from 9th to 13th May, 2023 to have an on the spot assessment of the Judicial Infrastructure at these places. During these visits the Committee interacted with the Chief Justice and Judges of the High Courts of Manipur, Gauhati, Tripura and Meghalaya. The Committee also visited the District Court at Kohima (Nagaland).

3. While considering the Subject, the Committee mainly relied upon the documents/information provided by the Department of Justice and the material provided by the States Governments on study visits of the Committee.

4. The Committee wishes to place on record its gratitude to the Department of Justice (Ministry of Law & Justice), Government of India for furnishing necessary information/documents and rendering valuable assistance to the Committee in its deliberations.

5. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

6. The Committee considered and adopted the Report in its meeting held on the 6th February, 2024.

New Delhi
7th February, 2024

SUSHIL KUMAR MODI
Chairman,
Department-related Parliamentary Standing
Committee on Personnel Public Grievances
Law and Justice

ACRONYMS

CSS	Centrally Sponsored Schemes
NER	North -Eastern Region
PFMS	Public Financial Management System
SNA	Single Nodal Agency

R E P O R T

JUDICIAL INFRASTRUCTURE IN THE NORTH-EASTERN STATES OF INDIA

1. Justice is an essential precondition for harmonious functioning of any society. It refers to the establishment or determination of rights according to the rules of law or equity. It is the enforcement of what is just i.e. equitable, fair and reasonable, by unbiased assessment of conflicting claims. One of the most important functions of a State is to ensure justice to its citizens. Every state must always possess the capability to administer justice according to its legal system. In fact, in a parliamentary democracy, how justice is administered in the society is a fairly accurate measure to assess its success.

2. Constitution of India under Articles 14 to 18, guarantees equality of all citizens, in various spheres of life. Access to justice to all citizens is inherent in these rights. Access to justice is the foundation of a fair and equitable society ensuring that all individuals have the right to seek legal remedies. It ensures equality of all citizens regardless of their background or socio-economic status. It is essential for social cohesion and social harmony. It ensures peaceful and progressive development.

3. Existence of adequate judicial infrastructure capable of delivering efficient, economic and timely delivery of justice is pivotal to ensuring access to justice to

the citizens. However, in a geographically large and culturally diverse country like India, achieving this goal is an enormous challenge. The challenge gets further aggravated in remote and inaccessible regions of the Country like the North-Eastern states. Keeping this unique situation in mind, the Committee decided to review the status of Judicial infrastructure in the North-eastern states.

4. To get first hand information, the Committee visited Imphal, Gauhati and Agartala from 19th to 23rd January, 2023 and to Kohima, Shillong and Itanagar from 9th to 13th May, 2023. The Committee interacted with the Chief Justices and other Judges of these High Courts and district courts, Members of the Bar, officials of the Ministry of Law & Justice, Government of India, officials of State Governments and other stakeholders to understand the challenges being faced in augmentation of judicial infrastructure in the North-Eastern states. The main issues that emerged from these interactions include the following:-

- (i) Severe space crunch is being faced in majority of court rooms. There is shortage of judges chambers, lack of sufficient parking space and lack of adequate number of toilets. It was emphasized that space is required to accommodate new departments, Record Rooms, Secretariats and Offices such as Juvenile Justice Secretariat, Chief Justices ' Conference Hall, Mediation Centers, Judges Libraries and Libraries for advocates.

(ii) Lack of robust digital infrastructure and poor network connectivity in remote areas is a major impediment in carrying out court proceedings through virtual mode. The IT hardware and software need to be upgraded from time to time.

(iii) The issue of adequate security of the court premises as well as that of the judicial Officers and lawyers need to be addressed. In some cases there isn't separate compound, with boundary walls and gates, to secure the court complex which causes security issues for the judges, prosecutors, bar members, vulnerable witnesses etc.

(iv) Steps need to be taken to ensure adequate water supply, fire safety measures, provisions for lifts and ramps, separate toilets for men/women.

5. The Committee was apprised that the primary responsibility of creation of judicial infrastructure at district and subordinate level primarily lies with the State Government. However, the Department of Justice, Government of India has been implementing the Centrally Sponsored Schemes (CSS) for development of infrastructure facilities for the subordinate judiciary in the country since 1993-94.

6. A brief description of the scheme is as under:-

Objective of the Scheme

7. The objective of the scheme is to improve the physical infrastructure of the subordinate courts including court buildings and the housing needs for judicial officers of district and subordinate courts in the country with a view to facilitate better justice delivery. The scheme does not cover construction of High Court buildings.

Funding Pattern

8. Presently, the fund sharing pattern of the Scheme is 90:10 (centre: state) for the 8 North-Eastern and 2 Himalayan states (Uttarakhand and Himachal Pradesh) and 60:40 for remaining States. There is 100% assistance for Union Territories.

