

Budget Estimates | *study of SIX high courts* |

Budget Demands for the FY 2015-16

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Agenda

- What is demanded?
- How rational are demands?
- Are demands adequate in respect of workload?
- Are demands matching the GOI schemes?
- Are demands categorized to meet realities?
- Techniques of budget planning process ?

High court of Himachal Pradesh

Highlights from BE 2015-16

Total demand = Rs. 173 crore and 92 lakhs

Budget demanded in following 10 heads:

1. Rs. 25,73,00,000/- on account of

- Salary Rs. 25 crores (High Court Establishment)
- Travel Rs. 10 lakhs
- Livery Rs. 5 lakhs
- Medical Reimbursement Rs. 50 lakhs
- Transfer Exp. Rs. 8 lakhs

2. Rs. 23,52,00,000/- on account of

Salary Rs. 15 crores, Wages Rs. 4.5 lakhs, Travel Rs. 7 lakhs, Livery Rs. 4 lakhs, Office Exp. Rs. 6 crore (included 50 Computers, Outsourcing of man power, Development of Software, AMC charges, e-library for the HC, general office stationary, CCTV, electricity charges), Medical Reimbursement Rs. 40 lakhs, Rent rate & taxes Rs. 32 lakhs, Hospitality Rs. 4 lakhs, Furnishing Rs. 5 lakhs, Professional Services (advocate fee) Rs. 5 lakhs, Training Rs. 3 lakhs, Other charges Rs. 3 lakhs, MV Purchase Rs. 45 lakhs, Sumptuary allowance 3.5 lakhs, MV Repair + Petrol 85 lakhs, Transfer Exp. Rs. 1 lakhs, Honorarium for Exams Rs. 10 lakhs

3. For Civil and Sessions Court (Part I) - Rs. 89 crores 11 lakhs 20100 on account of

- Salary Rs. 69 crore 30 lakhs
- Travel Exp. Rs. 54 lakhs
- Livery Rs. 9 lakhs 80000
- Medical Reimbursement Rs. 98 lakhs
- Office Exp. Rs. 18 crore 4.2 lakhs
- Transfer Exp. Rs. 15 lakhs 20000

4. For Civil and Sessions Court Part II - Rs. 31 crore 32 lakhs 73,900/- on account of

- Salary Rs. 20 crore 70 lakhs, Wages Rs. 25 lakhs, Travel Exp. 36 lakhs, Livery Rs. 18 lakhs 20000, Office Exp. Rs. 7 crore 73 lakhs 22900, Medical Reimbursement Rs. 77 lakhs, Rent rate & taxes Rs. 10 lakhs, Furnishing Rs. 5 lakhs, Professional Services (advocates engaged by Subordinate Courts) Rs. 3 lakhs, Training Rs. 7.5 lakhs, Other charges (including domestic help to retired judges) Rs. 3 lakhs, MV Repair + Fuel Rs. 70 lakhs, Transfer Exp. Rs. 24 lakhs 80000, Grant in aid for library books Rs. 10 lakhs

5. Road & Diet Money for Criminal Courts Rs. 1 crore 10 lakhs

6. Standing charges for Tribal Courts Rs. 1 crore 7 lakhs 75,000 on account of

- Salaries Rs. 1 crore
- Travel Exp. Of tribal Courts 3.5 lakhs
- Livery of Tribal Courts Rs. 50,000/-
- Medical Reimbursement Exp. Rs. 2 lakhs
- Transfer Exp. Rs. 1 lakh & 75,000/-

7. Standing Charges for Tribal Area Part II (Non-Plan) = Rs. 60 lakhs and 25,000/- on account of

- Salaries Rs. 50 lakhs
- Wages Rs. 60,000/-
- Medical Reimbursement Exp. 50,000/-
- Office Exp. Rs. 5.5 lakhs
- MV Maintenance Rs. 3.1 lakhs
- Training Rs. 35,000/-
- Other Charges (Miscellaneous) Rs. 15,000/-
- Rent rate and taxes Rs. 5,000/-

8. Road and Diet money to witnesses for tribal courts Rs. 2 lakhs and 15,000/-
9. Budget Estimate U/2235 – Social Security & Welfare Non-Plan asked for Rs. 1 crore & 25 lakhs to meet Medical expenses of retired Judges/ JO.
10. Home Secy. on 06/07/2015 allocated Rs. 42 lakhs & 90,000/- for employment of Court Managers after non-availability of funds U/ 13th FC.

Andhra Pradesh High Court

Total of Rs. 466 crores 26 lakhs and 62,000/- asked for as BE 2015-16 on account of 11 categories:

1. For Special Courts for Trial of Prohibition & Excise Offences - **Rs. 11 crore 48 lakhs and 26,000/-** on account of Salary, Domestic travel Expenses, Office Expenses, Rent Rate and Taxes, Obsequies Charges, Other Charges

2. For Civil & Sessions Courts - **Rs. 414 crore 37 lakhs & 62,000** on account of Salary, Wages, Domestic travel Expenses, Office Expenses, Rent Rate and Taxes, Publications, Other administration Expenses, Petrol Oil and Lubricants, Professional Services of Pleaders & Others, Contractual Services, Obsequies Charges, MV Maintenance
3. For Additional Sessions Court (FTCs) - **Rs. 8 crore 23 lakhs & 93,000/-** on account of Salaries, Domestic Travel, Offices Expenses, Rent Rates and Taxes, Pleader fees, Contractual Services, Obsequies Charges, Other Expenditure

4. For Mahila Court - **Rs. 2 crore 7 lakhs & 72,000/-**
5. For Honorary Railway Magistrate Courts - **Rs. 1 crore 55 lakhs & 80,000/-**
6. For 'Other Courts' - **Rs. 1 crore 98 lakhs & 45000/-** on account of Salaries, wages, domestic travel, office expenses, rent rates and taxes, ration & diet charges, petrol oil and lubricants, professional services, contractual services, MV maintenance and other expenditure.

7. For Special Courts for dealing CBI Cases - **Rs. 2 crore 49 lakhs & 85,000/-** for salaries, wages, domestic travel, office exp., rents and taxes, petrol oil and lubricants, obsequies charges, MV maintenance
8. For “official receivers” - **Rs. 1 crore 12 lakhs & 96,000/-** on account of Salaries, domestic travel exp., office expenses, obsequies charges
9. For family courts - **Rs. 12 crore, 33 lakhs & 3,000/-** on accounts of salaries, domestic travel, office exp., rents taxes, pleader fees, contractual services, other expense, obsequies charges.

10. For maintenance and repairs of the Buildings of the HC - **Rs. 10 crore 59 lakhs** under the public work head
11. For pensionary charges in respect of High Court Judges nothing was asked in BE 2015-16, however Rs. 4 crore was asked for in BE 2016-17.

From BE 15-16 presented by the High Court, it is not clear as to what was demanded to meet HC (Judges) and HC (establishment) charges.

High Court of Chattisgarh

Total demand = Rs. 229 crore 70 lakhs 30360

Budget demanded in 8 heads:

1. For “Chattisgarh SJA” - **Rs. 2 crore 57 lakhs & 85,000/-** on account of Pay etc - 1,73,25,000/-; Travelling allowance - 10,00,000/-; Office Expenses - 29,00,000/-; Work charged/contingency – 14,60,000/- ; Conference - 5,00,000/-; MV Maintenance - 2,00,000/-; Purchase of light MV - 24,00,000/-