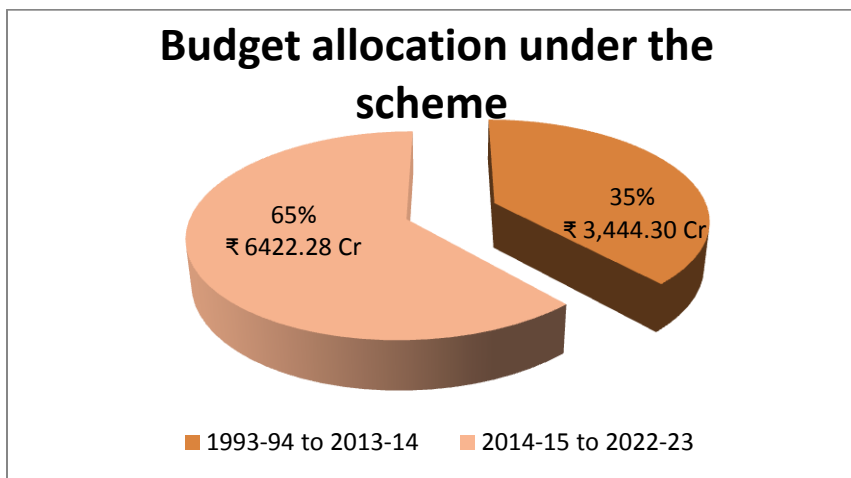
Components

9. The scheme used to cover construction of court buildings and residential quarters for Judges/Judicial Officers of District and Subordinate Courts. The scheme now also covers the construction of toilets, digital computer rooms and lawyers' hall in the district and subordinate courts. The Scheme has been extended for a further period of five years from 01.04.2021 to 31.03.2026.

Allocation of funds

10. A sum of Rs. 9866.59 crores have been allocated to State Governments / Union Territories. Out of this, an amount of Rs. 6422.28 crores has been provided

since 2014-15 till 31st March 2023 (65.09%), which includes Rs. 684.14 crore in 2021-22 and Rs. 857.20 crore released during 2022-23.



Modalities for Release of Fund under the scheme

11. To ensure that proper utilization of funds takes place, and funds earmarked for a scheme are exclusively utilized for that particular scheme, the Government has introduced a new procedure for release of funds through Public Financial Management System (PFMS) for all CSS. The revised PFMS procedure includes designation of a Single Nodal Agency (SNA) for each CSS; registration of SNA in PFMS and opening of bank account of each SNA and its mapping on PFMS and other procedures laid down by the Ministry of Finance. Scheme wise single account are to be opened at the State level, wherein the central share (within 20 days of receipt of central share) and the state share (within 40 days of receipt of central share) is to be deposited by the state in stipulated time. Thus all releases under a particular scheme is to be routed through PFMS in dedicated accounts

down the ladder down to the last payment, which will ensure proper utilization of funds besides bringing in transparency and accountability. Training programmes are being organized to equip the officials of the state governments to work on the PFMS. However, some states are yet to complete (as on May, 2023) the transition to PFMS.

12. As per the new PFMS guidelines, further instalment of funds to the states/UTs will get released, only after at least 75% of the funds released stand utilized. Thus unspent balance needs to be utilized and any further release becomes due, only after 75% of the funds released (both central and state share) gets spent. The states thus need to expedite the utilization of the unspent balance in order to receive further installments of funds. The State-wise data of fund released under the scheme to North-Eastern States is as under:-

State-wise Status of funds released under the Centrally Sponsored Scheme for the Development of Infrastructure Facilities for Judiciary in NER States

(Rs. in Cr)

Sl No.	States	Total release since 1993-94	Allocation 2022-23	Released during 2022-23	Unspent balance pending as on 10 th April 2023
1	Arunachal Pradesh	91.72	11.81	32.38	36.24
2	Assam	283.74	26.90	25.00	28.77
3	Manipur	97.80	9.94	12.85	9.64
4	Meghalaya	207.20	15.31	50.00	0.00
5	Mizoram	82.70	5.86	0.00	3.35
6	Nagaland	132.86	0.00	0.00	4.09
7	Sikkim	56.87	4.56	2.27	2.56
8	Tripura	97.09	15.61	0.00	7.81
	Total	1049.99	89.99	122.50	92.46

13. From the Table above, it is evident that Meghalaya is the best performing state amongst the North-Eastern States in terms of receipt and utilization of funds under the scheme. At the same time no fund was released to Mizoram, Nagaland and Tripura during FY 2022-23 due to pending unspent balance. It is a matter of grave concern as ongoing projects as well as launch of new projects in these states would be adversely affected due to stalled funds.