2. Under head HC (charged) -**Rs. 45 crore 32 lakhs & 53,000/-** on account of

- Pay and allowances Rs. 29 crore 11 lakhs, 80,000/-
- Daily wages Rs. 3 lakhs 50,000/-
- Travelling allowance Rs. 84 lakhs
- Office expenses Rs. 11 crore 86 lakhs 73,000/-
- Trainings 10 lakhs
- Contingency / work charged Rs. 1 crore 39 lakhs
- Payment for Professional Services Rs. 23 lakhs
- Discretionary grant Rs. 15 lakhs
- Conference Rs. 25 lakhs
- Expenses on witnesses Rs. 30,000/-
- MV maintenance Rs. 33 lakh 20,000/-
- MV Purchase Rs. 42 lakhs
- Electricity + water Rs. 37 lakhs; Furnishings Rs. 22 lakhs

3. For “Family Court/ Establishment of Family Court” -
Rs. 15 crore 72 lakhs & 48,000/- on account of

- Pay etc - 13 crore 6 lakhs 88,000/-
- Travelling allowances - 40 lakhs
- Office expenses - 1 crore 21 lakhs 50,000/-
- Work charged / Contingency Estt.- 77 lakhs 90,000/-
- MV Maintenance - 7 lakhs
- Uniform - 1 lakhs 20,000/-
- MV Purchase - 18 lakhs

4. For “Civil and Sessions Courts” - Rs. 139 crore 5 lakhs and 75,000/- on account of

- Pay etc. Rs. 120 crore 50 lakh 50,000/-
- Travelling allowance Rs. 1 crore 94 lakhs
- Office expenses Rs. 11 crore 60 lakh & 75,000/-
- Work Charges/contingency Rs. 2 crore 47 lakh & 50,000
- Payment for Professional Services Rs. 87 lakhs
- Expenses on witnesses Rs. 70 lakhs
- Maintenance works Rs. 48 lakhs
- Uniform Rs. 12 lakhs
- Purchase of vehicles Rs. 36 lakhs

5. For Establishment of CBI Courts - **Rs. 70 lakhs and 42,000/-** (under head AOJ, Centrally Sponsored Scheme) on account of

- Pay, allowances etc. - Rs. 49 lakhs
- Travelling allowances - Rs. 2 lakh 90,000/-
- Office expenses - Rs. 11 lakh 40,000/-
- Work charged/ contingency Exp.-Rs. 2 lakh 50,000/-
- Expenses on witnesses - Rs. 80,000/-
- Maintenance Work - Rs. 70,000/-
- Uniform - Rs. 12,000/-

6. For “Establishment of Special Courts” under Centrally Sponsored Scheme Schedule Caste Sup-plan (5171) - **Rs. 5 crore 75 lakh & 66,000/-** on account of

- Pay etc. -Rs. 4 crore 48 lakh & 70,000/-
- Travelling allowance - Rs. 18 lakh 50,000/-
- Office Expenses - Rs. 48 lakh 50,000/-
- Fee for Govt. Advocates - Rs. 25 lakh
- Maintenance work - Rs. 3 lakh 30,000/-
- Uniform - Rs. 66,000/-
- Purchase of light vehicle - Rs. 30 lakh

7. For continuity of FTC established for trial of Criminal Offences against women established under the 13th FC Grant - **Rs. 8 crore 98 lakh and 58,000** on account of

- Pay etc. - Rs. 7 crore 37 lakh 33,000/-
- Travelling allowance - Rs. 32 lakh 30,000/-
- Office expenses - Rs. 1 crore 17 lakh 10,000/-
- Expenses on witnesses - Rs. 10 lakh 50,000/-
- Maintenance work - Rs. 35,000/-
- Uniform - Rs. 1 lakh

8. For Court Computerization - **Rs. 11 crore 17 lakh and 3,360/-** on account of

- Computerization of Chattisgarh High Court - Rs. 5 crore 72,540/-
- Computerization of District & Subordinate Courts - Rs. 5 crore 55 lakh 80,820/-
- Computerization of Family Courts - Rs. 41 lakh 60,000/-
- Computerization of atrocity Courts - Rs. 9 lakh 90,000/-
- Computerization of CBI Courts - Rs. 4 lakhs
- Computerization of SJA - Rs. 5 lakhs

Uttarakhand High Court

Total demand = Rs. 216 crore 16 lakhs 50,000

Budget demanded in following 5 heads:

1. Under heading HC - **Rs. 39 crore 82 lakhs** to cover pay, mazdoori, DA, TA, TTA, OA, Honoraria, Office expenses, Electricity & Water charges, Stationary, Office furniture, Telephone bills, purchase of staff car, Maintenance & Fuel of cars, rent & taxes, sumptuary allowance, petty works, maintenance works, medical reimbursement, LTC, training, Computer Hardware, Software & AMC & Stationary.

2. Under heading Civil & Sessions Courts **Rs. 127 crore 31 lakhs** was demanded on similar accounts.
3. Under heading Criminal Courts regular establishment **Rs. 39 crore 82 lakhs** was demanded on similar account.
4. Under heading family court **Rs. 8 crore 56 lakh & 5,000/-** was demanded on similar account.
5. Under heading Courts of Rly Magistrate **Rs. 65 lakh 45,000/-** was demanded on similar account.

Gauhati High Court

Total demand = ??

For HC establishment only Guwahati High Court in BE 2015-16 asked for **Rs. 117 crore 62 lakh 61,765/-** in following two categories:

1. High Court Judges (Charged)

- | | | |
|-----------------------|---|-------------------|
| • Salary | - | Rs. 5,74,63,800/- |
| • Travel Expenses | - | Rs. 60,00,000/- |
| • Office Expenses | - | Rs. 30,00,000/- |
| • Hospitality Expense | - | Rs. 25,00,000/- |

2. Establishment (Charged)

- Salary - Rs. 29,25,47,965/-
- Wages - Rs. 50,00,000/-
- Travel Expenses - Rs. 40,00,000/-
- Office Expenses - Rs. 8,00,00,000/-
- Payment for Professional Services – Rs. 42,00,000/-
- Rent, Rates and Taxes - Rs. 5,50,000/-
- Publication - Rs. 5,00,000/-
- Advertising - Rs. 5,00,000/-

Karnataka High Court

Total demand = Rs. 764 crore 74 lakhs 82000/-

Through 3 separate letters to the Government

Letter 1 covered 7 categories (all related to the HC and HC establishment); Letter 2 covered 15 categories all related to the types of subordinate courts; Letter 3 covered categories of Labour Court, IR Court and Arbitration Tribunal

Part-I (First Letter)

(7 categories)

1. 22 crore 43 lakh 65,000/- was demanded under head “Principal Bench Bangalore” on account of –
 - Pay judges and officers – 5 crore 10 lakhs;
 - DA -5 crore 97 lakh, 6,000/-;
 - Other allowances - 4 crore 20 lakh 5,000/-
 - Reimbursement of Medical Exp.-1 crore 80 lakh 40,000/-
 - Travel Exp.-1 crore 67 lakh 40,000/-
 - Building Exp. - 3 crore 68 lakh 64,000/-

2. Rs. 80 crore 70 lakh 63,000/- under head 'Principal Bench Bangalore' establishment charges on account of
—

- Pay Officers -12 crore 98 lakh 22,000 ; Pay Staff - 30 crore 10 lakh 55,000/- DA-11 crore 89 lakh 32,000/-; Other allowances -14 crore 92,000/-; Medical allowances -23 lakh 6,000; Reimbursement of Medical Exp.-1 crore; Travel Exp.-30 lakhs
- General Exp. To include meeting / Hospitality Expenses, Payment to home orderly, Newspaper allowances, Maintenance of Official residence, Library Subscription, MV Insurance, AMC of Photocopy, Fax, UPS, Stationary, Scanning, Uniform - 2 crore 25 lakhs
- Telephone Charges - 1 crore, Furniture/Fixture for Office - 41 lakhs; Building Expenses - 2 crore 80 lakhs; Secret Service by Vigilance - 50,000/-; Computerization machinery -1 crore 17 lakh; Transport Expenses -2 crore 60 lakh