14. The information made available to the Committee shows that the total sanctioned strength of judicial officials of the eight North-Eastern States is 950. Out of which the working strength is 753 and 197 posts are lying vacant which is roughly equal to 20.7% of total sanctioned strength. There are 728 court halls out of which 709 are government owned and 19 are running in rented premises. 194 court halls are under construction. There are 623 residential units out of which 510 are government owned and 113 are rented buildings. 148 residential units are under construction. The State-wise details of the sanctioned strength vis-à-vis the available judicial infrastructure is given below:-

State-wise Statement of Judicial Manpower vis-a-vis Judicial Infrastructure under the Centrally Sponsored Scheme for the Development of Infrastructure Facilities for

Judiciary

Sl No	States	Judicial Manpower	Judicial Infrastructure

		Sanctioned Strength	Working Strength	Vacancy (%)	Court Halls					Residential Units				
					Judiciary Owned	Owned by State / Centre	In rented Buildings	Total	Under construction (Nyaya Vikas)	Judiciary Owned	Owned by State/ Centre	In rented Buildings	Total	Under construction (Nyaya Vikas)
1	Arunachal Pradesh	41	33	8 (19.5%)	0	27	2	29	2	0	29	0	29	3
2	Assam	485	425	60 (12.3%)	299	111	14	424	97	233	71	67	371	14
3	Manipur	59	42	17 (28.8%)	36	7	0	43	5	13	3	0	16	0
4	Meghalaya	99	57	42 (42.4%)	17	33	3	53	30	0	18	8	26	97
5	Mizoram	74	41	33 (44.5%)	31	16	0	47	26	33	4	0	37	6
6	Nagaland	34	24	10 (29.4%)	21	9	0	30	12	17	22	0	39	2
7	Sikkim	30	23	7 (23.3%)	16	4	0	20	0	10	4	1	15	0
8	Tripura	128	108	20 (15.6%)	82	0	0	82	22	48	5	37	90	26
Total		950	753	197 (20.7%)	502	207	19	728	194	354	156	113	623	148

RECOMMENDATIONS

- (i) **It is the duty of the State to provide access to justice to all its citizens and create judicial infrastructure to provide efficient, economic and timely delivery of justice. The status of judicial infrastructure in the North Eastern States can at best be termed as work in progress and a lot of work still needs to be done to meet the requirement at the lower end of the spectrum. It does not augur well for a vibrant and aspirational democracy to have Courts which are functioning from**

dilapidated rented premises with insufficient space and which lack basic amenities like toilets, water connection, proper electricity supply, etc. Although, the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary, is a ray of hope in otherwise gloomy scenario, it is imperative to enhance the share of North eastern States under the Scheme.

(ii) The revised procedural guidelines for release of CSS funds under the new Public Financial Management System (PFMS) has apparently, slowed down the pace of release of funds. Due to stringent conditions attached for release of funds, most of the States are finding it difficult to get their quota of funds despite having huge requirements for funds for their projects both ongoing and new. From the data provided by the Department, 3 out of 8 NE States did not get any funds during 2022-23 due to such norms. The Committee is happy to note that the Department of Justice has made commendable efforts to ensure that funds are released to the states on time and that all of them become PFMS compliant. The Committee, however, recommends the Department to approach the MoF to get the guidelines on release of funds under the CSS relaxed, wherever the States are facing genuine difficulties in the implementation of such guidelines.

(iii) Apart from general PFMS related issues, the North-Eastern States face other challenges in creation of infrastructure due to their remote location, hilly terrain, availability of unencumbered land. Also the NE States and other hilly States have a short working

season which makes movement of men and material difficult over the treacherous terrain and thereby making contract implementation difficult with increased time and cost overruns. Because of limited railways connectivity in the region, the cost of transportation becomes much higher, leading to substantial increase in cost of material. Other reasons include late receipt of project proposals and non-receipt of utilization of certificates from the respective state governments. The department should take these factors into account while prescribing the modalities of fund release.

- (iv) **The funding pattern under the CSS for the 8 North Eastern States and two Himalayan states is 90:10 (Center: State). However, in some cases the States are finding it difficult to even contribute 10% of the funds leading to delay in completion of projects. Accordingly, the Committee recommends the Department to explore the possibility of providing a better deal in terms of enhanced allocation of funds and relaxation of spending norms under the Scheme, considering the peculiarities of the NE States. It is further recommended that the 10% of the state quota may also be relaxed for the NE States subject to subsequent recovery from the concerned state, so that the ongoing projects are not stalled for want of such meager amount of money.**

- (v) **The Committee undertook study visit to all the North-Eastern States (except Mizoram) to assess the infrastructural facilities available in those states. The Committee found that among the North-Eastern States, Meghalaya has performed best in terms of utilization of funds under the Centrally Sponsored Scheme for creation of**

infrastructural facilities for subordinate judiciary. The process followed by Meghalaya in terms of compliance of the conditions laid down by the Department of Justice and Ministry of Finance for release of funds, needs to be emulated by others to derive maximum benefit from the Scheme.

- (vi) During the interactions with the Committee, the Kohima Bar Association made a request for a separate High Court for the State of Nagaland. The president of Bar informed that the States like Tripura, Meghalaya and Manipur which came under the jurisdiction of Gauhati High Court in 1971 have now established their own High Courts. However, the State of Nagaland which has been under the jurisdiction of Gauhati High Court since 1963 does not have its own High Court. The Committee feels that there is merit in the demand for a separate High Court by State of Nagaland and the Ministry of Law and Justice must coordinate with Ministry of Home Affairs to address the demand.**

MINUTES*

*will be appended at a later stage.