3. Under head Training of Judicial Officers and Staff of High Court **Rs. 2 lakh 10,000/-**
4. For Mediation Centre in the High Court **-2 crore 60 lakhs**
5. Under heading Dharwad Bench - **10 crore 79 lakhs and 12,000/-** was demanded in two parts one for HC & one for establishment charges on account of similar heads as Principal bench.
6. For Gulbarga Bench - **7 crore 18 lakh 10,000/-** was demanded under 2 heads HC & establishment charges with similar heads of expenses.
7. For Arbitration Centre Karnataka - **2 crore 55 lakh 99,000/-** was demanded on similar account.

Part II (Second Letter)

15 categories

1. For Special Courts (Fast Track Courts) - **Rs. 11 crore 79 lakh 80,000/-** on account of pay officers, DA, Other allowances, Medical allowances, Reimbursement of Medical Expenses, General Exp., Other Exp.
2. For Civil & Sessions Courts – **Rs. 445 crore 16 lakhs & 76,000/-** on account of pay Officers, Pay Staff, DA, Other allowances, Subsidiary expenses, Medical allowances, Reimbursement of Medical Exp., Travel Expenses, General Expenses, Telephone Charges, Purchase of Furniture & Fixture of Office, Building Expenses, Modernization, Machinery & Equipment, Transport Expenses.

3. For Special Courts for trying CBI cases – **Rs. 2 crore 75 lakh & 88,000/-** on account of pay officers, Pay Staff, DA, Other allowances, Subsidiary expenses, Medical allowances, Reimbursement of Medical Expenses, Travel Expenses, General Exp., Telephone Charges.
4. For Special Courts for trial of atrocity offences u/SC-ST Act – **Rs. 2 crore 25 lakh & 1,000/-** on same account.
5. For Special Courts u/NDPS Act – **Rs. 42 lakh 18,000/-** on same account as above.

6. For Special Magistrate Courts (Rlys) – **Rs. 29 lakh & 45,000/-** on account of Pay Officers, Pay Staff, DA, Other allowances, Medical allowances, Reimbursement of Medical Expenses, Travel Expenses, General Exp., Telephone Charges, Building expenses.
7. For Special Court to try Offences reg. against Ms. Jayalalitha **Rs. 28 lakh 95,000/-** on account of Pay Officers, DA, Other allowances, Medical allowances, Reimbursement of Medical Expenses, General Exp., Other Expenses.
8. For Small Causes Courts – **Rs. 20 crore 9 lakh & 91,000/-** on similar account.

9. For Establishment of 90 New Courts (Legal Policy) **Rs. 50 crore 47 lakh and 25,000/-** on account of Pay Officers, Pay Staff, DA, Other allowances, Medical allowances, Reimbursement of Medical Expenses, General Exp., Other Expenses.
10. For Criminal Courts Establishment Charges – **Rs. 37 crore 72 lakh & 23,000/-** on account of same Pay Officers, Pay Staff, DA, Other allowances, Medical allowances, Reimbursement of Medical Expenses, Other Expenses.
11. For Family Courts – **18 crore 98 lakh 25,000/-** on heads like other Special Courts.

12. Administrator General and Official Trustee Establishment charges – **Rs. 1 lakh 75,000/-** for payment of remuneration and office expenses like purchase of Computer/Stationary articles etc.
13. FCG – Improvement of Delivery of Justice – **47 crore 21 lakh 85,000/-** on account of same heads Pay Officers, Pay Staff, DA, Other allowances, Medical allowances, Reimbursement of Medical Expenses, Travel Expenses, Telephone Charges, etc.
14. Emergent facility to subordinate courts – **Rs. 8 lakh 58,000/-**.
15. Training Institute for Judicial Department Employees **87 lakh 38,000/-**

Part III (Third Letter)

**For Labour Court, IR Court, Arbitration Tribunal – Rs.
10 crore 72 lakh 1,000/-**

Uttarkhand High Court BE 15-16 and BE 14-15 compared

BE for the financial year 2015-16

2014-15

Under heading HC

39 crore 82 lakhs

36 crore 78 lakhs

Civil & Sessions Courts

127 crore 31 lakhs

109 crore 30 lakh
& 50,000

Criminal Courts regular
establishment

39 crore 82 lakhs

19 crore 96 lakhs

Family court

8 crore 56 lakh &
5,000

5 crore 30 lakhs

Courts of Rly Magistrate

65 lakh & 45,000

62 lakh & 15,000

Learning

Court wise?

Type of Expenditure?

Type of Institution?

Available grant wise?

Salaries of judges/staff – 80-90%

Office Expenditure – 10-20%

Litigant/Consumer of Justice – 0-1%

Variations

- Court Managers
- Training
- ADR
- Publications
- Uniform
- Secret Service by Vigilance
- Hospitality
- Family courts

Budget and Ground Realities

Situation as on 21/7/2016

High court	District courts
Allahabad	Uttar Pradesh
Calcutta	Gujarat
Punjab & Haryana	Maharashtra
Bombay	Bihar
Rajasthan	Orissa

BE for deciding very old cases – cases pending for more than 10 years

Appointment of retired judges?

Appointment of court managers?

Appointment of additional staff?

Holding morning/evening/holiday courts?

Establishing Fast Track Courts for old cases?

Setting up of Fast Track Courts (FTCs) is the responsibility of the State Governments in consultation with High Courts from their own resources. In its judgment in Brij Mohan Lal & Others v/s Union of India & Others on 19.04.2012, Supreme Court has endorsed the position of GOI that continuation of FTCs is within the domain of the States and directed the States that they need to decide either to bring the FTC scheme to an end or to continue the same as a permanent feature in the State. A number of States have continued FTCs beyond 31.03.2011 with their own resources.

The 14th FC has endorsed the proposal to strengthen the judicial system in States which includes, inter-alia, establishing 1800 Fast Track Courts for a period of 5 years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property/rent disputes pending for more than five years at a cost of **Rs. 4144 crore**.

The 14th FC has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements.

[AP, Chattisgarh and Karnataka]

Budget and Recruitment of judges at district court level

States with highest vacancy of judges at district courts

1. Gujarat
2. Bihar
3. Maharashtra
4. Delhi
5. Karnataka (✓)

Does BE reflect?

- Demand of additional grant for Recruitment drive
- Engagement of resources for recruitment
- Advertisement expenditure for recruitment [Guwh.]
- Payment of honorarium for examiners [HP, Uttarakhand BE15-16]
- Overtime payment for additional duties

Court computerization and BE

- During Phase I of the e Courts project, NIC was the implementing agency to whom funds were provided for procurement of new hardware, technical manpower etc. for district and subordinate courts of the country. Funds released to NIC under Phase I is Rs. 639.41 cr as against the total allocation of **Rs. 935 cr.**
- Under phase II of the project which began in August, 2015, with the total cost of **Rs.1670 cr**, procurement of hardware has been decentralised to the High Courts. Funds released under this Phase till date is Rs. 240.90 cr.
- Only Chattisgarh HC has categorised BE into court computerisation so far.

Court infrastructure and BE

A centrally sponsored scheme (CSS) for development of infrastructure facilities for judiciary has been in operation since 1993-94. Financial assistance to the tune of Rs. 5350 crore has been provided under the CSS to states and UT.

From reply given by the Law Minister to Lok Sabha question on 4/8/2016, it emerges that in the last 4 years – AP, Goa, HP, Kerala, Orissa, Tamil Nadu, West Bengal, Assam did not avail funds under this scheme.

Maximum matrimonial dispute & BE

1. Uttar Pradesh
2. Kerala
3. Bihar
4. Madhya Pradesh
5. Maharashtra

Statement given by the LM to LS on 11/8/16

BE to take care of huge number of matrimonial dispute

- Appointment of Mediators
- Appointment of Counsellors
- Appointment of psycho therapist
- Increasing strength of family court judges
- Increasing staff of FC
- Infrastructure of FC

(1) Development of Infrastructure Facilities for Judiciary for states other than NE States – 455 cr; (2) Development of Infrastructure Facilities for Judiciary for UT with Legislature – 75 cr; (3) Development of Infrastructure Facilities for Judiciary for UT without Legislature – 5 cr; (4) Development of Infrastructure Facilities for Judiciary for NE Region States – 60 cr; (5) Assistance to States for establishing and operating Gram Nyayalayas – 5 cr; (6) E-Court Phase-II – 256 cr; (7) E-Court Phase-II for NE States – 30 cr; (8) Scheme of Action Research and Studies on Judicial Reforms – 2 cr; (9) Scheme of A2J– Government of India(NEJK) -7 cr

Total of all Plan Scheme of DOJ - 900 crore

The Secretary, Ministry of Health and Family Welfare, Government of Maharashtra Vs. S.C. Malte and Ors.

The Union Government and the State Governments are directed to provide such 'head of expenditure', being part of the **High Court budget** of the respective High Courts for **reimbursement of medical bills of the former Judges**. This payment would be directly made by the High Court to the former Judges and it, in turn, would be reimbursed by the State Government. [only HP]

- Nearly 340 central legislations referable to the Union List (LI) and Concurrent List (LIII) administered by the Courts established by the State Governments.
- The Central Government has not established sufficient number of courts for administering central laws falling under subjects listed in the Union List and Concurrent List of Schedule VII of the Constitution of India and the entire burden of administering the central laws has been thrown upon the courts established by the State Governments.

- Under Art. 247 of the Constitution of India, the Union Government has power to establish additional courts for the purpose of administering Central Laws. Hardly, any courts have been established by the Central Government to administer 340 or more Central Acts, arising out of the subjects mentioned in the Union List and Concurrent List, as pointed out by the Justice Jagannatha Shetty Commission.

- The Commission to Review Working of the Constitution of India, the Jagannath Shetty Commission, the Commission on Centre—State relations have called for the Central Government for providing funds for establishment of subordinate courts to administer laws made under the Union List and the Concurrent List.

Functions of Judicial Budgeting

1. allocating resources in such a way to achieve the desired objects;
2. holding the sub-units who operate the system accountable for efficient and effective use of resources;
3. controlling expenditures to avoid unnecessary expenditure and to maximize outcomes; and
4. providing leverage to force effective and efficient management.

Centre-State relation commission

A 'Judicial Council' at the apex level and Judicial Councils at each State level of the High Court should be set up. There should be an administrative office to assist the National Judicial Council and separate administrative offices attached to Judicial Councils in States. These bodies must be created under a statute made by Parliament. The Judicial Councils should be in charge of the preparation of plans, both short-term and long-term, and for preparing the proposals for annual budget.

Traditional approach v. Modern approach to Judicial Budgeting

- Traditional approach to JB – Ministry of Law and Justice is granted authority to manage and allocate JB
- Modern approach to JB – Independent council composed of judges and executive is granted authority to manage and allocate JB
- Europe has moved from TA to MA in terms of JB

Problems in TA to JB (MoJ model)

- Rumors may easily arise that the government is trying to punish/reward the judiciary for its rulings in constitutional matters
- In Denmark, there was a consistent rumor that the government's demand for reduction of the total judicial budget was kind of a punishment for famous SC verdict (Tvind Case) which had declared unconstitutional a law passed by parliament

Problems with Council Model

- How council should be held accountable for its economic management?
- Council face accusation of favouritism from those courts which faced reduction in their budgets and staff?
- Sometimes judges consider other judges and not the government as major threat to their independence?
- What to do if the council did not react properly to critique from the General Public Auditor (CAG)?